



## CHAPTER cxlviii.

An Act for enabling the National Provident Institution to sue  
and be sued and for other purposes. [8th August 1887.]

A.D. 1887.

**W**HEREAS the National Provident Institution (herein-after called the Institution) was established and enrolled in the year 1835 under the laws then in force relating to friendly societies with the object of raising by subscription amongst the members thereof or by voluntary contributions a fund for the mutual benefit relief and maintenance of such members their wives widows widowers children or relations or such other persons as might become entitled under the rules for the time being in force and which might be effected by any of the modes of assurance in such rules mentioned one of such modes being the grant of policies of assurance for the payment of any sum not exceeding £5,000 on the death of a member thereof :

And whereas the Institution is a society not limited by law as to its scope and operation in respect to the amount for which policies of assurance payable on the death of members thereof may be granted :

And whereas the Institution is governed by certain rules and regulations made pursuant to section 4 of the Friendly Societies Discharge Act 1854 :

And whereas large sums of money part of the funds and property of the Institution have from time to time been invested upon mortgage of freehold leasehold or copyhold hereditaments and premises and upon the security of rates tolls duties or assessments authorised by Act of Parliament charter or otherwise to be raised levied or mortgaged and in the purchase of parliamentary stocks or public funds of Great Britain and other securities in the names of trustees for the Institution :

And whereas the Institution has become seised or possessed of or entitled to hereditaments and premises of freehold and other tenures :

A.D. 1887.

And whereas from the nature of its business the Institution is obliged to employ numerous agents and it may happen that persons employed as but who cease to be agents of the Institution may delay and refuse to deliver up books and documents of the Institution in their possession when required so to do and by means of the detention of and the refusal to deliver up the books and documents so wrongfully detained by them injury and loss may be inflicted upon the Institution and the members thereof and it is expedient for the purpose of preventing such delay and injury and loss that provision be made for enabling the Institution to recover such books and documents in a more summary way than by civil process :

And whereas it is expedient to remove any doubt that may arise or exist or be apprehended respecting the powers of the Institution as well before as after the passing of this Act to acquire hold enjoy demise and otherwise deal with lands tenements and hereditaments of any tenure or any estate or interest therein and to confer upon the Institution powers of investment in addition to those now vested in them by law :

And whereas the business of the Institution has been carried on ever since the establishment thereof and has very greatly increased and it has become expedient that the Institution should be authorised to sue and be sued and that other provisions such as are in this Act contained should be made with respect to the Institution :

And whereas the objects 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 (that is to say) :—

Short title.

1. This Act may be cited as the National Provident Institution Act 1887.

Interpretation of terms.

2. In this Act the following words and expressions shall have the several meanings hereby assigned to them unless there shall be something in the subject or context repugnant to such interpretation and construction :—

The expression "the Institution" shall mean the National Provident Institution ;

The expression "the directors" shall mean the directors for the time being of the Institution and also a quorum of directors within the meaning of the rules for the time being in force of the Institution ;



The expressions "the trustees" and "the secretary" shall mean respectively the trustees and the secretary for the time being of the Institution ;

A.D. 1887.

The word "lands" shall extend to and include messuages buildings lands tenements heritages heritable and real estate and hereditaments corporeal and incorporeal and of any tenure and feued duties ground annuals ground rents head rents chief rents and rentcharges and any kind of rents or income arising thereout or charged thereon respectively and an undivided share therein respectively and every vested contingent reversionary and other estate and interest therein respectively of what kind soever ;

The word "person" shall include a body politic corporate or collegiate.

3. All actions and proceedings whatsoever at law or in equity or bankruptcy or under any insolvency or sequestration or in lunacy or otherwise howsoever whether in the United Kingdom or elsewhere for or on behalf of the Institution or wherein the Institution is in any way interested against any person and which shall be commenced after the passing of this Act and whether the cause thereof arose before or shall arise after the passing of this Act may be instituted and prosecuted in the name of the secretary.

Actions &c.  
may be in-  
stituted by  
Institution.

4. All actions and proceedings whatsoever at law or in equity or bankruptcy or under any insolvency or sequestration or in lunacy or otherwise howsoever whether in the United Kingdom or elsewhere by any person against the Institution and which shall be commenced after the passing of this Act and whether the cause thereof arose before or shall arise after the passing of this Act may be instituted and prosecuted against the Institution in the name of the secretary or of any two of the directors and all proceedings therein may be effectually served on the Institution by service thereof on the secretary at their chief office in London or in case there shall be no such secretary or office to be found on any two of the directors.

