



**Law
Commission**
Reforming the law

Statute Law Repeals: Consultation Paper Benevolent Institutions

SLR 04/10: Closing date for responses – 31 December 2010

BENEVOLENT INSTITUTIONS REPEAL PROPOSALS

Introduction

1. These repeal notes propose the repeal of some 73 obsolete Acts relating to a variety of benevolent institutions. Many of these institutions are, or were, charitable bodies such as schools, hospitals and almshouses which were established in the 18th or 19th centuries to meet the needs of the poor, sick or elderly.
2. The Acts have become obsolete either because the institutions which they relate to have ceased to exist or because the Acts in question no longer serve any useful purpose, often because they have been superseded by schemes made by the Charity Commission. The Acts span the period 1721 to 1958.
3. The proposals include the repeal of-
 - ◆ the *Female Orphan Asylum Act 1800* (which helped to establish an orphanage in South London)
 - ◆ the *Hospital for Poor French Protestants Act 1808* (relating to a home established in central London to shelter Protestant refugees from France)
 - ◆ the *Refuge for the Destitute Act 1838* (relating to a charity established to help women upon their discharge from prison)
 - ◆ the *Imprisoned Debtors Discharge Society's Act 1856* (to help imprisoned debtors secure their early release from prison).
4. These repeal proposals apply only to Acts relating to institutions operating in England or, in some cases, Ireland.

Comments are invited by **31 December 2010**.

BACKGROUND NOTES ON STATUTE LAW REPEALS (SLR)

What is it?

1. Our SLR work involves repealing statutes that are no longer of practical utility. The purpose is to modernise and simplify the statute book, thereby reducing its size and thus saving the time of lawyers and others who use it. This in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If an Act features still in the statute book and is referred to in text-books, people reasonably enough assume that it must mean something.

Who does it?

2. Our SLR work is carried out by the Law Commission and the Scottish Law Commission pursuant to section 3(1) of the Law Commissions Act 1965. Section 3(1) imposes a duty on both Commissions to keep the law under review “with a view to its systematic development and reform, including in particular ... the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law”.

Statute Law (Repeals) Bill

3. Implementation of the Commissions’ SLR proposals is by means of special Statute Law (Repeals) Bills. 18 such Bills have been enacted since 1965 repealing more than 2000 whole Acts and achieving partial repeals in thousands of others. Broadly speaking the remit of a Statute Law (Repeals) Bill extends to any enactment passed at Westminster. Accordingly it is capable of repealing obsolete statutory text throughout the United Kingdom (i.e. England, Wales, Scotland and Northern Ireland) as well as extending where appropriate to the Isle of Man.

Consultation

4. The Law Commission consults widely before finalising its repeal proposals. The purpose of consulting is to secure as wide a range of views on the proposals as is practicable from all categories of persons who may be affected by the proposals. So the consultation may be with central or local government, organisations, trade bodies, individuals or anyone else who appears to have an interest in a proposal.
5. So far as consulting central government is concerned, any Department or agency with an interest in the subject matter of the repeal proposal will be invited to comment. Because obsolete legislation often extends throughout the United Kingdom it may be necessary to invite comments from several different Departments. So the following will routinely be consulted-
 - ◆ The English Department or Departments with policy responsibility for the subject matter of the proposed repeal (this responsibility will extend to Scotland in appropriate cases)
 - ◆ The Welsh Assembly Government and the Wales Office (unless the proposed repeal relates only to England)
 - ◆ SLR colleagues at the Scottish Law Commission (if the proposed repeal extends to Scotland)
 - ◆ Northern Ireland officials (if the proposed repeal extends to Northern Ireland).

Selection of repeal candidates

6. Candidates for repeal are selected on the basis that they are no longer of practical utility. Usually this is because they no longer have any legal effect on technical grounds - because they are spent, unnecessary or obsolete. But sometimes they are selected because, although they strictly speaking do continue to have legal effect, the purposes for which they were enacted either no longer exist or are nowadays being met by some other means.
7. Provisions commonly repealed by Statute Law (Repeals) Acts include the following-
 - (a) references to bodies, organisations, etc. that have been dissolved or wound up or which have otherwise ceased to serve any purpose;
 - (b) references to issues that are no longer relevant as a result of changes in social or economic conditions (e.g. legislation about tithes or tin mines);
 - (c) references to Acts that have been superseded by more modern (or EU) legislation or by international Convention;
 - (d) references to statutory provisions (i.e. sections, schedules, orders, etc.) that have been repealed;
 - (e) repealing provisions e.g. "Section 33 is repealed/shall cease to have effect";
 - (f) commencement provisions once the whole of an Act is in force;
 - (g) transitional or savings provisions that are spent;
 - (h) provisions that are self-evidently spent - e.g. a one-off statutory obligation to do something becomes spent once the required act has duly been done;
 - (i) powers that have never been exercised over a period of many years or where any previous exercise is now spent.

General savings

8. Much SLR work is possible because of the general savings provisions of section 16(1) of the Interpretation Act 1978. This provides that where an Act repeals an enactment, the repeal does not (unless the contrary intention appears) -
 - “(a) revive anything not in force or existing at the time at which the repeal takes effect;
 - (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment;
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed”.

Gradual obsolescence

9. The obsolescence of statutes tends to be a gradual process. Usually there is no single identifiable event that makes a statute obsolete. The Statute Law (Repeals) Act 2008 contained several examples of legislation being overtaken by social and economic changes. A scheme to provide farming work for ex-servicemen after the First World War had long fallen into disuse. Changes in agriculture during the second half of the 20th century had greatly reduced the numbers of persons seeking employment in farming. An Act of 1792 that criminalised the giving of false character references to servants seeking domestic employment had become superseded by changes in the civil law. And a Victorian Act requiring noisy street musicians to leave the area on pain of a forty shilling fine had long become obsolete.
10. Even within individual statutes, the obsolescence tends to be gradual. Some provisions fade away more quickly than others. These include commencement and transitory provisions and ‘pump-priming’ provisions (e.g. initial funding and initial appointments to a Committee) to implement the new legislation. Next to go may be order-making powers that are no longer needed. Then the Committee established by the Act no longer meets and can be abolished. However, other provisions may be unrepealable for generations, particularly if they confer pensions rights or confer security of tenure or employment rights. Other provisions may be virtually unrepealable ever. Much of English property law relies on medieval statutes such as Quia Emptores (1290) which is regarded as one of the pillars of the law of real property. This last example usefully shows that just because a statute is ancient it is not necessarily obsolete.

Help from consultees

11. Sometimes it is impossible to tell whether a provision is repealable without factual information that is not readily ascertainable without ‘inside’ knowledge of a Department or other organisation. Examples of this include savings or transitional provisions which are there to preserve the status quo until an office-holder ceases to hold office or until repayment of a loan has been made. In cases like these the repeal notes drafted by the Law Commissions often invite the organisation being consulted to supply the necessary information. Any help that can be given to fill in the gaps is much appreciated.

BENEVOLENT INSTITUTIONS

REPEAL PROPOSALS

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**The Bethlem Hospital, St George's Fields, Southwark
(around 1815)**

BENEVOLENT INSTITUTIONS

REPEAL PROPOSALS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
8 Geo.1 c.29 (1721) (Charterhouse Governors (Quorum) Act)	The whole Act.
Sutton's Hospital in Charterhouse Charity Scheme Confirmation Act 1948 (11 & 12 Geo.6 c.v)	The whole Act.
Sutton's Hospital (Charterhouse) Charity Scheme Confirmation Act 1956 (4 & 5 Eliz.2 c.lvi)	The whole Act.

Sutton's Hospital Charity Acts

1. This note proposes the repeal of three obsolete Acts relating to the charity known as *Sutton's Hospital in Charterhouse* ("the Charity").
2. The Charity was established by Thomas Sutton in 1611 and was incorporated by Letters Patent granted by James I that same year under the name of "The Hospital of King James founded in Charterhouse." This was confirmed by Act of Parliament in 1627.¹ The aims of the Charity have always been to provide care and support to elderly men who found themselves in need of assistance, and to educate poor scholars. The Hospital is situated in Charterhouse Square in central London. In 1872 the school (Charterhouse School) run by the Charity moved from London to Godalming in Surrey and was subsequently reconstituted as a separate charity.
3. Although the Charity continues to be incorporated by the Letters Patent granted in 1611 and by the Act of 1627, it has for many years been administered in accordance with schemes made by the Charity Commission. The most recent scheme ("the 2009 Scheme") came into effect on 8 December 2009. Three earlier enactments relating to the Charity's administration are now obsolete and are proposed for repeal. These enactments are described in the following paragraphs.

¹ 3 Cha.1 c.1 (Foundation of Sutton's Hospital in Charterhouse).

Geo.1 c.29 (1721) (Charterhouse Governors (Quorum) Act)

4. According to its long title, the purpose of this 1721 Act was “for Preventing Delays in the Execution of the Trust reposed in the Governors of the Hospital of King James, Founded in Charter-House, at the Charges of Thomas Sutton Esq; for the Benefit of the said Hospital.”

5. *The preamble* to the 1721 Act recorded the practical difficulties involved in complying with the existing legal requirement that at least 9 of the 16 Governors needed to assemble for the purpose of reaching a quorum for transacting Governors’ business. The 1721 Act accordingly provided that a quorum of 5 Governors would suffice for this purpose, provided that 4 days’ notice of the meeting had been given to all 16 Governors.

6. This 1721 amendment has since been superseded. Clause 16 of the 2009 Scheme provides for the requisite quorum (a minimum of 5 Governors) for the transaction of business at Governors’ assemblies. Accordingly the 1721 Act no longer serves any useful purpose and may be repealed on that basis.

Sutton’s Hospital in Charterhouse Charity Scheme Confirmation Act 1948

7. The purpose of this 1948 Act was to confirm a scheme made by the Charity Commissioners in December 1946 to amend the existing application or management of the Charity. The principal amendments made by this scheme provided as follows:

- (a) the establishment of the Hospital of the Charity “shall cease to include a Preacher” (1946 Scheme, clause 2)
- (b) the Master of the Hospital was required to perform the duties of the Preacher or Chaplain as directed by the Governors of the Hospital (1946 Scheme, clause 3)
- (c) the Governors may pay the Master up to £50 annually to provide for an alternative person to perform the Preacher’s duties in the Master’s absence (1946 Scheme, clause 4).

8. The amendments confirmed by the 1948 Act have been superseded by later schemes. Issues such as the employment of a preacher and the duties of the Master are now provided for by the 2009 Scheme (clause 14). Accordingly the 1948 Act no longer serves any useful purpose and may be repealed on that basis.

Sutton's Hospital (Charterhouse) Charity Scheme Confirmation Act 1956

9. The purpose of this 1956 Act was to confirm a scheme made by the Charity Commissioners to amend the existing application or management of the Charity. The principal amendments made by this scheme empowered the Governors from time to time to let any unoccupied property of the Charity, subject to restrictions as to the length of the letting or the rental to be charged (clause 2).

10. The amendments confirmed by the 1956 Act have been superseded by later schemes. Clause 5 of the 2009 Scheme gives the Governors extensive power to manage and invest the property of the Charity, as well as undertake any lawful activity as shall further the objects of the Charity. Accordingly the 1956 Act no longer serves any useful purpose and may be repealed on that basis.

Consultation

11. The Charity Commission, the Department of Health and Sutton's Hospital in Charterhouse have been consulted about these repeal proposals.

LAW/005/024/06
09 September 2010

<i>Reference</i>	<i>Extent of repeal or revocation</i>
7 Geo.3 c.99 (1767) (Addenbrooke's Hospital, Cambridge Act)	The whole Act.
Addenbrooke's Hospital Scheme Confirmation Act 1903 (3 Edw.7 c.clv)	The whole Act.

Addenbrooke's Hospital Acts

1. This note proposes the repeal of two obsolete Acts relating to Addenbrooke's Hospital in Cambridge.

2. Addenbrooke's Hospital ("the Hospital") is a large teaching hospital in Cambridge. Its origins derive from the generosity of John Addenbrooke, a fellow of St Catharine's College, Cambridge who died in 1719 leaving £4,500 in his will for the building of a hospital in Cambridge for the treatment of the sick and poor. The Hospital opened in October 1766 and became a medical school in 1841. It is today run by the Cambridge University Hospitals NHS Foundation Trust.²

3. The two Acts relating to the Hospital became unnecessary, at the latest, when the Hospital was absorbed by the National Health Service in 1948.³ These Acts are described briefly in the following paragraphs.

7 Geo.3 c.99 (1767) (Addenbrooke's Hospital, Cambridge Act)

4. According to its long title, the purpose of this Act ("the 1767 Act") was for "establishing and well-governing a General Hospital, to be called Addenbrooke's Hospital, in the Town of Cambridge".

5. The 1767 Act provided as follows-

- (a) the appointment of governors to the Hospital; the incorporation of those governors to run the Hospital; the corporation ("the Corporation") to be known as *The President and Governors of Addenbrooke's Hospital in*

² This Foundation Trust includes both Addenbrooke's Hospital and the Rosie Hospital.

³ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (like Addenbrooke's) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

the Town of Cambridge; physicians and surgeons appointed to the Hospital to act as governors at all general courts

- (b) the existing land and buildings of the Hospital were to be vested in the Corporation; moneys held by the existing trustees were to be paid to the Corporation
- (c) appointment of the Lord Lieutenant of Cambridge for the time being as President of the Corporation; the President and eight or more governors to constitute a general court; a general court to be convened quarterly
- (d) the governors in general court were empowered to enter into contracts, make bye-laws and appoint officers including a treasurer
- (e) officers to account for moneys received by them; security to be given by the treasurer; no Hospital servants were to acquire rights of settlement in the parish
- (f) civil procedure matters; expenses and status of this Act.

Addenbrooke's Hospital Scheme Confirmation Act 1903

6. According to its long title, the purpose of the *Addenbrooke's Hospital Scheme Confirmation Act 1903* ("the 1903 Act") was-

to confirm a Scheme of the Charity Commissioners for the management of the Charity called Addenbrooke's Hospital in the town of Cambridge regulated by the [1767 Act].

7. The 1903 Act scheme ("the 1903 Act Scheme") provided as follows-

- (a) power for governors in general court to alter the meeting time for the four general courts; a special general court may be called as and when required by resolution of the general committee; any notice required by the 1767 Act may be sent by post (*articles 1 to 3*)
- (b) establishment of a general committee consisting of 24 elected governors – 8 from residents or ratepayers in the borough, 8 from residents or ratepayers outside the borough, 8 from the University electoral roll; elections to the general committee and retirement of its members; filling vacancies in the general committee; nomination and polling papers (*articles 4 to 10*)
- (c) appointment of chairman and vice-chairman of the general committee; medical and surgical advisers to attend the general committee (*articles 11 and 12*)
- (d) the administration and management of the Hospital to be conducted by the general committee; however, certain matters required confirmation

by a general court; the general committee were authorised to suspend officers; general committee to meet weekly (quorum of seven required) and to be able to make their own rules; finance; postponement of special matters (articles 13 to 18)

- (e) appointment of special committees; procedure for altering rules or bye-laws (*articles 19 and 20*)
- (f) the governors were authorised to make bye-laws to admit paying patients into the Hospital; the Corporation to permit the governors in general meeting to receive the rents and profits from the estates vested in the Corporation (and to manage those estates); the governors in general court authorised to use the Corporation's common seal in civil proceedings (*articles 21 to 23*)
- (g) repeal of any provisions of the 1767 Act that are inconsistent with the 1903 Act Scheme; saving for existing bye-laws; power of Charity Commissioners to alter the 1903 Act Scheme; determination of issues arising under that scheme (*articles 24 to 27*).

Current position

8. The provisions of the 1767 Act and of the 1903 Act Scheme⁴ became unnecessary when the Hospital came under the control of the NHS in 1948. Responsibility for running the Hospital and its assets transferred from the Hospital governors to the State. The 1767 Act and the 1903 Act accordingly became obsolete and their repeal is proposed on that basis.

9. Separate from the Hospital itself (and not affected by these repeal proposals) is Addenbrooke's Charitable Trust⁵, the charitable objects of which relate to the support of the NHS and of the Cambridge University Hospitals NHS Foundation Trust.

⁴ The 1903 Act Scheme was amended by further schemes made by the Charity Commissioners in 1905, 1909, 1926, 1932 and 1939.

⁵ Established by declaration of trust in July 1995, Addenbrooke's Charitable Trust acquired its present name in January 2007 (having been known as "The Fund and Friends of Addenbrooke's" between April 2005 and January 2007).

Consultation

10. The Charity Commission, the Department of Health, Addenbrooke's Charitable Trust and the Cambridge University Hospitals NHS Foundation Trust have been consulted about these repeal proposals.

LAW/005/024/06
09 September 2010

<i>Reference</i>	<i>Extent of repeal or revocation</i>
9 Geo.3 c.31 (1769) (Magdalen Hospital, London Act)	The whole Act.
Magdalen Hospital Amendment Act 1848 (11 & 12 Vict. c.xvii)	The whole Act.
Magdalen Hospital Amendment Act 1866 (29 & 30 Vict. c.cxxx)	The whole Act.
Magdalen Hospital Charity Scheme Confirmation Act 1937 (1 Edw.8 & 1 Geo.6 c.xxiv)	The whole Act.

Magdalen Hospital Acts of 1769, 1848, 1866 and 1937

1. This note proposes the repeal of four obsolete Acts relating to the Magdalen Hospital, a charity established in 1758 to protect women from a life of prostitution.

Background

2. In 1758 a charitable society was proposed by Robert Dingley with the object of establishing a house for the reception, maintenance and employment of former prostitutes. Premises for the home (or “hospital” as it was called) were acquired that year in Prescott Street, Whitechapel.⁶ The society was incorporated in 1769 and the hospital became known as the *Magdalen Hospital*. It moved that year to St George’s Fields, Southwark.

3. The Hospital expanded during the nineteenth century, moving to Streatham in 1866. General rebuilding took place in 1913 including the provision of a laundry.⁷ In 1934 the hospital became recognised as an approved school⁸ with the result that most of the in-mates were sent there by the courts. The hospital was eventually closed in 1966 and the site was bought for housing by Lambeth Council.

4. The charity still exists. In 1973 it was re-constituted and re-named as the *Magdalen Hospital Trust* (“the Trust”) pursuant to a scheme made by the Charity

⁶ The premises had previously been the home of the old London Hospital.

⁷ Much of the hospital’s money came from laundry services.

⁸ The system of *approved schools* appeared in the United Kingdom pursuant to the Children and Young Persons Act 1933. They were schools to which young people could be sent by a court, usually for committing offences but sometimes because they lacked parental control. The system of approved schools disappeared as a result of the Children and Young Persons Act 1969 (which established new regimes for such children).

Commission⁹, with funds derived from the proceeds of sale of the hospital. The objects of the Trust are to promote the welfare of young persons (of either gender) under 25 who are exposed to moral danger or who are prevented by reason of mental or bodily disease or other incapacity or other circumstances from providing for themselves or their children proper accommodation, maintenance or training. The Trust meets these objects not by offering residential support but by providing grants to support the education and training of young persons and to promote research into the causes of delinquency of young persons (and any project associated with this).

