

[6 EDW. 7.] *Rugby Lower School (Transfer) Act, 1906.* [Ch. xlviii.]



### CHAPTER xlviii.

An Act to transfer the Lower School of Lawrence Sheriff at Rugby to the governors of the Lower School of Lawrence Sheriff Rugby constituted by this Act and for other purposes. A.D. 1906.  
[20th July 1906.]

**W**HEREAS the governing body of Rugby School (hereinafter referred to as "the Governing Body") was constituted by a statute made by the special commissioners appointed for the purpose of the Public Schools Act 1868 and approved by Her Majesty in Council on the ninth day of August one thousand eight hundred and seventy-one:

And whereas the Governing Body were empowered by or under section 6 of the said Act to make statutes with respect to (among other things) the establishment of any subordinate or other schools in connection with Rugby School:

And whereas by Article 42 of the statutes made by the Governing Body in pursuance of the before-mentioned authority and approved by Her Majesty in Council on the seventh day of July one thousand eight hundred and seventy-four it was provided that the Governing Body so soon as a sufficient fund should have been placed at their disposal by the trustees of the Rugby Charity founded by Lawrence Sheriff should establish and maintain a subordinate school to be called the Lower School of Lawrence Sheriff (in this Act called "the Lower School") which school should be under the direction and superintendence of the Governing Body and should afford such instruction as might be suitable for boys intended for commercial and other similar occupations and also might qualify them for admission into Rugby School:

And whereas pursuant to a scheme made by the Governing Body on the sixth day of February one thousand eight hundred

A.D. 1906. and seventy-four and subsequently approved by the said special commissioners and by Her Majesty in Council the Governing Body have provided a site and erected buildings thereon for the purposes of a subordinate school out of moneys supplied by the trustees of the Rugby Charity aforesaid pursuant to a scheme made by the Governing Body on the twenty-fifth day of July one thousand eight hundred and seventy-three and subsequently approved by the said special commissioners and by Her Majesty in Council:

And whereas the Lower School was duly established by the name of the Lower School of Lawrence Sheriff and has been and is at present carried on under the direction and superintendence of the Governing Body:

And whereas the land and buildings belonging or appropriated to the Lower School are more particularly described and set forth in the First Schedule to this Act:

And whereas the Warwickshire County Council have intimated their willingness to make a grant to the Rugby Urban District Council of the sum of one thousand pounds to be expended on technical science and art class rooms on condition that at least a corresponding sum be raised from local sources and an application for assistance in establishing a technical school has therefore been made to the Governing Body by or on behalf of the urban district council:

And whereas the Governing Body being of opinion that the maintenance in Rugby of two schools for higher or secondary education would be for many reasons inexpedient have informed the chairman of the Rugby Urban District Council that they are prepared to transfer to a representative body of governors constituted as provided in this Act the whole of the property belonging or appropriated to the Lower School and such part of their income as is now allotted to the school:

And whereas the Rugby Urban District Council are willing and desirous that the proposals of the Governing Body as embodied in this Act should be sanctioned and carried into effect:

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 King'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 Rugby Lower School (Transfer) Act 1906.

A.D. 1906.  
Short title.

ESTABLISHMENT OF NEW GOVERNORS.

2. A body of governors (in this Act referred to as "the new governors") shall be established for the purpose of acquiring maintaining and managing the Lower School and for other purposes of this Act.

Establishment of new governors.

3. The new governors shall consist of eleven members (that is to say):—

Constitution of new governors.

Three members to be nominated by the Governing Body;

Two members being members of and to be nominated by the Warwickshire County Council;

The headmaster for the time being of Rugby School;

The chairman for the time being of the Rugby Urban District Council;

Two members being males to be nominated by the Rugby Urban District Council;

Two members being males to be nominated by the Rugby Higher Education Committee if and when duly constituted.

The four members last named shall retire at the end of every third year but shall be re-eligible.

The representatives of the Governing Body and of the county council shall be nominated respectively for such a term and on such conditions as the respective bodies may decide and any vacancies (whether caused by retirement or otherwise) shall be filled up by the respective nominating bodies.

4. The new governors shall be a body corporate by the name of "the Governors of the Lower School of Lawrence Sheriff Rugby" with a common seal No business shall be transacted at any meeting of the new governors unless five members at least be present.

Title of new governors.

TRANSFER OF PROPERTY &c.

5.—(1) On and from the first day of September one thousand nine hundred and six there shall be by virtue of this Act without any conveyance or other instrument transferred to and vested in the Official Trustee of Charity Lands in trust for the Lower School the school buildings and land described in the First Schedule to this Act.

Transfer of property.

(2) From the same date there shall likewise be transferred to and vested in the Official Trustees of Charitable Funds in trust



A.D. 1906. for the said school the special endowments mentioned in the first part of the Second Schedule to this Act.

(3) From the same date there shall likewise be transferred to and vested in the new governors the balance of any money belonging or appropriated to the Lower School which shall remain after payment thereof of the costs charges and expenses of obtaining this Act and of any stamp duty or other expenses in connection with the transfer effected by this Act and after payment to the trustees of the Rugby Charity founded by Lawrence Sheriff of any sums due to them in respect of loans for improvements of buildings at the Lower School.

Payments to new governors.

