



CHAPTER xxxii.

An Act to dissolve the Trustees of the Rugby Charity founded by Lawrence Sheriff grocer of London and to transfer their property powers and duties to the Governing Body of Rugby School and for other purposes. A.D. 1922.

[29th June 1922.]

WHEREAS Rugby School is under the government and management of a body corporate (in this Act referred to as "the Governing Body") known as "the Governing Body of Rugby School" whose constitution was determined and established by a statute (in this Act referred to as "the Statute of 1871") made on the sixteenth day of May one thousand eight hundred and seventy-one by the Special Commissioners appointed for the purposes of the Public Schools Act 1868 and approved by Her late Majesty Queen Victoria in Council on the ninth day August one thousand eight hundred and seventy-one which body consists of the Lord Lieutenant of the county of Warwick for the time being and of eleven other members elected in manner provided by the said statute including two members elected by the Governing Body and three members elected by the Trustees next hereinafter referred to :

And whereas by the Act 17 George III. chapter 71 a body of Trustees (in this Act referred to as "the Trustees") was incorporated by the name and title of "the Trustees of the Rugby Charity founded by Lawrence Sheriff grocer of London" for the purpose of selling setting letting leasing regulating disposing ordering and managing the charity estates and charity

A.D. 1922. subject to the trusts declared by the will dated the twenty-second day of July one thousand five hundred and sixty-seven of Lawrence Sheriff and by certain deeds executed by the said Lawrence Sheriff and for other the purposes of that Act :

And whereas the charity estates referred to in the last-mentioned Act and thereby vested in the Trustees originally comprised the whole of the property forming the endowment of Rugby School and certain almshouses now represented by the almshouses described in the Third Part of the Schedule to this Act (which almshouses with the fixtures fittings and furniture therein and other property of the Trustees appurtenant thereto are in this Act referred to as "the almshouses") :

And whereas by the Act 54 George III. chapter 131 certain further powers of leasing and management were conferred upon the Trustees :

And whereas by virtue of a scheme (in this Act referred to as "the Scheme of 1873") made by the Governing Body in the year one thousand eight hundred and seventy-three under the provisions of the Public Schools Act 1872 and approved by Her late Majesty Queen Victoria in Council on the twentieth day of November one thousand eight hundred and seventy-three the school buildings and other buildings with their respective appurtenances were transferred from the Trustees to and are now vested in the Governing Body and held by them together with other property for the purposes of Rugby School but so much of the said charity estates and charity as consists of the lands and premises described in the First Part of the Schedule to this Act and of the almshouses and of a rentcharge (in lieu of tithe) charged upon certain lands in the parish of Brownsover in the said county of Warwick and of the lay rectorship of that parish is still vested in the Trustees :

And whereas in the year one thousand eight hundred and ninety-four certain securities theretofore vested in the Trustees as part of the said charity estates were transferred into the names of the Official Trustees of Charitable Funds and were on the first day of April one thousand nine hundred and twenty-two represented by the securities described in the Second Part of the Schedule

to this Act which stand in the names of the said Official Trustees but the income thereof is paid by them to the Trustees and forms part of the income of the said charity : A.D. 1922.

And whereas certain securities which on the said first day of April one thousand nine hundred and twenty-two consisted of the securities described in the Fourth Part of the Schedule to this Act representing a reserve fund formed under the provisions of the Scheme of 1873 for purposes connected with the almshouses are also vested in the Official Trustees of Charitable Funds and the income arising therefrom from time to time is added to and applied as part of the said reserve fund :

And whereas the Trustees have out of funds forming part of the said charity estates from time to time advanced moneys by way of loan to the Governing Body for various purposes of Rugby School which were not wholly repaid at the date of the passing of this Act :

And whereas it was (inter alia) provided by the Scheme of 1873 that the Trustees should pay to the Governing Body for the purposes of the said school the net yearly income of the said charity after deducting therefrom the sums specified or referred to in the scheme including an annual sum not exceeding four hundred pounds for defraying expenses in connexion with the almshouses and for providing the stipends and other allowances to the almsmen occupying the same :

