



Chevening Estate Act 1987

CHAPTER 20

ARRANGEMENT OF SECTIONS

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Chevening Estate Act 1987

1987 CHAPTER 20

An Act to establish an incorporated board of trustees of the trusts contained in the trust instrument set out in the Schedule to the Chevening Estate Act 1959; to confer functions on, and to transfer property, rights and liabilities to, the board; to amend the trust instrument; and for purposes connected therewith.

[15th May 1987]

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.—(1) There shall be a body corporate known as the Board of Trustees of the Chevening Estate (in this Act referred to as “the Board”).

Incorporation and functions of Board of Trustees.

(2) The Board shall be the trustee of the trusts contained in the trust instrument as amended by this Act and shall have the functions conferred by this Act and by that instrument as so amended.

(3) In this Act “the trust instrument” means the trust instrument set out in the Schedule to the Chevening Estate Act 1959.

1959 c.49.

(4) Schedule 1 to this Act shall have effect with respect to the Board.

2.—(1) On the appointed day there are hereby transferred to and vested in the Board, as trustee under the trust instrument as amended by this Act,—

Transfer of assets, liabilities etc. from trustees to the Board.

- (a) all the property and rights which, immediately before that day, are held by any of the Chevening trustees on the trusts contained in the trust instrument; and
- (b) any liability or obligation to which, immediately before that day, any of the Chevening trustees are subject in their capacity as trustees under that instrument.

(2) In this section “the Chevening trustees” means the persons who, immediately before the appointed day, are “the Bank” or “the Administrative Trustees” for the purposes of the trust instrument.

(3) References in this section to property, rights, liabilities or obligations are references to any property, rights, liabilities or obligations whether or not capable of being transferred or assigned.

(4) Without prejudice to the generality of subsection (1) above, any legal proceedings or applications to any authority pending immediately before the appointed day by or against any of the Chevening trustees in their capacity as trustees under the trust instrument shall be continued by or against the Board.

(5) Anything done before the appointed day in the exercise or performance of any power or duty conferred or imposed by the trust instrument shall, in so far as it relates or is capable of relating to any time on or after that day, have effect as if it had been done in the exercise or performance of the corresponding power or duty conferred or imposed by that instrument as amended by this Act.

Amendments of
trust instrument.

3.—(1) The trust instrument shall have effect on and after the appointed day subject to the amendments specified in Schedule 2 to this Act.

(2) Any reference to the trust instrument—

1959 c.49.

- (a) in the Chevening Estate Act 1959 or any other enactment, or
- (b) in any instrument or other document,

shall, in relation to any time on or after the appointed day, be construed as a reference to the trust instrument as so amended.

Amendments of
1959 Act.

4. In consequence of the provisions of this Act, section 2 of the Chevening Estate Act 1959 (tax provisions) shall have effect on and after the appointed day with the following amendments—

- (a) in subsection (1)(a) (exemption from Schedule B income tax) for the words “the Bank or the administrative trustees in their capacity as trustees” there shall be substituted the words “the Board in its capacity as trustee”;
- (b) in subsection (8) (relief from stamp duty) paragraph (b) is hereby repealed and in paragraph (c) for the words “the Bank or the administrative trustees” there shall be substituted the words “the Board”; and
- (c) in subsection (10) (definitions) for the words “‘the Bank’, ‘the administrative trustees’” there shall be substituted the words “‘the Board’”.

Short title,
citation and
commencement.

5.—(1) This Act may be cited as the Chevening Estate Act 1987 and this Act and the Chevening Estate Act 1959 may be cited together as the Chevening Estate Acts 1959 and 1987.

(2) This Act shall come into force on such day as the Lord Privy Seal may by order made by statutory instrument appoint (in this Act referred to as “the appointed day”).

SCHEDULES

SCHEDULE 1

Section 1(4).

THE BOARD OF TRUSTEES OF THE CHEVENING ESTATE

Status

1.—(1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(2) The members of the Board and any secretary or other staff employed by the Board shall not be regarded as civil servants and any property of the Board shall not be regarded as property of, or held on behalf of, the Crown.

Membership

2.—(1) The Board shall consist of the following members—

- (a) the Lord Privy Seal;
- (b) two persons appointed by the Prime Minister;
- (c) a person appointed by the Secretary of State;
- (d) the Director of the Victoria and Albert Museum; and
- (e) such other persons as are from time to time appointed by the members holding office under paragraphs (a) to (d) above.

(2) At least one of the persons for the time being appointed under sub-paragraph (1)(b) above shall be a person experienced in estate management and forestry.

(3) The appointment of a member under sub-paragraph (1)(b) or (c) above shall be by an instrument signed by the Minister responsible.