5. The four enactments that were passed to support the charity have become obsolete because they relate to issues that are no longer relevant to the charity today. In particular they relate to (1) a corporate structure of the charity that no longer exists in its original form and (2) the provision of residential support that no longer exists.

6. The provisions of these four enactments are summarised briefly in the following paragraphs.

Magdalen Hospital, London Act (1769) (9 Geo.3 c.31)

7. According to its long title, the purpose of the *Magdalen Hospital Act of 1769* ("the 1769 Act") was-

for the establishing and well governing an Hospital for the Reception, Maintenance, and Employment of Penitent Prostitutes, and for extinguishing the Right of Common of and in certain Lands in Saint George's Fields in the County of Surrey.

8. The 1769 Act provided as follows-

- (a) the establishment of a Corporation to govern a hospital for the reception, maintenance and employment of penitent prostitutes
- (b) the appointment of Governors (including any person paying five guineas yearly to the hospital); the Governors to be a corporate body known as the *President, Vice Presidents, Treasurer and Governors of the Magdalen Hospital for the Reception of Penitent Prostitutes*
- (c) the Governors were authorised to hold moneys and purchase land; appointment of President, Vice-Presidents, Treasurer and a Committee

⁹ The scheme was brought into force on 22 February 1973 by virtue of the Charities (Magdalen Hospital Charity) Order 1973, SI 1973 No.196.

- (d) the Governors were authorised to hold a general court four times yearly to dispose of the business of the hospital; power to make bye-laws at each general court; power to appoint officers; accounting procedures
- (e) extinguishment of rights of common on the land in St George's Fields upon which the new hospital was to be built¹⁰; provision for the exchange of part of that land; no building to be constructed within 10 feet of any road to be made from the south end of Blackfriars Bridge
- (f) civil procedure issues; status of this Act.

Magdalen Hospital Amendment Act 1848

9. According to its long title, the purpose of the *Magdalen Hospital Amendment Act 1848* ("the 1848 Act") was-

to alter, amend, and enlarge the Powers and Provisions of [the 1769 Act], for establishing and governing the Magdalen Hospital.

10. The *preamble* to the 1848 Act recorded that the hospital and buildings had been duly erected in St George's Fields for the purposes of the charity. However changes were needed in the regulation and management of the hospital.

11. The 1848 Act provided as follows-

- (a) the quarterly meetings of the Governor's general court were to be held on the third Thursday of each January, April, July and October; staff for the hospital to be appointed at such meetings; Governors' subscriptions to be determined at such meetings; authority to delegate powers to a special committee of three governors
- (b) authority to invest hospital moneys in mortgages of land; provisions as to foreclosure; power to grant leases of hospital land including of land mortgaged to the hospital
- (c) provisions as to receipts for money received by the hospital; officers to make declarations instead of oaths when accounting for money; civil procedure issues; expenses and status of this Act.

Magdalen Hospital Amendment Act 1866

12. According to its long title, the purpose of the *Magdalen Hospital Amendment Act 1866* ("the 1866 Act") was-

¹⁰ The *preamble* to the 1769 Act recorded that the existing premises in Prescott Street were too small and in a ruinous condition.

for enabling the President, Vice-Presidents, Treasurer, and Governors of the Magdalen Hospital for the Reception of Penitent Prostitutes to sell and grant Leases of the present Site of the Hospital and other Lands belonging to them, to acquire a new Site for the Hospital, and to erect a Hospital thereon; and for other purposes.

13. The *preamble* to the 1866 Act recorded that the present site of the hospital (Southwark) had become unsuitable because of the rise in population of the area, and it was desirable to move the hospital to a more suitable and healthy site.

14. The 1866 Act provided as follows-

- (a) the Corporation¹¹ was empowered to sell or exchange the land and buildings of the hospital, to purchase up to 10 acres as a site for a new hospital, and to erect such new hospital on that site; the Corporation was empowered to invest in railway securities
- (b) the Corporation's power to sell or purchase land was to be subject to the consent of the court or of the Charity Commissioners
- (c) provisions to allow the Corporation to retain or occupy buildings on a temporary basis; savings; expenses and status of this Act.

Magdalen Hospital Charity Scheme Confirmation Act 1937

15. According to its long title, the purpose of the *Magdalen Hospital Charity Scheme Confirmation Act 1937* ("the 1937 Act") was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the Magdalen Hospital in the County of London.

16. The Scheme confirmed by the 1937 Act provided as follows-

- (a) the object of the charity was now to be the provision and maintenance of an institution for the maintenance and training of girls and young women who were in need of reformation of character or who were in moral danger (*article 1*)
- (b) the body corporate established by the 1769 Act was now to be called "The President Vice-Presidents Treasurer and Governors of the Magdalen Hospital"¹² (*article 2*)

¹¹ Defined in the preamble to the 1866 Act as "the President, Vice-Presidents, Treasurer, and Governors of the Magdalen Hospital".

¹² In other words, the name no longer included the words "for the Reception of Penitent Prostitutes".

- (c) repeal of a provision in the 1769 Act that presented certain office-holders or employees from being one of the Governors; no paid officer of the charity could act as Governor (*articles 3 and 4*)
- (d) repeal of a provision in the 1769 Act and the 1848 Act about the holding of general courts; from now on there would be an annual general court of the Governors for the election of the vice-presidents, the treasurer and the committee; a general court could be convened at the request of five or more governors (*articles 5 and 6*)
- (e) provision for future schemes; construction; date of Scheme (*articles 7 to 9*).

Current position

17. The charity today operates not pursuant to any of these four enactments but in accordance with a Scheme of the Charity Commissioners (“the Current Scheme”) which was confirmed by the Charities (Magdalen Hospital Charity) Order 1973 (SI 1973/No.196) with effect from 22 February 1973.¹³

18. The Current Scheme provides as follows-

- (a) the charity operates under the title of the *Magdalen Hospital Trust* in accordance with the provisions of the Current Scheme; the body corporate established by the 1769 Act (the President Vice-Presidents Treasurer and Governors of the Magdalen Hospital) is dissolved; the Archbishop of Canterbury is the President of the charity (*articles 1, 2, 4*)
- (b) the charity is to be run by a body of 12 trustees; provisions for appointing the trustees and filling vacancies; meetings and proceedings of trustees (*articles 5 to 20*)
- (c) the trustees must apply the charity’s net income in promoting the welfare of young persons who are exposed to moral danger or are prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for themselves or their children proper accommodation, maintenance or training;¹⁴ income may be applied for the purpose of preventing crime and delinquency amongst young persons (*articles 21 and 22*)

¹³ By order made by the Charity Commissioners on 19 February 2004, the charity trustees were given general authority to amend the trusts of the charity.

¹⁴ In particular the trustees must (a) make grants to schools, colleges, hostels and other institutions where young persons are maintained or trained (b) assist young persons in connection with trades, occupations or professions by the provision of tools or books and the payment of fees and other expenses (c) assist unmarried mothers in need of financial assistance.

(d) general provisions (*articles 23 to 26*).

19. The provisions of the Current Scheme entirely supersede those of the four enactments of 1769, 1848, 1866 and 1937. Those enactments are accordingly obsolete and their repeal is proposed on that basis.

Consultation

20. The Charity Commission, the Department of Health and the Magdalen Hospital Trust have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
39 & 40 Geo.3 c.lx (1800) (Female Orphan Asylum Act)	The whole Act.
5 Geo.4 c.v (1824) (Asylum for Female Orphans Act)	The whole Act.
Female Orphan Asylum Amendment Act 1870 (33 & 34 Vict. c.xv)	The whole Act.
Board of Education Scheme (Female Orphan Asylum &c) Confirmation Act 1924 (14 & 15 Geo.5 c.xxi)	The whole Act.

Female Orphan Asylum Acts

1. This note proposes the repeal of four obsolete Acts relating to the provision of an orphanage for girls. The Acts finally became obsolete when the orphanage finally closed in 1968.

2. The orphanage (“the Orphanage”) had its origins in 1758 with the formation of a charitable society to establish-

*an Asylum or House for the Reception, Maintenance, Education, and Employment of friendless and deserted Orphan Girls, the Settlements of whose Parents could not be found.*¹⁵

39 & 40 Geo.3 c.lx (1800) (Female Orphan Asylum Act)

3. The purpose of the *Female Orphan Asylum Act of 1800* (“the 1800 Act”) was to support the operation of the Orphanage¹⁶ by establishing a corporate body to run it and by providing it with a proper constitution.

4. The 1800 Act provided as follows:

(a) a corporate body (“the Corporation”) to run the Orphanage was established under the name of *The President, Vice Presidents, Treasurer, and Guardians of the Asylum for the Reception of Orphan Girls the Settlements of whose Parents cannot be found*; anyone contributing a lump sum of £31.50 (or paying an annual sum of three guineas) would be appointed as a guardian of the Orphanage (*section 1*)

¹⁵ Female Orphan Asylum Act of 1800 (39 & 40 Geo.3 c.lx), preamble.

¹⁶ The orphanage was referred to in the legislation, using the language of the day, as “asylum” or “house of refuge”.

- (b) the Corporation was empowered to set up apprenticeships for any of the girls; appointment of the Corporation's first officials; proceedings of the Corporation; election and powers of the Corporation's officials (*sections 2 to 9*)
- (c) appointment and removal of officers, employees and chaplain; accounting arrangements; civil procedure issues; status of this Act (*sections 10 to 16*).

5 Geo.4 c.v (1824) (Asylum for Female Orphans Act)

5. According to its long title, the purpose of the *Asylum for Female Orphans Act of 1824* ("the 1824 Act") was:

to amend and render more effectual an Act of His late Majesty relative to the Asylum for Female Orphans.

6. The *preamble* to the 1824 Act recorded the wish of the Corporation to buy the freehold of the land in the parish of St Mary, Lambeth which the Corporation occupied under a lease granted by the City of London.

7. The 1824 Act provided as follows-

- (a) the conveyance to the Corporation of the freehold land that it currently occupied was authorised; conveyancing procedures; authority for the Corporation to dispose of unwanted land (*sections 1 to 10*)
- (b) provision for reducing the financial contributions made by the guardians of the orphanage; power to increase the number of vice-presidents and to alter existing voting arrangements; status of this Act (*sections 11 to 15*).

Female Orphan Asylum Amendment Act 1870

8. The purpose of the *Female Orphan Asylum Amendment Act 1870* ("the 1870 Act") was to amend the Acts of 1800 and 1824. *The preamble* to the 1870 Act recorded that the Corporation had moved the Orphanage from Lambeth to Beddington Manor in Surrey in 1866 (having bought the freehold of the Beddington premises in 1864).

9. The 1870 Act provided as follows-

- (a) short title of the Act; scope of charity extended to include all fatherless girls, whether or not their mothers were still alive; the charity to be known in future as the *Female Orphan Asylum* (*sections 1 to 3*)

- (b) the Corporation was empowered to grant leases (including building leases), to sell and exchange land and to invest in mortgages (*sections 4 to 9*)
- (c) the guardians were empowered to alter the financial qualification for guardianship; provisions as to meetings of the guardians; replacement of apprenticeship powers contained in the 1800 Act; 1800 and 1824 Acts to continue in force; expenses of this enactment (*sections 10 to 15*).

Board of Education Scheme (Female Orphan Asylum &c) Confirmation Act 1924

10. According to its long title, the purpose of the *Board of Education Scheme (Female Orphan Asylum &c) Confirmation Act 1924* (“the 1924 Act”) was-

to confirm a Scheme approved and certified by the Board of Education under the Charitable Trusts Act 1853 relating to the Female Orphan Asylum, the National Orphan Home and the Hans Town School of Industry.

11. The scheme confirmed by the 1924 Act (“the Scheme”) merged the administration of three charities-

- (a) the Female Orphan Asylum (as provided for by the 1800 Act, the 1824 Act and the 1870 Act)
- (b) the National Orphan Home¹⁷
- (c) the Hans School of Industry.¹⁸

12. The Scheme provided that the endowment of the National Orphan Home and the Hans School of Industry (the two endowments together being referred to in the Scheme as “the Ham Endowment”) should thenceforth be administered as part of the endowment of the Female Orphan Asylum in accordance with the 1800 Act (as amended). The National Orphan Home would now be called the *Royal Female Orphanage*. The Scheme also contained provisions whereby places in the Royal Female Orphanage would be allocated to girls known as “Ham Foundationers”.

Closure of the Orphanage

13. These arrangements ended in 1968 when the Orphanage (by this time located in High Wycombe, Buckinghamshire) closed its doors. The legislation passed in support of the Orphanage – the 1800 Act, the 1824 Act, the 1870 Act and the 1924

¹⁷ This charity was founded in 1849 and operated under the trusts of a deed dated 18 October 1853. The charity had, before 1924, been conducted at premises in Ham, Surrey. By 1924 the National Orphan Home at Ham was no longer being carried on as a separate institution.

¹⁸ This charity was administered in connection with the National Orphan Home under a scheme of the Charity Commissioners dated 12 June 1894.

Act – thereupon became obsolete. The repeal of all four Acts is proposed on that basis.

Extent

14. The provisions proposed for repeal had no effect outside the area of Greater London and Surrey.

Consultation

15. The Charity Commission, the Department for Education and Surrey County Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
41 Geo.3 c.cxx (1801) (Durham County Schools Act)	The whole Act.
3 Geo.4 c.26 (1822) (Durham County Schools Amendment Act)	The whole Act.

Durham County Schools Acts of 1801 and 1822

1. This note proposes the repeal of two obsolete early nineteenth century Acts relating to the establishment of schools in Durham.

Durham County Schools Act (1801)

2. According to its long title, the purpose of the *Durham County Schools Act of 1801* (“the 1801 Act”) was-

*for the Establishment of Schools for the Education of Poor Children in the County Palatine of Durham.*¹⁹

3. The *preamble* to the 1801 Act recorded that the common moors and lands in the townships of Framwellgate and Witton Gilbert and in the manors of Chester and Lanchester in the County Palatine of Durham had recently been enclosed by Act of Parliament, and that part of the compensation land due in respect of this inclosure was to be awarded to the Bishop of Durham, the Honourable Shute Barrington, in his capacity as Lord of the manors of Chester and Lanchester. The preamble also recorded the wish on the part of Bishop Barrington that part of this compensation²⁰ should be applied for the establishment and maintenance of one or more schools “for the religious and virtuous Education of poor Children of the said County Palatine of Durham”. The rents and profits from the compensation land would provide the necessary funding.

4. The 1801 Act provided as follows-

- (a) the vesting of the compensation in the Bishop of Durham and his successors on trust for the establishment and maintenance of one or more schools (*section 1*)

¹⁹ Counties Palatine were established in the 11th century to defend the northern and western counties of the kingdom of England. The rulers of these counties were given palatine (ie royal) powers, making these territories largely independent of, though still owing allegiance to, the Crown. Each had its own administration and courts. The County Palatine of Durham was established by William the Conqueror and was governed by the Bishops of Durham who, in addition to having spiritual jurisdiction over the diocese of Durham, retained temporal jurisdiction over County Durham until 1836.

²⁰ The compensation was mostly in the form of land, and the part of the compensation now being applied was a one-twenty-fourth part of the whole.

- (b) within 12 months from the passing of the 1801 Act,²¹ the Bishop of Durham was to make laws and regulations for the conduct and management of the school or schools (*section 2*)
- (c) expenses and status of the 1801 Act; general saving provision (*sections 3 to 5*).

5. That these arrangements did not work as intended can be seen from the 1822 Act described below.

Durham County Schools Amendment Act (1822)

6. According to its long title, the purpose of the *Durham County Schools Amendment Act of 1822* (“the 1822 Act”) was-

to alter and amend an Act of the Forty-First Year of the Reign of His late Majesty King George the Third, for the Establishment of Schools for the Education of poor Children in the County Palatine of Durham.

7. The *preamble* to the 1822 Act recorded that the Bishop of Durham did indeed make laws and regulations for the conduct and management of the intended schools as envisaged by the 1801 Act. However, following the payment of expenses, the rents from the land awarded to the Bishop by way of inclosure compensation were “inadequate for the purpose of establishing Schools, according to the Intent of the said Act”. Indeed there was only £575 left available to carry out the purposes of the 1801 Act.

8. Accordingly the 1822 Act amended the 1801 Act by allowing the Bishop of Durham to use the rental income not for the establishment of a new school but for the benefit of any school or schools already in existence or thereafter to be established in the County of Durham.

9. The 1822 Act therefore provided as follows-

- (a) the repeal of the 1801 Act provisions relating to the making of laws and regulations for the conduct and management of any new school, and the annulment of the laws and regulations already made (*sections 1 and 2*)
- (b) the Bishop of Durham was authorised to apply the net rents and profits from his inclosure compensation for the benefit of any existing or future school in the County Palatine of Durham in such proportions and manner as seemed to him best calculated for providing the religious and

²¹ The Act was passed in 23 June 1801.

virtuous education of poor children in the principles of the United Church of England and Ireland (*section 3*)

- (c) the Bishop of Durham would annually certify the sums allocated to each school; expenses and status of this Act (*sections 4 to 6*).

10. Neither the 1801 Act nor the 1822 Act has any legal effect today. The charitable funds provided by Bishop Barrington are today managed by the registered charity *Westgate Barrington Schools* (formerly known as Barrington Schools). This charity is governed not by the authority of either Act but by schemes drawn up by the Charity Commissioners.²² Its principle charitable object is to promote the education (including religious education) of the inhabitants of the ecclesiastical district of Stanhope in the parish of Stanhope, Durham.

11. Although the 1801 Act and the 1822 Act did not directly establish any school as was originally intended, a number of schools in the Durham area were established in the early nineteenth century from funds provided by the Bishop of Durham. For example, the Barrington School in Bishop Auckland that opened in 1810 was funded by royalties due to the bishopric of Durham from several lead mines in Weardale.²³

Conclusion

12. The 1801 Act and the 1822 Act have long ceased to serve any useful purpose. The charitable objects for which they were enacted are today met by other means. In particular the charitable funds provided by Bishop Barrington are today managed by the charity *Westgate Barrington Schools*. Accordingly both Acts are obsolete and their repeal is proposed on that basis.

Consultation

13. The Department for Education, the Charity Commission, *Westgate Barrington Schools* (Charity), the Bishop Barrington School, the Diocese of Durham, the Diocese of Durham Board of Education and Durham County Council have been consulted about these repeal proposals.

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²² These schemes are dated 28 May 1867 and 20 August 1897.

²³ The school closed its doors in July 1974. Around that time two new comprehensive schools were established in Bishop Auckland. One of the new schools acquired the name Bishop Auckland Barrington School in order to retain the historical connection with Bishop Barrington. The information in this paragraph is drawn from an article in the September 1954 issue of the Durham Research Review (Institute of Education of the University of Durham) entitled "The Barrington School at Bishop Auckland" written by J L Dobson, MA. A copy of this article has been kindly made available by Andrew Gray of the Durham University Library.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Philanthropic Society's Act 1806 ²⁴ (46 Geo.3 c.cxliv)	The whole Act.
Philanthropic Society's Act 1823 (4 Geo.4 c.18)	The whole Act.
Philanthropic Society's Act 1848 (11 & 12 Vict. c.cix)	The whole Act.