And whereas it has heretofore been necessary for the Trustees to deduct annually for the said purposes the maximum sum of four hundred pounds authorised by the Scheme of 1873 and that sum has become insufficient for the purposes to which it is applicable :

And whereas under the provisions of the Rugby Lower School (Transfer) Act 1906 the Governing Body are required to pay to the Governors of the Lower School of Lawrence Sheriff Rugby incorporated by that Act certain fixed annual payments and also one-fifth of the net yearly income received by the Governing Body under the Scheme of 1873 from the Trustees :

And whereas the present chairman of the Trustees is also the chairman of the Governing Body and all the Trustees as now constituted except four are also members of the Governing Body :

A.D. 1922.

And whereas it is expedient with a view to economy and convenience of administration that the Trustees should be dissolved and that there should be transferred from the Trustees to the Governing Body the lands and premises described in the First Part of the Schedule to this Act and the estate and interest of the Trustees of and in the said securities described in the Second Part of the said Schedule and (subject to the provisions of this Act) all other property held by the Trustees for the purposes aforesaid and all powers rights duties liabilities and obligations of the Trustees in relation to the said property and securities :

And whereas it is expedient that such of the Trustees as are not members of the Governing Body should become members of that body and that the provisions contained in this Act with respect to the alteration of the number of such members should be made :

And whereas it is expedient that a body of Trustees (in this Act referred to as "the Almshouse Trustees") should be constituted for administering the almshouses as provided by this Act and that the almshouses should be vested in the Official Trustee of Charity Lands on behalf of the Almshouse Trustees :

And whereas it is expedient that the other provisions contained in this Act should be made :

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 (that is to say) :—

Short title.

1. This Act may be cited as the Rugby School Act 1922.

Commence-
ment of Act.

2. This Act shall come into operation on the first day of October one thousand nine hundred and twenty-two which date is in this Act referred to as "the appointed day" Provided that for the purpose of nominating and co-opting the first members of the Almshouse Trustees this Act shall come into operation on its passing.

A.D. 1922.

3. As from the appointed day the Trustees shall be and are hereby dissolved.

Dissolution
of Trustees.

4 —(1) On and as from the appointed day—

Transfer to
Governing
Body of
property
rights &c.
of Trustees.

(a) There shall be by virtue of this Act and without any conveyance or other instrument transferred to and vested in the Governing Body for all the estate and interests therein of the Trustees—

(i) the lands and premises shortly described in the First Part of the Schedule to this Act (which lands and premises are for the purpose of identification shown and coloured red on plans respectively marked "A" and "B" and signed in triplicate by the Right Honourable Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of each of which plans copies have been deposited in the Private Bill Office of the House of Commons in the Parliament Office of the House of Lords and with the Governing Body) and all rights powers duties liabilities and obligations of the Trustees in relation to the said lands and premises ;

(ii) the rentcharge of twenty-eight pounds seven shillings and ninepence per annum payable to the Trustees and charged upon lands in the parish of Brownsover in the county of Warwick belonging or reputed to belong to Henry Broughton-Leigh ;

(iii) the rights of the Trustees as lay rectors of the said parish of Brownsover ;
and

(iv) all debts and choses in action owing or belonging to the Trustees immediately before the appointed day or which but for the passing of this Act would after that day have accrued to them (other than such as relate exclusively to the almshouses or the reserve fund formed for purposes in connexion therewith) and all rights and

A.D. 1922.

remedies of the Trustees for and with respect to recovering receiving and enforcing the same ;

(b) There shall be paid and transferred to the Governing Body all sums of money and securities (if any) belonging to the Trustees on the appointed day.

(2) The lands premises sums of money and securities transferred and paid to or recovered and received by the Governing Body under the provisions of this section shall subject to the provisions of this Act be applied by them for the purposes of Rugby School and notwithstanding anything contained in this section or any limitation existing immediately before the appointed day upon the powers of the Trustees of holding lands in their corporate capacity may and shall be held and dealt with or disposed of by the Governing Body in their corporate capacity.