(4) A member appointed under sub-paragraph (1)(b) or (c) above shall hold office for life unless—

- (a) he is given written notice, signed by the Minister responsible, terminating his appointment; or
- (b) he resigns his office by giving written notice to the Minister responsible.

(5) Any member appointed under sub-paragraph (1)(e) above shall hold office in accordance with the terms of his appointment.

(6) Any appointment or election of a person as an Administrative Trustee under—

- (a) head (ii) or (iii) of paragraph (c) of clause 1 of the trust instrument, or
- (b) the provision of that paragraph following head (iv),

which is in force immediately before the appointed day shall have effect on and after that day as an appointment under paragraph (b), (c) or (e), as the case may be, of sub-paragraph (1) above.

- SCH. 1 (7) In this paragraph “the Minister responsible” means—
- (a) the Prime Minister, in relation to an appointment under paragraph (b) of sub-paragraph (1) above; and
 - (b) the Secretary of State, in relation to an appointment under paragraph (c) of that sub-paragraph.

Proceedings

3.—(1) The Lord Privy Seal shall be the chairman of the Board, but if he is absent from any meeting the members present may choose one of their number to be the chairman for the purposes of that meeting.

(2) Subject to sub-paragraphs (1) above and (4) below, the Board may regulate its own procedure.

(3) In doing so, the Board may make arrangements for any of its functions, other than the power to acquire or dispose of land, to be discharged by committees consisting of at least three members of the Board; and, if the arrangements so provide, anything done under them by a committee shall have effect as if done by the Board.

(4) The quorum for meetings of the Board or any committee shall be not less than three but neither the Board nor any committee shall reach a decision by correspondence unless all the members of the Board or, as the case may be, the committee have agreed in the correspondence to that decision.

(5) The validity of any proceedings shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of a member.

Payments to members

4. Members of the Board shall be entitled to be paid out of the trust property—
- (a) such expenses as they would be entitled to be so paid if they (and not the Board) were the trustees of the trusts contained in the trust instrument as amended by this Act; and
 - (b) in the case of members who are solicitors or engaged in any other profession or business, such professional or other charges as are for the time being authorised by that instrument.

Instruments

5.—(1) The fixing of the seal of the Board shall be authenticated by the signature of a member of the Board or the secretary to the Board.

(2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board’s behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

SCHEDULE 2

Section 3(1).

AMENDMENTS OF THE TRUST INSTRUMENT

Transfer to Board of certain functions of former trustees etc.

1.—(1) Subject to the provisions of this Schedule, the word “Board” shall be substituted for the words “Administrative Trustees”, “Bank” and “Relevant Person” wherever occurring.

(2) In clause 1 (definitions)—

- (a) paragraph (b) (“the Bank”) shall be omitted;
- (b) for paragraph (c) (“the Administrative Trustees”) there shall be substituted the following paragraph—
 - “(c) ‘The Board’ shall mean the Board of Trustees of the Chevening Estate (constituted by section 1(1) of the Chevening Estate Act 1987)”;
- (c) in paragraph (g) (“the Chevening Trust Fund”) for head (i) there shall be substituted the following head—
 - “(i) so much of the property, rights, liabilities and obligations transferred to the Board by the Chevening Estate Act 1987 as constituted the Chevening Trust Fund immediately before that transfer”,and in head (iii) for the words from “to the Bank” to “person” there shall be substituted the words “by or at the direction of any person whomsoever” and the words “with the concurrence of the Administrative Trustees” shall be omitted;
- (d) paragraph (k)(ii) (“the Lord Privy Seal”, “the Minister of Works” and “the Director of the Victoria and Albert Museum in London”) shall be omitted; and
- (e) paragraph (p) (“the Relevant Person”) shall be omitted.

(3) In clause 4 (Settlor and Bank to hold Estate and Contents upon trusts there mentioned) for the words from the beginning to “set forth” there shall be substituted the following words—

“The Board shall stand possessed of the Chevening Estate and of the Contents upon the trusts in this and the next five following Clauses set forth”.

(4) In clause 9 (persons who may exercise the powers conferred by section 29 of the Settled Land Act 1925) the words from “so long” onwards shall be omitted.

(5) In clause 10 (Bank to hold land to order of Settled Land Act trustees) the words from “but so” onwards shall be omitted.

(6) In clause 16 (power to sell Contents) the words from the beginning to “then” shall be omitted.

(7) For clause 17 (duty to maintain inventory of contents and insurance) there shall be substituted the following clause—

“17.—(1) An inventory of the Contents shall be maintained by the Board and the inventory as revised from time to time shall be signed by each member of the Board.

(2) The Board shall arrange for such insurances and valuations of the Contents as it from time to time thinks fit.

(3) The cost of maintaining the inventory and of the preservation and insurance of the Contents shall be paid out of the capital or income of the Chevening Trust Fund as the Board thinks fit.

