

Sion College Act, 1956

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CHAPTER II

An Act to reconstitute and confer new powers upon Sion College within the city of London and for other purposes. [17th May 1956.]

WHEREAS—

(1) The President and Fellows of the College of Sion within the city of London (hereinafter called "the College") was founded and constituted as a body corporate with a common seal by letters patent of His late Majesty King Charles the First dated the third day of July in the sixth year of his reign and confirmed by letters patent of His late Majesty King Charles the Second dated the twentieth day of June in the sixteenth year of his reign:

(2) By the said letters patent provision was made whereby all clergymen beneficed in parishes within the city of London and in certain parishes contiguous with the boundaries of the city of London are fellows of the College and by the rules of the College certain clergymen beneficed or licensed within the province of Canterbury and other persons have been from time to time elected as members of the College:

(3) The government of the College is vested in the president and court of governors of the College elected annually from among the fellows of the College at a general meeting of the fellows:

(4) The objects of the College are the promotion of sound learning and brotherly intercourse among the fellows and members by the provision and upkeep of a library by the holding of lectures and discussions and in other ways:

(5) By the said letters patent and by an Act passed in the session held in the ninth and tenth years of the reign of Her late Majesty Queen Victoria and intituled "An Act for enabling the President and Fellows of Sion College within the city of London to raise money by way of annuity on part of their Estates" the Sion College Act 1875 and the Sion College Act 1884 provision was made conferring certain limited powers on the College to acquire and hold lands notwithstanding the Statute of Mortmain to sell lands and grant leases and to raise moneys by borrowing including provision requiring the purchase-moneys of certain lands sold by the College to be paid to the High Court of Chancery and applied subject to the approval and direction of that court:

(6) The powers of the College with respect to the acquisition and holding of land and the investment of moneys are inadequate for the needs of the College in the circumstances now prevailing and the constitution and general powers of the College are in many respects out of date unsuitable and insufficient under modern conditions:

(7) It is therefore expedient that the said letters patent should be partially revoked and the said Acts repealed and that the College while remaining incorporated should be reconstituted with such objects powers and procedures as are provided in this Act:

(8) 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:—

Short title.

1. This Act may be cited as the Sion College Act 1956.

Interpretation.

2. In this Act unless the context otherwise requires—

"the Act of 1846" means the Act passed in the session held in the ninth and tenth years of the reign of Her late Majesty Queen Victoria and intituled "An Act for enabling the President and Fellows of Sion College within the city of London to raise money by way of annuity on part of their Estates";

"the Act of 1875" and "the Act of 1884" mean respectively the Sion College Act 1875 and the Sion College Act 1884;

"byelaws" means the byelaws of the College for the time being in force in accordance with the provisions of this Act;

“ the charter ” means the letters patent of 1664 whereby the incorporation of the College was confirmed ;

“ the College ” means the President and Fellows of the College of Sion within the city of London incorporated by the charter ;

“ court of governors ” means the court of governors of the College constituted and appointed as provided in this Act ;

“ fellows ” and “ members ” mean respectively the fellows and members of the College ;

“ general meeting ” means a general meeting of the fellows duly convened and held in accordance with the provisions of this Act and the byelaws ;

“ land ” includes any interest in land and any easement or right in to or over land ;

“ the letters patent of 1664 ” means the letters patent granted by His late Majesty King Charles the Second and dated the twentieth day of June in the sixteenth year of his reign confirming the letters patent granted by His late Majesty King Charles the First and dated the third day of July in the sixth year of his reign ;

“ president ” and “ treasurer ” mean respectively the president and treasurer for the time being of the College.

3.—(1) Except as provided in subsection (2) of this section the letters patent of 1664 are hereby revoked. Partial revocation of letters patent.

(2) Subject to the provisions of this Act the provisions of the letters patent of 1664 incorporating and constituting the College and providing for the common seal of the College and for other matters specified in the schedule to this Act are hereby continued in force.

4.—(1) The objects of the College shall be to promote sound learning and brotherly intercourse among the fellows and members of the College and— Objects and general powers of College.

