



Chevening Estate Act 1959

1959 CHAPTER 49 7 and 8 Eliz 2

An Act to confirm and give effect to a vesting deed and trust instrument relating to the Chevening Estate and other property, and for purposes connected therewith. [9th July 1959]

Whereas by a vesting deed (in this Act referred to as “the vesting deed”) dated the twelfth day of May nineteen hundred and fifty–nine and made between The Right Honourable James Richard Earl Stanhope (in this Act referred to as “the Settlor”) of the one part and Coutts and Company of the other part the freehold property therein described (consisting of Chevening House in the County of Kent and certain lands held therewith) was declared to be vested in the Settlor in fee simple upon the trusts declared in a trust instrument of even date therewith:

And whereas by the trust instrument set out in the Schedule to this Act (in this Act referred to as “the trust instrument”), being the trust instrument referred to in the vesting deed, the said freehold property and the chattels, investments, moneys and other property therein mentioned were declared to be settled upon the trusts and subject to the powers and provisions set out in that instrument:

And whereas it is expedient that the vesting deed and the trust instrument (in so far as they would otherwise not have had effect) should have effect by the authority of Parliament:

Modifications etc. (not altering text)

C1 Act amended by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(2)(a)

Commencement Information

II Act wholly in force at Royal Assent

1 Confirmation of vesting deed and trust instrument.

- (1) The vesting deed and the trust instrument are hereby confirmed, and shall have effect, and be deemed to have had effect as from the execution thereof, notwithstanding any rule of law or equity which apart from this subsection would have affected their validity:

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Provided that this subsection shall not affect any right or interest in respect of any of the property comprised in the vesting deed or the trust instrument, being a right or interest to which a person other than the Settlor was entitled immediately before the execution of the vesting deed.

- (2) The vesting deed shall be taken to comply with the requirements of section five of the ^{M1}Settled Land Act 1925 (which relates to the contents of vesting deeds) notwithstanding that it does not contain all the statements and particulars mentioned in that section.
- (3) Notwithstanding anything in subsection (1) of section one hundred and six or subsection (2) of section one hundred and eight of the ^{M2}Settled Land Act 1925 (which relate respectively to provisions for limiting the exercise of powers conferred by that Act and to cases of conflict between the provisions of a settlement and the provisions of that Act), in so far as the trust instrument provides for the application of any provisions of, or powers conferred by, that Act, those provisions or powers shall apply subject to any modifications or restrictions specified in relation thereto in the trust instrument.
- (4) Section twenty-two of the ^{M3}Administration of Estates Act 1925 (which relates to the appointment of special executors in respect of settled land) shall apply in relation to the trust instrument subject to the provisions of that instrument relating to that section.
- (5) It is hereby declared that this Act is the Act referred to in the trust instrument as the intended Act of Parliament confirming that instrument.

Marginal Citations

- M1** 1925 c. 18.
M2 1925 c. 18.
M3 1925 c. 23.

2 Provisions as to income tax, estate duty and stamp duty.

- (1) Subject to the following provisions of this section, exemption shall be granted—
 - ^{F1}(a)
 - (b) from income tax chargeable . . . ^{F2}, under [^{F3}Part 3 of the Income Tax (Trading and Other Income) Act 2005], in respect of the rents and profits of any land which is for the time being held upon the trusts of the trust instrument;
 - (c) from income tax chargeable under [^{F4}the provisions of the Income Tax (Trading and Other Income) Act 2005 specified in subsection (1A) in respect of the income chargeable under those provisions], which constitutes income arising from and subject to those trusts.

[^{F5}(1A) The provisions are—

- (a) Chapter 2 of Part 4 (interest) so far as the income is yearly interest or public revenue dividends (as defined in section 505(1A) of the Income and Corporation Taxes Act 1988),
- (b) Chapter 7 of that Part (purchased life annuity payments),
- (c) Chapter 10 of that Part (distributions from unauthorised unit trusts),
- (d) Chapter 13 of that Part (sales of foreign dividend coupons) so far as the income arises from foreign holdings within section 571(1)(a) (meaning of “foreign holdings” in that Chapter),

