



CHAPTER xxxix

An Act to extend the objects and powers of the Joseph Rowntree Village Trust, to change the name thereof and for other purposes.

[29th July 1959.]

WHEREAS—

(1) The late Joseph Rowntree of the city of York (hereinafter referred to as “the founder”) by a deed of foundation, dated the thirteenth day of December, nineteen hundred and four (hereinafter referred to as “the trust deed”), made between the founder of the one part and the founder, John Wilhelm Rowntree, Benjamin Seebom Rowntree, Joseph Stephenson Rowntree, Oscar Frederic Rowntree and Arnold Stephenson Rowntree, all of the city of York aforesaid, (hereinafter together referred to as “the original Trustees”) of the other part and enrolled in the Central Office of the Supreme Court of Judicature, after reciting that the founder was desirous of alleviating the evils arising from the insanitary and insufficient housing accommodation available for large numbers of the working classes and of securing to workers and persons of limited means in cities and towns some of the advantages of outdoor village life, did convey to the original Trustees, subject as therein mentioned, in fee simple certain property at West Huntington and East Huntington in the North Riding of the county of York, together with two thousand ordinary shares and ten deferred shares in Rowntree and Company Limited previously transferred into the names of the original Trustees, to hold the same for the purposes of the trusts declared in the trust deed :

(2) The original Trustees, the survivors and last survivor of them and the heirs, executors or administrators of such last survivor and all and every other the Trustees or Trustee for the time being of the trust deed were thereby designated Trustees of the trust deed :

(3) It was by the trust deed directed that the hereditaments thereby assured and the rents and profits thereof and the shares described therein and the dividends and income thereof and all property of every kind which should for the time being represent the said hereditaments and shares or which should after the date thereof be acquired by the Trustees for the purposes of the trust deed and the income thereof respectively should be held and applied by the Trustees for the purposes of the charitable trust thereby created and called "the Joseph Rowntree Village Trust" (hereinafter referred to as "the Trust"):

(4) In pursuance of powers therein provided, amendments of an incidental nature have been made to the trust deed by instruments dated the sixteenth day of December, nineteen hundred and twenty, the nineteenth day of September, nineteen hundred and twenty-seven and the sixteenth day of March, nineteen hundred and twenty-eight but the provisions of the trust deed have not been revoked or otherwise altered or varied:

(5) The property and assets comprised in the Trust are now vested in William Wallace, Jean Rowntree, William Kaye Sessions, Frederic Seebohm, Thomas Farrimond Green, Christopher John Rowntree, Lloyd Owen and Madge Butterfield, the present Trustees of the Trust duly appointed in pursuance of the provisions of the trust deed:

(6) The Trustees have duly administered the Trust and in execution of the trusts of the trust deed they have constructed and now manage the village of New Earswick in the parish of New Earswick in the North Riding of the county of York and control and administer other property in and near to the city of York and are possessed of or have under their control other assets and funds subject to the said trusts:

(7) On the twenty-ninth day of December, nineteen hundred and four the founder executed a memorandum indicating in general terms the considerations which had induced him to found the Trust and certain other trusts therein referred to, and by the said memorandum the founder expressed the hope that nothing which he had written might discourage those who would have the administration of the trusts founded by him from entering into fields of social service which he had not indicated and which he could not at the date thereof foresee and further urged that none of the objects which he had enumerated and which under social conditions then obtaining appeared to him to be of paramount importance should be pursued after it had ceased to be vital and pressing in the interests of the community:

(8) By reason of changes in social conditions, and legislation enacted since the date of the trust deed, the objects or purposes to which the property and assets comprised in the Trust may be applied and the powers provided in the trust deed are now too

restricted to enable the Trustees to give full effect to the charitable intentions and desires of the founder and it has become impracticable for the Trustees usefully to apply all the funds vested in them, or under their control, in furtherance of such intentions and desires and the powers vested in the Trustees by the trust deed are insufficient to enable the said funds to be administered to the best advantage. It is accordingly expedient that the objects of the Trust and the powers of the Trustees should be altered in manner provided in this Act:

(9) The powers of investment provided in the trust deed are unduly restrictive and it is expedient, in order to carry out more effectively the objects or purposes of the Trust, that such powers of investment should be enlarged and extended as provided in this Act:

(10) It is expedient that the present name of the Trust should be changed as provided in this Act and that the other provisions in this Act should be enacted:

(11) The purposes of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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. This Act may be cited as the Joseph Rowntree Memorial Trust Act, 1959. Short title.