Philanthropic Society's Acts 1806, 1823 and 1848

1. This note proposes the repeal of three obsolete 19th century enactments relating to the Royal Philanthropic Society.²⁵

Background

2. In 1788 a group of wealthy individuals formed a charitable society "for the Purpose of providing for the Maintenance, Education, and Employment of poor Children, the offspring of convicted Felons, and of children who had themselves been engaged in criminal Practices".²⁶

3. This society became known as the *Philanthropic Society* ("the Society"). The Society, based initially in London, opened a number of homes to house children who would otherwise be on the streets begging or stealing. In 1849 the Society founded the Farm School at Redhill in Surrey for children who were sent there either voluntarily by their parents, or by the courts as an alternative to prison. The Farm School became an approved school²⁷ in the 1930s. The Society ceased to be responsible for running the school in 1973 and focused its activities in community-based child care projects in Kent, Surrey and Wandsworth.

4. The Society still continues its work as a registered charity. In 1997 it became known as *Rainer* in recognition of one of the Society's 19th century benefactors.²⁸ In

²⁴ The short titles to these Acts were conferred by the Philanthropic Society's Act 1848, s 2.

²⁵ Formerly the Philanthropic Society. The Society was granted royal status in 1952.

²⁶ Philanthropic Society's Act 1806, preamble.

²⁷ The system of *approved schools* appeared in the United Kingdom pursuant to the Children and Young Persons Act 1933. They were schools to which young persons could be sent by a court, usually for committing offences but sometimes because they lacked parental control. The system of approved schools disappeared as a result of the Children and Young Persons Act 1969 (which established new regimes for such children).

²⁸ In 1876 Frederic Rainer, a volunteer with the Church of England Temperance Society, provided the Society with a donation to help provide rescue work for young people in the police courts.

July 2008 the Society merged with the charity, *Crime Concern* (another long-established charity working with young people in the criminal justice system) to form a new charity known as *Catch 22 Charity Ltd*. Accordingly the governance and management of the Society is today vested in *Catch 22 Charity Ltd*,²⁹ whose objectives are to promote opportunities for the development, education and support of young people in need to lead purposeful, stable and fulfilled lives and to promote safer, crime-free communities for the benefit of the public.

5. The three Acts that were passed to support the Society in its early days have become obsolete because they relate to issues that are no longer relevant to the Society today. In particular they relate to (1) to a corporate structure of the charity that no longer exists in its original form and (2) the provisions of residential support that no longer exists. Indeed a scheme made by the Charity Commissioners in 1994 has had the effect that the three Acts have virtually ceased to have effect.³⁰

6. The provisions of the three Acts are summarised briefly in the following paragraphs.

Philanthropic Society's Act 1806

7. According to its long title, the purpose of the *Philanthropic Society's Act 1806* ("the 1806 Act") was:

for establishing and well-governing the charitable Institution, commonly called The Philanthropic Society, formed for the Protection of poor Children, the Offspring of convicted Felons, and for the Reformation of Children who have themselves been engaged in criminal Practices; and for incorporating the Subscribers thereto; and for the better empowering and enabling them to carry on their charitable and useful Designs.

8. The 1806 Act provided as follows:

- (a) the establishment of a Corporation ("the Corporation") to be known as The President, Vice Presidents, Treasurer, and Members of the Philanthropic Society to provide for the maintenance, education and employment of poor children, the children of convicted felons and of children formerly engaged in criminal practices
- (b) the Corporation was empowered to bind the children to apprenticeships

²⁹ The board of trustees of *Catch 22 Charity Ltd* was formed from trustees drawn from the existing *Rainer* and *Crime Concern* boards.

³⁰ This 1994 Scheme was appended to the *Charities (The Royal Philanthropic Society) Order 1994, SI 1994 No 1235*.

- (c) the appointment of the Corporation's officers; the creation of a Committee and a general court to carry out the business of the Corporation; replacement of officers; proceedings of the general court and its powers; investment and application of the Corporation's funds
- (d) appointment of a chaplain and licensing of such chaplain by the Bishop
- (e) treasurer to account for moneys; appeals; civil procedure issues; status of this Act.

Philanthropic Society's Act 1823

9. According to its long title, the purpose of the *Philanthropic Society's Act 1823* ("the 1823 Act") was-

for enabling the President, Vice-Presidents, Treasurer, and Members of the Philanthropic Society to purchase from the Corporation and other Persons entitled thereto the Lands and Hereditaments in the Parish of Saint George the Martyr, Southwark, in the County of Surrey, upon which they have erected a Chapel, Buildings, and other Works, and such other Land adjoining thereto as may be required for the Purposes of their Charity.

10. The *preamble* to the 1823 Act recorded that the Corporation (ie the Society) had leased land in Southwark from the Mayor and Commonalty and Citizens of the City of London for the purpose of erecting a chapel and other buildings, and had already completed the building work. However it was thought desirable that the Corporation should acquire the freehold of the land.

11. The 1823 Act provided as follows-

- (a) authority for the owners of the land to sell it to the Corporation; authority for the Corporation to meet the cost of the purchase by surrendering other land held by them; conveyancing procedures
- (b) authority for the Corporation to sell any land vested in them
- (c) status of this Act.

Philanthropic Society's Act 1848

12. According to its long title, the purpose of the *Philanthropic Society's Act 1848* ("the 1848 Act") was-

to enable the President, Vice-President, Treasurer, and Members of the Philanthropic Society to sell and grant Leases of the Lands belonging to them, and to purchase other Lands; and for other Purposes relating to the said Society.

13. The *preamble* to the 1848 Act recorded that the income of the Society had greatly diminished in recent years whereas the Society's expenses had greatly increased, particularly because of the parish rates charged in the Southwark area. Moreover the Society wished to engage its children in agricultural and out-door pursuits, something that was not practicable in the Society's confined premises on the outskirts of London. The Society wished to move to the country and raise money by leasing such lands as it did not require for its own occupation. This would require fresh legislative powers.

14. Accordingly the 1848 Act provided as follows-

- (a) the Corporation was given new powers to purchase land and to sell any land that it no longer needed
- (b) the Corporation was authorised to grant leases (including building leases) of any of its land
- (c) provisions as to receipts; quarterly meetings of the Society; subscriptions; expenses and status of this Act.

15. On the strength of this Act, the Society sold its London premises and in 1849 bought an estate in Redhill for use as the Society's Farm School. This school was managed by the Society until 1973 when control passed to the London Borough of Wandsworth. The school finally closed in 1988.

Current position

16. The Society operates today not pursuant to any of these three Acts but in accordance with a Scheme of the Charity Commissioners ("the Current Scheme") dated 1 July 2008. The Current Scheme replaced a scheme of the Charity Commissioners dated 23 February 1994 ("the 1994 Scheme").³¹ The 1994 Scheme provided the Society with a new constitution in substitution for the constitution provided by the three Acts. Indeed clause 1 of the 1994 Scheme provided that "subject to clause 2(1) of this Scheme, the ... Acts of 1806, 1823 and 1848 shall cease to have effect". Clause 2(1) provided for the Society to continue to be a body corporate.

17. The Current Scheme superseded the 1994 Scheme and provided the Society with a new constitution. However the Current Scheme expressly saved clause 2(1)

³¹ The 1994 scheme was appended to the *Charities (The Royal Philanthropic Society) Order 1994, SI 1994 No 1235*.

of the 1994 Scheme³² in order to preserve the three Acts of 1806, 1823 and 1848 so far as they provide the Society with corporate status.

Conclusion

18. Accordingly the three Acts of 1806, 1823 and 1848 now serve no purpose except to preserve the status of the Society as a body corporate. This effect may be conveniently continued by the entry in the attached *Schedule of consequential and connected provisions*. This will supersede the effect of clause 2(1) of the 1994 Scheme and permit the final repeal of the three Acts in their entirety.³³

Consultation

19. The Charity Commission, the Department for Education, the Royal Philanthropic Society and Catch 22 Charity Ltd have been consulted about these repeal proposals.

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³² The Current Scheme, clause 2.

³³ The amendment refers to the 1806 Act alone because it was that Act (and not the 1823 or 1848 Acts) that gave the Society corporate status.

SCHEDULE
OF
CONSQUENTIAL AND CONNECTED PROVISIONS

Philanthropic Society's Act 1806 (c.cxliv)

.The repeal by this Act of the Philanthropic Society's Act 1806 (c.cxliv) does not affect the status of body corporate conferred by that Act on the Royal Philanthropic Society.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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48 Geo.3 c.lxxvii (1808) (Hospital for Poor French Protestants Act)	The whole Act.
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Hospital for Poor French Protestants Act of 1808

1. This note proposes the repeal of an obsolete 1808 Act relating to a home established in London for poor French Protestants.

Background

2. The French persecution of Protestants from the mid-16th century resulted in large numbers of Protestant refugees (later known as *Huguenots*) seeking shelter in England. In 1708 one Jacques de Gastigny left £1000 in his will to benefit the refugees living in the London parish of St Giles Cripplegate. This enabled the opening in 1718 of the *Hospital for Poor French Protestants* in Bath Street in the parish of St Luke's, Finsbury.³⁴

3. Also in 1718 George I granted a Royal Charter incorporating *The Governor and Directors of the Hospital for Poor French Protestants and their Descendants, residing in Great Britain* and empowering this newly-formed corporation to buy, hold and take on lease land with an annual value not exceeding £500.³⁵

4. The French Hospital, also known as *La Providence*, was an immediate success and had provided a home for 125 residents by 1723. It moved from Bath Street in 1865 to Victoria Park in nearby Hackney, moving again after the Second World War to Horsham. Since 1960 the French Hospital has been settled in Rochester (Kent) and today provides 60 self-contained sheltered flats for people of French Protestant descent.

Hospital for Poor French Protestants Act of 1808

5. According to its long title, the purpose of this 1808 Act ("the 1808 Act") was-

for enabling the Governors and Directors of the Hospital for Poor French Protestants, and their Descendants, residing in Great Britain, to grant such Part of the Site of the Buildings, and the Lands belonging to the said Hospital, or such Part thereof, as they shall think proper, upon building Leases.

³⁴ Bath Street today is near the junction of Old Street and City Road, a little to the north of the City of London. The term "hospital" is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm.

³⁵ This 1718 Charter was varied by a supplemental Charter in 1953.

6. The *preamble* to the 1808 Act recorded that the site of the hospital in Bath Street comprised about 4.5 acres and that the work of the Charity would be greatly benefited by being allowed to grant 99 year building leases of part of the site.

7. Accordingly the 1808 Act authorised the Governors and Directors of the French Hospital to grant building leases of up to 99 years of any part or parts of the hospital's garden or yards in Bath Street at the best rent reasonably available.

8. The 1808 Act has long been obsolete. The French Hospital vacated its Bath Street premises in 1865 with the result that the powers in the 1808 Act can no longer be exercised. The Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

9. The Charity Commission, the Department of Health and the French Hospital have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
48 Geo.3 c.cxliv (1808) (Maynooth Academy Act)	The whole Act.
8 & 9 Vict. c.25 (1845) (Maynooth College Act)	The whole Act.

Maynooth Academy Act of 1808/ Maynooth College Act of 1845

1. This note proposes the repeal of two obsolete 19th century Acts relating to St Patrick's College at Maynooth in County Kildare, Ireland.

Background

2. St Patrick's College, Maynooth ("the College")³⁶ was founded in 1795 as a seminary for the education of Catholic priests. Situated 15 miles from Dublin, the College has over the years ordained more than 11,000 priests. The College is today the only major seminary in Ireland.

3. The two Acts proposed for repeal were passed by the United Kingdom Parliament to amend two Acts of the Parliament of Ireland that related to the initial running and supervision of the College.³⁷

48 Geo.3 c.cxliv (1800) (Maynooth Academy Act)

4. According to its long title, the purpose of this 1808 Act ("the 1808 Act") was-
to amend Two Acts, passed in Ireland, for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the Seminary established at Maynooth for the Education of such Persons, so far as relates to the Purchase of Lands and compounding Suits.

5. The 1808 Act provided as follows:

- (a) the trustees of the College were empowered to reach compromises and settlements in any legal property claim made by or against the College
- (b) the trustees were empowered to purchase land, not exceeding in value £1000 per annum (excluding the value of the land already held by the College).

³⁶ The College and seminary are often referred to as *Maynooth College*.

³⁷ 35 Geo.3 c.21 (1795); 40 Geo.3 c.85 (1800).

8 & 9 Vict. c.25 (1845) (Maynooth College Act)

6. According to its long title, the purpose of the 1845 Act (“the 1845 Act”) was-
to amend Two Acts passed in Ireland for the better Education of Persons professing the Roman Catholic Religion, and for the better Government of the College established at Maynooth for the Education of such Persons, and also an Act passed in the Parliament of the United Kingdom³⁸ for amending the said Two Acts.

7. The 1845 Act provided as follows-
 - (a) the trustees of the College were incorporated as *The Trustees of the College of Maynooth* (“the Corporation”) with power to hold property and purchase land not exceeding in value £3000 per annum (excluding the value of the land already held by the College)
 - (b) all existing land held by the trustees was to vest in the Corporation
 - (c) salaries for the College professors and office-holders; payment of annual sums to the Corporation to cover the cost of educating the students and meeting College expenses
 - (d) provisions for the repairs of the existing College buildings and for purchasing new College buildings and land
 - (e) costs and expenses arising from this Act to be payable by HM Treasury
 - (f) provisions relating to the appointment of visitors to the College and their functions.

Conclusion

8. The 1808 and 1845 Acts may now be repealed on the basis that they can now have no effect within the United Kingdom. They were passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1808 and 1845 Acts, whilst remaining on the statute book of the United Kingdom, no longer have any effect within the United Kingdom. Accordingly they may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

9. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. They remain in force inside the Republic and their status there will not be affected by these repeal proposals.

³⁸ The 1808 Act.

Consultation

10. HM Treasury, the Office of the Attorney General for the Republic of Ireland, the Department of Education and Skills (Ireland) and Kildare County Council have been consulted about these repeal proposals.

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50 Geo.3 c.viii (1810)
(Kilkenny City Asylum Act)

The whole Act.

Kilkenny City Asylum Act of 1810

1. This note proposes the repeal of an obsolete 1810 Act relating to almshouses for women in Kilkenny in the Republic of Ireland.

2. According to its long title, the purpose of the *Kilkenny City Asylum Act of 1810* (“the 1810 Act”) was-

for incorporating the Archbishop of Cashel, the Bishop of Leighlin and Ferns, the Bishop of Ossory, and the Dean of Ossory, and their respective Successors for the Time being, into a Corporation, to be called by the Name of ‘The Trustees of the Asylum in the City of Kilkenny,’ founded by James Switsir, Esquire, and for enabling them to carry on that charitable and useful Institution, according to the Provisions of a certain Trust Deed, executed by the said James Switsir.

3. The charitable institution referred to in the long title were the almshouses built in 1803 by James Switsir, to house “twenty decent and respectable women in necessitous circumstances”.³⁹ Known also as St James’s Asylum, the almshouses remain in use today.

4. The 1810 Act provided as follows-

- (a) the persons holding the offices of Archbishop of Cashel, Bishop of Leighlin and Ferns, Bishop of Ossory and Dean of Ossory were incorporated under the name of *The Trustees of the Asylum of the City of Kilkenny founded by James Switsir, Esquire* (“the Corporation”)
- (b) the Corporation was invested with land and other property that had previously been donated by James Switsir and empowered to make regulations for the running of the almshouses
- (c) savings provisions and status of this Act.

5. The 1810 Act may be repealed on the basis that it can now have no effect within the United Kingdom. The 1810 Act was passed at a time when the whole of

³⁹ The 1810 Act, preamble.

Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1810 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

6. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1810 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.

Consultation

7. The Office of the Attorney General for the Republic of Ireland, Kilkenny Council, St Mary's Cathedral, Kilkenny and St Canice's Cathedral, Kilkenny have been consulted about these repeal proposals.

LAW/005/024/06
09 September 2010

50 Geo.3 c.clii (1810)
(Kildare County Infirmary Act)

The whole Act.

Kildare County Infirmary Act of 1810

1. This note proposes the repeal of an obsolete 1810 Act relating to the Kildare County Infirmary in the Republic of Ireland.⁴⁰
2. According to its long title, the purpose of the *Kildare County Infirmary Act of 1810* (“the 1810 Act”) was-

authorising the Removal of the Infirmary of the County of Kildare from the Town of Kildare to the Town of Naas.
3. The *preamble* to the 1810 Act recorded that circumstances (including the lack of water in the town of Kildare) made that town an inconvenient place for an infirmary.
4. The 1810 Act provided as follows-
 - (d) authority for the Kildare County Infirmary to be moved from the town of Kildare to the town of Naas
 - (e) the County of Kildare to meet the costs of the move and of this Act; status of this Act.
5. In the event the 1810 Act was unnecessary. The infirmary at Kildare had already closed in 1797 and a house in Naas was being used as substitute premises. The infirmary moved back to Kildare in its original premises and re-opened in 1817. The site is today occupied by a hotel.
6. Although the 1810 Act may be repealed on the basis that it is unnecessary, a further ground of repeal is that it can now have no effect within the United Kingdom. The 1810 Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1810 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

⁴⁰ The infirmary opened in Kildare in 1778.

Extent

7. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. Moreover the 1810 Act has no effect inside the Republic because it was repealed for the Republic in 2009.⁴¹

Consultation

8. The Office of the Attorney General for the Republic of Ireland, the Irish Health Service Executive and Kildare County Council have been consulted about these repeal proposals.

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⁴¹ Statute Law Revision Act 2009, Sch 2, Part 4.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
50 Geo.3 c.cxcviii (1810) (Bethlem Hospital Act)	The whole Act.
2 & 3 Vict. c.20 (1839) (Bethlem Hospital Act)	The whole Act.
Bethlem Hospital Act 1871 (34 & 35 Vict. c.cxxii)	The whole Act.

Bethlem Hospital Acts 1810, 1839 and 1871

1. This note proposes the repeal of three obsolete Acts relating to the Bethlem Hospital.

2. The Bethlem Hospital (“the Hospital”) derives its name from the time in the mid 13th century when it was a priory for the sisters and brethren of the Order of the Star of Bethlehem. The Hospital was founded by charitable endowment in 1247 and was originally situated near Bishopsgate in the City of London on the site currently occupied by Liverpool Street Station.

3. From its earliest times the Hospital admitted mentally ill patients. Indeed it is recognised as the world’s first and oldest institution to specialise in the mentally ill.⁴² Today known as the Bethlem Royal Hospital, it⁴³ forms part of the South London and Maudsley NHS Foundation Trust. It is situated at Beckenham in the London Borough of Bromley and provides mental health and substance misuse services for people living in the London Boroughs of Croydon, Lambeth, Southwark and Lewisham.⁴⁴

4. The obsolete Acts proposed for repeal relate to the earlier siting of the Hospital in Southwark and in Godalming.

50 Geo.3 c.cxcviii (1810) (Bethlem Hospital Act)

5. According to its long title, the purpose of this 1810 Act was for-

vesting the lease of the Governors of Bethlem Hospital in the Scite⁴⁵ of the Hospital, in the Mayor and Commonalty and Citizens of the City of London by whom it was granted; and for authorising the said Mayor and Commonalty and Citizens to grant certain Lands in Saint George’s Fields, in lieu thereof, to

⁴² For much of its history, the Hospital was notorious for cruelty and inhumane treatment to its inmates. The word “bedlam” meaning madhouse or scene of uproar is derived from “Bethlem”.