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- (e) Chapter 2 of Part 5, so far as it relates to annual payments (receipts from intellectual property),
 - (f) Chapter 4 of that Part, so far as it relates to annual payments (certain telecommunication rights: non-trading income), and
 - (g) Chapter 7 of that Part (annual payments not otherwise charged).]
- (2) None of the exemptions granted by the preceding subsection shall have effect in respect of any income tax which (apart from that subsection) would be chargeable for any year of assessment, in so far as that tax would be so chargeable—
- (a) in respect of a period during which the life interest of the Settlor under the trust instrument continues to subsist, whether that interest for the time being remains vested in the Settlor or not, or
 - (b) in respect of any period after all the trusts declared by the trust instrument (except the trust contained therein in favour of the National Trust) have failed or determined.
- (3) The exemption granted by paragraph (a) of subsection (1) of this section shall not extend to tax in respect of any rent payable or other annual payment to be made by the [F⁶Board] in respect of any land for the time being held upon the trusts of the trust instrument.
- (4) Notwithstanding anything in paragraph (b) of subsection (1) of this section, any assessment upon any property falling within that paragraph shall not be vacated or altered but shall be in force and levied notwithstanding the allowance of any such exemption as is mentioned in that paragraph.
- (5) For the purposes of the enactments relating to estate duty, the property passing, or deemed to pass, on the death of the Settlor shall be taken not to include any property which, immediately before the death of the Settlor, is property held upon the trusts of the trust instrument:
Provided that this subsection shall not apply to any chattels which, immediately before the death of the Settlor, are held upon the trusts of the trust instrument but are given or bequeathed by him in pursuance of Clause 18 of that instrument.
- (6) For the purposes of the said enactments, the property passing, or deemed to pass, on the death of the Settlor shall also be taken not to include any property which by his will is given or directed to be held upon the trusts of the trust instrument, except—
- (a) any property which is so given or directed to be held subject to one or more prior interests, other than annuities;
 - (b) any property which is appropriated for the payment (whether by way of purchase or otherwise) of one or more annuities given by the will of the Settlor;
 - (c) if by the will of the Settlor any property is charged with, or given conditionally upon, the payment of one or more annuities, and no property is so appropriated for the payment of those annuities, the property so charged or given.
- (7) For the purposes of the said enactments—
- (a) any property which by the will of the Settlor is given or directed to be held as mentioned in paragraph (a) of the last preceding subsection shall not be taken to be or to form part of property passing, or deemed to pass, on the death of any person entitled to any such prior interest as is therein mentioned, if on the cesser of that prior interest the property is directed to be held in possession upon the trusts of the trust instrument;

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- (b) property which is appropriated for the payment of one or more annuities given by the will of the Settlor, but which (subject thereto) is directed to be held upon the trusts of the trust instrument, shall not be taken to be or to form part of property passing, or deemed to pass, on the death of any of the annuitants; and no property which is for the time being held upon the trusts of the trust instrument shall be taken to be or to form part of property passing, or deemed to pass, on the death of any person other than the Settlor, by reason only that it is property which, before that person's death, he was permitted to occupy, use or enjoy in accordance with those trusts.
- (8) No stamp duty shall be payable, or be deemed to have been payable,—
- (a) on the vesting deed or the trust instrument, or
 - (b) . . . ^{F7}
 - (c) on any instrument which, after the death of the Settlor, is executed in favour of [^{F8}the Board], being an instrument in respect of which stamp duty, if payable, would be payable out of moneys held upon the trusts of the trust instrument; and any stamp duty paid on any instrument, whether before or after the passing of this Act, if by virtue of this subsection no stamp duty should have been charged thereon, shall be repaid.
- (9) In this section any reference to permission to occupy, use or enjoy any property in accordance with the trusts of the trust instrument is a reference to permission to occupy, use or enjoy that property as a person nominated in that behalf in accordance with those trusts, or as a person holding office as an ambassador, High Commissioner or other diplomatic representative as mentioned in the trust instrument.
- (10) In this section [^{F9}“the Board”]and “the National Trust” have the same meanings respectively as in the trust instrument, and any reference to the will of the Settlor includes a reference to any codicil to that will.

