



Westminster Abbey Act 1975

CHAPTER xxi

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SCHEDULE—Scheme.

ELIZABETH II



1975 CHAPTER xxi

An Act to provide for the pooling of investments and moneys of certain funds of or connected with Westminster Abbey; to make better provision for the investment of those funds; and for other purposes.

[1st August 1975]

WHEREAS—

(1) Her late Majesty Queen Elizabeth the First in the year 1560 by Royal Charter dated 21st May in the second year of Her Reign refounded the Collegiate Church of Saint Peter Westminster (now commonly known and in this Act referred to as “ Westminster Abbey ”) establishing it as a Collegiate Church of one Dean (in this Act referred to as “ the Dean ”) and twelve Prebendaries and ordained that the Dean and the said Prebendaries should be a body corporate with perpetual succession and a common seal by the name of the Dean and Chapter of the Collegiate Church of Saint Peter Westminster (which body corporate is in this Act referred to as “ the Dean and Chapter ”):

(2) By the authority of Parliament the said Prebendaries are now styled Canons (in this Act referred to as “ the Canons ”) and their number has been reduced to five:

(3) By the said Royal Charter Her late Majesty granted to the Dean and Chapter all Her Church of the late Monastery of Saint Peter Westminster and all the site circuit compass and Precinct of the said late Monastery, Lordships, Manors, Rectories, Messuages, Lands, Tenements, Tithes, Rents and properties many of which had belonged to the said late Monastery or the Abbot and Convent thereof:

1868 c. 114.
1888 c. 11.

(4) By a scheme made under the Ecclesiastical Commission Act 1868 and ratified by an Order in Council made on 7th August, 1869, and a further scheme made under the Westminster Abbey Act 1888 and ratified by an Order in Council made on 17th November, 1888, the property of the Dean and Chapter (other than the Collegiate Church of Saint Peter Westminster and the precincts thereof and rights of patronage) were transferred to the Ecclesiastical Commissioners for England in consideration of an annual money payment to be made by the Ecclesiastical Commissioners to the Dean and Chapter:

(5) The second of the said two schemes established a fabric fund of such annual amount as appeared to be sufficient to keep the Abbey and the buildings attached thereto in good substantial repair and apportioned the annual income of the Dean and Chapter between—

- (a) the fabric fund;
- (b) the stipends of the Dean and the Canons; and
- (c) the maintenance of the services of the Collegiate Church and other expenses of the Dean and Chapter:

(6) Subsection (6) of section 4 of the Westminster Abbey Act 1888 provided that any surplus of the fabric fund in any year over and above the expenditure properly payable thereout should be invested by the Dean and Chapter until required for the purposes of the fabric fund and that the income of the investment should form part of the fabric fund:

1934 c. xxiv.

(7) By an agreement confirmed by the Church House (Westminster) Act 1934 it was provided that certain moneys to be received by the Dean and Chapter thereunder should be invested and that the income of the investment should be appropriated and applied to the maintenance of services of the Collegiate Church and other expenses of the Dean and Chapter and the said moneys now form part of the general funds of the Dean and Chapter hereinafter referred to:

(8) In the year 1953 the Dean and Chapter issued an appeal to the public for the collection of a fund for the benefit of Westminster Abbey:

(9) By a Trust Deed dated 8th March, 1955, and made under the corporate seal of the Dean and Chapter charitable trusts were declared concerning the fund resulting from the appeal (in this Act called "the appeal fund") and on the 27th May, 1959, an Order was made by the Chancery Division of the High Court approving a scheme for the administration and investment of the endowments of the appeal fund:

(10) By a supplemental charter dated 23rd July, 1958, provision was made for the investment of the corporate funds of the Dean and Chapter and of their general purposes fund:

(11) By the Collegiate Churches (Capital Endowments) Measure 1970 the Dean and Chapter were empowered to enter into an agreement with the Church Commissioners for England for the appropriation by the Commissioners of a capital sum in lieu of payment of annual sums to the Dean and Chapter, and on 12th June, 1970, such an agreement was concluded: 1970 No. 1.