Substitu-
tion of ref-
erences to
Governing
Body for
references
to Trustees
in Acts &c.

5. As from the appointed day all references in any Act of Parliament deed contract or other instrument to the Trustees (except so far as such references relate exclusively to the almshouses) shall subject to the provisions of this Act be construed as references to the Governing Body.

As to
securities
described
in Second
and Fourth
Parts of
Schedule.

6.—(1) The securities which on the first day of April one thousand nine hundred and twenty-two were represented by the securities respectively described in the Second and Fourth Parts of the Schedule to this Act shall remain vested in the Official Trustees of Charitable Funds.

(2) As from the appointed day the said Official Trustees shall pay to the Governing Body the dividends and interest derived from the securities described in the Second Part of the said Schedule and from any additional or substituted securities for the time being held by the said Official Trustees on behalf of the Governing Body and the Governing Body shall subject to the provisions of this Act apply such dividends and interest for the purposes of Rugby School.

(3) The said Official Trustees shall continue to apply and dispose of as part of the reserve fund referred to in paragraph (d) of clause 4 of the Scheme of 1873 the securities described in the Fourth Part of the said

Schedule or any other securities for the time being representing the said reserve fund and the dividends and interest upon all those securities but the said paragraph (*d*) shall be read and have effect as if the Almshouse Trustees had been therein referred to instead of the Trustees and as if the said fund had been thereby directed to be applicable exclusively to purposes of the almshouses.

A.D. 1922.

7. Nothing in this Act shall relieve the Governing Body from the obligation to pay to the Official Trustees of Charitable Funds instalments by way of replacement of the sums advanced by the Trustees to the Governing Body and outstanding at the appointed day of such amounts and at such times as the Trustees would have been required to pay to the said Official Trustees if this Act had not been passed and all sums so paid to the said Official Trustees shall be held and applied by them for the like purposes and in the like manner as the said securities described in the Second Part of the Schedule to this Act. Provided that if and so far as the Board of Education from time to time consent the Governing Body may defer the payment of or shall be relieved from the obligation to pay any such instalment or instalments as aforesaid or any part thereof respectively.

Governing Body to repay loans advanced by Trustees.

8.—(1) As from the appointed day the Governing Body shall (subject to the provisions of the section of this Act of which the marginal note is "Security for annual payments to Official Trustees of Charitable Funds and Almshouse Trustees") pay to the Official Trustees of Charitable Funds by way of contribution towards the reserve fund referred to in paragraph (*d*) of clause 4 of the Scheme of 1873 as modified by the provisions of this Act the annual sum of eleven pounds fifteen shillings and threepence (being the amount appropriated to that fund under the provisions of the said scheme in the year ending on the thirty-first day of March one thousand nine hundred and twenty-two).

Governing Body to continue to contribute to almshouse reserve fund.

(2) The Governing Body shall not be under any obligation to make any further or other contribution to the said reserve fund than as provided for by subsection (1) of this section.

(3) All sums paid to the Official Trustees of Charitable Funds under the provisions of this section shall be applied and disposed of by them as part of the said reserve fund.

A.D. 1922.

Trustees to become members of Governing Body.

9. As from the appointed day such of the persons who immediately before that day constituted the Trustees as are not on that day members of the Governing Body shall become members of that body and the whole number of the members of the Governing Body shall subject to the provisions of the section of this Act of which the marginal note is "Provisions as to certain vacancies in Governing Body" be increased accordingly.

Transfer to Governing Body of Trustees' right of electing members.

10. The right of electing members of the Governing Body exercisable immediately before the appointed day by the Trustees shall as from that day be transferred to and exercisable by the Governing Body and the persons who at the appointed day are members of the Governing Body elected by the Trustees shall continue to be such members and shall for the purposes of this Act be deemed to have been elected by the Governing Body.

Provisions as to certain vacancies in Governing Body.