(a) to provide equip and maintain a library common room hall and other premises ; and

(b) to hold lectures and discussions and to do such other things as shall promote such sound learning and brotherly intercourse.

(2) Without prejudice to the generality of the foregoing subsection and in addition to any other powers conferred upon the College by this Act or otherwise the College may—

(i) accept and receive legacies bequests devises gifts grants annuities collections allowances and other benefits and undertake and perform any services or conditions attached to the receipt thereof ;

- (ii) raise or borrow for the purposes of the College a sum or sums not exceeding in the whole fifty thousand pounds and secure the same and any interest thereon upon any property of the College ;
- (iii) publish literature advertise and make appeals and conduct such other lawful activities as are in the opinion of the court of governors desirable with a view to raising funds for the College or making known its existence purposes or work or otherwise assisting the carrying on or extension of the College ;
- (iv) appoint any person or persons (whether incorporated or not) to accept and hold in trust for the College any property which belongs to the College 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 any such trustee or trustees ;
- (v) compromise any debts owing to or claims made by or against the College ;
- (vi) promote or oppose any Bill order scheme or application in Parliament or before any government department or authority or tribunal and prosecute or defend any legal proceedings ;
- (vii) do all such other things as are incidental or as the court of governors may think conducive to the attainment of the objects of the College.

Power to hold and acquire land.

5. The College may hold without licence in mortmain all land which immediately before the passing of this Act was vested in the College and may purchase take on lease accept a gift of or otherwise acquire and hold without licence in mortmain any land which in the opinion of the court of governors it is desirable that the College should acquire and hold :

Provided that the College shall not purchase land unless the land is required for actual occupation immediate or future for the purposes of the College or for the protection or benefit of the land held for those purposes and not as an investment but nothing in this proviso shall prevent the exercise of the power to invest in any manner for the time being prescribed by statute for the investment of trust funds or the power to invest in freehold ground rents conferred by section 7 (Powers of investment) of this Act.

Power to sell mortgage etc. land etc.

6.—(1) The College may from time to time sell mortgage charge let surrender exchange or otherwise dispose of any land or any personal estate or property (including moneys secured on mortgage of or charged upon any land) for the time being vested

in or held by the College or any part thereof and may do and execute all such acts deeds matters and things as may be necessary for effectuating and completing any such sale mortgage charge letting surrender exchange or disposition.

(2) The powers conferred by this section may be exercised without any order of any court or judge.

7.—(1) Any moneys for the time being in the hands of the College and available for investment may be invested by the College in any of the following modes or objects of investment:— Powers of investment.

(a) in any manner for the time being prescribed by statute for the investment of trust funds ;

(b) in freehold ground rents well secured in accordance with the report of a duly qualified valuer ;

(c) in the public stocks or funds or government securities of any part of Her Majesty's dominions or of the territories under Her protection or of any foreign country or state ;

(d) in such of the following investments as in the opinion of the investment committee appointed in pursuance of subsection (3) of this section are generally considered to be readily marketable and to form a good and safe security—

(i) the deposit receipts bonds debentures debenture stocks mortgages or securities of any corporation company or body whether municipal railway public utility commercial industrial investment trust mortgage insurance banking or of any other class registered or incorporated in the United Kingdom of Great Britain and Northern Ireland ;

(ii) the guaranteed lien preference preferred ordinary deferred or common stocks or shares of any such company as aforesaid being a company which has paid dividends upon its ordinary capital at the rate of at least four per centum per annum for at least the five years next before the time of investment (of which fact a letter purporting to be signed by the secretary of the company or by a banker or member of a firm of bankers or by the secretary or manager of a joint stock bank or of any branch thereof shall be sufficient evidence) such stocks or shares not being to bearer or subject to any liability for calls or other payments.