Textual Amendments

- F1** S. 2(1)(a) repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 3](#) (with [Sch. 2](#))
- F2** Words repealed by [Finance Act 1963 \(c. 25\)](#), [Sch. 13 Pt. I](#) as respects tax for the year 1964-65 and subsequent years
- F3** Words in s. 2(1)(b) substituted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 356\(2\)\(b\)](#) (with [Sch. 2](#))
- F4** Words in s. 2(1)(c) substituted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 356\(2\)\(c\)](#) (with [Sch. 2](#))
- F5** S. 2(1A) inserted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 356\(3\)](#) (with [Sch. 2](#))
- F6** Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)
- F7** S. 2(8)(b) repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), [s. 4\(b\)](#)
- F8** Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), [s. 4\(b\)](#)
- F9** Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), [s. 4\(c\)](#)

Modifications etc. (not altering text)

- C2** The text of s. 2(3)(4)(repealed by [Finance Act 1963 \(c. 25\)](#), [Sch. 13 Pt. I](#) as respects tax for the year 1964-65 and subsequent years) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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[^{F10}**2A. Stamp duty land tax**

- (1) A land transaction—
 - (a) entered into by the Board; and
 - (b) in respect of which stamp duty land tax, if payable, would be payable out of moneys held upon the trusts of the trust instrument,is exempt from charge for the purposes of stamp duty land tax.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
 - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
 - “land transaction return” has the meaning given by section 76(1) of that Act.]

Textual Amendments

F10 S. 2A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, [Sch. para. 5](#)

3 Short title.

This Act may be cited as the Chevening Estate Act 1959.

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SCHEDULE

THE TRUST INSTRUMENT

This Trust Instrument is made the twelfth day of May One thousand nine hundred and fifty-nine Between the Right Honourable James Richard Earl Stanhope K.G., P.C., D.S.O., M.C. of the one part and Coutts & Company of 440 Strand in the County of London of the other part

Whereas:—

- (1) The said Earl Stanhope is desirous of settling the Chevening Estate together with the contents of Chevening House and other chattels upon the trusts hereinafter set forth and accordingly by a Vesting Deed bearing even date with but executed contemporaneously with this Trust Instrument and made between the same parties and in the same order as these presents the Chevening Estate was vested in the said Earl Stanhope upon the trusts declared concerning the same by a Trust Instrument of even date being this Trust Instrument
- (2) The said Earl Stanhope is further desirous of creating a trust fund for maintaining the Chevening Estate
- (3) It is apprehended that the trusts hereinafter declared in respect of the said Estate and of the said trust fund and the said contents and chattels will infringe certain rules of law and certain statutory provisions unless these presents are confirmed and made valid by an Act of Parliament and it is intended that a Bill shall be introduced into Parliament for the confirmation of these presents accordingly

Now this Deed Witnesseth as follows:—

I. INTERPRETATION.

1 In this Deed the following expressions shall have the following respective meanings that is to say:—

- (a) “The Settlor” shall mean the said Earl Stanhope
- (b)^{F11}
- ^{F12}(c) “The Board” shall mean the Board of Trustees of the Chevening Estate (constituted by section 1(1) of the Chevening Estate Act 1987)]
- (d) “The Chevening Estate” shall mean all the lands tenements and hereditaments (including Chevening House) described in the First Schedule hereto
- (e) “Chevening House” shall mean the mansion house known as Chevening House in the County of Kent
- (f) “The Specified Land” shall mean all that part of the Chevening Estate which is described in the Second Schedule hereto
- (g) “The Chevening Trust Fund” shall mean and include [^{F13}(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](ii) all capital monies arising under any power hereby or by law conferred (including without prejudice to the generality of the foregoing powers conferred by the ^{M4}Settled Land Act 1925) (iii) any other investments cash or property which may from time to time be given bequeathed devised conveyed or transferred [^{F14}by or at the direction of any person whomsoever]to be held upon the trusts for

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the time being applicable to the Chevening Trust Fund and accepted by the [^{F15}Board] . . . ^{F16}upon those trusts and (iv) the property for the time being representing all such investments capital monies cash or property as aforesaid