11. The following provisions shall apply with respect to vacancies in the Governing Body occurring after the appointed day by reason of any of the members of the Governing Body elected by that body or by the Trustees or constituted by this Act members of the Governing Body dying or ceasing to be a member of that body (that is to say):—

- (a) The first vacancy shall not be filled up ;
- (b) The second vacancy may be filled up by the Governing Body if by resolution passed within six months after the occurrence of the vacancy they so determine ;
- (c) If the second vacancy is so filled up as aforesaid the third vacancy shall not be filled up.

As to future number of members of Governing Body.

12.—(1) As from the date on which the whole number of members of the Governing Body shall by the operation of the provisions of the section of this Act of which the marginal note is "Provisions as to certain vacancies in Governing Body" be reduced to fourteen the number of such members shall be fourteen of whom seven shall be elected by the Governing Body.

(2) Except as provided by the said section of this Act of which the marginal note is "Provisions as to certain vacancies in Governing Body" and by this section nothing in this Act shall alter or affect the constitution of

the Governing Body as determined and established by the Statute of 1871. A.D. 1922.

(3) Nothing in this Act contained shall alter or affect the right of the Governing Body under the Public Schools Act 1868 to repeal or alter the Statute of 1871 or any statute amending the same and the said right shall extend to the amendments of the Statute of 1871 effected by this Act as if those amendments had been effected by an amending statute.

13.—(1) On and as from the appointed day a body of trustees shall be established for the purpose of maintaining and managing the almshouses. Constitu-
tion of
Almshouse
Trustees
and transfer
to them of
almshouses.

(2) The almshouses shall be by virtue of this Act and without any conveyance or other instrument transferred to and vested in the Official Trustee of Charity Lands on behalf of the Almshouse Trustees for all the estate and interest therein of the Trustees.

(3) The Almshouse Trustees shall consist of eight persons of whom three (who shall be persons resident in Rugby or in its neighbourhood) shall be nominated by the Governing Body three shall be nominated by the Rugby Urban District Council and two shall subject as hereinafter provided be co-opted by the six persons so nominated as aforesaid. Provided that two persons to be appointed for that purpose by the Governing Body shall for the purposes of this section be deemed to be the first co-opted Almshouse Trustees. Provided also that the Almshouse Trustees shall not at any time comprise more than three members of the said urban district council and that if by reason of any of the Almshouse Trustees being elected a member or members of the said urban district council the number of the Almshouse Trustees who are also members of the said urban district council shall be increased beyond three the trustee or trustees whose election to the said urban district council caused such excess shall as from the date of such election cease to be an Almshouse Trustee or Almshouse Trustees.

(4) The Almshouse Trustees shall hold office as follows (that is to say) :—

(a) the nominees of the Governing Body shall hold office for the period of seven years from the date or respective dates of their nomination;

[Ch. xxxii.] *Rugby School Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922.

(b) the nominees of the said urban district council shall hold office for the period of three years from the date or respective dates of their nomination; and

(c) the persons co-opted as aforesaid shall hold office for the period of five years from the date or respective dates of their co-optation.

(5) Any Almshouse Trustee who is absent from all meetings of the Almshouse Trustees during a period of one year or who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Almshouse Trustees a wish to resign shall thereupon cease to be an Almshouse Trustee.

(6) The Almshouse Trustees may make such regulations as they may think fit for and with respect to the transaction of their affairs and the exercise and performance of their powers and duties Provided that such regulations shall not vary or be inconsistent with the provisions of this Act.

Almshouse Trustees to maintain and manage almshouses.

14. The Almshouse Trustees shall have the power and duty of maintaining and managing the almshouses in accordance with the trusts applicable thereto immediately before the commencement of this Act including the election of the almsmen to occupy the same for the time being and the payment and making to the said almsmen of the stipends and other allowances provided for by the said trusts and shall be responsible for all maintenance charges and expenses in connexion with the almshouses including rates taxes insurance and repairs.

Governing Body to make annual payments to Almshouse Trustees.