(12) By the Westminster Abbey and Saint Margaret Westminster Act 1972 certain funds held for the benefit of the parish church of the parish of Saint Margaret Westminster were vested in the Dean and Chapter and became part of the corporate funds of the Dean and Chapter: 1972 c. xxvi.

(13) By a scheme dated 9th April, 1973, the Dean and Chapter were authorised to pool and consolidate the investments of charities administered by them:

(14) The funds now held by the Dean and Chapter fall into three categories, that is to say:—

- (a) the corporate funds;
- (b) the appeal fund;
- (c) the general funds:

(15) It is expedient to make provision for the pooling of the investments of the said funds held by the Dean and Chapter and as to their investment:

(16) It is expedient that the other provisions contained in this Act should be enacted:

(17) 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:—

1. This Act may be cited as the Westminster Abbey Act 1975. Short title.

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

“ the appeal fund ” means the fund known as the Westminster Abbey Appeal 1953 Fund which is subject to the

charitable trusts declared by a trust deed dated 8th March, 1955, and made under the corporate seal of the Dean and Chapter;

1970 No. 1.

“the corporate funds” means the investments and property for the time being representing the capital sum appropriated by the Church Commissioners for England to the Dean and Chapter under the provisions of the Collegiate Churches (Capital Endowments) Measure 1970 and the funds and other property vested in the Dean and Chapter by section 11 (Vesting of other property belonging to Saint Margaret’s Church in Dean and Chapter) of the Westminster Abbey and Saint Margaret Westminster Act 1972;

1972 c. xxvi.

“the Dean and Chapter” means the Dean and Chapter of the Collegiate Church of Saint Peter Westminster;

“enactment” includes an enactment in this Act or in any public general or local Act and any order, rule, regulation or scheme made under any Act;

“the general funds” means the general purposes fund of the Dean and Chapter and any other funds under the management of the Dean and Chapter except the corporate funds and the appeal fund;

“the investment pool” means the investment pool constituted in pursuance of the provisions of the scheduled scheme;

“the scheduled scheme” means the scheme contained in the Schedule to this Act;

“trust instrument” means any enactment, trust deed, letters patent, charter, decree, scheme, order or other instrument or authority affecting the administration of a fund to which this Act applies;

“Westminster Abbey” means the Collegiate Church of Saint Peter Westminster.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any enactment including this Act.

The scheduled scheme to have effect.

3. The scheduled scheme shall have effect for the purpose of enabling the funds to which this Act applies to be pooled and invested as provided by the said scheme.

4. The funds to which this Act applies are—

- (a) the corporate funds;
- (b) the appeal fund;
- (c) the general funds.

Funds to which this Act applies.

5.—(1) (a) Notwithstanding anything contained in any trust instrument the Dean and Chapter may from time to time invest a fund to which this Act applies or part thereof by contributing the same to the investment pool. Contributions to investment pool.

(b) A contribution under this subsection shall for all purposes be an authorised investment of the moneys of a fund to which this Act applies.

(2) In the administration of any trust, assets of which have been contributed to the investment pool, all sums distributed from the investment pool as income shall be treated as income of the trust and all sums distributed on withdrawal from or on the winding up of the investment pool shall unless specifically designated by the Dean and Chapter as income be treated as capital of the trust.

6. Notwithstanding that the assets comprised in the investment pool may include land, an interest in the investment pool shall not for the purposes of any enactment or rule of law concerning charities or of any trust instrument be deemed to be an interest in land or in moneys to be laid out in the purchase of land. Interests in investment pool not interests in land.

7.—(1) In the administration of the investment pool the Dean and Chapter shall enjoy the same exemption from the powers and jurisdiction of the Secretary of State or the Charity Commissioners for England and Wales as they would enjoy if they had been one of the bodies exempted by section 4 of the Charities Act 1960 from the operation of that Act. Jurisdiction of Secretary of State and Charity Commissioners. 1960 c. 58.

(2) Save as aforesaid nothing in this Act or in the scheduled scheme shall affect any power or jurisdiction of the Secretary of State or the said Commissioners.

