



## CHAPTER 2

An Act to incorporate the trustees in the will of the late Alfred Beit called the railway trustees and for other purposes. [30th July 1954.]

**W**HEREAS Alfred Beit of 26 Park Lane Mayfair in the county of Middlesex of Tewin Water Welwyn in the county of Hertford and of 1 London Wall Buildings in the county of London (hereinafter referred to as "the testator") by his will dated the eighteenth day of April one thousand nine hundred and five (hereinafter referred to as "the will") appointed Otto Beit afterwards Sir Otto Beit Baronet (hereinafter referred to as "Sir Otto Beit") Franz Voelklein and Julius Charles Wernher afterwards Sir Julius Charles Wernher Baronet (hereinafter referred to as "Sir Julius Charles Wernher") to be the executors and trustees thereof:

And whereas by clause 18 of the will the testator bequeathed a fund (therein and hereinafter referred to as "the railway fund") in the words set out in full in Part I of the First Schedule to this Act:

And whereas by clause 19 of the will the testator gave all the residue of his estate both real and personal to Sir Otto Beit:

And whereas by clause 20 of the will the testator directed that his said trustees or the trustees of the railway fund (hereinafter referred to as "the railway trustees" which expression includes the trustees for the time being of the railway fund) might invest any moneys in their hands requiring investment in such investments other than ordinary shares in mining companies as in their uncontrolled discretion they should think fit and whether authorised by statute or by the Chancery Division of the High Court of Justice for the investment of trust funds or not and should have power to vary such investments for like investments:

And whereas by clause 21 of the will the testator provided that investments to bearer held or taken by his said trustees or the railway trustees might be deposited by them for safe custody in their names with any bankers or banking company or any other company whose business it is to take charge of securities of that nature and that his said trustees and the railway trustees should not be responsible for any loss incurred in consequence of such deposit and might pay out of the income or capital of their funds any sum required to be paid on account of such deposit and for safe custody or for insurance of the investment:

And whereas the will contained other provisions and the testator made one codicil only to the will and the said other provisions and the said codicil are not material to be here further mentioned:

And whereas the testator died on the sixteenth day of July one thousand nine hundred and six and the will and the said codicil were on the twenty-eighth day of July one thousand nine hundred and six by Sir Otto Beit and the said Franz Voelklein and Sir Julius Charles Wernher the executors named in the will proved in the Principal Probate Registry of His Majesty's High Court of Justice:

And whereas in due course of administration the said executors of the will shortly after the death of the testator paid all his debts and funeral and testamentary expenses and transferred into the names of or paid to the railway trustees such shares and cash as were requisite for the purpose of duly constituting the railway fund:

And whereas on the tenth day of May one thousand nine hundred and forty-six at a meeting of the railway trustees attended by four out of the five railway trustees it was unanimously resolved (in the words set out in full in Part II of the First Schedule to this Act) that the railway fund and the income thereof should thenceforth be held and applied for the purposes in sub-clause (d) of clause 18 of the will specified:

And whereas Sir Otto Beit died on the seventh day of December one thousand nine hundred and thirty having by his will dated the third day of September one thousand nine hundred and twenty-nine and two codicils thereto dated respectively the twenty-second day of January one thousand nine hundred and thirty and the third day of June one thousand nine hundred and thirty appointed Sir Henry Arthur Colefax Ernest James Gape Sir Reginald Sothern Holland and Sir Alfred Lane Beit Baronet (hereinafter referred to as "Sir Otto Beit's trustees" which expression includes the trustees for the time being of the said will and codicils) to be the executors and trustees thereof

and they on the twenty-sixth day of January one thousand nine hundred and thirty-one duly proved the said will with the said two codicils thereto in the said Principal Probate Registry:

And whereas in due course of administration Sir Otto Beit's trustees shortly after the death of Sir Otto Beit paid all his debts and funeral and testamentary expenses and gave effect to the legacies bequeathed by his said will and the said Sir Alfred Lane Beit Baronet Alice Angela Bull and Lilian Muriel Munro (hereinafter referred to as "Sir Otto Beit's beneficiaries") became and were at the date of the deed of release hereinafter mentioned together absolutely entitled to the whole of the residuary real and personal estate of Sir Otto Beit:

And whereas Sir Otto Beit's beneficiaries having learnt that the doubts hereinafter mentioned as to the validity of the said clause 18 of the will had been raised and realising that if there were any substance in such doubts the wishes both of the testator and Sir Otto Beit might be thwarted determined that any claim of Sir Otto Beit's trustees to have the railway fund and the income thereof treated as part of the residue of the estate of the testator should be released:

And whereas in pursuance of the said determination of Sir Otto Beit's beneficiaries by a deed of release dated the twentieth day of June one thousand nine hundred and forty-six and made between Sir Otto Beit's beneficiaries of the first part Sir Otto Beit's trustees of the second part and the railway trustees of the third part any such claim as aforesaid was effectively released:

And whereas doubts have from time to time been raised whether the provisions of the said clause 18 of the will created valid and enforceable charitable trusts or were wholly or partly void as infringing the rule against perpetuities or as being vague or uncertain in their meaning or ambit in which case the resolution of the railway trustees hereinbefore mentioned would have been ineffective for the purpose of bringing into operation the trusts declared by sub-clause (d) of the said clause 18 and also if the said resolution was effective for the said purpose whether the provisions of the said sub-clause (d) itself created valid and enforceable trusts and if so first whether the railway trustees are entitled to retain the corpus of the railway fund indefinitely or whether they are bound immediately to pay or apply the whole of such corpus for the purposes mentioned in the said sub-clause (d) and secondly whether the railway trustees are entitled to apply any part of the trust moneys outside the area defined in the said sub-clause (d) by the expression Northern or Southern Rhodesia for promoting or furthering a purpose within the said area and thirdly whether the said expression should be read as defining the said area by reference to the

boundaries of the two territories as drawn from time to time or as such boundaries existed at the date of the death of the testator :

And whereas in the will the testator expressed his belief that by the promotion of means of communication civilization would be best advanced and expedited in Africa for the benefit of the inhabitants thereof whether native or immigrant and this indicated his appreciation of the advantages to be gained by closer association between territories :

And whereas the promotion of means of communication since the death of the testator has led to the closer association of the territories of Southern Rhodesia and Northern Rhodesia on the one hand and Nyasaland on the other hand and in particular to the interchange of natural resources the sharing of labour and transport and to their being jointly concerned in educational and cultural activities and scientific research :

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And whereas under and by virtue of the Rhodesia and Nyasaland Federation Act 1953 the Federation of Rhodesia and Nyasaland (Constitution) Order in Council 1953 and the Constitution of the Federation of Rhodesia and Nyasaland 1953 the territories of Southern Rhodesia and Northern Rhodesia and Nyasaland have been associated in a federation known as the Federation of Rhodesia and Nyasaland :

And whereas in view of such closer association and federation the extension of the benefits of the railway fund to purposes in Nyasaland similar to those in Southern Rhodesia and Northern Rhodesia to which the said fund is applicable would be conducive to the welfare of the whole area and be beneficial to Southern Rhodesia and Northern Rhodesia as well as to Nyasaland and it is expedient that such extension as aforesaid should be authorised :

And whereas it is expedient that for the purpose of more effectually carrying out the main purposes of the trusts of the railway fund that the railway trustees should be incorporated as a body corporate with perpetual succession under the name of " the Beit Trust " as provided by this Act :

And whereas it is expedient for the removal of such doubts as aforesaid and otherwise for enabling the Beit Trust more conveniently and effectually to deal with and dispose of the property and rights by this Act vested in them or under their control in accordance with the general intention of the testator that the other provisions contained in this Act should be enacted :

And whereas the persons named in this Act as the present trustees are the present railway trustees :

And whereas the purposes of this Act cannot be effected 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):—

1. This Act may be cited as the Beit Trust Act 1954. Short title.

2. In this Act unless the context otherwise requires the following expressions have the meaning hereby respectively assigned to them (that is to say):— Interpretation.

