



# Theatres Trust Act 1976

## 1976 CHAPTER 27

An Act to establish a Theatres Trust for the better protection of theatres; and for purposes connected therewith. [22nd July, 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Incorporation of Theatres Trust.**

- (1) On the appointed day there shall be a body known as the Theatres Trust, which shall be a body corporate having perpetual succession and a common seal.
- (2) The affairs and property of the Trust shall be managed and administered by the trustees.
- (3) The Schedule to this Act shall have effect with respect to the trustees.

### **2 Objects of Trust and powers of trustees.**

- (1) The objects of the Trust are to promote the better protection of theatres for the benefit of the nation.
- (2) The trustees shall have power exclusively for the furtherance of the above-mentioned objects—
  - (a) to acquire by purchase, gift or bequest and hold any theatre or any land required for the benefit of any theatre;
  - (b) to contribute towards the acquisition of any theatre or any such land;
  - (c) to maintain or assist in the maintenance of any theatre;
  - (d) subject to the provisions of section 29 of the Charities Act 1960, from time to time to sell, mortgage, charge, let, surrender, exchange or otherwise dispose of any land or any personal estate or property (including moneys secured on mortgage of or charged upon any land) vested in or acquired by the trustees or any part thereof or any easements, rights or privileges to be exercised

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or enjoyed in, over, upon or under the same or any part thereof, and to do and execute all such acts, deeds, matters and things as may be necessary for effectuating and completing any such sale, mortgage, charge, letting, surrender, exchange or disposition ;

- (e) to print, publish and sell literature, pictures and photographs and other things relating to the trust property;
- (f) to give financial and other assistance to any body whose objects are charitable and similar to those of the Trust and to give such assistance in connection with any function or scheme for a purpose which is both charitable and similar to an object of the Trust;
- (g) to co-operate with other persons engaged in activities similar to those of the objects of the Trust and in connection therewith to provide for the interchange of staff;
- (h) to accept, receive and retain legacies, gifts, grants, annuities and other benefits and consistently with the objects of the Trust but not otherwise to undertake and perform any services or conditions attached to the receipt thereof;
- (i) to raise or borrow money for the purposes of the Trust and secure the same and any interest thereon upon the property of the Trust;
- (j) to make appeals, advertise and conduct such other lawful activities of a similar nature as may be necessary to raise funds for the Trust or to make known its existence, purposes or work ;
- (k) to do all such other things as are incidental to the attainment of the objects of the Trust.

### **3 Employment of staff.**

The trustees shall have power—

- (a) to appoint a director, a secretary and such other officers and servants as the trustees may determine ;
- (b) to pay to the trustees such travelling and subsistence allowances while attending meetings of the trustees or any committee of the trustees or while on any other business of the trustees as the trustees may determine;
- (c) to pay to their officers and servants such remuneration as the trustees may determine ;
- (d) as regards any officers or servants in whose case they may determine to do so—
  - (i) to pay to, or in respect of them, such pensions and gratuities as the trustees may determine;
  - (ii) to provide and maintain for them such superannuation schemes (whether contributory or not) as the trustees may determine ; or
  - (iii) to enter into and carry into effect agreements with any insurance company or other association or company for securing to any such officer or servant or his widow, family or dependant such gratuities or pensions as are by this paragraph authorised to be paid.

### **4 Saving for powers of Treasury.**

It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in accordance with the provisions of any order in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

## **5 Interpretation.**

In this Act—

" the appointed day " means such day as the Secretary of State may by order appoint;

" play " has the same meaning as in the Theatres Act 1968 ;

" theatre " means any building or part of a building constructed wholly or mainly for the public performance of plays;

" the Trust " means the Theatres Trust constituted by this Act;

" the trustees " means the trustees appointed under the provisions of the Schedule to this Act;

" the trust property " means the stocks, shares and other securities, sums of money and other property for the time being held by the trustees for the purposes of the Trust.