(2) Notwithstanding anything in the foregoing provisions of this section the College may retain any investment or other property real or personal which was held by the College immediately before the passing of this Act or which may at any

time thereafter be devised or bequeathed or given to the College though not being an investment or property authorised to be acquired under this Act or may disclaim any such investment or property and may accept and retain or refuse any new stock shares debentures or debenture stock in any company which may be offered to the College in respect of any investment retained as aforesaid.

(3) For the purposes of this section the court of governors shall appoint and at all times keep in being an investment committee to consist of the president the treasurer and two other members of the court of governors.

Application
of property
funds and
income of
College.

8.—(1) All property funds and income which for the time being are vested in or belong to the College or to which the College is in any way entitled unless the same is held by the College for any special purpose may be applied by the College in furtherance of any of the objects of the College or for any purpose authorised by this Act.

(2) The expenditure of capital moneys exceeding one thousand pounds in any one year otherwise than in the investment of the same under section 7 (Powers of investment) of this Act shall require the authorisation of a resolution of the fellows passed by two-thirds in number of the fellows present in person at a general meeting.

Byelaws.

9.—(1) The byelaws of the College subsisting immediately before the passing of this Act shall after the passing of this Act be the byelaws of the College except so far as the same may be altered by the provisions of this Act or shall or may hereafter be altered or revoked by any new byelaws.

(2) The court of governors shall have power from time to time to make alter and revoke byelaws with respect to the administration of the affairs of the College:

Provided that no byelaw shall be revoked or altered and no new byelaw shall take effect until such revocation alteration or new byelaw has been submitted to and approved by a general meeting of which notice has been given in accordance with the byelaws specifying that such revocation alteration or new byelaw will be taken into consideration.

(3) A printed copy of the byelaws purporting to be certified by the president to be the byelaws for the time being in force shall be admissible in all proceedings as prima facie evidence thereof without further proof.

General
meetings.

10.—(1) The fellows shall meet together from time to time in meetings which shall be called "general meetings".

(2) Subject to the provisions of subsection (3) of this section general meetings shall be held at such times and shall be

summoned and their proceedings shall be regulated and conducted in such manner as shall be provided in the byelaws.

(3) A general meeting shall be held on the third Tuesday after Easter Tuesday in each year which shall be called "the annual general meeting".

11.—(1) Subject to the provisions of this Act and the bye-laws the government of the College shall be vested in the court of governors which as from the fourteenth day of May nineteen hundred and fifty-seven shall consist of the following persons appointed annually at an annual general meeting of the fellows duly convened and held in accordance with the provisions of this Act and the byelaws:—

- (i) the president;
- (ii) two deans;
- (iii) four assistants;
- (iv) the fellow who was president in the immediately preceding year;
- (v) two other fellows who shall previously have been presidents of the College; and
- (vi) two communicant lay members of the Church of England nominated by the court of governors for appointment at the annual general meeting.

(2) If at any time the number of members of the court of governors shall fall below twelve the court of governors may co-opt such number of persons as may be necessary to make the number up to twelve and those persons shall hold office until the next annual general meeting and shall then cease to be members of the court of governors unless then appointed as members.

(3) The members of the court of governors other than the president shall retire at the conclusion of the annual general meeting following that at which they were appointed as such members but shall be eligible for re-appointment.

(4) The quorum for a meeting of the court of governors shall be four members of the court of governors personally present.

(5) Subject to the provisions of subsection (2) of section 8 (Application of property funds and income of College) of this Act and to the other provisions of this Act and the byelaws the court of governors shall control and manage the affairs of the College and may exercise on behalf of the College all powers vested in the College by this Act or otherwise and administer its property and income and discharge on behalf of the College out of its funds and property the liabilities and obligations of the College.

(6) A treasurer shall be appointed annually at an annual general meeting of the fellows from among the members of the court of governors appointed at such meeting and in the event of a vacancy occurring at any time in the office of treasurer such

vacancy shall be temporarily filled forthwith by the court of governors by the appointment of a member of the court of governors and the person so appointed shall hold office until the conclusion of the next annual general meeting held after his appointment.