“ the Beit Trust ” means the body corporate constituted by this Act ;

“ the Beit Trust Fund ” means the property and rights vested in the Beit Trust by section 9 (Vesting of property and saving of rights of action etc.) of this Act and the property and rights for the time being representing the same and any future augmentation thereof whether by way of gift or benefaction or otherwise ;

“ the members of the Beit Trust ” means the present trustees or the survivors of them and such other persons as shall be appointed under the provisions of this Act to be and shall from time to time hold office as members of the Beit Trust ;

“ the present trustees ” means—

Sir Alfred Lane Beit Baronet ;

The Right Honourable William George Arthur Baron Harlech Knight of the Most Noble Order of the Garter Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George ;

The Right Honourable Charles Robert Earl Grey ;  
Clementine Lady Beit ;

Colonel Charles Ponsonby a Deputy Lieutenant of and for the county of Oxford ;

Kenneth MacKenzie Goodenough Esquire Commander of the Most Distinguished Order of St. Michael and St. George Military Cross ;

“ the testator ” means the late Alfred Beit ;

“ the will ” means the will and codicil of the testator.

3. The present trustees are hereby constituted for all purposes Incorporation  
a body corporate with perpetual succession under the name of of trustees.

“ the Beit Trust ” with a common seal and shall by that name

be capable in law of suing and being sued and subject to the provisions of this Act of doing and performing all such acts and things as bodies corporate may by law do and perform.

Management and administration.

4. The affairs and property of the Beit Trust shall be managed and administered by the members of the Beit Trust.

Retirement or resignation of members of Beit Trust.

5. If a member of the Beit Trust shall be desirous of retiring from such membership and shall give to the Beit Trust notice of such his desire specifying the date on which his retirement is to take effect or if a resolution calling upon a member of the Beit Trust to resign his office is passed by the votes of not less than three-fourths of all the other members then (in the former case) as from the date specified in that behalf in such notice or (in the latter case) as from the giving to the member named in such resolution of notice in writing of the passing thereof the member giving such notice or the member so named (as the case may be) shall cease to hold office as a member of the Beit Trust.

Appointment of new members of Beit Trust.

6.—(1) The Beit Trust shall have power at any time and from time to time to appoint any person to be a member thereof either for the purpose of filling a vacancy or as an additional member.

(2) The Lord High Chancellor of England for the time being may whenever there is no member of the Beit Trust or there is in the opinion of the Lord High Chancellor of England no member capable of exercising his office from time to time appoint any person to be a member thereof either for the purpose of filling a vacancy or as an additional member.

Number of members of Beit Trust.

7. The number of members of the Beit Trust shall not be less than six provided that if the number shall fall below six the continuing members shall be entitled pursuant to the provisions of section 6 (Appointment of new members of Beit Trust) of this Act to fill vacancies.

Conduct of business.

8.—(1) The members of the Beit Trust shall meet together from time to time for the purpose of exercising their powers and discharging their duties. At any such meeting three members shall constitute a quorum and subject to the provisions of section 5 (Retirement or resignation of members of Beit Trust) of this Act decisions shall be taken by a simple majority of the members present.

(2) Subject as aforesaid the members of the Beit Trust may make such rules or regulations as they think fit with regard to the convening and conduct of their meetings the delegation of their powers and duties to committees or officers and the custody and affixing of the common seal and shall be entitled from time to time to amend revoke or add to such rules or regulations.

**9.**—(1) Upon the passing of this Act the property and rights of whatsoever nature including the leasehold property comprised in the lease specified in the Second Schedule to this Act now by virtue of clause 18 of the will or otherwise vested in or exercisable by the present trustees as such shall be and the same are hereby vested in the Beit Trust in the case of the said leasehold property for the residue of the term of years created by the said lease subject to the rent reserved by the said lease and the covenants on the part of the lessees in the said lease contained and in the case of the other property or rights as aforesaid for all the estate or interest therein of the present trustees.

Vesting of property and saving of rights of action etc.