⁴³ Together with the Maudsley Hospital in Camberwell.

⁴⁴ The Hospital also provides such services for people living elsewhere in the United Kingdom.

⁴⁵ I.e. site.

Trustees for the Governors of the said Hospital for the like Term, for the Purpose of erecting a new Hospital thereon on an enlarged Scale.

6. In short the purpose of the 1810 Act was to enable the Hospital to exchange its existing two leases granted by the City of London for a new lease, also to be granted by the City of London, on a larger site.
7. By the *first* lease, dated 6 October 1674, the City of London granted the Hospital's Governors a 999 year lease (at a yearly rent of one shilling) of land "on the North Side of London Wall, in the parish of Saint Stephen's Coleman Street ... and extending from Moorgate to the Postern at or near the end of Winchester Street ... ". The lease was granted to enable the Hospital to build a new house to hold 120 inmates.
8. By the *second* lease, dated 10 May 1793, the City of London granted the Hospital's Governors an 881 year lease (at a yearly rent of one shilling) of land "on the West Side of Little Moorgate, in the Parish of Saint Stephen Coleman Street, London, whereon Five Messuages or Tenements, and Part of London Wall, lately stood ...". The lease was granted to increase the number of inmates resident in the Hospital.
9. The need for the Hospital to move elsewhere arose partly because defective foundations had resulted in the buildings becoming unsafe. Moreover there was a need to increase the number of inmates to 200 or more and to provide them with open-air exercise facilities.
10. Accordingly the 1810 Act provided as follows:
 - (a) the existing two leases and all lands demised by those leases were to re-vest in the City of London (*section 1*)
 - (b) the Hospital Governors could remain in occupation of their existing buildings until a new hospital was built (*section 2*)
 - (c) on or before 15 July 1810, the City of London was to grant the Hospital Governors a new lease of land in Saint George's Fields in Southwark. The land, comprising 11 acres, was for a term of 865 years and at a yearly rent of one shilling (*section 3*)

- (d) 8 acres of the new lease was to be used for the purposes of the Hospital which was to hold no fewer than 200 patients; the remaining land was to be used for augmenting the revenues of the Hospital (*sections 4 and 5*)
- (e) handing over possession of the new site; savings; status of this Act (*sections 6 to 8*).

11. As a result of the 1810 Act, the Hospital transferred from the City of London to a site in St George's Road and Lambeth Road in Southwark. The Hospital occupied the site pursuant to two leases. One was granted pursuant to the 1810 Act and was dated 11 July 1810. The other was granted pursuant to an Act of 1839 (2 & 3 Vict. c.20) and was dated 12 December 1839. The Act of 1839 is discussed below.

2 & 3 Vict. c.20 (1839) (Bethlem Hospital Act)

12. According to its long title, the purpose of this 1839 Act was-

to enable the Mayor and Commonalty and Citizens of the City of London to let and sell Parcels of Ground in St George's Fields near Bethlem Hospital to the Governors of the said Hospital.

13. Following its transfer to Southwark pursuant to the 1810 Act, the Hospital required additional land at the front for use as an entrance to the Hospital. Accordingly the 1839 Act authorised the City of London to grant the Hospital a lease of two acres of land in front of the Hospital. The lease was for a term of 836 years and at a yearly rent of five shillings. The 1839 Act also authorised the City of London to sell to the Hospital a further two acres of land in front of the Hospital but on the other side of the road from the Hospital.

Bethlem Hospital Act 1871

14. According to its long title, the purpose of this 1871 Act was:

to enable the Governors of Bethlem Hospital to establish and maintain at Witley, in the parish of Godalming in the county of Surrey, a Convalescent Establishment in connexion with and as part of Bethlem Hospital

15. The *preamble* to the 1871 Act recorded that the Hospital Governors had purchased two acres or more of land on which they had built a convalescent home ("the Home"). They now wished to enlarge and alter the Home and carry out building works elsewhere in the parish of Godalming. Doubts had however arisen as to the status of the Home for the purposes of an Act of 1845.⁴⁶

⁴⁶ 8 & 9 Vict. c.100 (Lunatics). This Act was repealed by the Lunacy Act 1890, s 342.

16. Accordingly the 1871 Act provided that the Home should not form a hospital within the meaning of the Act of 1845 and so should not require registration as such. Rather it should be treated as being part of the Hospital. Patients whilst at the Home should continue to be subject to all enactments and regulations relating to patients at the Hospital.⁴⁷ The Commissioners of Lunacy were given the same powers of visiting and superintending the Home as if it had been a hospital registered under the Act of 1845.⁴⁸ The remaining provisions of the 1871 Act related to the Hospital Governor's powers to maintain and alter the Home at Witley and to hold other land in the same parish⁴⁹, the approval of the Charity Commissioners in relation to those powers⁵⁰, the making and exhibition of regulations concerning the Home⁵¹, and ancillary provisions.⁵²

The move to Beckenham

17. All three Acts became unnecessary in 1930 when the Hospital moved from Southwark to its present site in Beckenham.⁵³ The buildings at the old site had become antiquated and not best suited for the needs of the Hospital. The Hospital Governors and the City of London disposed of their respective leasehold and freehold interests in the Southwark site. Because the new site at Beckenham already had convalescence facilities, the Hospital Governors also disposed of the Home. The Southwark site became vested in the London County Council as an open space under the Open Spaces Act 1906. Part of the site is today occupied by the Imperial War Museum.⁵⁴

18. The Hospital's move from Southwark in 1930 and the sale of the Home that year means that the 1810, 1839 and 1871 Acts are now unnecessary. Their repeal is proposed on that basis.

⁴⁷ The 1871 Act, s 7.

⁴⁸ The 1871 Act, s 8.

⁴⁹ The 1871 Act, ss 3, 4, 9.

⁵⁰ The 1871 Act, s 10.

⁵¹ The 1871 Act, ss 5, 6.

⁵² The 1871 Act, s 1 (short title), s 2 (interpretation), s 11 (expenses of Act).

⁵³ The Beckenham site was known as the Monks Orchard Estate. The Bethlem Hospital Act 1928 (18 & 19 Geo.5 c.xli) empowered the Hospital Governors to sell or let part of the Estate not required for the purposes of the Hospital.

⁵⁴ Arrangements for the use of the Southwark site as an open space and for accommodating the Imperial War Museum were provided for by the Bethlem Hospital Act 1926 (16 & 17 Geo.5 c.xlviii) as amended by the Bethlem Hospital Act 1931 (21 & 22 Geo.5 c.lxiii).

Consultation

19. The Charity Commission, the Department of Health, South London and Maudsley NHS Foundation Trust, the City of London Corporation and the London Borough of Bromley have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
52 Geo.3 c.clvii (1812) (Wigan Free Grammar School Act)	The whole Act.

Wigan Free Grammar School Act of 1812

1. This note proposes the repeal of an obsolete 1812 Act relating to the now closed grammar school at Wigan.

Background

2. Wigan Free Grammar School (“the School”) was built in or around 1597 from an endowment by one Thomas Bankes, a goldsmith. The School was added to in 1723 and the old buildings were replaced in 1730. The School was re-built in 1879 and again in 1937. It finally closed its doors on 7 July 1972.

3. According to its long title, the purpose of the *Wigan Free Grammar School Act of 1812* (“the 1812 Act”) was-

For incorporating the Governors of the Free Grammar School of the Borough of Wigan, in the County Palatine of Lancaster; and for enlarging the Trusts and Powers of the said Governors, for the Benefit of the said School.

4. The *preamble* to the 1812 Act recorded the need to alter the existing powers of the School’s governors (“the Governors”) , particularly with a view to increasing the income available to the School.

5. The 1812 Act provided as follows-

- (a) the School was to be known as *The Free Grammar School of the Borough of Wigan in the County Palatine of Lancaster*
- (b) the Mayor of the Borough of Wigan, the Aldermen or Burgesses of the Borough and the School trustees were to be Governors; the Governors were incorporated as *The Governors of the Free Grammar School of the Borough of Wigan in the County Palatine of Wigan*
- (c) power to increase the number of Governors; election and qualification of Governors
- (d) School’s land and other property were vested in the Governors; Governors empowered to sell such land; investment of sale proceeds; surveyor to value the land; power to lease land

- (e) Governors authorised to dismiss masters for incapacity, immorality or neglect of duty; appointment of officers and a treasurer; any dismissed master was to vacate any accommodation provided for him
- (f) Governors authorised to make bye-laws; meetings of the Governors; expenses and status of this Act.

6. As stated above, the School closed on 7 July 1972. It occupied a number of sites during its 350 years history, ending up in Parsons Walk, Wigan. The site is today used as an out-patients department for Wigan Health Authority. The closure of the School means that the 1812 Act can no longer serve any useful purpose and has become obsolete. Its repeal is proposed on that basis.

Consultation

7. The Charity Commission, the Department for Education, Wigan Metropolitan Borough Council and the Wigan Grammar School Old Boys Association have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
53 Geo.3 c.ccxiii (1813) (Earl of Leicester’s Hospital, Warwick Act)	The whole Act.
Robert Earl of Leicester’s Hospital Charity Scheme Confirmation Act 1926 (16 & 17 Geo.5 c.xxv)	The whole Act.

Earl of Leicester’s Hospital, Warwick Act
Robert Earl of Leicester’s Hospital Charity Scheme Confirmation Act 1926

1. This note proposes the repeal of two obsolete Acts relating to the charity known as Lord Leicester’s Hospital (“the Hospital”), situated in Warwick.

Background

2. The Hospital⁵⁵ comprises a group of timber-framed buildings dating mainly from the late 14th century. Robert Dudley, the 1st Earl of Leicester, acquired the buildings in 1571 and founded within them a hospital for aged or injured soldiers. By an Act of 1571⁵⁶ the Earl was empowered to establish a hospital for soldiers injured during the service of Queen Elizabeth I. The Hospital was incorporated as the hospital of Robert Earl of Leicester in Warwick.

3. By deed dated 21 November 1585 the Earl provided for the appointment of a *Master* to run the Hospital, for the selection of the persons – to be known as *Brethren* – to be the resident inmates, and for the Master and Brethren to be a corporate body known as *the Master and Brethren of the Hospital of Robert Earl of Leicester in Warwick*. By deed dated 26 November 1585 the Earl established a set of Ordinances by which the Hospital and its lands were to be governed.

4. The Hospital today operates under a constitution confirmed by the *Hospital of Robert Earl of Leicester Charity (Warwick) Scheme Confirmation Act 1956* (“the 1956 Act”).⁵⁷ The scheme confirmed by the 1956 Act dissolved the corporation of the Master and Brethren of the Hospital of Robert Earl of Leicester in Warwick and replaced it with a body of Governors. Today the Hospital is run by the Master (a retired officer of the Armed Forces). The Hospital provides almshouse

⁵⁵ The Hospital has never been a medical establishment. The word ‘hospital’ is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm.

⁵⁶ 13 Eliz.1 c.17 (Earl of Leicester’s Hospital). Other enactments of that period relating to the Hospital are 18 Eliz.1 c.1 (1575) and 39 Eliz.1 c.5 (1597).

⁵⁷ 4 & 5 Eliz.2 c.lv.

accommodation for eight ex-service personnel (and their spouses).⁵⁸ The Hospital is funded by visitor income (the original Hospital estates having been sold off long ago), rental income from dwellings within the Hospital buildings and charitable donations.

5. Two earlier enactments relating to the Hospital's administration are now obsolete and are therefore proposed for repeal. These enactments are described in the following paragraphs.

53 Geo.3 c.ccxiii (1813) (Earl of Leicester's Hospital, Warwick Act)

6. According to its long title, the purpose of this 1813 Act was-

for altering the Rules, Statutes, and Ordinances of the Hospital of Robert Earl of Leicester, in Warwick; and for enabling the Master and Brethren of the said Hospital to raise Money on the Security of the Estates thereof in order to provide for the Reception of additional Brethren therein.

7. The 1813 Act provided as follows-

- (a) the Master and Brethren were authorised to raise money (to enable the number of Brethren to be increased) by mortgaging the Hospital's estates; receipts for moneys paid over (*sections 1 and 2*)
- (b) the Masters salary to be increased in stages to £400 per annum (*section 3*)
- (c) all Brethren appointed in future to be paid no more than £80 per annum each (*section 4*)
- (d) power to appoint 10 additional Brethren; procedure for appointment to the Brethren (*sections 5 to 8*)
- (e) application of net rents and profits; accumulation of income; conversion of premises to accommodate the 10 additional Brethren; court's power to direct the applications of any future surplus of income; status of this Act (*sections 9 to 14*).

Robert Earl of Leicester's Hospital Charity Scheme Confirmation Act 1926

8. According to its long title, the purpose of the 1926 Act ("the 1926 Act") was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the Hospital of Robert Earl of Leicester in Warwick in the County of Warwick.

⁵⁸ Priority is given to persons who were disabled during their service and who have resided for at least 4 years in the Borough of Warwick, the Parish of Kenilworth or the Borough of Stratford-upon-Avon.

9. The effect of the scheme confirmed by the 1926 Act was to amend the existing operation of the Hospital. The principal amendments made by the scheme were as follows-

- (a) the Bishop of Worcester, the Dean of Worcester and the Archdeacon of Worcester would cease to be Visitors of the Hospital. In future the Bishop of Coventry would be the Visitor (*Scheme, clause 2*)
- (b) the Bishop of Coventry would exercise the power to allow the Master to be absent from the Hospital (*Scheme, clause 3*)
- (c) functions conferred on the Bishop of Worcester, the Recorder of Coventry and the Recorder of Warwick (or any two of them) by the deed dated 21 November 1585, the Ordinances of 26 November 1585 and 1813 Act would instead be exercised by the Bishop of Coventry, the Recorder of Warwick and the Archdeacon of Warwick (or any two of them) (*Scheme, clause 4*)
- (d) the Master and Brethren were authorised to let as allotments any Hospital land other than buildings (*Scheme, clause 5*).

10. The provisions of the 1813 and 1926 Acts have long been obsolete. To the extent that the issues that they concern have any continuing relevance, they are provided for by the scheme confirmed by the 1956 Act as amended by a scheme dated 23 May 1972. For example, *clause 5* of the 1956 scheme provides for the Hospital's Visitor to be the Bishop of Coventry, *clause 29* provides for the salary of the Master and *clauses 46 to 54* provide for the appointment, accommodation and removal of the Brethren. Accordingly the 1813 and 1926 Acts are obsolete and their repeal is recommended on that basis.

Consultation

11. The Charity Commission, the Lord Leycester Hospital, Warwick Town Council, the Diocese of Coventry and Warwickshire County Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
55 Geo.3 c.lxxxii (1815) (Meath Hospital and County of Dublin Infirmary Act)	The whole Act.
59 Geo.3 c.lxi (1819) (Meath Hospital and County of Dublin Infirmary Act)	The whole Act.

Meath Hospital and County of Dublin Infirmary Acts of 1815 and 1819

1. This note proposes the repeal of two obsolete early 19th century Acts relating to a hospital in Meath in the Republic of Ireland.

2. The Meath Hospital (“the Hospital”) was founded in 1753 to provide health care for the poor of Dublin’s Liberties area. Funded entirely by voluntary subscriptions and donations, the Hospital became the County Dublin Infirmary in 1774. It moved to new premises in Heytesbury Street in 1822 where it remained until 1998 when it merged with two other hospitals in Tallaght (the Adelaide and the National Children’s Hospital).⁵⁹

Meath Hospital and County of Dublin Infirmary Act of 1815

3. According to its long title, the purpose of the *Meath Hospital and County of Dublin Infirmary Act of 1815* (“the 1815 Act”) was-

to amend several Acts for the Management and Direction of the Meath Hospital, or County of Dublin Infirmary, and for the better regulating the same.

4. *The preamble* to the 1815 Act recorded that the Hospital, otherwise known as the hospital or infirmary for the county of Dublin, was too small to provide for the needs of the local population, so that funds had to be raised to provide for hospital accommodation elsewhere.

5. Accordingly the 1815 Act provided as follows-

(a) persons contributing funds to the Hospital (not less than 20 guineas⁶⁰) would comprise a body corporate, to be known as the *Governors and Governesses of the Meath Hospital and County of Dublin Infirmary* (“the

⁵⁹ The new merged group of hospitals is known as the Adelaide and Meath Hospital, Dublin Incorporating the National Children’s Hospital.

⁶⁰ 20 guineas would buy life membership to the corporate body. Annual membership was available for a mere 2 guineas.

Corporation”) with power to buy and hold land and buildings for the Hospital

- (b) meetings of the Corporation and governors; appointment of physicians and surgeons
- (c) the Grand Jury of the County of Dublin was authorised to raise moneys by way of local taxation in support of the Hospital; collection and enforcement of such taxation
- (d) election of a committee to make bye-laws for the Hospital; patients not to be admitted without a recommendation by a governor or by a donor of one guinea
- (e) the Corporation and governors were authorised to buy land in Dublin for use as hospital accommodation.

Meath Hospital and County of Dublin Infirmary Act of 1819

6. According to its long title, the purpose of the *Meath Hospital and County of Dublin Infirmary Act of 1819* (“the 1819 Act”) was-

for raising further Sums of Money for building and supporting the Meath Hospital and County of Dublin Infirmary.

7. The *preamble* to the 1819 Act recorded that although the hospital governors had now purchased a site for a new hospital, further moneys were needed to complete the building work.

8. Accordingly the 1819 Act provided as follows-

- (a) the Grand Jury of the County of Dublin was authorised to raise a further sum (not exceeding £5000) to complete the building work
- (b) the Grand Jury was authorised to raise further sums (not exceeding £500 annually) to maintain and support the Hospital once built.

9. The Hospital is today part of the Adelaide and Meath Hospital, Dublin. It no longer occupies the premises in Heytesbury Street which were funded by means of the tax-raising provisions of the 1815 and 1819 Acts. Those Acts have long since served their purpose and become obsolete.

10. Although the two Acts may be repealed on the basis that they are now obsolete, a further ground of repeal is that they can now have no effect within the United Kingdom. The Acts were passed at a time when the whole of Ireland formed

part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the two Acts, whilst remaining on the statute book of the United Kingdom, no longer have any effect within the United Kingdom. Accordingly the 1815 and 1819 Acts may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

11. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1815 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.⁶¹

Consultation

12. The Adelaide and Meath Hospital, Dublin, the Office of the Attorney General for the Republic of Ireland, the Irish Health Service Executive and Cork City Council have been consulted about these repeal proposals.

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⁶¹ The 1819 Act appears to have been repealed already in the Republic of Ireland.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
11 Geo.4 & 1 Will.4 c.lxxii (1830) (Barrington's Hospital, Limerick Act)	The whole Act.
Barrington's Hospital Amendment Act 1885 (48 & 49 Vict. c.xlvii)	The whole Act.

Barrington's Hospital Acts 1830 and 1885

1. This note proposes the repeal of two obsolete 19th century Acts relating to Barrington's Hospital in Limerick in the Republic of Ireland.