- (h) “The Contents” shall mean all the furniture pictures tapestry books manuscripts china relics objects of art silver linen motor cars carriages garden forestry and farm implements and machinery and all other chattels (not being money or securities for money or wines liquors consumable stores or clothing) which at the date of these presents are the property of the Settlor and are in or about or normally kept in or about Chevening House or on the Chevening Estate
- (i) “The Vesting Deed” shall mean the said Vesting Deed of even date herewith
- (j) “The Nominated Person” shall mean such person (including the Prime Minister) as may from time to time be nominated (in writing) by the Prime Minister to be the Nominated Person for the purposes of these presents Provided Always:—
 - (I) No person may be nominated as aforesaid unless such person is at the time when such person is so nominated either (i) the Prime Minister or (ii) a Minister who is a member of the Cabinet or (iii) the widow or a lineal descendant of His late Majesty King George the Sixth or the spouse widow or widower of such a descendant
 - (II) The Prime Minister shall have full power from time to time to revoke any such nomination (whether made by him or any predecessor of his) and to make a new nomination
 - (III) If the Nominated Person (being a person who at the date when he became the Nominated Person was either the Prime Minister or such a Minister as aforesaid) subsequently ceases to be the Prime Minister or such a Minister as aforesaid as the case may be he shall (without prejudice to the generality of the power of revocation hereinbefore conferred upon the Prime Minister) cease to be the Nominated Person as from the date when he ceases to be the Prime Minister or such a Minister as aforesaid as the case may be and as if his nomination had been revoked by the Prime Minister on the last mentioned date.
- (k) (i) “The Prime Minister” shall mean the Prime Minister for the time being of the United Kingdom
 - (ii) “The Lord Privy Seal” “the Minister of Works” and “the Director of the Victoria and Albert Museum in London” respectively shall mean the respective officials in the United Kingdom now commonly known as “the Lord Privy Seal” “the Minister of Works” and “Director of the Victoria and Albert Museum, London” notwithstanding that their titles and functions may from time to time be changed
 - (iii) ^{F17}
 - (iv) “The Leader of the Opposition” shall mean the Leader of Her Majesty’s Opposition in the United Kingdom for the time being.
- (l) “The Canadian High Commissioner” shall mean the High Commissioner or Ambassador or other the chief diplomatic representative of Canada in London for the time being

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- (m) “The United States Ambassador” shall mean the Ambassador or other the chief diplomatic representative of the United States of America in London for the time being
- (n) “The National Trust” shall mean The National Trust for Places of Historic Interest or Natural Beauty at present of 42 Queen Anne’s Gate in the County of London
- (o) “The Act” shall mean the said intended Act of Parliament confirming these presents
- (p) **F18**

Textual Amendments

F11 Clause 1, para. (b) repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(a)**

F12 Clause 1, para. (c) substituted by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(b)**

F13 Para. (g)(i) substituted by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(c)**

F14 Words substituted by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(c)**

F15 Word substituted by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(1)**

F16 Words repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(c)**

F17 Clause 1, para. (k)(iii) repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(d)**

F18 Clause 1, para. (p) repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 1(2)(e)**

Marginal Citations

M4 1925 c. 18.

II.

2 **F19**

Textual Amendments

F19 Clause 2 repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 6(1)(a)**

III.

3 **F20**

Textual Amendments

F20 Clause 3 repealed by Chevening Estate Act 1987 (c. 20, SIF 57), s. 3(1), **Sch. 2 para. 6(1)(b)**

IV. TRUSTS OF THE CHEVENING ESTATE AND OF THE CONTENTS

- 4 [^{F21}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]that is to say:—
- (i) **F22**
 - (ii) 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

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continuous or discontinuous as the Nominated Person may in his absolute discretion think fit

Textual Amendments

- F21** Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 1\(3\)](#)
F22 Clause 4(i) repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 6\(c\)](#)

- 5 If at any time [^{F23}after the death of the Settlor]either (a) there shall have been no Nominated Person during a continuous period of six years (such period beginning at a date [^{F23}after the death of the Settlor]) 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 [^{F24}Board]in writing that they desire to determine the trusts declared by Clause 4 (ii) hereof then and in any such event the trusts and provisions of Clause 4 (ii) hereof shall absolutely determine [^{F25}(but without prejudice to Clauses 5A and 6A hereof)]and the Chevening Estate and the Contents shall be held upon trust to permit the Canadian High Commissioner to occupy use and enjoy the same as a furnished country residence and estate for such period or periods continuous or discontinuous as he may think fit.