(2) All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the present trustees in their capacity as such and in force immediately before the passing of this Act and all debts liabilities and obligations incurred by the present trustees in their said capacity and outstanding or subsisting immediately before the passing of this Act shall be as binding and of as full force and effect in every respect in favour of or against the Beit Trust and may be enforced as fully and effectually as if instead of the present trustees the Beit Trust had been a party to such purchases sales conveyances grants assurances deeds contracts bonds or agreements or had incurred such debts liabilities and obligations.

(3) If at the passing of this Act any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by against or in favour of the present trustees in their capacity as such the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of anything in this Act but the same may be continued prosecuted or enforced by against or in favour of the Beit Trust as and when it might have been continued prosecuted or enforced by against or in favour of the present trustees if this Act had not been passed.

**10.** Upon the passing of this Act the Beit Trust shall hold and administer the Beit Trust Fund upon the trusts and subject to the powers and provisions declared and contained in the Third Schedule to this Act in substitution for the trusts powers and provisions by or in the will declared or contained concerning the same.

Trusts of Beit Trust Fund and powers in relation thereto.

**11.** All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Beit Trust out of the Beit Trust Fund.

Costs of Act.

## SCHEDULES

## FIRST SCHEDULE

## PART I

## CLAUSE 18 OF THE WILL

18. I believe that by the promotion construction and furtherance generally of railways telegraphs (including wireless telegraphy) and telephones and kindred or other methods of transmission of persons goods and messages civilization will be best advanced and expedited in Africa for the benefit of the inhabitants thereof whether native or immigrant And I know from experience how difficult it is at times to find the funds for the construction of such methods of transmission in new and undeveloped countries Now therefore I make the provisions hereinafter appearing I give to the said Otto Beit and Julius Charles Wernher and Bouchier Francis Hawksley of Mincing Lane London one hundred and twenty thousand or all if less in number than one hundred and twenty thousand of my fully paid shares of five shillings each in the Rand Mines Limited a joint stock company formed under the laws of the late South African Republic and also such sum (if any) in cash as will be requisite having regard to the value at my death (ascertained by the average market price on that day) of such shares to make up the value of the gift in this present clause contained to at least one million two hundred thousand pounds and I direct that the said Otto Beit Charles Wernher and Bouchier Francis Hawksley or other the trustees for the time being under this present clause (hereinafter called "the railway trustees") shall stand possessed of the said shares and sum (if any) of cash and the investments of whatsoever kind for the time being representing the same and whether taken under this present clause or otherwise (hereinafter called "the railway fund") and the income thereof upon trust for the purpose of assisting the promotion construction and equipment or furtherance of any such methods of transmission as aforesaid in South and North Rhodesia and Portuguese Africa both East and West and German East Africa and such other parts of Africa as may be traversed in establishing what is known as the Cape to Cairo railway and the Cape to Cairo telegraph system including telephones In connection with the said gift I will as follows:

- (a) Without any responsibility whatsoever for loss the railway trustees may give such assistance as aforesaid out of the capital of the railway fund either by subscribing for shares or debentures of any company or companies whether British colonial or foreign carrying on part or the whole of its or their business in Africa as above defined or by guaranteeing or underwriting the issue of any such shares or debentures or by making advances to any such companies or to any public bodies or persons or government with or without security and at such rate of interest or with deferred or funded interest as the railway trustees shall in their uncontrolled discretion think fit or in any other way (not being by way of subsidy) the railway trustees shall in the like discretion think fit and may give such assistance out of the income of the railway fund by granting subsidies to



any such companies public bodies persons or government as aforesaid or in any other way the railway trustees shall in the like discretion think fit And I expressly declare that the fact of the railway system of Rhodesia or any part thereof having been taken over by or forming part of the property of the Government of Rhodesia or of any federated government or subject to any pooling or like arrangement with any other government or railway system shall be no bar to the execution by the railway trustees of the powers hereby given