Background

2. Barrington's Hospital ("the Hospital") was built in 1829 by a philanthropist called Joseph Barrington and his four sons. Limerick at that time had a population in excess of 90,000 people but no access to any general hospital or infirmary. The Hospital opened in July 1831 and served as a public hospital for the people of Limerick until 1988, closing in 1988 for economic reasons. It re-opened in 1989 as a private medical centre and became a private hospital in 1994.

3. The two Acts relating to the Hospital are described in the following paragraphs.

Barrington's Hospital, Limerick Act (1830)

4. According to its long title, the purpose of this 1830 Act was-
- for the Management and Direction of the Hospital Founded by Joseph Barrington and his Sons in the City of Limerick.*
5. The 1830 Act provided as follows-
- (a) the Hospital was declared to be the hospital or infirmary for the City and County of Limerick
 - (b) Governors of the Hospital were appointed including a number of *ex-officio* Governors; the Governors were established as a corporate body; meetings of the Governors
 - (c) provisions for the appointment of physicians and surgeons, the making of rules and the admission of patients.

Barrington's Hospital Amendment Act 1885

6. The purpose of *Barrington's Hospital Amendment Act 1885* ("the 1885 Act") was simply to amend the 1830 Act so as to provide for additional *ex-officio* Governors of the Hospital. These additional Governors were the Roman Catholic bishop of the diocese of Limerick and the Roman Catholic parish priest of the parish of St Mary's in the City of Limerick.

Conclusion

7. Both the 1830 Act and the 1885 Act became unnecessary once the Hospital closed its doors to the public in 1988, becoming a private medical centre the following year. Both Acts thereupon became unnecessary and their repeal is proposed on that basis.

8. Although the 1830 and 1885 Acts may be repealed on the basis that they are now obsolete, a further ground of repeal is that they can now have no effect within the United Kingdom. The Acts were passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the two Acts, whilst remaining on the statute book of the United Kingdom, no longer have any effect within the United Kingdom. Accordingly they may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

9. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The two Acts remain in force inside the Republic and their status there will not be affected by these repeal proposals.

Consultation

10. Barrington's Hospital Ltd, the Office of the Attorney General for the Republic of Ireland and the Irish Health Service Executive have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
2 & 3 Will.4 c.xxxix (1832) (Bristol Asylum or School of Industry for the Blind Act)	The whole Act.
Bristol Blind Asylum Act 1905 (5 Edw.7 c.clxxi)	The whole Act.

Bristol Royal School for the Blind Acts

1. This note proposes the repeal of two obsolete Acts relating to a Bristol charity for blind children.

Background

2. The *Bristol Asylum or School of Industry for the Blind* (“the Charity”) was formed in 1793 by Bristol philanthropists. The Charity was incorporated in 1832 and was situated at the top of Park Street. New powers given to the Charity in 1905 enabled it to sell its existing premises⁶² and acquire new school premises in the Henleaze district of Bristol which were opened by King George V in 1911. The Charity changed its name in 1960 to the *Bristol Royal School and Workshops for the Blind*.⁶³

3. By 1930 the school had more than a hundred pupils and at its peak there were 126 pupils on the roll.⁶⁴ By 1964, however, numbers decreased mainly through a decline in babies being born blind, or becoming blind in early infancy. An additional factor was changes in educational and vocational training policies for blind students at the age of 16. The school’s land (some 11 acres) was sold in 1969 and the school itself was demolished that year. The site was re-developed for residential use. The Charity subsequently merged with the Bristol Royal Society for the Blind and ceased to exist as a separate charity. The Bristol Royal Society for the Blind in turn merged with the RNIB (the Royal National Institute of Blind People) in June 2000, and continues as a subsidiary charity of the RNIB, operating under the name of the *Bristol Blind Fund*.⁶⁵

⁶² The site of the Charity’s former premises is today occupied by the University of Bristol (the Wills Memorial Building).

⁶³ Bristol Corporation Act 1960, s 38.

⁶⁴ Training in basketry, chair-caning, machine knitting and piano tuning was provided for 16-20 year olds.

⁶⁵ The charitable objects of the Bristol Blind Fund are the relief of blind and visually handicapped persons (particularly those resident in Bristol, north Somerset and south Gloucestershire) by the

Bristol Asylum School of Industry for the Blind Act (1832)

4. According to its long title, the purpose of this 1832 Act was-
for better governing and regulating an Institution in the City of Bristol called and known by the Name of "The Blind Asylum or School of Industry for the Blind".
5. The 1832 Act provided as follows-
 - (a) the Charity was incorporated as "The President, Vice Presidents, Treasurer, and Members of the Bristol Asylum or School of Industry for the Blind"; the Charity was empowered to buy land and buildings in Bristol (up to six acres) (*section 1*)
 - (b) the Charity's property was to be transferred into its corporate name; provisions for land to be sold to the Charity; the Charity was empowered to sell such land; vesting of purchase moneys in particular cases (*sections 2 to 11*)
 - (c) the Charity was empowered to arrange apprenticeships for any child that it cared for; arrangements for meetings of the Charity; appointment of officials of the Charity and of a Committee to transact the Charity's business; the Committee empowered to make rules and regulations; appointment of a chaplain (*sections 12 to 19*)
 - (d) recording proceedings of the Committee; provisions for accounts to be kept; the Treasurer to produce accounts; collectors of gifts and subscriptions to account for the same; provisions for the avoidance of fraud (*sections 20 to 25*)
 - (e) the Charity was empowered to invest in Government stocks and in mortgages; application of investment income; service of notices; appeals; civil procedure issues; costs and status of this Act (*sections 26 to 34*).

Bristol Blind Asylum Act 1905

6. According to its long title, the purpose of the *Bristol Blind Asylum Act 1905* ("the 1905 Act") was-
to authorise the Institution known as the Bristol Asylum or School of Industry for the Blind to acquire and to hold lands for the purposes of that Institution and to make further provision with respect to the constitution of the committee of management and the management of the Institution the investment of the moneys of the Institution and for other purposes.

7. The *preamble* to the 1905 Act recorded the need to make changes to the arrangements contained in the 1832 Act for the running of the Charity. Accordingly the 1905 Act provided as follows-

- (a) short title; interpretation (*sections 1 and 2*)
- (b) the governing body⁶⁶ of the Charity was empowered to acquire up to 50 acres of land within a 10 mile radius of the Exchange of Bristol; the Charity's committee was authorised to sell or rent any such land (*sections 3 and 4*)
- (c) time and place of the Charity's AGM; constitution and powers of the Charity's committee; appointment of the committee's chairman; appointment of chaplain (*sections 5 to 8*)
- (d) changes to the Charity's powers of investment; Charity empowered to enter into agreements with local education authorities concerning the education and maintenance of blind persons; savings; costs of this Act (*sections 9 to 12*).

8. The discontinuance of the status of the Charity as a separate charity when it merged with the Bristol Royal Society for the Blind rendered the provisions of the 1832 Act and the 1905 Act unnecessary. Accordingly both Acts are now obsolete and their repeal is proposed on that basis.

Consultation

9. The Charity Commission, Bristol City Council, the RNIB (Peterborough) and the Bristol Royal Society for the Blind have been consulted about these repeal proposals.

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⁶⁶ The governing body was defined in the 1905 Act as meaning the president, vice presidents, treasurer and members of the Charity: the 1905 Act, s 2.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
2 & 3 Will.4 c.ciii (1832) (Cork General Hospital Act)	The whole Act.

Cork General Hospital Act of 1832

1. This note proposes the repeal of an obsolete 1832 Act relating to the establishment of a hospital in the City of Cork in the Republic of Ireland.

2. According to its long title, the purpose of the Cork General *Hospital Act of 1832* (“the 1832 Act”) was-

*for uniting the Funds of the North and South Charitable Infirmaries of the City of Cork, and for establishing in lieu of such Infirmaries One General Hospital for the said City.*⁶⁷

3. The 1832 Act provided as follows-

- (a) the appointment of trustees who were authorised to acquire land in the City or County of Cork and to erect a general hospital (“the Hospital”) on that land; the appointment and election of Governors to run the Hospital; powers and proceedings of those Governors
- (b) the existing North and South Infirmaries were to vest in the Governors of the Hospital who were authorised to sell or lease them (the sale proceeds or rental income were to be credited to the Hospital).

4. It appears that the 1832 Act was never implemented and that the Hospital was never built. The only hospital referred to in the 1832 Act that can be linked with any hospital still operating is the South Infirmary which appears to be the South Infirmary-Victoria University Hospital. The failure to build the new hospital means that the 1832 Act is now unnecessary.

5. Although the 1832 Act may be repealed on the basis that it is now unnecessary, a further ground of repeal is that it can now have no effect within the United Kingdom. The Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1832 Act, whilst remaining on the statute book of the United Kingdom,

⁶⁷ The North Infirmary was situated in the parish of St Mary Shandon (otherwise St Ann’s) in the City of Cork. The South Infirmary was situated in the south suburbs of that City. The North Infirmary was established in 1752 and the South Infirmary in 1772 (both by Act of the Parliament of Ireland).

no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

6. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1832 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.

Consultation

7. The Office of the Attorney General for the Republic of Ireland, the Irish Health Service Executive, the South Infirmity-Victoria University Hospital and Cork City Council have been consulted about these repeal proposals.

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<p>3 & 4 Will.4 c.cxvii (1833) (Troopers Fund (or St George’s Fund Society) Act)</p>	<p>The whole Act.</p>
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3 & 4 Will.4 c.cxvii (1833) (Troopers Fund (or St George’s Fund Society) Act)

1. This note proposes the repeal of an obsolete 1833 Act that provided for the dissolution of the St George’s Fund Society.

2. According to its long title, the purpose of the *Troopers Fund (or St George’s Fund Society) Act of 1833* (“the 1833 Act”) was-

for dissolving the Saint George’s Fund Society, otherwise called “The Troopers Fund,” in the Royal Regiment of Horse Guards, and for distributing the Fund.

3. The Royal Horse Guards, founded in 1650, is a cavalry regiment of the British Army and part of the Household Cavalry. Known as “the Blues”, the Royal Horse Guards was amalgamated with the Royal Dragoons (1st Dragoons) in 1969 to form the Blues and Royals.

4. The *preamble* to the 1833 Act recorded that:

- ◆ in 1796 a society was formed by certain non-commissioned officers (NCOs), trumpeters and privates of the Royal Regiment of Horse Guards (“the Regiment”) to raise money for the benefit of the society’s members
- ◆ on 25 June 1804 the senior NCOs and privates of each troop of the Regiment formed the *Troopers Fund Society* (“the Society”) and established a new Regimental Fund (incorporating the funds raised in 1796) for the benefit of NCOs and privates of the Regiment upon their discharge from the Regiment because of age, infirmity or any other cause. The Fund was called “*the Troopers Fund*”
- ◆ the rules of the Society provided that each NCO, trumpeter and private of each troop of the Regiment should-
 - (1) make payments into the Troopers Fund each month; and
 - (2) upon discharge from the Regiment receive an annual allowance for life
- ◆ on 1 January 1807 a Regimental Board resolved that the Troopers Fund should in future be called *The Saint George’s Fund* (“*the Fund*”)

- ◆ in 1833, a majority of persons interested in the Fund wanted the Society dissolved and the Fund distributed
- ◆ an Act of Parliament was necessary to dissolve the Society and distribute the Fund.

5. Accordingly the 1833 Act provided as follows-

- ◆ the Society would cease to exist upon the passing of the Act (14 August 1833); the trustees of the Fund must within 6 months sell the Fund's investments and distribute the proceeds to the pensioners and subscribers listed in the Schedule to the Act (*section 1*)
- ◆ the receipts of each pensioner and subscriber to their share of the proceeds would discharge the trustees of further liability; upon payment of the proceeds the Society would be dissolved (*section 2*)
- ◆ this Act should be treated as a public Act (*section 3*).

6. The distribution of the Fund on or before 13 February 1834 and the dissolution of the Society in accordance with section 2 means that the 1833 Act has long been obsolete. It is recommended for repeal on that basis.

Consultation

7. The Ministry of Defence and ABF The Soldiers' Charity have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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4 & 5 Will.4 c.xxxviii (1834) (St George’s Hospital, Hyde Park Corner Act)	The whole Act.
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St George’s Hospital, Hyde Park Corner Act (1834)

1. This note proposes the repeal of an obsolete 19th century Act relating to St George’s Hospital in London.

Background

2. Today St George’s Hospital in Tooting (south London) (“*the Hospital*”) forms part of the St George’s Healthcare NHS Trust. Its life started in 1733 when an institution was formed for “the Relief of such poor, sick and disabled Persons as should appear real Objects of Charity”.⁶⁸ The institution was opened that year as St George’s Hospital. It was built by voluntary contributions and was based for many years at Lanesborough House by Hyde Park Corner.⁶⁹

3. The Hospital was gradually extended to cope with increasing demands. It was rebuilt on the same site in the 1830s, work being completed in 1844. By this time the Hospital had established itself as a leading teaching hospital. A medical school, now known as St George’s, University of London, has been incorporated within the Hospital throughout its history.

4. The Hospital became part of the National Health Service in 1948.⁷⁰ Continuing demands on the Hospital’s services necessitated a move to new premises in Tooting on the site of the Grove Fever Hospital. The premises at Hyde Park Corner closed in 1980 as the Hospital started up in Tooting.

5. An 1834 Act relating to the Hospital is now obsolete and is proposed for repeal. It is described briefly in the following paragraphs.

⁶⁸ 4 & 5 Will.4 c.xxxviii (1834) (St George’s Hospital, Hyde Park Corner Act), preamble.

⁶⁹ Lanesborough House had originally been built in 1719 by the Second Viscount Lanesborough. The site is today occupied by the Lanesborough Hotel.

⁷⁰ By virtue of the National Health Service Act 1946, s 6 and the National Health Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (like St George’s) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

St George's Hospital, Hyde Park Corner Act (1834)

6. According to its long title, the purpose of this 1834 Act was-
to incorporate the subscribers to Saint George's Hospital at Hyde Park Corner, and for better enabling them to carry on their charitable Designs.
7. The *preamble* to the 1834 Act recorded that the powers of the governors currently running the Hospital needed to be increased, not least to be able to deal more effectively with the assets of the Hospital which included the Hospital's premises near Hyde Park Corner and its property in Old Bond Street.
8. The 1834 Act accordingly provided as follows-
 - (a) the establishment of a body corporate to be known as *The President, Vice Presidents, Treasurers and Governors of Saint George's Hospital* ("the Corporation") with power to buy, hold and sell land and other property
 - (b) the Corporation was vested with the Hospital's assets and authorised to sell, lease or mortgage the Hospital's property, and to invest the Hospital's money
 - (c) the appointment to the offices of President, Vice Presidents and Treasurers
 - (d) continuity of existing officers and existing rules and regulations; the making of new rules and regulations for the Corporation
 - (e) savings provisions; costs and status of this Act.

Conclusions

9. The 1834 Act provided for a system of hospital administration that ceased to be relevant in 1948 when the Hospital came under the control of the NHS. The Hospital today forms part of the St George's Healthcare NHS Trust and does not rely on 19th century legislation passed to incorporate privately-run voluntary hospitals. The 1834 Act has long been obsolete and its repeal is recommended on that basis.

Consultation

10. The Charity Commission, the St George's Healthcare NHS Trust and the Department of Health have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
6 & 7 Will.4 c.vii (1836) (Middlesex Hospital Act)	The whole Act.
Middlesex Hospital Act 1938 (1 & 2 Geo.6 c.xii)	The whole Act.

Middlesex Hospital Acts

1. This note proposes the repeal of two obsolete Acts relating to the *Middlesex Hospital* in central London which closed in 2005.

2. The Middlesex Hospital was opened (as the *Middlesex Infirmary*) in or around 1747, initially for the relief of ‘sick and lame patients and lying-in⁷¹ married women’.⁷² The hospital was concerned to help persons who could not afford to pay for medical treatment. Funding came from private subscribers. The hospital re-opened in Mortimer Street as “the Middlesex Hospital” in 1757. It was re-built on the same site and opened its doors again in 1935.

3. The Middlesex Hospital subsequently became a teaching hospital within the National Health Service. It merged with University College London Hospital in 1994 and became part of the University College London Hospital NHS Trust. The hospital closed in December 2005 and most of the hospital site was sold for re-development.

4. The two Acts relating to the hospital became unnecessary once the hospital was absorbed by the National Health Service in 1948.⁷³ These Acts are described briefly in the following paragraphs.

6 & 7 Will.4 c.vii (1836) (Middlesex Hospital Act)

5. According to its long title, the purpose of this Act (“the 1836 Act”) was “to incorporate the Subscribers to the Middlesex Hospital, and for better enabling them to carry on their charitable Designs”. This would enable the hospital to attract the benefits available to charitable bodies.

⁷¹ ‘Lying-in’ referred to expectant mothers.

⁷² 6 & 7 Will.4 c.vii (1836) , *preamble*.

⁷³ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

6. The 1836 Act provided as follows-

- (a) the *President, Vice-Presidents, Treasurers and Governors* of the *Middlesex Hospital* were incorporated under that name with power to hold land without time limit subject to a maximum annual value of £10,000 (*section 1*)
- (b) the hospital premises and the leasehold interest in the land on which they stood were vested in the new Corporation; the Corporation was empowered to invest in mortgages and retain land previously held as security; service of notices and proceedings (*sections 2 to 5*)
- (c) appointment of the President, Vice-Presidents and Treasurers of the hospital (*section 6*)
- (d) the existing staff were to continue in office; the existing hospital rules and regulations were to continue in force; the governors were empowered to amend such rules and regulations (*sections 7 to 9*)
- (e) savings; expenses and status of this enactment (*sections 10 to 12*).

Middlesex Hospital Act 1938 (1 & 2 Geo.6 c.xii)

7. According to its long title, the principal purpose of the Middlesex Hospital Act 1938 ("the 1938 Act") was "*to confer powers on the president, vice-president treasurers and governors of the Middlesex Hospital*".

8. The 1938 Act provided as follows-

- (a) short title, collective title; and interpretation (*sections 1 and 2*)
- (b) confirmation of the Corporation's power to hold and acquire land; repeal of provisions in the 1836 Act; costs of this enactment (*sections 3 to 5*).

Conclusion

9. The provisions of these two enactments became obsolete once the Middlesex Hospital came under the control of the National Health Service in 1948. Their repeal is now proposed on that basis.

Consultation

10. The Department of Health, the Charity Commission and University College London Hospitals (NHS Foundation Trust) have been consulted about these repeal proposals.

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Reference	Extent of repeal or revocation
6 & 7 Will.4 c.xx (1836) (Westminster Hospital Act)	The whole Act.

Westminster Hospital Act of 1836

1. This note proposes the repeal of an obsolete 19th century Act relating to the Westminster Hospital.

Background

2. Today the old Westminster Hospital (“*the Hospital*”) forms part of the Chelsea and Westminster NHS Foundation Trust. Its life started at St Dunstan’s Coffee House in 1715 when a group of philanthropists met to form “A Charitable Proposal for Relieving the Poor and Needy and Other Distressed Persons”. This proposal led to the opening in 1719 of the first voluntary hospital in the country.