## **6 Short title, commencement and extent.**

- (1) This Act may be cited as the Theatres Trust Act 1976.
- (2) This Act shall come into force on such date (not being later than the expiration of the period of six months beginning with the day on which it is passed) as the Secretary of State may by order appoint and different dates may be appointed for different provisions and for different purposes.
- (3) The power of the Secretary of State to make orders under this Act shall be exercisable by statutory instrument.
- (4) This Act does not extend to Scotland or Northern Ireland.

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## SCHEDULE

### APPOINTMENT, CONSTITUTION AND FUNCTIONS OF THE TRUSTEES

- 1 Subject as hereinafter provided, there shall be fifteen trustees of the Trust appointed by the Secretary of State and the Secretary of State shall appoint one of them to be chairman and one to be deputy chairman of the trustees.
- 2 In appointing the trustees the Secretary of State shall have regard to the desirability of securing the services of persons with knowledge and experience of—
- (a) the ownership of theatres ;
  - (b) the production of plays ;
  - (c) employment in, or in connection with, plays ;
  - (d) organisations established for the encouragement of the arts ;
  - (e) local government;
  - (f) planning ;
  - (g) commercial or financial matters ; or
  - (h) safeguarding the interests of the environment.
- 3 The Secretary of State shall satisfy himself that any person whom he proposes to appoint to be a trustee will have or has, as the case may be, no such financial or other interest as is likely to affect him in the discharge of his functions as a trustee ; and any such person shall, whenever requested by the Secretary of State to do so, give the Secretary of State such information as he considers necessary for the performance of his duty under this paragraph.
- 4 Before appointing a person to be a trustee the Secretary of State shall consult such bodies, if any, as appear to him to be representative of the interests concerned
- 5 The term of office of the trustees shall be three years.
- 6 If a trustee fails throughout a period of two years to attend any meeting of the trustees he shall, unless the failure was due to some reason approved by the trustees, cease to be a trustee:
- Provided that attendance at a meeting of the executive committee or any other committee of the trustees to which any functions of the trustees have been delegated shall be deemed for the purposes of this paragraph to be attendance at a meeting of the trustees.
- 7 A trustee may at any time, by notice in writing addressed to the Secretary of State, resign his office.
- 8 A person ceasing to be a trustee shall be eligible for reappointment.
- 9 A person appointed by the Secretary of State to fill a casual vacancy shall hold office until the date upon which the trustee whose vacancy he has filled would have regularly retired.
- 10 The trustees shall in every year hold an annual meeting and at least one other meeting.
- 11 (1) The trustees shall appoint each year at the annual meeting an executive committee and may appoint such other committees composed of the trustees for any such general or special purpose as in the opinion of the trustees would be better regulated and managed by means of a committee and may delegate to the executive committee or

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such other committee so appointed with or without restrictions as they think fit any functions of the trustees.

- (2) The executive committee shall consist of not more than eight trustees and any other committee of the trustees of such number of trustees as the trustees may determine.
- 12 The powers of the trustees and any committee of the trustees may be exercised notwithstanding any vacancy, and no proceedings of the trustees or of any committee of the trustees shall be invalidated by any defect in the appointment of a trustee.
- 13 The trustees shall have power from time to time to make, alter and revoke regulations with respect to the management and administration of the trust property, the holding of meetings of the trustees, the executive committee and any other committee of the trustees, the conduct of proceedings at those meetings (including quorum), and for all other purposes necessary for the execution of the Trust.
- 14 The trustees shall keep proper accounts of all sums received or paid by them and proper records in relation to those accounts, and the accounts for each financial year of the Trust shall be audited by an auditor or auditors appointed by the trustees.

No person shall be qualified to be appointed auditor under this paragraph unless he is a member of one or more of the following bodies:—

- the Institute of Chartered Accountants in England and Wales ;
- the Institute of Chartered Accountants of Scotland ;
- the Association of Certified Accountants ;
- the Institute of Chartered Accountants in Ireland;
- any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 ;

but a Scottish firm may be so appointed if each of the partners is qualified to be appointed.