Actions &c.  
may be  
instituted  
against  
Institution.

5. In all criminal proceedings commenced after the passing of this Act whether in the United Kingdom or elsewhere for or on behalf of the Institution against any person (whether a member of the Institution or not) if the proceeding be for any offence touching any property real personal or mixed or of any other description or any printed written or other evidence of title or any securities or any choses in action belonging at law or in equity to the Institution the property evidence of title securities and choses in action may be sufficiently stated by stating them to be the property of or to belong

Criminal pro-  
ceedings by  
Institution.



A.D. 1887. to the National Provident Institution and if the proceeding be for any crime or offence against or with intent to defraud or injure the Institution the crime or offence may be sufficiently laid or stated to be against or with intent to defraud or injure the National Provident Institution and in no case shall it be necessary to state in the proceeding the names of the members of the Institution or any of them and the offender (whether a member of the Institution or not and if a member notwithstanding his being interested in the property and as if he were not interested therein and were not a member of the Institution) may and shall thereupon and upon due proof be lawfully convicted of the crime or offence.

Pending actions &c. to proceed as if Act not passed.

6. All actions and proceedings whether civil or criminal by or against the Institution commenced before the passing of this Act may be prosecuted and proceeded with as if this Act had not passed.

Member may be sued by and sue Institution.

7. Any person being a member of or otherwise interested in the Institution may in all cases and whether alone or jointly with any other person be liable to be and be sued and proceeded against by or for the benefit of the Institution and shall on his part be entitled to sue and take proceedings against the Institution under the powers of this Act or any of them by such actions claims and other proceedings and in such and the same manner and as effectually and with such and the same legal consequences as if such person had not been member of or so interested in the Institution and whether the cause of action or proceeding arose before or shall arise after the passing of this Act.

Secretary to act for Institution in bankruptcy &c.

8. In all proceedings in bankruptcy insolvency sequestration lunacy or otherwise howsoever touching any of the interests of the Institution the secretary may represent the Institution and act in all respects as if the interests involved were the interests of the secretary and in every case where any answer affidavit oath of verity or other solemn declaration may be required on behalf of the Institution the same shall and may be made and taken by the secretary for the time being or any director of the Institution in the name and for and on behalf of the Institution and the same being so made and taken shall to all intents and purposes whatsoever be equally valid in law as if made or taken by all the members for the time being of the Institution on their own behalf.

Memorial of names of directors trustees and

9. (a.) The directors shall from time to time cause to be enrolled or registered in the Supreme Court of Judicature in England and in the books of council and session in Scotland memorials of the names







A.D. 1887. — and as if those persons were one body corporate with perpetual succession and with power to take hold dispose of and covenant respecting the said lands stocks funds shares securities rates tolls duties assessments property effects moneys rights interests powers authorities discretions choses in action claims and demands and as if the same had been effectually conveyed transferred or assured to or conferred on or vested in them accordingly but subject to all equities if any affecting the same respectively Provided always that this section shall not apply to any legal estate or interest in copyhold or customary lands or to any such stocks funds shares shares in ships securities or property as are only transferable in books kept by a company or other body or in manner made compulsory by or under Act of Parliament.

Stamp  
duties on  
memorials.

**13.** In lieu of the stamp duties which would have been payable upon the appointment of any new trustees or trustee and upon the deeds or assurances in the law which in case this Act had not been passed would have been required in order from time to time as often as any new trustee or trustees of the Institution should have been appointed to vest the said annuities lands stocks funds shares securities rates tolls duties assessments property effects moneys rights powers authorities discretions choses in action claims and demands in the trustees for the time being of the Institution there shall be raised and levied for the use of Her Majesty Her heirs and successors the stamp duties following (that is to say) :—

For and upon the first memorial enrolled and registered pursuant to this Act from which memorial the names of the persons who shall be deemed held and taken to be the trustees of the Institution shall appear the sum of ten shillings :

And for and upon every other such memorial in which the name or names of any person or persons shall for the first time be inserted as a trustee or trustees of the Institution the sum of one pound.

Power to invest funds of Institution.

**14.** The funds of the Institution so far as they are not required to satisfy the immediate claims on and expenses of the Institution may be laid out and invested in the names of the trustees on behalf of the Institution :—

(I.) In the purchase or upon the security or mortgage of any lands in Great Britain.