3. Soon after opening, the Hospital acquired premises in James Street, Buckingham Gate, Westminster. The Hospital outgrew those premises and moved to Broad Sanctuary (opposite Westminster Abbey) in 1834, and Horseferry Road in 1939. The Hospital became part of the National Health Service in 1948⁷⁴ within the South West Metropolitan Region.⁷⁵ The Hospital as a separate entity closed in May 1993⁷⁶ and moved to the Fulham Road to occupy the site of the old St Stephen’s Hospital (which closed in 1989), together with Westminster Children’s Hospital, West London Hospital St Mary Abbots Hospital and St Stephens Hospital itself. This group of hospitals became the new *Chelsea and Westminster Hospital* and formed the Chelsea and Westminster NHS Trust when it was established in 1994.

4. An 1836 Act relating to the Hospital is now obsolete and is proposed for repeal. It is described briefly in the following paragraphs.

⁷⁴ By virtue of the National Health Service Act 1946, s 6 and the National Health Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (like the Westminster) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

⁷⁵ The Westminster Group of Hospitals was created as an administrative group within the NHS. In addition to the Hospital itself, the Group included Westminster Children’s Hospital, All Saints Hospital, the Gordon Hospital, Putney Hospital, Queen Mary’s Hospital in Roehampton and several convalescent homes. The Group was dissolved in 1974 following NHS reorganisation.

⁷⁶ The site of the old Westminster Hospital in Broad Sanctuary is today occupied by the Queen Elizabeth II Conference Centre.

Westminster Hospital Act (1836)

5. According to its long title, the purpose of this 1836 Act was-
to incorporate the Governors of the Westminster Hospital at the Broad Sanctuary, Westminster, and for conferring Powers the better to enable them to carry on their charitable Designs.
6. The *preamble* to the 1836 Act recorded that the powers of the governors currently running the Hospital needed to be increased, not least to be able to deal more effectively with the assets of the Hospital which included the Hospital's former premises in St James Street, Westminster and the newly acquired premises in Broad Sanctuary.
7. The 1836 Act accordingly provided as follows-
 - (a) the establishment of a body corporate to be known as *The President, Vice Presidents, Treasurers and Governors of the Westminster Hospital* ("the Corporation")
 - (b) the Corporation was vested with the Hospital's assets and authorised to sell, lease or mortgage the Hospital's property
 - (c) the appointment of the offices of President, Vice Presidents and Treasurers and provisions for filling vacancies in those offices
 - (d) the making of new bye-laws for the Corporation; part of the fund known as "the Incurable Fund of the Hospital" to be used to meet the initial costs of the Broad Sanctuary premises⁷⁷
 - (e) savings provisions; costs and status of this Act.

Conclusions

8. The 1836 Act provided for a system of hospital administration that ceased to be relevant in 1948 when the Hospital came under the control of the NHS. The Hospital today forms part of the Chelsea and Westminster NHS Foundation Trust and does not rely on 19th century legislation passed to incorporate privately-run voluntary hospitals. The 1836 Act has long been obsolete and its repeal is recommended on that basis.

⁷⁷ The provisions in the 1836 Act about the Incurable Fund have been repealed and replaced by substitute provisions: Westminster Hospital Act 1913 (3 & 4 Geo.5 c.cxiv), s 17.

Consultation

9. The Charity Commission, the Chelsea and Westminster NHS Trust and the Department of Health have been consulted about these repeal proposals.

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1 & 2 Vict. c.lxxi (1838) (Refuge for the Destitute Act)	The whole Act.
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1 & 2 Vict. c.lxxi (1838) (Refuge for the Destitute Act)

1. This note proposes the repeal of an obsolete 1838 Act relating to the charitable institution known as “The Refuge for the Destitute”.

2. According to its long title, the purpose of the *Refuge for the Destitute Act of 1838* (“the 1838 Act”) was-

to incorporate the Subscribers to the Institution called “The Refuge for the Destitute”, and for the better enabling them to carry on their charitable Designs.

3. The Refuge for the Destitute institution (“the Institution”) was formed in or around 1805 to provide charitable relief for women upon their discharge from prison. The Institution provided shelter and financial support for such women. The *preamble* to the 1838 Act recorded that the good work carried out by the Institution could be greatly enhanced if the Institution were to be incorporated.

4. Accordingly the 1838 Act provided as follows-

- (a) a corporation (“the Corporation”) was established to be known as “The President, Vice Presidents, Treasurer and Governors of the Refuge for the Institute” (*section 1*)
- (b) the Corporation was invested with the property held by the Institution and was authorised to invest its funds in mortgages (*sections 2 to 5*)
- (c) administrative provisions concerning the running of the Corporation including the appointment of officers (*sections 6 to 12*).

5. The Corporation continued in operation until 27 March 1925 when the *Elizabeth Fry Refuge and Refuge for the Destitute Charities Scheme Confirmation Act 1925* (“the 1925 Act”)⁷⁸ came into force. The 1925 Act confirmed a scheme approved by the Charity Commissioners for the management of the charity known as the *Elizabeth Fry Refuge and the Refuge for the Destitute* charity operated by the Corporation. The two charities were in effect merged under a new constitution

⁷⁸ 15 & 16 Geo.5 c.ix.

provided by the 1925 Act scheme. Article 2 of the scheme provided that the Corporation should be thereby dissolved.

6. The dissolution of the Corporation means that the 1838 Act is now unnecessary. Its repeal is proposed on that basis. The repeal will have no effect on the charity today known as the Elizabeth Fry Home.⁷⁹

Consultation

7. The Charity Commission, the Department of Health and the Elizabeth Fry Home have been consulted about these repeal proposals.

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⁷⁹ The charity continue to provide accommodation and support for women discharged from prison or placed on probation.

Reference	Extent of repeal or revocation
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3 & 4 Vict. c.cxxv (1840) (Lord Scudamore's Charity Act)	The whole Act.
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Lord Scudamore's Charity Act (1840)

1. This note proposes the repeal of an obsolete Victorian Act relating to a charity established under the will of Lord Scudamore.

Background

2. By a codicil to his will dated 4 September 1680, Sir John Scudamore (Lord Viscount Scudamore of Sligo, Ireland) bequeathed the sum of £400 on trust to "set to work the People of the City of Hereford".⁸⁰ This charitable trust ("the Charity") was altered by order of the High Court of Chancery in 1765 to enable the funds to be used for employing the poor of Hereford in any manufacture, trade or business whatsoever within the city.

3. Further changes to the Charity were made by an Act of 1774⁸¹ which provided that the Charity's funds (by this time worth £1320) should be held by certain Commissioners on trust to buy materials and utensils for setting the poor people of the city of Hereford to work in any manufacture, trade or business.

Lord Scudamore's Charity Act (1840)

4. According to its long title, the purpose of the *Lord Scudamore's Charity Act of 1840* ("the 1840 Act") was "to amend and render more effectual, so far as relates to the Lord Scudamore's Charity Monies, the Provisions of [the 1774 Act] for improving the City of Hereford, and for other Purposes connected with the said City".

5. The *preamble* to the 1840 Act recorded that the trust funds now stood at £6035. New trustees needed to be appointed to run the Charity. An enlarging of the trustees' powers would also be desirable.

⁸⁰ 3 & 4 Vict. c.cxxv (1840), preamble.

⁸¹ 14 Geo.3 c.38 (Hereford Streets). This Act has been repealed in its entirety: 17 & 18 Vict. c.xxxi (1854).

6. Accordingly the 1840 Act provided as follows:
- (a) new trustees were appointed to run the Charity, the trustees to be called “The Trustees of Lord Scudamore’s Charity”; provisions as to filling of vacancies in trusteeships; qualification of trustees and penalty for acting if not qualified; first meeting of trustees (*sections 1 to 5*)
 - (b) the trustees were authorised (1) to advance or lend the trust funds to anyone establishing or carrying on any manufacture, trade or business in the city in which poor city people could work (2) to use trust funds to provide poor city children with a sound, practical and useful education and to build schools and school teacher accommodation (*section 6*)
 - (c) the trustees were authorised to purchase or rent land for the purposes of this Act, to sell any land no longer required, to take security and to appoint a treasurer and clerk (who had to be separate office-holders); duties of treasurer and clerk (*sections 7 to 13*)
 - (d) provisions as to the holding of trustee meetings; procedure at such meetings (*sections 14 to 19*)
 - (e) reserve of £1500 to be retained; transfer of funds to new trustees; investment of surplus moneys (*sections 20 to 23*)
 - (f) civil procedure issues; costs and status of this Act (*sections 24 to 30*).

Current position

7. The Charity no longer exists. The Charity Commission removed the Charity from the register of charities on 4 January 1994. The termination of the Charity means that the 1840 Act has ceased to have any practical utility. It is therefore obsolete and may be repealed on that basis. The repeal will not affect in any way the Lord Scudamore Primary School which is not dependent on the 1840 Act for its funding.⁸²

Consultation

8. The Charity Commission, the Department for Education, Herefordshire Council and Lord Scudamore Primary School have been consulted about these repeal proposals.

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⁸² A separate charity is the *Lord Scudamore Kids Club*. This is based at the Lord Scudamore Primary School and operates under a constitution adopted in March 2001.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
10 & 11 Vict. c.34 (1847) (Holy Jesus Hospital, Newcastle-upon-Tyne Act)	The whole Act.
Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940 (3 & 4 Geo.6 c.xxxv)	The whole Act.
Hospital of Mary Magdalene and other Charities (Newcastle upon Tyne) Charity Scheme Confirmation Act 1959 (7 & 8 Eliz.2 c.xiv)	The whole Act.

Holy Jesus Hospital, Newcastle-upon-Tyne Act (1847) (10 & 11 Vict. c.34)
Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940
Hospital of Mary Magdalene and other Charities (Newcastle upon Tyne) Charity Scheme Confirmation Act 1959

1. This note proposes the repeal of three obsolete Acts relating to the Holy Jesus Hospital, the St Mary Magdalene Hospital and other charitable hospitals in the Newcastle-upon-Tyne area. These charitable institutions are today governed by a scheme made by the Charity Commission in 2008.

Background

Holy Jesus Hospital

2. The hospital⁸³ of the Holy Jesus was built by the Mayor and Burgesses of Newcastle-upon-Tyne near Pilgrim Street in the 1680s. The hospital was established as a body corporate by a deed dated 26 March 1683 made under the Hospitals for the Poor Act 1597.⁸⁴ The body corporate was called *The Master Brethren and Sisters of the Hospital of the Holy Jesus founded in the Manors in the Town and County of Newcastle-upon-Tyne*. It was established to provide almshouses for poor people.

3. The hospital remains to this day in the ownership of Newcastle City Council, though it is currently managed by the National Trust.

⁸³ The word “hospital” is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm. None of the hospitals referred to in this note has the primary function of providing medical support for the residents.

⁸⁴ 39 Eliz.1 c.5. This 1597 Act was repealed by the Charities Act 1960, s 39, Sch 5.

St Mary Magdalene Hospital

4. The hospital of St Mary Magdalene was originally founded as a religious house in the reign of Henry I. Situated just outside Newcastle⁸⁵, it was granted a charter by Henry III in 1253. James I granted the hospital a new charter in May 1611. Under this, the hospital was incorporated and had to be run by a master and provide accommodation for “three poor single or unmarried brethren”.⁸⁶ The mayor and burgesses of Newcastle were appointed patrons to the hospital.

5. Subsequent arrangements, including enactments passed in 1827⁸⁷ and 1867⁸⁸, confirmed the management role of the Newcastle-upon-Tyne Corporation in running the affairs of the hospital.

Three obsolete Acts

6. Changes in the management of both hospitals over the years have meant that three enactments relating to the hospitals have become obsolete and are therefore now proposed for repeal. These enactments are described in the following paragraphs.

Holy Jesus Hospital, Newcastle-upon-Tyne Act (1847)

7. According to its long title, the purpose of the *Holy Jesus Hospital, Newcastle-upon-Tyne Act of 1847* (“the 1847 Act”) was:

for the better Support and better Regulation of the Hospital of the Holy Jesus, founded in the Manors in the Town and County of Newcastle-upon-Tyne at the Costs and Charges of the Mayor and Burgesses of the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne aforesaid, and for confirming Sales and other Dispositions made of Estates formerly Part of the Possessions of the said Hospital; and for other Purposes and for repealing an Act of the last Session of Parliament for the same Purposes.

8. The 1847 Act provided as follows-

- ◆ repeal of earlier defective enactment⁸⁹; the Mayor, Aldermen and Burgesses of the Borough of Newcastle-upon-Tyne (“the Corporation”) were required to pay the Master, Brethren and Sisters of the Hospital of the Holy Jesus (“the Holy Jesus Hospital”) £800 annually for the support and maintenance of the Holy Jesus Hospital, such sum to be secured on land in the parish of Long

⁸⁵ It was originally intended to look after lepers. There is some evidence that people returning to England from the crusades were afflicted with leprosy as a result of their travels.

⁸⁶ 30 & 31 Vict. c.vii (1867), preamble.

⁸⁷ 7 & 8 Geo.4 c.58.

⁸⁸ 30 & 31 Vict. c.vii. This 1867 Act was repealed by the Tyne and Wear Act 1980 (c.xliii), s 58, Sch 4.

⁸⁹ 9 & 10 Vict. c.39.

Benton in the county of Northumberland; provisions for enforcing that payment (*sections 1 to 5*)

- ◆ confirmation of earlier conveyances of land by and to the Corporation; Holy Jesus Hospital to be responsible for their legal costs incurred in earlier litigation; power to raise the sums needed by mortgaging (*sections 6 to 14*)
- ◆ Holy Jesus Hospital to comprise one Master, 12 Brethren and 37 Sisters; procedure for filling vacancies; removal of master, Brethren and Sisters (*sections 15 to 25*)
- ◆ application of income of the Holy Jesus Hospital including paying for repairs and other expenses; expenses of the Corporation; rules to govern the hospital; general savings; interpretation and status of this Act (*sections 26 to 32*).

Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940

9. According to its long title, the purpose of the *Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940* ("the 1940 Act") was-

to amend the Act 30 & 31 Vict. c.vii to confer upon the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne further powers and to make further provisions with respect to the hospital of Saint Mary Magdalene in the said city and county and for other purposes.

10. The *preamble* to the 1940 Act recorded that the estates and property of the charity (ie the St Mary Magdalene Hospital) were by virtue of the 1867 Act referred to above vested in the Newcastle-upon-Tyne Corporation; but that further powers needed to be conferred on the Corporation with respect to the charity.

11. The 1940 Act provided as follows-

- ◆ short title; interpretation; salary and retirement of the hospital master (*sections 1 to 4*)
- ◆ master to be member of the Clergy Pensions Fund; removal and residence of master; payments to acting master (*sections 5 to 8*)
- ◆ future amendments of enactments; application of charity funds; costs of obtaining this Act (*sections 9 to 11*).

Hospital of Mary Magdalene and other Charities (Newcastle-upon-Tyne) Charity Scheme Confirmation Act 1959

12. According to its long title, the purpose of the *Hospital of Mary Magdalene and other Charities (Newcastle-upon-Tyne) Charity Scheme Confirmation Act 1959* (“the 1959 Act”) was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the Hospital of St Mary Magdalene and other Charities in the City and County of Newcastle upon Tyne.

13. The 1959 Act, in confirming the Charity Commissioners’ scheme (“the Scheme”), provided for a common administration of five hospital charities:

- ◆ the Hospital of St Mary Magdalene
- ◆ the Hospital of the Holy Jesus⁹⁰
- ◆ the Hospital of Thomas Davison
- ◆ the Hospital of Ann Davison
- ◆ the Hospital of Sir Walter Blackett.

14. The 1959 Act Scheme provided as follows:

- ◆ all five charities were to be administered and managed together under the title of the *St Mary Magdalene and Holy Jesus Charity* (“the Charity”) in accordance with the scheme (*article 1*)
- ◆ interpretation; the Lord Mayor, Aldermen and Citizens of the City and County of Newcastle-upon-Tyne would continue to be the trustees of the Charity (*articles 2 and 4*)
- ◆ dissolution of the body corporate constituted in relation to the Hospital of St Mary Magdalene by the Royal Charter of James I, and of the body corporate constituted in relation to the Hospital of the Holy Jesus in 1683 (*article 3*)
- ◆ vesting of property; Committee to execute the Scheme; management of lands; new buildings; application of Charity income (*articles 5 to 20*)
- ◆ appointment, duties; remuneration and removal of the master of the Hospital of St Mary Magdalene (*articles 21 to 28: these provisions supersede the provisions contained in the 1940 Act and effectively supersede that Act in its entirety*)
- ◆ the chapel⁹¹ and matters relating to it (*articles 29 to 41*)

⁹⁰ The Hospital of the Holy Jesus was regulated not only by the 1847 Act but also by a scheme of the Charity Commissioners dated 12 July 1935.

⁹¹ This chapel is the Chapel of St Thomas the Martyr belonging to the Hospital.

- ◆ special provisions for the hospitals comprising the Charity including qualifications for residence in any hospital⁹² (*articles 42 to 53*)
- ◆ provisions concerning almshouses, out-pensioners; residency in the hospitals; homes for incurables (*articles 54 to 71*)

Current position

15. The administration of the five hospitals (St Mary Magdalene, Holy Jesus, Thomas Davison, Ann Davison and Sir Walter Blackett) is today governed by a scheme made by the Charity Commission on 22 December 2008. *Article 2* of this scheme (“the 2008 scheme”) provides that the charity (named in *Article 3* as the *St Mary Magdalene and Holy Jesus Trust*) is to be administered in accordance with the scheme, which replaces the former trusts of the charity. The 2008 scheme administers the endowments of all five hospitals. The objects of the charity include the provision of housing accommodation for the beneficiaries identified in the Schedule to the 2008 scheme.⁹³ The trustee of the charity is St Mary Magdalene and Holy Jesus Trustee Ltd.⁹⁴

16. The 2008 scheme has superseded the earlier schemes and legislation relating to all five hospitals (including the Hospitals of St Mary Magdalene and Holy Jesus). Accordingly the 1847 Act, the 1940 Act and the 1959 Act are now all obsolete. Their repeal is proposed on that basis.

Consultation

17. The Charity Commission, the Department of Health, Newcastle City Council and St Mary Magdalene and Holy Jesus Trustee Ltd have been consulted about these repeal proposals.

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⁹² Residents in the hospitals were known as *Brethren* and *Sisters*.

⁹³ Most of the accommodation (sheltered housing in the form of almshouses) is situated in Claremont Road, Newcastle-upon-Tyne, NE2. This housing is provided for beneficiaries of the hospitals of St Mary Magdalene and Holy Jesus. Beneficiaries of the hospitals of Thomas Davison, Ann Davison and Sir Walter Blackett receive non-residential benefits.

⁹⁴ Several of the directors of this trustee company are nominated by Newcastle City Council.

Imprisoned Debtors Discharge Society's Act 1856 (19 & 20 Vict. c.cxxxiii)	The whole Act.
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Imprisoned Debtors Discharge Society's Act 1856

1. This note proposes the repeal of an obsolete Victorian Act relating to helping imprisoned debtors.

2. According to its long title, the *Imprisoned Debtors Discharge Society's Act 1856* ("the 1856 Act") was passed-

for extending the Operations of the Society for the Discharge and Relief of Persons imprisoned for small Debts throughout England and Wales.