Textual Amendments

- F23** Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 6\(2\)\(a\)](#)
F24 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 1\(1\)](#)
F25 Words inserted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 2\(1\)](#)

- ^{F26}5A If at any time after the Canadian High Commissioner has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 5 hereof either (a) during any continuous period of twelve calendar months (such period beginning at a date after the Canadian High Commissioner has become entitled as aforesaid) no Canadian High Commissioner shall have occupied Chevening House or (b) the Canadian High Commissioner notifies the [^{F27}Board]in writing that the Government of Canada desires to determine the trusts herein declared in favour of the Canadian High Commissioner then and in any such event the trusts declared by Clause 5 hereof in favour of the Canadian High Commissioner shall absolutely determine and the Chevening Estate and the Contents shall be held upon trust to permit the [^{F28}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 [^{F28}Nominated Person]may think fit

Textual Amendments

- F26** Clause 6 is re-numbered as clause 5A by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 2\(2\)](#)
F27 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 1\(1\)](#)
F28 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\), s. 3\(1\), Sch. 2 para. 2\(2\)](#)

- [^{F29}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—

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- (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.]

Textual Amendments

F29 Clause 6 inserted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(3\)](#)

- ^{F30}6A.. If at any time after the United States Ambassador has become entitled to occupy use and enjoy the Chevening Estate under the provisions of Clause 6 hereof either
- (a) during a continuous period of twelve calendar months (such period beginning at a date after the United States Ambassador has become entitled as aforesaid) no United States Ambassador has occupied Chevening House or
 - (b) the United States Ambassador notifies the [^{F31}Board] in writing that the Government of the United States of America desires to determine the trusts herein declared in favour of the United States Ambassador then and in any such event the trusts declared by Clause 6 hereof in favour of the United States Ambassador shall absolutely determine and the Chevening Estate and the Contents [^{F32}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.]

Textual Amendments

F30 Clause 7 is re-numbered as clause 6A by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(4\)](#)

F31 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

F32 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(4\)](#)

- [^{F33}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

Status: Point in time view as at 06/04/2005.

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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.]

Textual Amendments

F33 Clause 7 inserted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(5\)](#)

8 The net rents and profits of the Chevening Estate shall (notwithstanding anything hereinbefore contained) be deemed to form part of the income of the Chevening Trust Fund and shall be held upon trust accordingly

V. ADMINISTRATIVE PROVISIONS RELATING TO THE CHEVENING ESTATE AND THE CONTENTS

9 For the purposes of Section 29 of the ^{M5}Settled Land Act 1925 the trusts declared by Clause 4 (ii) and [^{F34}Clauses 5 to 6A]hereof shall be deemed to be public trusts and the powers referred to in sub-section (1) of that section shall ([^{F35}after the death of the settlor]) be exercisable in relation to the Chevening Estate by the [^{F36}Board]
...
^{F37}

Textual Amendments

F34 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(6\)\(a\)](#)

F35 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 6\(2\)\(b\)](#)

F36 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

F37 Words repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(4\)](#)

Marginal Citations

M5 1925 c. 18.

10 Notwithstanding anything in these presents or in the ^{M6}Settled Land Act 1925 contained any land for the time being subject to any of the trusts of [^{F38}Clauses 4 to 6A]hereof shall [^{F39}after the death of the Settlor]be vested at all times in the [^{F40}Board] . . . ^{F41}

Textual Amendments

F38 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(6\)\(b\)](#)

F39 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 6\(2\)\(c\)](#)

F40 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

F41 Words repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(5\)](#)

Marginal Citations

M6 1925 c. 18.

11 Any statement in writing by the [^{F42}Board]to the effect that any contract deed act or thing signed executed or done by the [^{F42}Board]is signed executed or done in pursuance of the trusts powers and provisions contained in these presents shall

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in favour of any purchaser mortgagee lessee or other person dealing with the [F42 Board] be conclusive evidence of that fact.