- (b) The railway trustees may accumulate income of the railway fund so long as the law allows such accumulations being useable as income of subsequent years of the railway fund or may anticipate the same income by borrowing on the security of the capital or income of that fund and as respects income that cannot by law be accumulated or is not applied under the provisions aforesaid the railway trustees shall apply it for educational public and other charitable purposes in Rhodesia or the territories for the time being within the field of operations of the British South Africa Company
- (c) In order to carry out the above directions the railway trustees may at any time dispose of the said shares wholly or partly in their uncontrolled discretion and apart from the directions given above they may invest the proceeds of such disposition but nevertheless they may in their like discretion hold the said shares or any of them or any shares acquired by them under the trusts of this paragraph (18) of my will so long as they in their uncontrolled discretion think advisable or as they are not required for any of the above purposes and
- (d) Finally if at any time the railway trustees or a majority of two-thirds of them shall in their uncontrolled discretion consider that the railway fund is no longer required for the purposes for which I have established it they shall apply the railway fund or realise it and apply the net proceeds for such educational public or other charitable purposes in Northern or Southern Rhodesia (including the establishment endowment and development of elementary secondary and technical educational projects) as the railway trustees shall in their uncontrolled discretion think fit and determine but in arriving at such determination I desire that the then head of the Government of Southern Rhodesia whether Governor Administrator or Prime Minister as the case may be shall be consulted by the railway trustees.

## PART II

### RESOLUTION PASSED BY THE RAILWAY TRUSTEES ON THE 10TH DAY OF MAY 1946

The trustees having considered the matter and unanimously decided that the railway fund constituted by clause 18 of the will of Alfred Beit deceased is no longer required for the purposes for which it was established hereby resolve in accordance with the provisions of

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sub-clause (d) of that clause that the railway fund and the income thereof shall henceforth be held and applied for the purposes in the said sub-clause specified.

### SECOND SCHEDULE

Particulars of the leasehold property vested in the Beit Trust by the provisions of subsection (1) of section 9 (Vesting of property and saving of rights of action etc.) of this Act.

Property	Date	Original lessors	Term	Rent
5b Chobham Road Woking Surrey	31st December 1949	Bateman's Optical Company Limited	7 years from 25th December 1949	£150 per annum

### THIRD SCHEDULE

#### THE TRUSTS OF THE BEIT TRUST FUND AND THE POWERS AND PROVISIONS RELATING THERETO

1. In this schedule the expression "the specified area" means the geographical area at the passing of this Act comprised within the boundaries of—

- (a) Northern Rhodesia ;
- (b) Southern Rhodesia ;
- (c) Nyasaland ;

and any part or parts of the said area.

2. The Beit Trust shall hold the Beit Trust Fund upon trust to pay or apply the income thereof and the whole or any part of the capital thereof for such charitable purposes of an educational or public nature as the Beit Trust shall from time to time consider will best promote the welfare of the inhabitants of the specified area.

3. For the purpose of executing the said trust but without prejudice to the generality of the foregoing the Beit Trust are hereby authorised to pay or apply the income of the Beit Trust Fund and the whole or any part of the capital—

- (a) in providing assistance by way of scholarships exhibitions bursaries travelling scholarships and training grants for inhabitants of the specified area tenable at universities and educational institutions in any part of the world ;
- (b) in making allowances or grants to dependants or parents of any inhabitant of the specified area to enable him to enjoy such assistance as aforesaid ;
- (c) in providing or equipping any building used for educational purposes in the specified area and in making grants for or towards the same ;
- (d) in making grants for or towards the endowment of any educational institution ;

- (e) in providing facilities for or in making grants for or towards research of any kind which in the opinion of the Beit Trust may be of benefit to inhabitants of the specified area ;
- (f) in providing or equipping public parks pleasure grounds playing fields or spaces for recreation in the specified area ;
- (g) in the preservation and protection of areas of natural beauty or interest or buildings of architectural or historic interest within the specified area or of its animal and plant life ;
- (h) in providing or repairing or renewing agricultural machinery improving stock raising restoring or improving the fertility of land and preventing soil erosion or taking any other measure to improve standards of farming in the specified area ;
- (i) in providing opportunities of employment and the means of earning a livelihood for inhabitants of the specified area by encouraging or assisting new industries or by providing or repairing or renewing industrial machinery or by providing technical instruction or in any other way encouraging technical education in the specified area.