15.—(1) Nothing in this Act shall entitle the Governing Body to retain or to use for the purposes of Rugby School so much of the yearly income derived from the property referred to in the section of this Act of which the marginal note is "Transfer to Governing Body of property rights &c. of Trustees" and from the securities described in the Second Part of the Schedule to this Act as represents the annual amount of four hundred pounds which if this Act had not been passed would have been deducted and retained out of such yearly income by the Trustees pursuant to clause 4 of the Scheme of 1873 for the purposes referred to in paragraph (a) of that clause but (subject to the provisions of the section of this Act of which the marginal note is "Security for

annual payments to Official Trustees of Charitable Funds and Almshouse Trustees”) the said annual sum of four hundred pounds shall be paid by the Governing Body to the Almshouse Trustees as successors of the Trustees and as Trustees of so much of the said charity as relates to the almshouses by equal quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in each year.

A.D. 1922.

(2) The Governing Body shall also (subject as aforesaid) pay to the Almshouse Trustees at the times and in manner aforesaid the additional annual sum of two hundred and fifty pounds.

(3) The first of such quarterly payments shall be made on the thirty-first day of December one thousand nine hundred and twenty-two.

(4) All sums received by the Almshouse Trustees under the provisions of this section shall be applied by them to the purposes referred to in the said paragraph (a) of clause 4 of the Scheme of 1873 or (if they think fit) in augmentation of the reserve fund referred to in subsection (3) of the section of this Act of which the marginal note is “As to securities described in Second and Fourth Parts of Schedule.”

16.—(1) The annual sums for the time being payable by the Governing Body to the Official Trustees of Charitable Funds (in this section referred to as “the Official Trustees”) under the provisions of the section of this Act of which the marginal note is “Governing Body to continue to contribute to Almshouse reserve fund” (in this section referred to as “the first-mentioned section”) and to the Almshouse Trustees under the provisions of subsections (1) and (2) of the section of this Act of which the marginal note is “Governing Body to make annual payments to Almshouse Trustees” (in this section referred to “as the secondly-mentioned section”) as those sections are respectively modified by this section shall be charged upon the lands referred to under the heading A in the First Part of the Schedule to this Act or such of those lands as shall for the time being continue to be vested in the Governing Body in all respects as if the payment of the said annual sums were secured to the Official Trustees and the Almshouse Trustees respectively by rentcharges issuing out of the said lands granted to

Security for annual payments to Official Trustees of Charitable Funds and Almshouse Trustees.

A.D. 1922.

them by the Governing Body Provided that nothing in this section shall interfere with or affect any right of the Governing Body (whether existing before the commencement or acquired by virtue of this Act) to sell lease mortgage or otherwise deal with or dispose of the said lands or any of them as freely as if the said charge had not been created and that upon any sale or grant or conveyance by way of mortgage of the said lands or any of them the lands sold granted or conveyed shall vest in the purchaser or grantee thereof freed and discharged from the said charge or any part thereof and from all liability in respect of that charge.

(2) Upon any sale of the said lands or any of them the Governing Body shall pay to the Official Trustees a sum equal to one-third of the net proceeds of such sale after deducting from the sum received by the Governing Body in respect of such sale the costs and expenses incurred by them of and incidental to the sale and all sums so paid to the Official Trustees shall be invested by them in two and a half per centum consolidated stock.

(3)—(a) The interest on the said stock shall to the extent of the annual sum of eleven pounds fifteen shillings and threepence referred to in the first-mentioned section be retained by the Official Trustees in satisfaction or part satisfaction (as the case may be) of the payments to be made to them by the Governing Body under the provisions of that section and to the extent of any sums so retained the Governing Body shall be released from their obligations under that section.

(b) The balance (if any) of such interest shall be paid by the Official Trustees to the Almshouse Trustees in satisfaction or part satisfaction (as the case may be) of the annual sums amounting together to six hundred and fifty pounds payable to the Almshouse Trustees under the provisions of the secondly-mentioned section and to the extent of any sums so paid the Governing Body shall be released from their obligations under that section.