Textual Amendments

F42 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

[F43] 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.]

Textual Amendments

F43 Clause 12 substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 4\(1\)](#)

13 The [F44 Board] shall have full power (without prejudice to any other power hereby or by law conferred) to cut and sell any timber on the Chevening Estate but so that the whole of the net proceeds of sale of such timber shall be treated as part of the capital of the Chevening Trust Fund.

Textual Amendments

F44 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

14 The [F45 Board] may (in addition to all other powers hereby or by law conferred upon the [F45 Board]) manage and superintend the management of the Chevening Estate in all respects and with all the powers in that behalf of an absolute owner

Textual Amendments

F45 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

15 The purposes for which money may be raised by mortgage of the Chevening Estate or any part thereof shall (in addition to the purposes authorised by section seventy-one of the ^{M7}Settled Land Act 1925) include:—

- (i) the payment of any compensation from time to time payable in respect of any part of the Chevening Estate under the [F46 Agricultural Holdings Act 1986, except section 60(2)(b) or 62 of that Act,] and

Status: Point in time view as at 06/04/2005.

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- (ii) any improvements or works to any part of the Chevening Estate which in the opinion of the [^{F47}Board] are for the benefit of the Chevening Estate.

Textual Amendments

F46 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, **Sch. 14 para. 34**

F47 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(1)**

Marginal Citations

M7 1925 c. 18.

- 16^{F48}the [^{F49}Board] at its discretion may sell any of the Contents and where any of the Contents are sold the net proceeds of sale may be dealt with either as part of the capital or income of the Chevening Trust Fund or may be invested in the purchase of other chattels of the same or any other nature which when purchased shall be held by the [^{F49}Board] upon and subject to the same trusts and powers as the chattels sold.

Textual Amendments

F48 Words repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(6)**

F49 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(1)**

- [^{F50}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 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.
- (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.]

Textual Amendments

F50 Clause 17 substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(7)**

- 18^{F51}

Textual Amendments

F51 Clause 18 repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 6(d)**

Status: Point in time view as at 06/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Chevening Estate Act 1959. (See end of Document for details)

- 19 The [^{F52}Board] may employ such persons for such purposes and on such terms as to remuneration or otherwise as the [^{F52}Board] shall from time to time think fit.

Textual Amendments

F52 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

VI. TRUSTS OF THE CHEVENING TRUST FUND

- 20 . . . ^{F53}

Textual Amendments

F53 Clause 20 repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 6\(e\)](#)

- 21 [^{F54}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—]
- (i) In payment . . . ^{F55}of rates and other necessary outgoings and expenses
 - (ii) In payment of the board and remuneration of any persons employed in any capacity pursuant to the powers conferred by Clause 19 hereof
 - (iii) In the upkeep repair maintenance and insurance of Chevening House and other buildings and the gardens pleasure grounds and other lands comprised in the Chevening Estate
 - (iv) In the maintenance insurance valuation renovation and repair of the Contents or any part hereof and the purchase where deemed necessary of new or additional furnishings for Chevening House
 - (v) In payment of any expenses of the [^{F56}Board][^{F57}(or of members of the Board)]
 - (vi) In payment to the Nominated Person of such sums in respect of expenses incurred by him in connection with his occupation of Chevening House (not being more than One hundred pounds for any one month) as the [^{F56}Board] shall from time to time think fit
 - (vii) In any other manner authorised by law for the application of the income of trust property
 - (viii) If from time to time there is any income of the Chevening Trust Fund which in the opinion of the [^{F56}Board] is not required to meet the payments hereinbefore in this paragraph mentioned or to be set aside for making future payments thereunder the [^{F56}Board] shall direct that income to be added to the capital of the Chevening Trust Fund and it shall be . . . ^{F58}held as part of that fund accordingly.

Textual Amendments

F54 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(8\)\(a\)](#)

F55 Words repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(8\)\(b\)](#)

F56 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

F57 Words added by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(8\)\(c\)](#)

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F58 Words repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(8\)\(d\)](#)

VII. ADMINISTRATIVE PROVISIONS RELATING TO THE CHEVENING TRUST FUND

22 All money and other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the ^{M8}Settled Land Act 1925 in so far as they apply for the purposes hereof) shall be paid or transferred to the [^{F59}Board]and shall be held by the [^{F59}Board]as part of the Chevening Trust Fund.