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(4) The Board shall not be bound to see to the custody or preservation of the Contents or to interfere in any way in relation thereto (other than to maintain the inventory and have revisions thereof signed as aforesaid) and shall not be responsible for any omission neglect or default of the person entitled to the use or enjoyment thereof but shall nevertheless be at liberty at any time to interfere for the protection of the Contents or any of the Contents.”

(8) In clause 21 (trusts of the Chevening Trust Fund)—

- (a) for the words preceding paragraph (i) there shall be substituted the words “The Board shall pay and apply the income of the Chevening Trust Fund for such one or more of the following purposes and in such manner as it thinks fit that is to say—”;
- (b) in paragraph (i) the words from “of the acceptance” to “hereof and” shall be omitted;
- (c) at the end of paragraph (v) there shall be added the words “(or of members of the Board)”; and
- (d) in paragraph (viii) the words “paid to the Bank and” shall be omitted.

(9) in clause 23 (application of capital money)—

1925 c. 18.

- (a) in paragraph (a), in the paragraph substituted for paragraph (i) of section 73(1) of the Settled Land Act 1925, for the word “his” there shall be substituted the word “its”; and
- (b) paragraphs (d) and (e) shall be omitted.

(10) Clauses 24 to 28 and the heading relating to clause 24 (which relate to the appointment and proceedings of the administrative trustees) shall be omitted.

(11) In clause 30 (trustees for the purposes of the Settled Land Act 1925 to be successively the Bank, the Administrative Trustees and the Bank, and the Bank to be special executor)—

- (a) for paragraphs (a) to (c) (the Settled Land Act trustees) there shall be substituted the following paragraph—

“(aa) the Board shall be the trustee hereof for the purposes of the Settled Land Act 1925”; and

- (b) in paragraph (d) (Bank deemed to have been special executor at Settlor’s death) for the words “the Bank” there shall be substituted the words “Coutts & Company”.

(12) Clause 35 (power of Bank to charge for its services as trustee) shall be omitted.

(13) In clause 36 (trustee charging provision) for the words “Any Trustee for the time being hereunder being” there shall be substituted the words “Any member of the Board for the time being who is”.

(14) In the testimonium, for the words “the Bank has caused its Common Seal” there shall be substituted the words “Coutts & Company have caused their Common Seal”.

Revival of trusts in favour of the Nominated Person

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2.—(1) In clause 5 (which provides that in certain events the trusts in favour of the Nominated Person shall absolutely determine and trusts in favour of the Canadian High Commissioner shall arise) after the words “absolutely determine” there shall be inserted the words “(but without prejudice to Clauses 5A and 6A hereof)”.

(2) Clause 6 (trusts in favour of the United States Ambassador to arise upon the determination of the trusts in favour of the Canadian High Commissioner) shall be re-numbered as clause 5A and for the words “United States Ambassador” in both places where they occur there shall be substituted the words “Nominated Person”.

(3) After clause 5A there shall be inserted the following clause—

“6. If at any time after the Nominated Person has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 5A hereof either—

- (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date after the determination of the trusts declared by Clause 5 hereof) or
- (b) during any continuous period of six years (such period beginning as aforesaid) no Nominated Person shall have occupied Chevening House or
- (c) the Prime Minister and the Leader of the Opposition notify the Board in writing that they desire to determine the trusts declared by Clause 5A hereof

then and in any such event the trusts and provisions of Clause 5A hereof shall absolutely determine (but without prejudice to Clause 6A hereof) and the Chevening Estate and the Contents shall be held upon trust to permit the United States Ambassador to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the United States Ambassador may think fit.”

(4) Clause 7 (Chevening Estate, Contents and Trust Fund to be held for the National Trust absolutely upon the determination of the trusts in favour of the United States Ambassador) shall be re-numbered as clause 6A and in that clause for the words following “Contents” there shall be substituted the words “shall be held upon trust to permit the Nominated Person to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as the Nominated Person may think fit.”

(5) After clause 6A there shall be inserted the following clause—

“7. If at any time after the Nominated Person has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 6A hereof either—

- (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date after the determination of the trusts declared by Clause 6 hereof) or
- (b) during any continuous period of six years (such period beginning as aforesaid) no Nominated Person shall have occupied Chevening House or
- (c) the Prime Minister and the Leader of the Opposition notify the Board in writing that they desire to determine the trusts declared by Clause 6A hereof

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then and in any such event the trusts and provisions of Clause 6A hereof shall absolutely determine and the Chevening Estate and the Contents and the Chevening Trust Fund shall be held upon trust for the National Trust absolutely.”