(II.) In the purchase or on the security of the funds stocks bonds debentures debenture stocks mortgages annuities or other securities of the Government of the United Kingdom or India or of any British colony dependency state or province.



- (III.) In the purchase or on the security of stock of the Bank of England Bank of Scotland or Bank of Ireland.
- (IV.) In the purchase or on the security of the stocks funds debentures debenture stock mortgages annuities bonds or other securities of any county municipality city or town corporation public commissioners board or other public body or local authority for the time being legally empowered to borrow or raise money in Great Britain.
- (V.) On the security of any rates duties or assessments of any persons or county municipal or other corporation commissioners board or other public body or local authority or company in Great Britain or in India or any British colony dependency state or province.
- (VI.) In the purchase or upon the security of the debentures or debenture stock mortgages or bonds or the guaranteed stock or shares of any railway water canal dock trust land mortgage gas or other lighting company trust or corporation in Great Britain or in India.
- (VII.) In lending money on the security of the life or other policy and policies of the Institution or of any life insurance office although the amount of the loan may exceed the then present value thereof provided the premiums on such policy or policies and the interest of the loan be collaterally secured by or upon some of the securities in this section mentioned to such an adequate amount as the directors may consider adequate.
- (VIII.) In the purchase or upon the security of any annuities whether in perpetuity or for life or for years and whether charged upon or arising out of land or any estate or interest in land.
- (IX.) In the purchase or upon the security of any vested contingent reversionary or other estate or interest in securities or investments which the Institution is herein-before or is now by law authorised to hold or of any such estate or interest in any sum or sums of money secured upon any such securities or investments.
- (X.) On deposit either temporarily or for any length of time with any bank discount house firm banker or company carrying on business in Great Britain authorised to take money on deposit on such terms as the directors may think proper.

With power from time to time to vary and transpose any of the stocks funds shares securities and investments herein-before mentioned Provided that the powers of investment hereby conferred



A.D. 1887. shall be in addition to and not in substitution for the powers in that behalf now by law authorised.

Leases in Second Schedule declared valid.

**15.** The several leases specified in the Second Schedule to this Act annexed and the respective terms of years thereby expressed or intended to be granted and the several covenants stipulations provisoes and agreements therein respectively contained and the counterparts of such leases respectively shall be and the same are hereby declared to be and (as from the respective times of the making of such leases respectively and so as to establish all underleases and other derivative estates and interests) to have been as valid binding and effectual to all intents and purposes whatsoever as if the Institution had been expressly empowered to grant the same.

Institution or trustees may sell exchange lease &c. property of Institution.

**16.** The directors or the trustees by their direction may from time to time sell exchange manage farm demise or let (either from year to year or for any shorter period or on lease for any term or terms of years) or otherwise deal with or dispose of any lands whether at the passing of this Act held or thereafter to be acquired and held by or on behalf of the Institution in such manner and on such terms and conditions as the directors see fit.

Directors may make conditions of sale fix amounts to be advanced and dispense with title and accept less than a marketable title.

**17.** The Institution or the directors on its behalf may at discretion make any sale subject to any conditions whether actually required by the state of the title or other circumstances or not which may be deemed expedient and on loan of money may at discretion determine what proportionate part of the amount which they may at the time of making such loan consider to be the value of the property to be comprised in the security should be advanced on such security and may also at discretion dispense wholly or partially with the production or investigation of the lessor's title in case of a loan on leasehold securities and may otherwise lend on any security or purchase or acquire any lands with less than the title which a purchaser is in the absence of a special contract entitled to require and the directors shall not be liable for any loss incurred through any act done or omitted to be done or the exercise of any discretion in reference to the matters aforesaid.

Discharge of sums payable under policies.

**18.—(1.)** Where any sum is payable by the Institution in respect of any policy a receipt (either indorsed on or separate from the policy) signed by the person or in the absence of notice to the contrary by a majority of the persons entitled to receive the same shall be a sufficient discharge to the Institution.



(2.) Where any sum of money shall be payable by the Institution under any policy or otherwise to the personal representatives of any person deceased it shall be lawful for the directors if they shall think proper to make payment of such sum to such personal representatives on production at the office of the Institution where such payment is to be made of any confirmation or probate of the will of such person deceased or letters of administration of his estate or other evidence of a like nature whether obtained in the United Kingdom or elsewhere and that in whatsoever country the person so dying may have been domiciled and on the title to the policy being admitted and such payment made the title of such personal representatives shall be deemed to have been sufficiently established by the production of any such confirmation probate or letters of administration or other evidence as aforesaid.