8. The Prevention of Fraud (Investments) Act 1958 shall not apply to any dealings undertaken by or on behalf of the Dean and Chapter or to any documents issued by or on behalf of the Dean and Chapter in connection with the constitution or operation of the investment pool. Exclusion of Prevention of Fraud (Investments) Act 1958. 1958 c. 45.

Saving for
Borrowing
(Control and
Guarantees)
Act 1946.
1946 c. 58.

9. Nothing in this Act or the scheduled scheme shall authorise the Dean and Chapter to exercise the power to borrow contained in the scheduled scheme otherwise than in accordance with any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946, and for the time being in force.

Costs of Act.

10. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Dean and Chapter.

SCHEDULE

Section 2.

SCHEME

1. In this Scheme—

Definitions.

“ the Act of 1975 ” means the Westminster Abbey Act 1975;

“ the appointed day ” means such day as the Dean and Chapter may appoint;

“ the auditors ” means the persons appointed by the Dean and Chapter to audit the accounts of the investment pool;

“ contributing fund ” means a fund to which the Act of 1975 applies and assets of which have been contributed to and have not subsequently been wholly withdrawn from the investment pool and “ the contributing funds ” means all such funds;

“ the Dean and Chapter ” means the Dean and Chapter of the Collegiate Church of Saint Peter Westminster;

“ investment pool ” means the investment pool constituted by this Scheme;

“ valuation date ” means a date on which a valuation of the investment pool is made in accordance with this Scheme.

2.—(1) There is hereby constituted an investment pool to be held by the Dean and Chapter consisting of such contributions as may from time to time be made thereto in accordance with the provisions of this Scheme and the property for the time being representing the same. Constitution of investment pool.

(2) The investment pool shall commence operations on the appointed day.

3. Subject to compliance with the provisions of this Scheme the Dean and Chapter may contribute in respect of any fund to which the Act of 1975 applies to the investment pool by appropriating cash or other assets of that fund to the investment pool. Contributions

4. The investment pool shall be held and administered as a common fund for the benefit of the contributing funds. Administration as common fund.

5.—(1) Subject as hereinafter provided any moneys comprised in the investment pool shall from time to time be invested at the discretion of the Dean and Chapter as follows:— Investment.

(a) in or upon any investments for the time being authorised by law for the investment of trust funds; or

(b) in or upon the debentures (which expression includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or loan notes) or preferred or preference or ordinary or deferred shares or stock of any incorporated company which are dealt in or quoted on a recognised stock exchange; or

(c) in any units or other interests in a unit trust scheme within the meaning of the Prevention of Fraud (Investments) Act 1958; 1958 c. 45.
or

(d) in the acquisition or management of land situated in the United Kingdom, or in any territory outside the United Kingdom, or any interest in such land, including any interest in such land comprised in a building agreement providing for the grant of a lease of such land contingent on the erection or completion of the building specified in such agreement and whether alone or in association with any other person.

(2) For the purposes of this paragraph an investment in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or scheme established in the United Kingdom, or in any territory outside the United Kingdom, having the effect of enabling persons to participate in the profits and income arising from the acquisition, development or management of land, whether alone or in association with any other person, shall be deemed to be an investment in such land.

(3) The Dean and Chapter may from time to time at their discretion transpose or vary the investments comprised in the investment pool for or into any others authorised by this paragraph.

(4) In relation to land, whether freehold or leasehold, the Dean and Chapter may exercise all the powers of management or improvement which could be exercised by an absolute owner holding the land beneficially.

(5) (a) The Dean and Chapter shall appoint a panel (to be called "the Investment Panel") to consist of two or more persons either carrying on one or more of the following businesses in the city of London, namely, the business of a banker, a merchant banker, a finance house, an issuing house or a stockbroker, or appearing to the Dean and Chapter to have knowledge and wide experience of the investment of money.

(b) The Dean and Chapter shall arrange that the investments comprised in the investment pool shall at all times be kept under review by the Investment Panel.

(c) It shall be the duty of the Investment Panel to instruct and advise the Dean and Chapter about any changes of investment which may appear to them to be desirable.