3. The Society for the Discharge and Relief of Persons imprisoned for small Debts throughout England and Wales ("the Society") was a charitable organisation founded in 1772 for the purpose of procuring the release from prison of persons imprisoned for small debts in England and Wales. The Society, commonly known as the Thatched House Society, also provided relief for such prisoners.

4. Until imprisonment for debt was abolished by the Debtors Act 1869⁹⁵, debtors were frequently imprisoned for owing comparatively small sums.⁹⁶ The Marshalsea, on the south bank of the Thames in Southwark, was one of the more well-known "debtors' prisons".

5. The 1856 Act was passed because changes in the law meant that there were fewer calls for relief being made on the Society. The *preamble* to the 1856 Act recorded that:

... by reason of the Abolition of Imprisonment on Mesne Process for small debts, and of other Ameliorations of the Law, the Applicants for Assistance from the Society are so greatly reduced in Number that the Income of the Society has for some Time exceeded its Expenditure...

⁹⁵ The 1869 Act, s 4. Imprisonment for debt remained for certain types of debt including non-payment of sums recoverable before a justice of the peace.

⁹⁶ Of the 800 prisoners held in the Compter gaol in Surrey from April 1820 to April 1821, almost half were jailed for debts of 20 shillings or less.

6. The 1856 Act accordingly provided as follows-
- (a) short title (*section 1*)
 - (b) the Society was authorised to apply all or any part of its surplus income in any year to such other charitable institutions in England or Wales as the Society thought fit (*section 2*)
 - (c) such surplus income should not be funds required by the Society for helping persons imprisoned for small debts or for paying the Society's own liabilities (*section 3*)
 - (d) savings and expenses of this Act (*sections 4 to 6*).

7. The Society has long ceased to exist. The exact date of its dissolution is unclear but its demise was clearly prompted by the abolition of imprisonment for debt brought about by the Debtors Act 1869. There is no evidence to indicate that the Society continued thereafter. The effect of the 1856 Act has long been spent with the result that it is obsolete. Its repeal is proposed on that basis.

Consultation

8. The Charity Commission, the Ministry of Justice, Action for Prisoners' Families and the National Association of Citizens Advice Bureaux have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
42 & 43 Vict. c.ccxx (1879) (Mungret Agricultural School, & Act)	The whole Act.

Mungret Agricultural School, & Act (1879)

1. This note proposes the repeal of an obsolete 1879 Act relating to a former agricultural college at Mungret in Limerick, Ireland.
2. According to its long title, the purpose of this 1879 Act (“the 1879 Act”) was-
to enable the Lord Lieutenant of Ireland, with the consent of Her Majesty’s Treasury, to vary the Trusts of the Mungret Agricultural School and Model Farm in the county of Limerick.
3. The *preamble* to the 1879 Act recorded that the sum of £4079⁹⁷ had, with the consent of HM Treasury, been applied by the Lord Lieutenant of Ireland for the establishment of a model agricultural school for the county of Limerick. The preamble also recorded that this sum had been paid to trustees who, appointed by the Lord Lieutenant, had bought a farm in Mungret (2 miles from Limerick) and had leased it in 1853 to the Commissioners of National Education in Ireland for them to establish a modern agricultural school and farm.
4. Although an agricultural school and farm was duly established in Mungret, opening in 1858, the school failed to attract sufficient students. By 1877 the school had only six pupils. As a result the school closed and the Commissioners of National Education surrendered their lease (with the school and farm) to the trustees.
5. The 1879 Act was passed in order to allow the trustees to use the Mungret Agricultural School and Model Farm for alternative purposes. Accordingly the Act allowed the trustees to rent out the land and buildings and use the property and rents for “such purpose of instruction ... as to the Lord Lieutenant ... shall deem meet.”⁹⁸
6. In the event the trustees leased the property first in 1880 to the Bishop of Limerick for his seminarians and then in 1882 for use as a Jesuit apostolic school and a lay secondary school. Mungret College, as the school became known, eventually closed in 1974. It was bought by Dineen & Co Ltd in 1979 for development

⁹⁷ This sum had originally formed part of the Irish Reproductive Loan Fund, a fund established to provide support following the Irish Famine of 1825.

⁹⁸ The 1879 Act, s 1.

as luxury residential accommodation. Clearly any remaining purpose served by the 1879 Act ceased to be operable at that point.

7. Although the 1879 Act may be repealed on the basis that it is technically spent, a further ground of repeal is that it can now have no effect within the United Kingdom. The Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1879 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

8. *The* provisions proposed for repeal had no effect outside what is now the Republic of Ireland. They remain in force inside the Republic and their status there will not be affected by these repeal proposals.

Consultation

9. HM Treasury, the Office of the Attorney General for the Republic of Ireland and the Department of Education and Skills (Ireland) have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
London Hospital Act 1884 (47 & 48 Vict. c.xviii)	The whole Act.
London Hospital Act 1899 (62 & 63 Vict. c.1)	The whole Act.

The London Hospital Acts 1884 and 1899

1. This note proposes the repeal of two obsolete Acts relating to the Royal London Hospital in Whitechapel, London.

Background

2. Today the Royal London Hospital (“the Hospital”) is part of the Barts and the London NHS Trust.⁹⁹ It provides general hospital services for the City of London and for Tower Hamlets and specialist care services for patients from across London and elsewhere.

3. The Hospital was founded in 1740 as “The London Infirmary” by a society of philanthropists to care for the sick poor among the merchant seamen and manufacturing classes. It moved to its current location in Whitechapel in 1757. The Hospital was originally funded by voluntary contributions and charitable donations.

4. Management of the Hospital was placed in the hands of a board of Governors. These Governors were incorporated as “the Governors of the London Hospital” by a Charter granted by George II in 1758. Although the Hospital became part of the National Health Service in 1948¹⁰⁰, it retained much of its independence until the NHS re-organisation in 1974. The new Board of Governors that had been established for the Hospital in 1948 was dissolved in 1974 when the Hospital became part of the Tower Hamlets Health District in the City and East London Health Authority. The Hospital was granted its Royal title in 1990 (on the Hospital’s 250th anniversary) and became an NHS Trust in the following year. In 1994 the Hospital became part of The

⁹⁹ St Bartholomew’s Hospital (“Barts”) is situated about two miles to the west of the Royal London Hospital.

¹⁰⁰ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (like the Royal London Hospital) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

Royal Hospitals NHS Trust, renamed in 1999 as the Barts and the London NHS Trust.

5. Two Acts relating to the Hospital have become unnecessary and are now proposed for repeal. They are described in the following paragraphs.

London Hospital Act 1884

6. According to its long title, the purpose of the London Hospitals Act 1884 (“the 1884 Act”) was-

for confirming certain Leases granted by the Governors of the London Hospital and for enabling them to grant building and other Leases of their Estates and for enlarging their Powers with respect to the reception of Patients and for other purposes.

7. The 1844 Act provided as follows-

- (a) confirmation of existing leases granted by the Governors¹⁰¹; power for the Governors to grant building and repairing leases for terms not exceeding 99 years and to appropriate land for such purposes as streets or squares; power to amend such leasing arrangements and to accept surrenders
- (b) authority for any person to sell or give property to the Hospital; increased powers of investment for the Hospital’s cash, including power to lend on the security of mortgages
- (c) authority for the Governors to accept paying patients into the Hospital; custody of the Governors’ common seal; expenses of this Act.

8. The provisions of the 1884 Act became unnecessary in 1948 when the Hospital came under the control of the NHS and the Governors’ powers ceased.

London Hospital Act 1899

9. According to its long title, the purpose of the London Hospital Act 1899 (“the 1899 Act”) was-

to enable the Governors of the London Hospital to acquire certain lands and to erect buildings for their Out-patients Department and for other purposes.

10. The *preamble* to the 1899 Act recorded that in 1897 over 11,000 patients had been admitted to the Hospital, and over 160,000 out-patients had been treated. The

¹⁰¹ These leases were of property in the east end of London. None of them exceeded 99 years.

preamble also recorded an urgent need for further out-patient accommodation, with a gift of £25,000 having been made available in the event of such accommodation being forthcoming. The Hospital already owned the freehold of a block of buildings that was admirably suited for the purpose. Since, however, several units of these buildings had been sub-let, compulsory acquisition powers were needed by the Governors.

11. The 1899 Act provided as follows-

- (a) the Governors were authorised to acquire the land needed to provide for the out-patient accommodation, provided that no more than 20 houses occupied by the labouring class were taken
- (b) duty for the Governors to erect the out-patient accommodation; power to apply other Hospital funds for the purpose.

12. The provisions of the 1899 Act were concerned solely with the building of the out-patients department and became spent when the department was duly built. The opening of the new department (by Edward VII and Queen Alexandra) took place in 1903.

Conclusion

13. Both the 1884 Act and the 1899 Act have long been obsolete and their repeal is recommended on that basis.

Consultation

14. The Barts and the London NHS Trust, the Department of Health and the Charity Commission have been consulted about that these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Galway Hospital Act 1892 (55 & 56 Vict. c.ccxvii)	The whole Act.

Galway Hospital Act 1892

1. This note proposes the repeal of an obsolete 1892 Act relating to the establishment of a hospital in Galway in the Republic of Ireland.
2. According to its long title, the purpose of the *Galway Hospital Act 1892* (“the 1892 Act”) was-

to provide for the re-constitution of the Galway Infirmary and for other purposes connected therewith.
3. The 1892 Act provided as follows-
 - (a) the re-constitution of the old Galway Infirmary¹⁰² and its replacement by a public general hospital to be called the Galway Hospital (“the Hospital”)
 - (b) the establishment of a board of management to run the Hospital.
4. The Hospital no longer exists. It has been demolished to make way for Galway County Council headquarters which still occupies the site on Prospect Hill. The closure of the Hospital means that the 1892 Act has become obsolete.
5. Although the 1892 Act may be repealed on the basis that it is now obsolete, a further ground of repeal is that it can now have no effect within the United Kingdom. The Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1892 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

6. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1892 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.

¹⁰² The Infirmary was opened in June 1802.

Consultation

7. The Office of the Attorney General for the Republic of Ireland, the Irish Health Service Executive and Galway County Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Waterford Infirmary Act 1896 (59 & 60 Vict. c.xxii)	The whole Act.

Waterford Infirmary Act 1896

1. This note proposes the repeal of an 1896 Act relating to the use of an infirmary in the city of Waterford in the Republic of Ireland.

2. According to its long title, the purpose of the *Waterford Infirmary Act 1896* (“the 1896 Act”) was-

for appropriating the Leper Hospital of Saint Stephen in the City of Waterford and converting the same into a Public Infirmary for the County of Waterford and the County of the City of Waterford and to make provision for the establishment management and maintenance of the said Infirmary and for other purposes.

3. Accordingly the 1896 Act provided that the building known as the Leper Hospital of St Stephen situate at St John’s Hill in the city of Waterford should become the public general infirmary (“the Infirmary”) for the county of Waterford.¹⁰³ The 1896 Act also established a board to run the Infirmary.

4. The Infirmary closed in 1987 following a decision to centralise health services in Ardkeen. The Infirmary building is today used for residential accommodation. The closure of the Infirmary made the 1896 Act obsolete. Its repeal is proposed on that basis.

5. Although the 1896 Act may be repealed on the basis that it is now obsolete, a further ground of repeal is that it can now have no effect within the United Kingdom. The Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1896 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

¹⁰³ The Leper Hospital was built in or around 1785.

Extent

6. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1896 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.

Consultation

7. The Office of the Attorney General for the Republic of Ireland, the Irish Health Service Executive and Waterford City Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Mason's Orphanage Act 1897 (60 & 61 Vict. c.xix)	The whole Act.

Mason's Orphanage Act 1897

1. This note proposes the repeal of an obsolete 1897 Act relating to a charity established by Josiah Mason.

2. According to its long title, the purpose of the Mason's Orphanage Act 1897 ("the 1897 Act") was-

for rendering valid certain Leases Sales and Conveyances made by the Trustees of Sir Josiah Mason's Almshouses and Orphanage without the consent of the Charity Commissioners.

3. Josiah Mason (1795 to 1881) was a Birmingham manufacturer of steel pens and other metal goods. His charitable gifts made in 1868 led to the foundation of almshouses and an orphanage¹⁰⁴ in the Birmingham area. He was knighted in 1872 for his charitable donations. The foundation is today run by three charities including the Sir Josiah Mason's Almshouse Charity¹⁰⁵ which provides sheltered accommodation for the elderly in Birmingham and Solihull.

4. The sole purpose of the 1897 Act was to validate a number of property transactions (sales, leases and conveyances) that the trustees of the Sir Josiah Mason's Almshouse and Orphanage ("the Charity") had made without the prior approval of the Charity Commissioners in accordance with charity law.¹⁰⁶ The effect of this failure to obtain such approval was to render all the property transactions void. Accordingly the 1897 Act provided that every such property transaction (and every payment made and act done on the strength of those transactions) was to be retrospectively validated.

¹⁰⁴ The orphanage was opened in 1869 in Edinburgh. It was demolished in 1964.

¹⁰⁵ The other two charities are the Sir Josiah Mason's Relief in Need and Educational Charity and the Sir Josiah Mason Care Charity. All three charities share the same trustees.

¹⁰⁶ Charitable Trusts Amendment Act 1855, s 29.

5. The 1897 Act took effect when it came into force on 3 June 1897. Having taken effect it then became spent. It is now proposed for repeal on that basis. The repeal will have no effect on the previous working of the 1897 Act.¹⁰⁷

Consultation

6. The Charity Commission and the Sir Josiah Mason's Almshouse Charity have been consulted about these repeal proposals.

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¹⁰⁷ This is because of the general savings provision in the Interpretation Act 1978, whereby where an Act repeals an earlier enactment the repeal does not (unless the contravention appears) affect the previous operation of the enactment repealed: the 1978 Act, s 16(1)(b).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Infant Orphan Asylum Act 1899 (62 & 63 Vict. c.xlix)	The whole Act.

Infant Orphan Asylum Act 1899 (62 & 63 Vict. c.xlix)

1. This note proposes the repeal of an obsolete enactment that was passed to reverse the effect of an unlawful but inadvertent encroachment on waste land in Epping Forest.

2. *The Epping Forest Act 1878*¹⁰⁸ includes provisions to protect parts of Epping Forest wasteland against inclosure and building works. An exception to these protective provisions was made in the case of wasteland on which owners had already constructed buildings. This excepted land, and the conditions on which the owners could enjoy the benefit of the exception, was specified in Schedule 3 to the 1878 Act.

3. The trustees of the Infant Orphan Asylum at Wanstead¹⁰⁹ were specified in Schedule 3 to the 1878 Act together with the land excepted from the protective provisions of that Act. The trustees of the Infant Orphan Asylum had purchased land on the edge of Epping Forest in 1843 for the purpose of building a school for orphans. In 1869 the trustees bought an additional strip of land, adjacent to their school. This strip had formed part of the forest wasteland and became subject to a Schedule 3 condition that it should not be built on. In 1897 the school trustees started to erect a gymnasium on the strip in clear breach of this condition. Although the prompt intervention of the Essex Forest Conservators resulted in the termination of the building work and the removal of the offending construction, the effect of the breach triggered the reverter provision in section 15 of the 1878 Act. The reverter meant that the strip automatically re-vested in the Conservators by operation of law.

4. Because the Conservators had no power to reverse the automatic reverter provisions of the 1878 Act, legislation was needed to achieve that result.

¹⁰⁸ 41 & 42 Vict. c.ccxiii, ss 14, 15, Sch 3.

¹⁰⁹ The presidents, vice-presidents, treasurers and governors of the Infant Orphan Society were incorporated by the Infant Orphan Asylum Act 1843 (6 & 7 Vict. c.xc).

5. Accordingly the 1899 Act was passed for the sole purpose of re-vesting the strip of land to the Infant Orphan Asylum (subject to the building prohibition provided by the 1878 Act). The only other provisions of the 1899 Act related to its short title and the costs of passing that Act.

6. The Infant Orphan Asylum was renamed as “the Royal Wanstead School” in 1939.¹¹⁰ The school itself was closed in 1971 and the land was sold.¹¹¹ Today it is occupied by Snaresbrook Crown Court.

7. The 1899 Act became spent once it had taken effect at Royal Assent (20 June 1899) and re-vested the strip of land in the trustees of the school. Its repeal is proposed on that basis.¹¹²

Consultation

8. The Charity Commission, the City of London Corporation (as Conservator of Epping Forest), HM Courts Service, the Royal Wanstead Children’s Foundation, Epping Forest District Council and the London Borough of Redbridge have been consulted about these repeal proposals.

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¹¹⁰ Royal Wanstead School Act 1939 (2 & 3 Geo.6 c.xxix), s 10.

¹¹¹ Today the Royal Wanstead Children’s Foundation is a charity helping vulnerable children of single parents. It no longer operates its own schools but helps to support vulnerable children at a range of boarding schools throughout the United Kingdom.

¹¹² The repeal of the 1899 Act will not in any way affect the previous operation of that Act: Interpretation Act 1978, s 16(1).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Waterford and Bishop Foy Endowed Schools Act 1902 (2 Edw.7 c.xxxv)	The whole Act.

Waterford and Bishop Foy Endowed Schools Act 1902

1. This note proposes the repeal of the 1902 Act relating to the amalgamation of several schools near the city of Waterford in the Republic of Ireland.
2. According to its long title, the purpose of the *Waterford and Bishop Foy Endowed Schools Act 1902* ("the 1902 Act") was-

to provide for the amalgamation of certain schools in or near the city of Waterford, to authorise the establishment of a primary and also of a secondary school in or near the said city, to constitute a governing body for the maintenance and control of the new schools, to vest certain property and endowments in and to confer divers powers for the management of the new schools on the said body and for other purposes.
3. The schools amalgamated by the 1902 Act were-
 - ◆ Bishop Foy's School¹¹³
 - ◆ the Diocesan School
 - ◆ the Mason Blue School Waterford
 - ◆ the Lady Lane Infant and Girls' School
4. These schools were amalgamated by the 1902 Act into two new schools-
 - ◆ a primary school to be called the *Mason and Lady Lane Incorporated School*
 - ◆ a secondary school to be called the *Bishop Foy School*.
5. The 1902 Act also established a governing body to run the two schools, that body being incorporated under the name of *The Governors of the Waterford and Bishop Foy Endowed Schools*. The endowments scheduled to the 1902 Act were vested in the Governors.

¹¹³ Bishop Foy's School was established pursuant to the will of Nathaniel Foy (Lord Bishop of Waterford and Lismore who died in 1707).

6. The Bishop Foy School subsequently became economically unviable and closed in 1967, many of its pupils joining Newtown School in Waterford. **The subsequent history of the Mason and Lady Lane School is being checked.**

7. [Although the 1902 Act may be repealed on the basis that it is now obsolete, a further ground of repeal is that it can now have no effect within the United Kingdom.] The Act was passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that the 1902 Act, whilst remaining on the statute book of the United Kingdom, no longer has any effect within the United Kingdom. Accordingly it may be repealed as unnecessary so far as the United Kingdom is concerned.

Extent

8. The provisions proposed for repeal had no effect outside what is now the Republic of Ireland. The 1902 Act remains in force inside the Republic and its status there will not be affected by these repeal proposals.

Consultation

9. The Office of the Attorney General for the Republic of Ireland, the Department of Education and Skills, Newtown School, Waterford and Waterford City Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Alton Military Hospital Act 1907 (7 Edw.7 c.xc)	The whole Act.