2. In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:— Interpretation.

- “ the Trust ” means the Joseph Rowntree Memorial Trust;
- “ the trust deed ” means the trust deed hereinbefore recited, as amended by the instruments dated the sixteenth day of December, nineteen hundred and twenty, the nineteenth day of September, nineteen hundred and twenty-seven and the sixteenth day of March, nineteen hundred and twenty-eight hereinbefore recited;
- “ the Trustees ” means the present Trustees hereinbefore referred to or the survivors of them and all such other persons as shall be appointed under the provisions of the trust deed to be and shall from time to time hold office as Trustees of the Trust.

3.—(1) From and after the passing of this Act the name of the Trust shall be changed from “ the Joseph Rowntree Village Trust ” to “ the Joseph Rowntree Memorial Trust ” and accordingly the trust deed shall have effect as if for reference therein Change of name.

to "the Joseph Rowntree Village Trust" there were substituted references to the Joseph Rowntree Memorial Trust.

(2) The change of name shall not affect any rights or obligations of the Trustees or render defective any legal proceedings by or against the Trustees, and any legal proceedings which might have been continued or commenced against the Trustees in respect of the Trust by its former name may be continued or commenced against the Trustees in respect of the Trust by its new name.

(3) Any devise or bequest which would take effect in favour of the Joseph Rowntree Village Trust under the will of any person, whether dying before or after the passing of this Act, and which may not have then taken effect, or any gift in favour of the Joseph Rowntree Village Trust which has not taken effect before the passing of this Act, shall be deemed to have been made to the Trust and shall take effect in favour of the Trust as fully and effectively as it would have taken effect in favour of the Joseph Rowntree Village Trust if this Act had not been passed.

Alteration
of objects in
trust deed.

4. Clauses 2 and 4 of the trust deed are hereby rescinded and, as from and after the passing of this Act, the trust deed shall have effect as if the following clause were substituted for the said clause 2:—

" 2. The objects of the said Trust are:—

(1) To undertake and carry on such activities as are calculated to improve the living conditions, mode of life or physical, mental or moral well-being of the public or any section of the public in the United Kingdom or elsewhere in any parts of Her Majesty's dominions or the territories under Her protection and in particular (but without prejudice to the generality of the foregoing)—

(a) to provide, develop, construct and manage housing estates, houses or other residential accommodation or similar facilities for and for the families and dependants of persons who by reason of poverty, youth, age, infirmity or disablement are in need of such facilities or of care, attention, assistance or supervision and to provide or assist in the provision of educational facilities for, and for the dependants of, any such persons;

(b) to provide or maintain, or assist in providing or maintaining, for the use of the members of the public at large, and especially those members of the public who have need therefor by reason of their youth, age, infirmity or disablement, poverty or social or economic circumstances, in places where the same are needed by reason of congested or otherwise unsatisfactory housing conditions or difficulty of access to open country, or where the same are for other reasons calculated to improve the living conditions of the persons primarily intended to benefit

therefrom, parks, open spaces, playing-fields and other facilities (including buildings), and to organise, or assist in organising, in connection therewith any activity for the purpose of recreation or other leisure-time occupation:

Provided that nothing in this paragraph shall authorise the undertaking or carrying on of any activity which is not in law charitable.

(2) For the purpose of discovering, or attempting to discover, how the resources of the Trust can most effectively be employed in attaining all or any of its objects, or of providing other authorities and bodies in the United Kingdom or elsewhere having similar or cognate objects with information calculated to enable them to direct their activities into fruitful channels, to investigate, undertake research into and promote discussion of, and interchange of information with respect to, the causes, effects, prevention and amelioration of unsatisfactory living conditions, undesirable modes of life, ill-health (whether physical or mental), immorality, social or industrial unrest, disharmony or discontent, unsatisfactory family life or other social evils and to publish reports of, and disseminate information as to, the results of any such investigation, research, discussion or interchange of information.

(3) To co-operate with, subscribe to and generally to assist, financially or otherwise, any person or body carrying on or intending to carry on any activity within the objects of the Trust and to promote or assist in the promotion of any such body.

(4) Nothing in this clause shall authorise the Trustees to apply the funds of the Trust—

(a) in promoting, advocating or supporting or procuring any other person or body to promote, advocate or support any course of action of a political nature; or

(b) in supporting any object or in endeavouring to impose on, or procure to be observed by, any persons any regulation, restriction or condition which, if an object of the Trust, would make it a trade union."

5. Without prejudice to the generality of the last foregoing section and in addition to any powers conferred upon the Trustees by the trust deed as amended by this Act, the Trustees may—

Subsidiary powers of Trustees.