(d) The Dean and Chapter shall not exercise the power to invest under sub-paragraph (1) of this paragraph or the power to transpose or vary the investments under sub-paragraph (3) except after consultation with the Investment Panel.

(6) In this paragraph—

"incorporated company" means a company incorporated in the United Kingdom or established under the law of any territory outside the United Kingdom;

"participation certificate" means any document conferring upon the holder the right to participate in (or constituting evidence of the right of the holder to participate in) the profits or income arising from the acquisition, holding, management or disposal of a particular investment specified or described in the document;

“ recognised stock exchange ” means the Stock Exchange, London, or the stock exchanges of New York, Montreal, Toronto, Melbourne, Sydney, Johannesburg, Tokyo, Paris, Frankfurt, Amsterdam, Brussels or Zurich, or such other stock exchange as the Charity Commissioners for England and Wales may sanction by order made under section 23 of the Charities Act 1960.

1960 c. 58.

6.—(1) The investment pool shall be regarded as being divided into shares each of which shall represent an equal undivided part or share in the investment pool. Shares in investment pool.

(2) Such shares shall be recorded in respect of the contributing funds in books to be kept for that purpose by the Dean and Chapter.

(3) No fraction of any share shall in any event be recorded by the Dean and Chapter.

7. On the appointed day the initial contributions made to the investment pool shall be valued and the Dean and Chapter shall determine the number of shares into which the pool shall be divided. Such shares shall be recorded in the names of the respective contributing funds in proportion to the values as at the appointed day of their contributions. Division of pool into shares.

8.—(1) Every contribution to the investment pool which is made after the appointed day shall be made at or to take effect from a valuation date and shall consist of cash equal to the basic value at that date of one or more complete shares in the investment pool arrived at in accordance with sub-paragraph (3) of paragraph 9 of this Scheme or assets other than cash equal in value thereto; and as from that date the number of shares into which the investment pool is divided shall be increased accordingly and the additional share or shares shall be recorded in the name of the contributing fund. Subsequent contributions and withdrawals.

(2) The Dean and Chapter may at any valuation date withdraw all or any of the shares recorded in the name of a contributing fund in which event there shall be paid or transferred to the contributing fund as soon as practicable after the valuation date in question cash or assets other than cash of an amount or value equal at that valuation date to the basic value of the share or shares withdrawn arrived at in accordance with sub-paragraph (3) of paragraph 9 of this Scheme.

(3) On any such withdrawal from the investment pool the number of shares into which the investment pool is divided and the number of shares recorded in the name of the contributing fund shall as from the relevant valuation date be reduced by the number of shares withdrawn.

9.—(1) The Dean and Chapter shall value the investment pool on such dates, approximately half-yearly, as they may determine and may value the investment pool on any other dates if they shall think fit to do so. Valuations.

(2) The following provisions shall apply to any valuations made for the purposes of this Scheme of the investment pool or of any assets contributed to or withdrawn from the investment pool:—

(a) investments quoted on a stock exchange shall be taken at the mid-market price on the valuation date as published in

relation to the relevant stock exchange, or, if there is no published price on that date, the mid-market price on the last day preceding that date for which there is a published price. In the case of investments quoted on more than one stock exchange the expression "the relevant stock exchange" means for this purpose such stock exchange as the Dean and Chapter may consider to be the most appropriate;

- (b) all assets other than investments quoted on a stock exchange shall be taken at such value as may be determined on each occasion by the Dean and Chapter and for this purpose the Dean and Chapter shall be entitled at their discretion to obtain and accept a valuation of any asset made by a professional valuer, accountant, stockbroker or other person considered by the Dean and Chapter to be qualified to make such valuation, or to treat the cost of acquisition of any asset as the value thereof or to make such estimates of value as they may consider appropriate;
- (c) fractions of one pound may be disregarded or rounded off to the nearest one pound.