(7) Except as otherwise expressly provided in this Act the court of governors shall have the sole and exclusive right of nominating and appointing such officers attendants and servants as they may deem necessary or useful to the College and of removing them as they shall think fit and shall prescribe their respective duties and terms of employment.

President.

12.—(1) The president shall be elected annually at an annual general meeting of the fellows duly convened and held in accordance with the provisions of this Act and the byelaws:

Provided that the person holding office as the president at the passing of this Act shall continue in office until the date of the next annual general meeting held after the passing of this Act.

(2) The president shall retire at the conclusion of the annual general meeting following that at which he was elected or of the next annual general meeting held after the passing of this Act (as the case may be) but shall be eligible for re-election.

(3) In the event of a vacancy occurring at any time in the office of president such vacancy shall be temporarily filled forthwith by the court of governors by the election of a member of the court of governors and the person so elected shall hold office until the conclusion of the next annual general meeting held after his election.

(4) The president shall act if present and willing either generally or on any special occasion as chairman of any general meeting and of any meeting of the court of governors.

Fellows and
members of
College.

13.—(1) The following shall be eligible to be elected as members of the College by the court of governors in accordance with the byelaws:—

- (a) clergymen beneficed or licensed within the provinces of Canterbury York or Wales who are not by virtue of the charter fellows of the College;
- (b) persons who by virtue of the charter have been fellows of the College but who have ceased to be qualified as such;
- (c) clergymen who have been beneficed but who have retired under the Incumbents Resignation Acts 1871 and 1887; and
- (d) curates and chaplains who have been licensed as such in the diocese of London but who have ceased to be so licensed.

(2) Notwithstanding anything in the charter whereby it is provided that all clergymen beneficed in parishes within the city of London and in certain parishes contiguous with the boundaries of the city of London are fellows of the College and notwithstanding anything in the foregoing subsection the College shall have power from time to time to vary or extend the areas in which persons shall be or shall be eligible to be fellows or members of the College:

Provided that—

- (i) such power shall be exercised only by the annual general meeting on a motion proposed by or on behalf of the court of governors ; and
- (ii) such power shall not be exercised within the period of five years from the passing of this Act or thereafter at intervals of less than five years.

14. No act done at a general meeting or a meeting of the court of governors or any committee appointed under this Act or under the byelaws shall be invalid by reason of the subsequent discovery that there was some defect in the appointment or qualification of a person acting as a fellow or a member of such body (as the case may be) at such meeting. Validity of acts done at meetings.

15.—(1) The following enactments are hereby repealed:—

- The Act of 1846 ;
- The Act of 1875 ;
- The Act of 1884.

Repeals and release of moneys in court.

(2) All moneys paid into the Chancery Division of the High Court of Justice under and in accordance with the provisions of section 14 (Purchase moneys to be paid into Court of Chancery) of the Act of 1875 or section 6 (Application of money arising from sales of Lands under the Act of 1875) of the Act of 1884 and standing to the credit of the account in the said Chancery Division intituled " Ex parte the purchasers of the London Estate of the President and Fellows of Sion College " shall be paid and transferred to the College in like manner as if an order of the said Chancery Division had been made on the date of the passing of this Act directing that the said moneys shall be so paid and transferred and the enactment of this section shall have the like effect of such an order.

16. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the College out of the funds of the College. Costs of Act.

SCHEDULE

PROVISIONS OF CHARTER

Charles the Second by the grace of God of England Scotland France and Ireland King Defender of the faith etc. To all to whom the present letters shall come greeting We have inspected (an enrolment) of certain letters patent of incorporation bearing date at (Canterbury) on the third day of July in the reign of our most beloved father Charles late King of England in the sixth year of his reign made and granted to the President Deans Assistants and Fellows of the College of Syon within the City of London enrolled in the rolls of our chancery and there remaining on record in these words . . . The King etc. to all to whom etc. Greeting.

