



# Historic Buildings and Ancient Monuments Act 1953

1953 CHAPTER 49 1 and 2 Eliz 2

## PART I

### PRESERVATION OF HISTORIC BUILDINGS AND CONTENTS THEREOF

#### [<sup>F1</sup>8A Power of Commission to accept endowments. E+W

- (1) Where any instrument coming into operation after the establishment of the Commission contains a provision purporting to be a gift of property to the Commission upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of—
  - (a) a building acquired or accepted by the Commission under section 5A of this Act, or a building which the Commission propose so to acquire or accept, or
  - (b) a building which at the coming into operation of the trust instrument is or will shortly be vested in or under the management or in the custody of the Commission, being a building which is situated in England and which appears to them to be one of outstanding historic or architectural interest, or
  - (c) a building of which at that time the Commission are or will shortly be guardian under the <sup>M1</sup>Ancient Monuments and Archaeological Areas Act 1979.

or for or towards the upkeep of any such building together with other property situated in England, the Commission may accept the gift, and if they do so, and the provision does not constitute a charitable trust, the following provisions of this section shall have effect.

- (2) The validity of the gift and of the trust to use the income as aforesaid (hereinafter referred to as “the endowment trust”) shall be deemed not to be, or ever to have been, affected by any rule of law or equity which would not have affected their validity if the trust had been charitable.
- (3) In relation to the property (of whatsoever nature) comprised in the gift and any property for the time being representing that property (hereinafter collectively referred

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent*

*Changes to legislation: Historic Buildings and Ancient Monuments Act 1953, Section 8A is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

to as “the trust fund”) the Commission shall during the continuance of the endowment trust have the like powers of management, disposition and investment as, in the case of land [<sup>F2</sup>subject to a trust of land, are conferred by law on the trustees of land in relation to the land and to the proceeds of its sale]; but this subsection shall have effect without prejudice to any additional or larger powers conferred on the Commission by the trust instrument.

- (4) If while the endowment trust continues an event happens such that immediately thereafter the Commission are neither entitled to any interest in the building to which the trust relates, nor have the building under their management or in their custody, nor are guardian of the building under the said Act of 1979, and apart from this subsection the endowment trust would not then be determined or be deemed to have failed, then on the happening of that event the endowment trust shall cease by virtue of this subsection and the trust fund shall devolve accordingly as on a failure of the trust.
- (5) If the trust instrument contains a provision whereby on the failure or determination of the endowment trust the trust fund purports to be given, or to be directed to be held, on charitable trusts, the validity of that gift or direction shall be deemed not to be, or ever to have been, affected by any rule of law or equity relating to perpetuities.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Ss. 8A—8C inserted by [National Heritage Act 1983 \(c. 47\)](#), s. 41, [Sch. 4 para. 10](#)
- F2** Words in s. 8A(3) substituted (E.W.) (1.1.1997) by [1996 c. 47](#), s. 25(1), [Sch. 3 para.9](#) (with [ss. 24\(2\)](#), [25\(4\)](#)); [S.I. 1996/2974](#), [art.2](#)

#### Marginal Citations

- M1** [1979 c. 46](#).

### [<sup>F3</sup>8A Power of Commission to accept endowments. **S**

- (1) Where any instrument coming into operation after the establishment of the Commission contains a provision purporting to be a gift of property to the Commission upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of—
- (a) a building acquired or accepted by the Commission under section 5A of this Act, or a building which the Commission propose so to acquire or accept, or
  - (b) a building which at the coming into operation of the trust instrument is or will shortly be vested in or under the management or in the custody of the Commission, being a building which is situated in England and which appears to them to be one of outstanding historic or architectural interest, or
  - (c) a building of which at that time the Commission are or will shortly be guardian under the <sup>M2</sup>[Ancient Monuments and Archaeological Areas Act 1979](#).
- or for or towards the upkeep of any such building together with other property situated in England, the Commission may accept the gift, and if they do so, and the provision does not constitute a charitable trust, the following provisions of this section shall have effect.

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**Changes to legislation:** Historic Buildings and Ancient Monuments Act 1953, Section 8A is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (2) The validity of the gift and of the trust to use the income as aforesaid (hereinafter referred to as “the endowment trust”) shall be deemed not to be, or ever to have been, affected by any rule of law or equity which would not have affected their validity if the trust had been charitable.
- (3) In relation to the property (of whatsoever nature) comprised in the gift and any property for the time being representing that property (hereinafter collectively referred to as “the trust fund”) the Commission shall during the continuance of the endowment trust have the like powers of management, disposition and investment as, in the case of land held on trust for sale, are conferred by law on the trustees for sale in relation to the land and to the proceeds of sale thereof; but this subsection shall have effect without prejudice to any additional or larger powers conferred on the Commission by the trust instrument.
- (4) If while the endowment trust continues an event happens such that immediately thereafter the Commission are neither entitled to any interest in the building to which the trust relates, nor have the building under their management or in their custody, nor are guardian of the building under the said Act of 1979, and apart from this subsection the endowment trust would not then be determined or be deemed to have failed, then on the happening of that event the endowment trust shall cease by virtue of this subsection and the trust fund shall devolve accordingly as on a failure of the trust.
- (5) If the trust instrument contains a provision whereby on the failure or determination of the endowment trust the trust fund purports to be given, or to be directed to be held, on charitable trusts, the validity of that gift or direction shall be deemed not to be, or ever to have been, affected by any rule of law or equity relating to perpetuities.]

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F3** Ss. 8A—8C inserted by [National Heritage Act 1983 \(c. 47\)](#), s. 41, [Sch. 4 para. 10](#)

#### Marginal Citations

- M2** 1979 c. 46.

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent

**Changes to legislation:**

Historic Buildings and Ancient Monuments Act 1953, Section 8A is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6) inserted by [2023 asc 3 Sch. 13 para. 5\(1\)](#)
- s. 8(8) inserted by [2023 asc 3 Sch. 13 para. 7](#)