4. In exercising their discretion as to the application of the Beit Trust Fund the Beit Trust may from time to time consult the head of the Government of the Federation of Rhodesia and Nyasaland or of any territory the whole or part of which is situated in the specified area.

5. In the execution of the foregoing trusts the Beit Trust shall in addition to the powers vested in them by law have the following powers (that is to say):—

- (a) Power to retain the whole or any part of the Beit Trust Fund in the state of investment existing at the passing of this Act or in the case of any gift or benefaction coming to the Beit Trust after the passing of this Act in the same state of investment as at the date of such gift or benefaction for so long as they shall think fit and at any time or times to sell or otherwise realise the same or any part thereof provided that this power shall be exercised in respect of any such gift or benefaction subject to any terms affecting the same ;
- (b) Power to invest the proceeds of any such sale or realisation in the purchase of or at interest upon the security of such stocks funds shares securities or other investments of whatsoever nature and wheresoever (other than ordinary shares in mining companies and as to land subject as hereinafter provided) and whether involving liability or not or upon such personal credit with or without security as the Beit Trust shall in their absolute discretion think fit ;
- (c) Power to acquire by purchase exchange lease gift or otherwise for any estate or interest and hold any land in any part of the world (but if outside the United Kingdom only if and so far as is permissible under the law for the time being operative in the place in which the land is situate) for the purpose of occupation use or investment provided

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always that no purchase of land for investment shall be made otherwise than of land in the United Kingdom or the continent of Africa and provided further that no purchase of land for investment shall be made if by reason of such purchase the value of that part of the aggregate assets of the Beit Trust (as shown by their latest annual balance sheet) for the time being represented by land other than the excepted land (that is to say land either held at the passing of this Act or hereafter acquired by gift or for use or occupation or land substituted therefor respectively) would exceed one-fourth of the total value of such aggregate assets as shown as aforesaid including the excepted land ;

- (d) Power on any land held by or on behalf of the Beit Trust to repair rebuild or renew any building or other erection or carry out any scheme of redevelopment or do any act or thing consistent with or in the interest of good estate management and for any of the purposes aforesaid to expend any part of the capital or income of the Beit Trust Fund ;
- (e) Power to dispose of any land held by or on behalf of the Beit Trust by sale exchange lease or otherwise for any estate or interest therein ;
- (f) Power to deposit bearer securities held by the Beit Trust for safe custody in their name with any bankers or banking company whose business it is to take charge of securities of that nature and the members of the Beit Trust shall not be responsible for any loss incurred in consequence of such deposit and may pay out of any moneys in their hands any sum required to be paid on account of such deposit and for safe custody or for insurance of the securities ;
- (g) Power to pay or transfer any part of the income or capital of the Beit Trust Fund to any particular educational or other charitable institution or organisation in the specified area (whether incorporated or not) and to accept the receipt or discharge of the treasurer or other proper officer of such institution or organisation for any such payment or transfer ;
- (h) Power to purchase and hold in the names of any nominees any investments including land ;
- (i) Power to act abroad by an attorney or attorneys appointed under the common seal ;
- (j) Power to borrow money and to secure the repayment thereof with or without interest by a mortgage or charge of the Beit Trust Fund or any part thereof ;
- (k) Power to lend on the security of any property with less than a marketable title without being liable for any loss occasioned thereby ;
- (l) Power to employ and pay out of the capital or income of the Beit Trust Fund officers servants or agents in the conduct of the trust business to do all or any acts which may be necessary or convenient including the receipt and payment of money ;

(m) Power to pay pensions or make grants out of the capital or income of the Beit Trust Fund to or for the benefit of retired officers or servants or the widows or dependants of deceased officers or servants of the Beit Trust (and to continue to pay any pensions heretofore paid by the present trustees) :

3RD SCH.  
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Provided that the Beit Trust shall be entitled to exercise any of the foregoing powers without any further authority than is conferred by this Act and in the exercise thereof they shall have power to deal with the Beit Trust Fund as though they were the beneficial owners thereof.

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PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 9*d.* net

PRINTED IN GREAT BRITAIN

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