Whereas Thomas White minister while he lived of the Holy Gospel and vicar of the Church of St. Dunstan in the West London left by his testament three thousand pounds for the acquisition of a house for the making of a College of Ministers Rectors (Readers) and Curates within the City of London and the suburbs of the same . . . and we by letters patent have founded a certain college of certain persons within the city aforesaid according to the intentions of the testament and subsequently the letters patent aforesaid for that they contained some things repugnant to the status jurisdiction and episcopal dignity of the Bishop of London which we do not wish and for other causes by the consideration of our Court of Chancery were annulled and revoked at our suit as is clear and manifest by that record remaining in our chancery Nevertheless because as we are informed certain houses and buildings in the parish of St. Alphage by Cripplegate within our City of London for the making of a college and Almshouse and also for erecting and instituting a library in the same at the great cost of John Simson clerk one of the executors of the testament of the aforesaid Thomas White are prepared

Know ye that we of the said Thomas assenting to the will so far as circumstances permit to be done without damage of others or evacuation of the episcopal ecclesiastical jurisdiction do for ourselves our heirs and successors will grant establish and ordain that the aforesaid house and buildings in the aforesaid parish of St. Alphage by Cripplegate within the aforesaid City of London be henceforth a college which shall be designated by the name of the College of Syon within the City of London of all and singular Rectors and Vicars of Churches Readers and Curates within the City of London and the suburbs of the same city in some one of those Churches canonically instituted and having faculty to preach from the Bishop of London for the time being and residing (there) and constituted in the order of priest who shall be called by the name of the President and Fellows of the College of Syon within the City of London of whom one shall be and shall be called the President of the same college and two others . . . shall be and shall be called Deans and four others shall be and shall be called Assistants and the rest of the aforesaid Rectors and Vicars Readers and Curates shall be and shall be called Fellows of that college . . . and we do found and constitute fully the College . . . aforesaid by these presents

We will also and do for our heirs and successors constitute and ordain that all and singular the Rectors Vicars Readers and Curates constituted in the order of Priest canonically instituted in a church within the City of London and the suburbs of the same city or hereafter to be instituted and there resident and so long as they shall have been resident there shall be henceforth members of the College aforesaid and a Body Corporate and politic . . . and to prosecute and defend everywhere and to have a common seal and to change it at their pleasure and as often as it shall seem expedient to them and to act and do other singular things which other politic Bodies within our Kingdom of England are able to act and do . . .

We will also and for our heirs and successors do grant to William now Bishop of London and his successors that the said Bishop and his successors should be Visitors of this college aforesaid to visit that college as well in Head as in Members and to do all those things which to Visitors pertain to do as often as it shall seem to him to be expedient

We will also and by these presents for ourselves our heirs and successors do grant that these our Letters Patent or the enrolment of the same shall be in all things and through all things firm valid good sufficient and effectual in law towards and against us our heirs and successors as well in all our Courts or elsewhere within our Realm of England without any confirmations licences or tolerations from us our heirs or successors to be procured or obtained the statute concerning lands and tenements not to be placed to mortmain or any other statute Act ordinance provision thing cause or matter whatsoever to the contrary thereof in anything notwithstanding . . .

In testimony whereof Teste Rege at Canterbury on the third day of July on the sixth year of the reign of King Charles the first by writ of Privy Seal

We moreover have ordered the tenor of the premises to be exemplified by these presents at the request of Samuel Butler S.T.P.

In testimony whereof we have caused these our letters to be made patent.

WITNESS myself at Westminster the twentieth day of June in the sixteenth year of my reign.

GRIMSTON C.A.

Examined by us WA. LITTLETON
WILLM. CHILD Clerks.

Table of Statutes referred to in this Act

Title or short title	Session and chapter
An Act for enabling the President and Fellows of Sion College within the city of London to raise money by way of annuity on part of their Estates	9 & 10 Vict. c. 34.
Incumbents Resignation Act 1871	34 & 35 Vict. c. 44.
Sion College Act 1875	38 & 39 Vict. c. cxcix.
Sion College Act 1884	47 & 48 Vict. c. v.
Incumbents Resignation Act, 1871, Amendment. Act 1887	50 & 51 Vict. c. 23.

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