(i) appoint any person or persons (including a body or bodies corporate), whether Trustees of the Trust or not, to accept and hold in trust for the Trust any property belonging to the Trust, or in which it is interested, and to execute and do all such deeds, acts and things as may be requisite in relation to any such trust, and to provide for

the remuneration of such trustee or trustees not being a Trustee of the Trust;

- (ii) do all such other things as are incidental or conducive to the attainment of the objects of the Trust or any of them.

Additional
powers of
investment.

6.—(1) In addition to, and without prejudice to, their powers under paragraph (n) of clause 5 of the trust deed, the Trustees may invest any moneys which shall at any time be subject to the trusts of the Trust Deed—

- (a) in the purchase of freehold or leasehold land or hereditaments within England and Wales, whether or not the land or hereditaments are subject to leases, sub-leases, restrictive covenants or other liabilities or obligations:

Provided that, as regards leaseholds, the term thereof has at the time of making the investment at least forty years to run;

- (b) in public stocks or funds or government securities of any part of Her Majesty's dominions or of the territories under Her protection or of the United States of America;

- (c) in such of the following investments as at the time of making the investment do not carry a liability to contribute by way of calls on a winding up or otherwise and are officially quoted on a recognised stock exchange in the United Kingdom or in the city of New York—

securities, obligations, shares or stock of any corporation, company or body registered or incorporated in the United Kingdom of Great Britain and Northern Ireland or in any part of Her Majesty's dominions or of the territories under Her protection or in the United States of America or which are guaranteed by any such corporation, company or body:

Provided that nothing in this paragraph shall prevent investment—

(i) in the securities, obligations, shares or stock of any corporation, company or body carrying on a banking or insurance business in the United Kingdom of Great Britain and Northern Ireland, whether there is or is not liability for calls or other payments; or

(ii) by subscription for or acquisition of newly issued securities, obligations or shares where the purchase money is, under the terms of issue thereof, required to be paid by instalments within one year from the date of issue, or where it is one of the terms of issue that upon subscriptions therefor being accepted the securities, obligations or shares, or any stock into which the same are intended to be converted, shall be officially quoted on some such stock exchange as aforesaid.

(2) Where the Trustees exercise their powers under subsection (1) of this section, not more than two-thirds of any moneys from time to time allocated by them for such investment shall be invested in any investment authorised by that subsection not being an investment in which trustees are for the time being authorised by law to invest trust funds and the remaining one-third shall be invested in investments in which trustees are for the time being authorised by law to invest trust funds.

(3) Notwithstanding anything in this section the Trustees may retain and hold any investment or other property, real or personal, which was held by the Trustees immediately before the passing of this Act or which may at any time be transferred to them otherwise than by way of purchase.

7.—(1) The Trustees shall appoint and keep in being an investment committee to which shall be delegated the functions of keeping the investments of the Trust under review and of making recommendations or decisions with regard to such investments or with regard to the investing of moneys from time to time available for investment and such other functions as may be delegated to the committee under clause 17 of the trust deed.

Investment
committee.

(2) The investment committee shall be constituted in accordance with the provisions of the said clause 17 but shall consist of not less than three persons of whom two persons shall form a quorum.

(3) No moneys shall be invested in any investment authorised by section 6 (Additional powers of investment) of this Act except by the investment committee, or, where the function of investing moneys is not delegated to them, on the recommendation of the investment committee.

8.—(1) The High Court or the Charity Commissioners, in the exercise of their ordinary jurisdiction, may establish from time to time schemes for the alteration of any of the provisions of this Act or of the trust deed.

As to future
alteration.

(2) Nothing in this Act shall prevent the Trustees from exercising the powers conferred by clause 29 of the trust deed for revoking, altering or varying the trusts, powers and provisions of the Trust Deed as amended by this Act or shall prevent the High Court or the Charity Commissioners from confirming any such revocation, alteration or variation.

9. Nothing in this Act shall prejudice or affect any jurisdiction of the High Court or of the Charity Commissioners over the charity to which this Act relates and its endowments.

Saving for
jurisdiction of
High Court
and Charity
Commis-
sioners.

10. All costs charges and expenses of and incidental to the preparing and applying for and obtaining and passing of this Act and carrying the same into effect or otherwise in relation thereto shall be paid by the Trustees out of the funds of the Trust.

Costs of Act.

Ch. xxxix

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Act, 1959

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ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Change of name.
4. Alteration of objects in trust deed.
5. Subsidiary powers of Trustees.
6. Additional powers of investment.
7. Investment committee.
8. As to future alteration.
9. Saving for jurisdiction of High Court and Charity Commissioners.
10. Costs of Act.