(4)—(a) If and when the consolidated stock representing the investments by the said Official Trustees under the provisions of subsection (2) of this section shall amount to the sum of four hundred and seventy pounds and ten shillings subsection (1) of the first-mentioned section shall cease to have any force or effect.

(b) If and when such consolidated stock shall amount to the sum of twenty-six thousand four hundred and seventy pounds and ten shillings the charge created by subsection (1) of this section shall be vacated and the secondly-mentioned section (other than subsection (4) thereof) and subsection (2) of this section shall cease to have any force or effect.

A.D. 1922.

(5)—(a) All sums retained by the Official Trustees under the provisions of subsection (3) (a) of this section shall be applied by them in accordance with subsection (3) of the first-mentioned section relating to the application of sums paid to them under the provisions of that section.

(b) All sums paid by the Official Trustees to the Almshouse Trustees under the provisions of subsection (3) (b) of this section shall be applied by the Almshouse Trustees in accordance with subsection (4) of the secondly-mentioned section relating to the application of sums received by them under the provisions of that section.

17. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this Act with reference to the almshouses or the Almshouse Trustees.

Schemes by
Charity
Commis-
sioners.

18. For the purposes of section 6 (Payments to new Governors) of the Rugby Lower School (Transfer) Act 1906 the net yearly income of which one-fifth is payable annually by the Governing Body to the Governors of the Lower School of Lawrence Sheriff Rugby shall be a sum consisting of (a) the yearly income received by the Governing Body from the lands premises and securities respectively described in the First and Second Parts of the Schedule to this Act or any lands premises or securities which may be substituted therefor and from the securities in which any sums paid by the Governing Body to the Official Trustees of Charitable Funds under the provisions of the section of this Act of which the marginal note is "Governing Body to repay loans advanced by Trustees" are from time to time invested and (b) the rentcharge referred to in paragraph (a) (ii) of subsection (1) of the section of this Act of which the marginal note is "Transfer to Governing

As to pay-
ments by
Governing
Body
to Gover-
nors of the
Lower
School of
Lawrence
Sheriff
Rugby.

[Ch. xxxii.] *Rugby School Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922. Body of property rights &c. of Trustees ” after deducting
— from that sum—

- (i) the lawful and necessary charges and expenses of the management maintenance and repair of the said lands and premises and any expenses incurred by the Governing Body upon any change or transfer of or otherwise in connexion with the said securities; and
- (ii) the annual sums (if any) from time to time paid by the Governing Body to the Official Trustees of Charitable Funds and to the Almshouse Trustees respectively under the provisions of the sections of this Act of which the marginal notes are respectively “Governing Body to continue to contribute to almshouse reserve fund” and “Governing Body to make annual payments to Almshouse Trustees.”

Costs of
Act.

19. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act shall be paid by the Governing Body.

The SCHEDULE referred to in the foregoing Act. A.D. 1922.

FIRST PART.

A. Lands and premises in the metropolitan borough of Holborn in the county of London abutting upon Great Ormond Street Orde Hall Street East Street Lamb's Conduit Street Lamb's Conduit Mews Chapel Street Emerald Street Millman Street Millman Place Great James Street and Little James Street.

B. Lands and premises in the parish of Brownsover in the rural district of Rugby in the county of Warwick consisting of three cottages with gardens and four closes of land the whole of such lands and premises comprising an area of 36 acres 2 roods 13¼ perches or thereabouts.

SECOND PART.

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£421 1s. 0d. 5 per cent. War Stock 1929-47.

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£1,357 19s. 0d. Metropolitan 2½ per cent. Consolidated Stock.

THIRD PART.

A piece of land in the parish and urban district of Rugby in the county of Warwick situate on the north side of Church Street and comprising an area of one thousand seven hundred square yards or thereabouts together with the twelve almshouses erected thereon.

FOURTH PART.

£623 16s. 0d. 2½ per cent. Consols.

£526 6s. 3d. 5 per cent. War Stock 1929-47.

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