Textual Amendments

F59 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

Marginal Citations

M8 1925 c. 18.

23 The provisions of the ^{M9}Settled Land Act 1925 relating to capital money arising under that Act shall apply to all money and other property comprised in the Chevening Trust Fund [^{F60}subject to Clauses 22 and 23A hereof]and to the following modifications namely:—

(a) Subsection (1) of section seventy–three of that Act shall apply as if the following paragraph were substituted for paragraph (i) of that subsection and so that in the following paragraph the expression “the [^{F61}Board]” shall have the same meaning as elsewhere in these presents:—

“(i) In the purchase of or at interest upon such stocks funds shares securities or other investments of whatsoever nature and wheresoever situate and whether involving liability or not as the [^{F61}Board]shall in [^{F62}its]absolute discretion think fit and so that the [^{F61}Board]shall have the same full and unrestricted powers of investing and transposing investments of trust monies in all respects as if the [^{F61}Board]were absolutely entitled to the Fund beneficially”.

(b) Any such money or property may (in addition to any other authorised mode of investment or application) be applied (i) in or towards the payment of the costs of any improvements or works to any part of the Chevening Estate which in the opinion of the [^{F61}Board]are for the benefit of the Chevening Estate or (ii) in or towards the payment of any compensation from time to time payable in respect of any part of the Chevening Estate under the [^{F63}Agricultural Holdings Act 1986, except section 60(2)(b) or 62 of that Act,]

(c) Any power to apply any such money or property in payment for improvements authorised by the ^{M10}Settled Land Act 1925 or in the making of any payment as for an improvement so authorised shall be exercisable as the [^{F61}Board]thinks fit and section eighty–four of the ^{M11}Settled Land Act 1925 shall not apply for the purposes hereof.

(d) ... ^{F64}

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(e) . . . F64

Textual Amendments

- F60** Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 5(1)**
- F61** Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(1)**
- F62** Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(9)(a)**
- F63** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), s. 100, **Sch. 14 para. 34**
- F64** Clause 23, paras. (d)(e) repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(9)(b)**

Marginal Citations

- M9** 1925 c. 18.
- M10** 1925 c. 18.
- M11** 1925 c. 18.

- [^{F65}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.]

Textual Amendments

- F65** Clause 23A inserted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 5(2)**

VIII.

24 F66

Textual Amendments

- F66** Clauses 24–28 repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(10)**

IX. PROCEEDINGS OF THE [^{F67}BOARD]

Textual Amendments

- F67** Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), **Sch. 2 para. 1(1)**

Status: Point in time view as at 06/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Chevening Estate Act 1959. (See end of Document for details)

25–28 . . . F68

Textual Amendments

F68 Clauses 24–28 repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(10\)](#)

29 The [F69Board] may from time to time employ any agent and in particular may from time to time appoint and dismiss a secretary whose duty it shall be to keep records of all meetings to issue notices by the direction of the Chairman or acting Chairman and generally to superintend the details of administration and to act as agent of the [F69Board]

Textual Amendments

F69 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)

X. TRUSTEES FOR THE PURPOSE OF THE SETTLED LAND ACT 1925

30 [F70(aa) the Board shall be the trustee hereof for the purposes of the Settled Land Act 1925]
(d) For the purposes of section 22 of the M12Administration of Estates Act 1925 [F71Coutts & Company] shall (notwithstanding anything herein contained) be deemed to be the trustee hereof at the death of the Settlor

Textual Amendments

F70 Clause 30(aa) substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(11\)\(a\)](#)

F71 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(11\)\(b\)](#)

Marginal Citations

M12 1925 c. 23.