(6) In consequence of the amendments made by sub-paragraphs (1) to (5) above—

- (a) in clause 9 (trusts deemed public trusts for purposes of section 29 of the Settled Land Act 1925) for the words “Clauses 5 and 6” there shall be substituted the words “Clauses 5 to 6A”;
- (b) in clause 10 (manner in which land to be held) for the words “Clauses 4 5 or 6” there shall be substituted the words “Clauses 4 to 6A”;
- (c) in clause 32 (matters to be regarded in the exercise of certain powers of disposition and management) for the words “Clauses 4 5 and 6” there shall be substituted the words “Clauses 4 to 6A”; and
- (d) in clause 38 (construction of references to Chevening Estate) for the words “Clauses 4 5 6 and 7” there shall be substituted the words “Clauses 4 to 7”.

Disposal and management: outlying parts of the specified land

3. In the Second Schedule (which describes those parts of the estate referred to as “the Specified Land”, whose disposal the trust instrument prohibits) there shall be added at the end the words “except so much thereof as lies to the south of Ovenden Road or to the south or east of Sundridge Road”.

Power to grant leases of and easements over the specified land

4.—(1) For clause 12 (which provides that the powers to sell, lease, exchange or mortgage shall not apply to the specified land or Chevening House and shall not be exercisable in respect of any other part of the estate without the approval of the Prime Minister) there shall be substituted the following clause—

“12.—(1) The powers to sell, lease or exchange land or to raise money on the security of land (to the extent that their exercise is not prohibited by sub-paragraph (2) hereof) shall not be exercised in relation to any land comprised in the Chevening Estate unless the transaction has previously been approved by the person who, on the date of the contract of sale or other contract in question, is the Prime Minister.

(2) The prohibitions referred to in sub-paragraph (1) hereof are that—

- (a) the powers to lease land and grant easements shall not be exercisable in relation to Chevening House or so much of the Specified Land as consists of the pleasure gardens (for the purposes of this Clause being the land described in the Third Schedule hereto) and
- (b) the other powers to sell and exchange land and raise money on the security of land shall not be exercisable in relation to Chevening House or any of the Specified Land.”

(2) In clause 32 (matters to be considered when exercising certain powers, including leasing) for the words “(other than Chevening House and the Specified Land)” there shall be substituted the words “(being land in relation to which the power is exercisable)”.

(3) After the Second Schedule there shall be added the following Schedule— SCH. 2

“THE THIRD SCHEDULE

The lands tenements and hereditaments situate at Chevening aforesaid and shown edged red on the plan marked with the designation “Chevening House and Pleasure Gardens” and prepared in triplicate one copy of which has been deposited in each of the following offices—

- (a) the Office of the Clerk of the Parliaments
- (b) the Private Bill Office of the House of Commons and
- (c) the Chevening Estate Office.”

Delegation of trustee investment functions

5.—(1) In clause 23 (application to the Chevening Trust Fund of the provisions of the Settled Land Act 1925 relating to capital money) for the words “subject to the last preceding Clause” there shall be substituted the words “subject to Clauses 22 and 23A hereof”.

(2) After clause 23 there shall be inserted the following clause—

“23A.—(1) The Board may arrange for its powers, duties and discretions relating to the investment of capital money comprised in the Chevening Trust Fund (and to the retention, transposition and disposal of investments) to be exercised or performed, without any requirement of consultation with the Board, by agents appointed by the Board at such remuneration and upon such other terms and conditions as the Board thinks fit.

(2) Without prejudice to the generality of sub-paragraph (1) hereof, the Board may permit any investments for the time being subject to the trusts hereof to stand in the names of agents appointed under that sub-paragraph or in the names of any other nominees or trustees in any part of the world.

(3) Nothing in this Clause shall be taken to prejudice the generality of Clauses 19 and 29 hereof.”

Omission of spent provisions and amendments in consequence

6.—(1) The following provisions (being covenants performed, interests determined, conditions satisfied and matters connected with the Settlor’s death) shall be omitted—

- (a) clause 2 and the heading immediately preceding it (Settlor’s covenant to deliver Contents to the Bank);
- (b) clause 3 and the heading immediately preceding it (Settlor’s covenant to transfer investments to the Bank);
- (c) clause 4(i) (Settlor’s life interest, determined by his death on 15th August 1967);
- (d) clause 18 (power of Settlor to make gifts or bequests of certain chattels comprised in the Contents);
- (e) clause 20 (income of trust fund to be paid to Settlor during his life).

(2) In consequence of the omission of clause 4(i) the words “after the death of the Settlor” shall be substituted for the words from “after the determination” to “Clause 4(i) hereof”—

- (a) in both places where such words occur in clause 5 (trusts in favour of the Canadian High Commissioner);
- (b) in clause 9 (persons who may exercise the powers conferred by section 29 of the Settled Land Act 1925); and
- (c) in clause 10 (person in whom land to be vested).

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