(3) The basic value of a share shall be arrived at by (i) deducting from the value of the investment pool as valued in accordance with sub-paragraphs (1) and (2) of this paragraph any amount which the Dean and Chapter may have determined to distribute as income but which has not yet been withdrawn from the investment pool, (ii) dividing the balance by the number of shares into which the pool is divided, and (iii) rounding off the resulting figure to the nearest one-tenth of one penny.

Income.

10.—(1) The Dean and Chapter may decide at their discretion (and without regard to any rule of law usually applicable to trust funds) whether any special dividend, bonus issue of shares or other cash or property received by them in respect of property comprised in the investment pool shall be treated as income or capital or shall be apportioned.

(2) The Dean and Chapter may in like manner decide any question of apportionment between income and capital which may arise on a contribution or a withdrawal or on the acquisition or disposal of any asset.

(3) Notwithstanding any rule of law concerning accumulations any part of the net income of the investment pool may at the discretion of the Dean and Chapter be at any time transferred to the capital of the investment pool and unless and until so transferred shall be available for distribution as income.

(4) The Dean and Chapter shall as on each valuation date determine the amount (if any) to be distributed as income in respect of the investment pool. Each such distribution of income shall be made on or as soon as practicable after the valuation date in question to the contributing funds in proportion to the numbers of shares recorded in their names on the day last preceding the valuation date and the amount determined to be distributed shall be deducted in arriving at the basic value of the shares in the investment pool as at the valuation date.

(5) The Dean and Chapter may at any time at their discretion make interim distributions of income.

11. The Dean and Chapter shall be entitled to retain out of the income or capital of the investment pool, any costs or expenses incurred by them in constituting or administering or winding up the investment pool, or otherwise incurred in connection with the pool or in connection with any assets comprised therein, including a due proportion of any overhead expenses of the Dean and Chapter. The certificate of the Dean and Chapter as to the amount of any such costs or expenses shall be conclusive. The Dean and Chapter may decide at their discretion (and without regard to any rule of law usually applicable to trust funds) whether any costs or expenses shall be charged to income or capital or shall be apportioned and may at their discretion recoup out of subsequent income costs or expenses initially charged to capital. Costs and expenses.

12. Any moneys required to be raised for the purpose of making any payment to be made under this Scheme out of the investment pool or for the purpose of the management or improvement of any assets comprised in the investment pool or for the purpose of discharging any liability properly payable out of such assets, may be raised by the Dean and Chapter either by selling or by borrowing on the security of any asset of the investment pool. Borrowing, etc.

13. The Dean and Chapter shall keep accounts of the assets and liabilities of the investment pool and of its income and expenditure and shall cause such accounts to be audited by the auditors. The Dean and Chapter shall prepare yearly a report on the operation of the investment pool and within eighteen months from the appointed day and thereafter not less frequently than once in every subsequent calendar year an audited balance sheet, capital account and statement of income and expenditure made up to the last half-yearly valuation date. There shall be shown in each such balance sheet, or in a statement annexed thereto, the basic value of a share in the investment pool at the date as at which the balance sheet is made up and the amount per share which the Dean and Chapter had as on that date determined to distribute as income; and there shall be shown in each such statement of income and expenditure, or in a statement annexed thereto, the amount (if any) which the Dean and Chapter had determined to distribute as income and the amount of income (if any) which the Dean and Chapter had determined to transfer to capital pursuant to paragraph 10 of this Scheme. Accounts and information.

14.—(1) The Dean and Chapter may by instrument in writing declare the investment pool shall be wound up as from a date specified in the instrument. On such declaration, the Dean and Chapter shall, as from the specified date, distribute the net assets of the investment pool (after discharging the costs of winding up and all other liabilities properly payable out of such assets) among the contributing funds in proportion to their holdings of shares in the investment pool. Winding up of investment pool.

(2) For the purpose of such winding up the Dean and Chapter may at their discretion—

- (a) appropriate any assets in specie to any share of the investment pool and so that different assets may be appropriated to different shares;
- (b) sell any asset or otherwise convert the same into money;
- (c) make or cause to be made any necessary valuations, make payments to secure equality, and generally settle any questions requiring to be settled for the purpose of the distribution.

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