6. The Governing Body shall also make annually to the new governors the fixed annual payments specified in the second part of the Second Schedule to this Act and shall also pay annually to the new governors one-fifth of the net yearly income received by the Governing Body under the said scheme dated the twenty-fifth day of July one thousand eight hundred and seventy-three from the trustees of the said Rugby Charity.

#### POWERS AND DUTIES OF NEW GOVERNORS.

Maintenance and management of school.

7. The new governors shall have the power and duty of maintaining and managing the Lower School as a school for higher or secondary education and shall be responsible for all maintenance charges and expenses including rates taxes insurance and repairs and also for the maintenance of or for any change in the present system of foundationerships and scholarships tenable at the Lower School.

Duty to provide general education.

8. The new governors shall provide for students in the school a good general education with due attention to the efficient teaching of science and shall maintain the teaching of English Latin at least one modern foreign language and Greek unless and until the Governing Body consent to the discontinuance of Greek.

Existing interests.

9. On taking over the maintenance and management of the Lower School under this Act the new governors shall so far as practicable take over and continue the engagements of all existing masters officers and servants who are desirous of being taken over by the new governors.

Power to borrow.

10. For the purpose of making any addition to or extension or improvement of the Lower School or in connection with the

Lower School the new governors may with the sanction of the Board of Education and subject to such conditions with regard to repayment and otherwise as the Board may impose borrow on the security of all or any of their property such sums as they may require and may execute any mortgage or other instrument necessary or proper for effecting a charge on their property.

A.D. 1906.

#### FOUNDATIONERSHIPS AT RUGBY SCHOOL.

**11.** So long as the income of the Governing Body from the said Rugby charity amounts to not less than five thousand pounds per annum the Governing Body shall maintain for the benefit of students from the Lower School the existing system of major foundationerships at Rugby School subject to such modifications as may be from time to time agreed with the new governors.

As to foundationerships at Rugby School.

#### MISCELLANEOUS.

**12.** If any difficulty doubt or question arises between the Governing Body on the one hand and the new governors or the Rugby Urban District Council or any other local authority (including the county council) on the other hand with respect to the construction of this Act or with respect to anything done or to be done or to any other matter under this Act that difficulty doubt or question shall on the application of either party stand referred to and be finally and conclusively settled and determined by the Board of Education.

Settlement of questions by Board of Education.

**13.** All provisions in the statutes schemes and regulations now in force with respect to Rugby School which relate to the Lower School and are inconsistent with any of the provisions of this Act are hereby repealed without prejudice to anything done or suffered thereunder respectively.

Repeal.

**14.** After the transfer of the Lower School to the new governors under this Act the Governing Body shall be released and discharged from all duties payments and liabilities in respect thereof or of the management thereof or in any wise relating thereto save only the duties payments and liabilities to which the Governing Body are expressly made liable by this Act.

Saving for Governing Body.

**15.** The Lower School and its endowments comprised in the schedules to this Act shall be deemed to be an endowment held solely for educational purposes within the Endowed Schools Acts

Power to Board of Education to amend without further

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A.D. 1906. 1869 1873 and 1874 and the Charitable Trusts Acts 1853 to 1894  
Act of Par- and any provisions of this Act may from time to time on the  
liament. application of the new governors be altered by a scheme of  
the Board of Education made under the Charitable Trusts Acts  
1853 to 1894.

Costs of Act. **16.** The costs charges and expenses preliminary and of and  
incidental to preparing obtaining and passing this Act shall be  
paid by the Governing Body out of the cash in their hands  
belonging or appropriated to the Lower School.

The SCHEDULES referred to in the foregoing Act. A.D. 1906.

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FIRST SCHEDULE.

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DESCRIPTION OF SCHOOL PREMISES &c.

All that close of land containing about six acres situate in Rugby in the county of Warwick bounded on or towards the north by Clifton Road on or towards the south by Hillmorton Road on or towards the east by Whitehall Road and on or towards the west by land formerly part of the Rugby Glebe but recently sold in lots Together with the school buildings schoolmaster's house gymnasium cricket pavilion and other buildings standing on the said close of land or on some part thereof.

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SECOND SCHEDULE.

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PART I.

SPECIAL ENDOWMENTS.

A sum of three thousand pounds consols forming the Benn Endowment.

A Birmingham Corporation water annuity of two pounds seven shillings a year forming the Caldecott Prize Fund.

A sum of three thousand one hundred and eight pounds eighteen shillings and ninepence India three per cent. stock forming the Simpson Fund together with any uninvested cash belonging to this fund.

PART II.

FIXED ANNUAL PAYMENTS IN LIEU OF OTHER CUSTOMARY ALLOWANCES.

A sum of not less than sixty-six pounds four shillings as an agreed sum to represent the share of rent or income arising out of a farm and thirty-seven acres of land situate on the Upper Hillmorton Road Rugby devised by the will of the late George Charles Benn and known as the

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A.D. 1906. Benn Farm payable to the Lower School. Provided that if at any time the income from the Benn Farm (including income from any moneys arising from the sale of any part of the farm) shall exceed one hundred and thirty-two pounds eight shillings per annum then the annual sum to be paid to the Lower School shall be not less than one-half such total annual income.

The sum of one hundred pounds in discharge of all other income hitherto allotted by custom or regulation to the said Lower School.

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