XI. GENERAL PROVISIONS

31 The name of Chevening House shall not be altered.

32 In the exercise of any power of sale leasing exchange and raising money in relation to land comprised in the Chevening Estate [F72(being land in relation to which the power is exercisable)] and of any powers under Clauses 13 and 16 hereof and generally in the exercise of powers of management (including powers of felling timber) the [F73Board] shall have regard to the need for preserving the enjoyment of Chevening House and its gardens and park as a suitable country residence for the persons mentioned in [F74Clauses 4 to 6A] hereof and in particular shall refrain from making any avoidable change in the distinctive features and character of Chevening House and its gardens

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Textual Amendments

- F72 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 4\(2\)](#)
- F73 Word substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(1\)](#)
- F74 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(6\)\(c\)](#)

33 For the purposes of the application of any provisions of the ^{M13}Settled Land Act 1925 in accordance with any of the preceding Clauses hereof (including the application of any such provisions by virtue of Section 29 of that Act in accordance with Clause 9 hereof) any reference in those provisions to the settlement shall be construed as a reference to these presents and any reference to the settled land shall be construed as a reference to the Chevening Estate

Marginal Citations

- M13 1925 c. 18.

34 Every discretion vested in any persons hereunder shall be absolute and uncontrolled and every power vested in them shall be exercisable at their absolute and uncontrolled discretion and they shall have the like discretion in deciding whether or not to exercise any such power

35 ^{F75}

Textual Amendments

- F75 Clause 35 repealed by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(12\)](#)

36 [^{F76}Any member of the Board for the time being who is]a Solicitor or other individual engaged in any profession or business shall be entitled to charge and be paid all usual professional or other charges for business done and time spent and services rendered by him or his firm in the execution of the trusts and powers hereof whether in the ordinary course of his profession or business or not and although not of a nature requiring the employment of a Solicitor or other professional person

Textual Amendments

- F76 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(13\)](#)

Modifications etc. (not altering text)

- C3 [Sch. para. 36](#) amended (E.W.) (1. 1. 1992) by [S.I. 1991/2684](#), arts. 2, 4, [Sch.1](#)

37 In the construction of these presents any reference to any enactment shall (except so far as the context otherwise requires) be construed as a reference to that enactment as amended by or under any other enactment

38 Any reference herein to the Chevening Estate shall (notwithstanding the definition of the expression in Clause 1 hereof) be construed as a reference to such lands tenements and hereditaments as are for the time being subject to any of the trusts of [^{F77}Clauses 4 to 7]hereof or any of such Clauses

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Textual Amendments

F77 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 2\(6\)\(d\)](#)

39 Notwithstanding anything herein contained the Settlor shall have the right of burial in the Stanhope Family Burial Ground in the Churchyard of Chevening aforesaid

40 These presents are conditional upon the Act being passed and receiving Her Majesty's assent within one year of the date hereof and if the Act shall not have been passed and received such assent within such period or within such further period as the Settlor or his personal representatives shall in writing consent to these presents and everything herein contained shall be void and of no effect.

In Witness whereof the Settlor has hereunto set his hand and seal and [^{F78}Coutts & Company have caused their Common Seal]to be hereunto affixed the day and year first above written

Textual Amendments

F78 Words substituted by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 1\(14\)](#)

THE FIRST SCHEDULE

The lands tenements and hereditaments situate at Chevening and elsewhere in the county of Kent and delineated on the plans marked "A", "B" and "C" annexed hereto and thereon coloured red

THE SECOND SCHEDULE

The lands tenements and hereditaments situate at Chevening aforesaid and delineated on the plan marked "D" annexed hereto and thereon coloured blue [^{F79}except so much thereof as lies to the south of Ovenden Road or to the south or east of Sundridge Road]

Textual Amendments

F79 Words added by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 3](#)

[^{F80}THE THIRD SCHEDULE

Textual Amendments

F80 [Sch. 3](#) added by [Chevening Estate Act 1987 \(c. 20, SIF 57\)](#), s. 3(1), [Sch. 2 para. 4\(3\)](#)

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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.]

Signed Sealed and Delivered by the StanhopeL.S.
above named The Right Honourable
James Richard Earl Stanhope K.G.,
P.C., D.S.O., M.C., in the presence of:
—

Nigel Warington Smyth, 3/5, Wardrobe Place, Doctors’ Commons, E.C.4
Solicitor

The Common Seal of Coutts & SEAL.
Company was hereunto affixed in the
presence of:—

D.B. Money–Coutts Director R.A. Robertson A Principal Officer

Status:

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Changes to legislation:

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