A.D. 1887.

19. It shall be lawful for any three of the directors appointed for the purpose by an order or resolution of the board of directors from time to time to sign and seal or in any manner execute powers of attorney or other instruments thereby empowering any person to apply for recover and receive and to institute and carry on actions suits and proceedings in or before any court or tribunal in any foreign country for the purpose of recovering or compelling payment or delivery or conveyance of any sums of money property or effects now or hereafter to be belonging or owing to the Institution or to any person on behalf of or in trust for the Institution and to act in relation to the Institution with all such powers and authorities as may be necessary or expedient which powers of attorney and instruments and all things done by virtue thereof shall be binding on the Institution and the members thereof.

Three directors may issue powers of attorney to sue for foreign debts.

20. The following enactments contained in the Companies Clauses Consolidation Act 1845 are hereby incorporated with and shall be part of this Act (namely) :—

Remedies against agents failing to render accounts and deliver up books &c.

Sections 110 to 114 (both inclusive) being some of the provisions with respect to the accountability of officers ;

Sections 150 151 155 and 158 being some of the provisions with respect to the recovery of damages not specially provided for and penalties ;

Section 3 (relating to interpretation of terms) ;

and for the purposes of this Act the Institution shall be the company and this Act the special Act within those enactments and the term officer in those enactments shall mean only canvasser collector agent sub-agent superintendent of agents assistant superintendent of agents or inspector of agents.



A.D. 1887.

Act to extend  
to Institution  
at all times.

Act not to  
repeal or  
alter existing  
rules and  
regulations.

Act not to  
incorporate  
Institution.  
Expenses of  
Act.

**21.** This Act shall extend to the Institution at all times during the continuance thereof and of whomsoever the Institution is from time to time composed.

**22.** Except only as is by this Act expressly provided nothing in this Act contained shall repeal alter or interfere with any of the now existing rules and regulations of the Institution or the powers and provisions thereof or any powers now by law vested in the Institution or the directors.

**23.** This Act shall not incorporate either the Institution or the trustees thereof.

**24.** All costs charges and expenses preliminary to and of and incident to and consequent upon the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the funds of the Institution.



The SCHEDULES referred to in the preceding Act.

A.D. 1887.

---

THE FIRST SCHEDULE.

---

Memorial of the names and addresses of the directors trustees and secretary  
of the National Provident Institution on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_ made for  
enrolment pursuant to the National Provident Institution Act 1887.

<i>A. B. of &amp;c.</i>	}	Directors.
<i>C. D. of &amp;c.</i>		
<i>E. F. of &amp;c.</i>		
<i>L. M. of &amp;c.</i>	}	Trustees.
<i>N. O. of &amp;c.</i>		
<i>T. W. of &amp;c.</i>		Secretary.

I \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly and sincerely declare that  
the above memorial contains the names and addresses of the directors trustees  
and secretary of the National Provident Institution as the same appear on the  
books of the Institution and I make this solemn declaration conscientiously  
believing it to be true and in pursuance of the Statutory Declarations Act 1835.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
Declared at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 } (Signed)  
before me \_\_\_\_\_  
J.P.

---



A.D. 1887.

THE SECOND SCHEDULE.

Dates of Leases.	Terms.	Parcels originally leased.	Names of Lessees.	Rents.
30th Dec. 1881	999 years from the 25th March 1881.	The estate properties duties tolls dues rights liberties privileges and hereditaments corporeal and incorporeal in or near to or in the vicinity of the town of Milford in the county of Pembroke except as in the said lease excepted.	Samuel Lake and Thomas Walmsley Taylor.	£5,000 per annum rising to £6,000 per annum for the fourth year of the said term and afterwards not being less than £6,000 per annum nor more than £9,000 per annum as may be determined pursuant to provisions in that behalf contained in the said lease.
30th Jan. 1883	80 years from the 25th December 1881.	All that piece of ground fronting Eastcheap in the City of London and the piece of ground adjoining the aforesaid piece of ground at the rear thereof and the block of buildings erected thereon and known as 50 Eastcheap together with all rights easements and appurtenances belonging thereto.	John Henderson and Joseph Lidell.	£1,200 per annum (after the first year of the said term) and the additional yearly rent or sum of £16 6s. 5d. in lieu of land tax.

London: Printed for HER MAJESTY'S STATIONERY OFFICE,  
 By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from  
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
 ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or  
 HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.