Alton Military Hospital Act 1907

1. This note proposes the repeal of an obsolete 1907 Act relating to the use of a hospital in Alton (Hampshire).

2. According to its long title, the purpose of the *Alton Military Hospital Act 1907* (“the 1907 Act”) was-

to enable the Alton Military Hospital to be utilised for the purposes of a Cripples’ Home and College.

3. The Alton Military Hospital¹¹⁴ was used by the Government in the early years of the 20th century “as a military hospital or convalescent home for the reception of officers, non-commissioned officers and men of His Majesty’s land forces”.¹¹⁵ However the hospital was little used and by 1907 the Government decided to sell the property to trustees including Sir William Treloar¹¹⁶ “for the purposes of a cripples’ home and college”.¹¹⁷ A trust deed of 24 June 1907 was executed to provide for the cripples home and college.

4. An Act of Parliament was required to facilitate the sale of the hospital to Sir William Treloar because of trusts affecting the original purchase of the land by the Government. Accordingly the 1907 Act authorised the sale of the land free of the trusts and empowered the Charity Commissioners to establish schemes in respect of the new 1907 trusts.

5. Sir William Treloar duly established the Lord Mayor Treloar Cripples’ Hospital and College at the Alton hospital premises in 1908. In 1948 the Treloar Hospital was absorbed by the National Health Service. The Treloar Hospital eventually closed in 1994. Part of the site is still used for NHS hospital purposes (the Alton Community Hospital was opened in 1992) but the remainder of the site has been re-developed

¹¹⁴ The hospital was otherwise known as the Princess Louise Hospital (having been officially opened by Princess Louise in 1903).

¹¹⁵ The 1907 Act, preamble.

¹¹⁶ Sir William Treloar was the Lord Mayor of the City of London in 1907. He set up a fund to help London’s crippled children.

¹¹⁷ The 1907 Act, preamble.

for housing. A new site was purchased for the college at Upper Froyle (to the north of Alton) where the college moved in 1953.¹¹⁸

6. The provisions of the 1907 Act became spent once the Government had transferred its interest in the hospital land pursuant to that Act. The 1907 Act has therefore long been obsolete and may now be repealed on that basis.

Consultation

7. The Charity Commission, the Treloar Trust, the Department of Health and the Basingstoke and North Hampshire NHS Foundation Trust have been consulted about these repeal proposals.

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¹¹⁸ Today the Treloar Trust operates two educational establishments – Treloar School (a non-maintained special school for children aged 7 to 16) and Treloar College of Further Education (for students aged 16 and over).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Whittington Charity Scheme Confirmation Act 1909 (9 Edw.7 c.cxlviii)	The whole Act.

Whittington Charity Scheme Confirmation Act 1909

1. This note proposes the repeal of an obsolete 1909 Act relating to a charity managed by the Mercers' Company of the City of London.

2. According to its long title, the purpose of the *Whittington Charity Scheme Confirmation Act 1909* ("the 1909 Act") was-

to confirm a Scheme of the Charity Commissioners for the management of the Charity of Sir Richard Whittington under the management of the Mercers' Company of the City of London.

3. The Mercers' Company ("the Company") is the premier Livery Company of the City of London. It was incorporated by Royal Charter in 1394. The Company comprises the Wardens and Commonalty of the Mystery of Mercers¹¹⁹ of the City of London. The charitable activities of the Company as trustee of the various charitable trusts under its control include the provisions of schools, housing for older people and church patronage.

4. One of the trusts run by the Company is the Charity of Sir Richard Whittington ("the Charity"). The Charity was founded in 1424 under the will of Richard Whittington (1354-1423)¹²⁰ who was Mayor of London four times and Master of the Company three times. He entrusted to the Company the care of his almshouses, known as Whittington College. The Charity rebuilt these almshouses in 1966 in East Grinstead (having moved them from their original site in Highgate). Today the Whittington College almshouses provide 60 homes for elderly ladies and for some married couples.

5. The scheme confirmed by the 1909 Act ("the 1909 Act Scheme") provided for the management of the Charity's property, which included the almshouses and provided for their occupation by poor single women or widows over 55 of good character and limited means. Provision was also made for the payment of pensions to these almspeople and to other people in need.

¹¹⁹ A mercer was a merchant or trader, usually one dealing in textiles and fabrics.

¹²⁰ Otherwise known as 'Dick' Whittington.

6. In April 2001 the Charity merged with another charity¹²¹ in accordance with a Charity Commissioners' scheme dated 4 April 2001. This 2001 scheme, as amended by a scheme dated 16 December 2004, is the scheme that today governs the Charity. The 1909 Act Scheme has therefore become obsolete and, by extension, the 1909 Act itself. The repeal of the 1909 Act is proposed on that basis.

Consultation

7. The Charity Commission, the Department of Health and the Mercers' Company have been consulted about these repeal proposals.

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¹²¹ The Lady Mico's Almshouse Charity.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Haberdashers' Company Loan Fund Bearing Interest Scheme Confirmation Act 1912 (2 & 3 Geo.5 c.clxxiii)	The whole Act.
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Haberdashers' Company Loan Fund Bearing Interest Scheme Confirmation Act 1912

1. This note proposes the repeal of an obsolete 1912 Act relating to a charity managed by the Haberdashers' Company of the City of London.

2. According to its long title, the purpose of the *Haberdashers' Company Loan Fund Bearing Interest Scheme Confirmation Act 1912* ("the 1912 Act") was-

to confirm a scheme of the Charity Commission for the application or management of the charity called the Loan Fund Bearing Interest under the management of the Haberdashers' Company of the City of London.

3. The Haberdashers' Company ("the Company") is a City Livery Company incorporated by Royal Charter in 1448.¹²² It originated as a fraternity of members engaged in the haberdashery trade¹²³ in the City of London. Over the centuries, members of the Company and other benefactors have made charitable bequests and gifts to the Company to hold and manage as trustee.¹²⁴ Today the Company is the trustee of several major charitable foundations including the *Haberdashers' Benevolent Foundation*.

4. The scheme confirmed by the 1912 Act ("the 1912 Act Scheme") related to the charity called the *Loan Fund Bearing Interest* ("the Charity"). The endowment of the Charity comprised the charitable gifts made by certain named individuals.¹²⁵ The 1912 Act Scheme provided, amongst other matters, that these endowments should be made available, free of any trust, for the Company's freemen. In return the Company would make available £960 of consolidated stock, the income from which would be used to pay annuities to beneficiaries specified in the 1912 Act Scheme.

¹²² The Company's full name is The Master and Four Wardens of the Fraternity of the Art or Mystery of Haberdashers in the City of London

¹²³ The haberdashery trade involves the manufacture of articles of clothing.

¹²⁴ These gifts have resulted in the foundation of several schools and other institutions in England and Wales.

¹²⁵ John Hutchinson, John Whyte, Thomas Bowcher, Richard Gourney, William Bower, Dame Mary Ramsay, Mary Monox, Giles Crowche, Catherine Hall, John Howes (otherwise Hewes) and Clement Kelke.

5. In May 1978 the Charity became consolidated into the Haberdashers' Eleemosynary Charity in accordance with a Charity Commissioners' scheme dated 17 May 1978. This latter charity was in turn consolidated into the Haberdashers' Benevolent Foundation in June 2002 in accordance with a Charity Commissioners' scheme dated 19 June 2002.¹²⁶ These schemes, having superseded the 1912 Act Scheme, have rendered it obsolete along with the 1912 Act itself. The repeal of the 1912 Act is proposed on that basis.

Consultation

6. The Charity Commission and the Haberdashers' Company have been consulted about these repeal proposals.

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¹²⁶ The primary object of the Foundation is the relief of persons who are in need, hardship or distress.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Bournemouth Hospitals Scheme Confirmation Act 1913 (3 & 4 Geo.5 c.clxxv)	The whole Act.

Bournemouth Hospitals Scheme Confirmation Act 1913

1. This note proposes the repeal of an obsolete 1913 Act relating to hospitals in Bournemouth.

2. According to its long title, the purpose of the *Bournemouth Hospitals Scheme Confirmation Act 1913* (“the 1913 Act”) was –

to confirm a Scheme of the Charity Commissioners for the application or management of the following Charities in the Borough of Bournemouth in the County of Southampton

(1) *the Charity called or known as the Royal Victoria Hospital*

(2) *the Charity called or known as the Royal Boscombe and West Hants Hospital.*

3. Accordingly the 1913 scheme (“the Scheme”) provided for the joint administration of two hospital charities in the Bournemouth area. The relevant hospitals were-

(a) *the Royal Victoria Hospital* in Poole Road, Bournemouth. This hospital had opened in 1890 and included a subsidiary hospital called the *Lowther Road Branch Hospital*¹²⁷

(b) *the Royal Boscombe and West Hants Hospital* in Shelley Road and Ashley Road, Boscombe. This hospital had opened as the Boscombe Provident Dispensary in 1876 before becoming the Royal Boscombe and West Hants Hospital in 1902.

4. The Scheme provided that the two charities should be administered and managed under the title of the *Royal Victoria and West Hants Hospitals Bournemouth*. The object of the charities was to be the provision and maintenance of a hospital or hospitals for the accommodation and relief of the sick poor resident in Bournemouth and the surrounding districts. The Scheme provided for the appointment of trustees (in whom the assets of the charities were vested) and for the appointment of governors to run the hospitals.

¹²⁷ Situated at the junction of Lowther Road and Ascham Road, Bournemouth.

5. The arrangements set up by the Scheme became unnecessary when these hospitals became absorbed by the National Health Service in 1948.¹²⁸ Moreover all the hospitals covered by the Scheme have since closed. The Royal Victoria Hospital was converted to luxury apartments in or around 2002, the Lowther Road Branch Hospital is today the Malmesbury Park Primary School, and the Royal Boscombe and West Hants Hospital was demolished in 1992 to make way for new housing.¹²⁹

Conclusion

6. The provisions of the Scheme became unnecessary when the hospitals came under the control of the NHS in 1948. This rendered the 1913 Act itself obsolete and its repeal is proposed on that basis.

Consultation

7. The Department of Health, the Charity Commission, the Dorset Healthcare NHS Foundation Trust and the Royal Bournemouth and Christchurch Hospitals NHS Foundation Trust have been consulted about these repeal proposals.

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¹²⁸ By virtue of the National Health Service Act 1946, s 6 and the National Health Service (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (including the 1913 Scheme hospitals) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

¹²⁹ Part of the site of this hospital continues to be used for NHS purposes.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Lucas's Hospital Charity Scheme Confirmation Act 1923 (13 & 14 Geo.5 c.lvi)	The whole Act.

Lucas's Hospital Charity Scheme Confirmation Act 1923

1. This note proposes the repeal of an obsolete Act relating to the former Lucas Hospital Charity.

Background

2. The Reverend Henry Lucas (1610-1663) was MP for Cambridge University from 1639 to 1640. By his will dated 11 June 1663 he left a legacy of about £7000 for the erection and endowment of a hospital¹³⁰ or almshouse for the relief of poor old men and for employing a chaplain as Master of the hospital. The men were to be chosen from the poorest inhabitants of the Forest Division of Berkshire and the Bailiwick of Surrey in or near the Forest.

3. The original hospital ("the Hospital") was built in Wokingham (Berkshire) in 1666.¹³¹ In 1675 the Drapers Company of the City of London took over the trusteeship of the charity ("the Charity"). The Hospital building gradually became unsuited to its primary function as almshouse, and in 1999 was sold to provide a more suitable site. Pursuant to a Charity Commission scheme made in July 2002, the Charity was merged with the Whiteley Homes Trust. In 2003 sixteen double cottages (known as the Henry Lucas Cottages) were built in Whiteley Village near Walton-on-Thames in Surrey to provide accommodation for 32 persons of limited means in accordance with the spirit of Henry Lucas' original endowment.

4. A 1923 enactment relating to the Hospital's administration is now obsolete and is therefore proposed for repeal. It is described in the following paragraphs.

Lucas's Hospital Charity Scheme Confirmation Act 1923

5. According to its long title, the purpose of the *Lucas's Hospital Charity Scheme Confirmation Act 1923* ("the 1923 Act") was-

¹³⁰ The word 'hospital' is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm.

¹³¹ Letters patent dated 18 January 1667 regulated the operation of the Hospital and constituted the Corporation of the Master and Brethren of the Hospital of Wokingham as the new charity.

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called or known as Henry Lucas's Hospital at Wokingham in the County of Berks.

6. The 1923 Act scheme ("the Scheme") provided as follows:
 - ◆ the Charity would in future be administered in accordance with the Scheme, with the Drapers Company ("the Corporation") continuing as trustees; the old Corporation founded by the 1667 letters patent was dissolved
 - ◆ the Corporation was given powers to manage the Charity's lands and maintain the Hospital buildings
 - ◆ appointment of chaplain and medical staff to care for the Hospital residents; qualification and pensions of those residents
 - ◆ general issues including the keeping of accounts.

7. The provisions of the Scheme became obsolete when a new scheme was made by the Charity Commission on 29 July 2002. The 2002 scheme provided for the amalgamation of the Charity with the Whiteley Homes Trust. The assets of the Charity, including the Hospital, were transferred to the Whiteley Homes Trust. The Charity was removed from the Register of Charities on 15 October 2002.

8. Once the Scheme ceased to have effect in 2002, the 1923 Act itself became obsolete. Its repeal is proposed on that basis.

Consultation

9. The Charity Commission, the Department of Health, the Whiteley Homes Trust and the Drapers Company have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
French Protestant Episcopal Church of the Savoy Act 1925 (15 & 16 Geo.5 c.xlvi)	The whole Act.

French Protestant Episcopal Church of the Savoy Act 1925

1. This note proposes the repeal of an obsolete 1925 Act relating to the charity known as the French Protestant Episcopal Church of the Savoy.

2. According to its long title, the purpose of the *French Protestant Episcopal Church of the Savoy Act 1925* (“the 1925 Act”) was-

to authorise the closing of the church of the French Protestant Episcopal Church of the Savoy situate in Shaftesbury Avenue in the metropolitan borough of Holborn and the sale of the building and site thereof and to provide for the application of the proceeds of sale and for other purposes.

3. According to the *preamble* to the 1925 Act, the French Protestant Episcopal Church of the Savoy (“the Church”) had its origin in a congregation of Huguenot refugees who were permitted by Charles II, in or around 1661, to occupy part of the Hospital of the Savoy for the purpose of public worship in the French language.¹³² Subsequently the Church acquired premises in Shaftesbury Avenue in central London. By 1925, however, the congregation had dwindled, and the decision was taken to sell these premises and to use the sale proceeds to benefit the charitable purposes of the Church in other ways.

4. Accordingly the 1925 Act provided that-

- (a) the Church’s premises and site should be sold
- (b) the sale proceeds should be invested, the income being paid as follows-
 - (i) £150 annually to the pastor of the French Huguenot Church of the crypt of Canterbury Cathedral
 - (ii) £150 annually to the French Protestant Church or Chapel of St Julien or God’s House at Southampton
 - (iii) £100 annually for the chaplain of the French Hospital in Hackney
 - (iv) the rest to be applied in accordance with any scheme established concerning the Westminster French Protestant School.

¹³² This was on condition that the Church used the Book of Common Prayer and submitted to the jurisdiction of the Bishop of London.

5. These arrangements have now been superseded by a scheme of the Charity Commission sealed in July 1964 and brought into effect in 1965 by the *Charities (French Protestant Episcopal Church of the Savoy Charity) Order 1965* (“the 1965 Order”).¹³³

6. The 1965 Order provided that the 1925 Act should cease to have effect in relation to the Church. Instead the Church should be administered and managed in accordance with the scheme contained in the 1965 Order. This provided that the charitable income should be paid as follows-

- (i) £150 annually to the Consistory of the French Huguenot or Walloon Church meeting in the crypt of Canterbury Cathedral
- (ii) £175 annually to the Hospital for Poor French Protestants
- (iii) the rest to go to the President and Governors of the Westminster French Protestant School Foundation.

7. Upon the coming into effect of the 1965 Order, the 1925 Act became obsolete and its repeal is proposed on that basis.

Consultation

8. The Charity Commission, the Westminster French Protestant School Foundation and the Huguenot Society of Great Britain and Ireland have been consulted about these repeal proposals.

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¹³³ SI 1965 No 192.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Passmore Edwards (Tilbury) Cottage Hospital Charity Scheme Confirmation Act 1926 (16 & 17 Geo.5 c.xxiii)	The whole Act.
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Passmore Edwards (Tilbury) Cottage Hospital Charity Scheme Confirmation Act 1926

1. This note proposes the repeal of an obsolete 1926 Act relating to a hospital in Tilbury.
2. According to its long title, the purpose of the *Passmore Edwards (Tilbury) Cottage Hospital Charity Scheme Confirmation Act 1926* (“the 1926 Act”) was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charities known as the Passmore Edwards District Cottage Hospital at Tilbury in the County of Essex and the Seamen’s Hospital Society in the County of London.
3. The Passmore Edwards Cottage Hospital¹³⁴ (“the Hospital”) was constructed opposite the Tilbury Dock Gates and was opened in June 1896. It could accommodate 15 in-patients and was designed initially to cope with accidents arising in the Tilbury Docks. As the Docks expanded a larger hospital with more modern equipment was felt to be necessary, and the Seamen’s Hospital Society (“the Society”) agreed to take over the running of the Hospital with effect from January 1924. The Hospital was thereupon renamed the *Tilbury Hospital*. This change of management necessitated the making of the charitable scheme confirmed by the 1926 Act.
4. The Scheme confirmed by the 1926 Act provided as follows-
 - (a) the Hospital and its endowments should be administered by the Society acting as the Hospital’s trustees (in which body all the Hospital’s assets were to vest)
 - (b) the Hospital should be maintained as a hospital primarily for the benefit of persons connected with Tilbury Docks and the population of the district of the Orsett Poor Law Union

¹³⁴ John Passmore Edwards (1823-1911) was a journalist and philanthropist who funded many hospitals, schools, libraries and other public buildings.

- (c) the ward in the Hospital known as the Singhanee Ward¹³⁵ should be used exclusively for native Indian patients. A separate fund would be set aside as an endowment for that ward
- (d) the Hospital (other than the Singhanee Ward) could be used for paying patients.

5. These arrangements ended in 1948 when control of the Hospital passed from the Society to the National Health Service,¹³⁶ control vesting in the South East Essex Hospital Management Committee. In 1950 the Hospital became the Tilbury branch of the Tilbury and Riverside General Hospital (combining Tilbury and Orsett Hospitals), and was used primarily as a general training school for nurses.

6. The Hospital was closed in 1969 and all its services were transferred to Orsett Hospital which today falls within the jurisdiction of the Basildon and Thurrock University Hospital NHS Foundation Trust. The Hospital building was subsequently demolished.

7. The 1926 Act became obsolete once the Hospital came under the control of the National Health Service in 1948. Its repeal is now proposed on that basis.

Consultation

8. The Charity Commission, the Seamen's Hospital Society, the Department of Health, Basildon and Thurrock University Hospital NHS Foundation Trust and Essex County Council have been consulted about these repeal proposals.

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¹³⁵ Named after a Mr Singhanee of Poona (India) who gave £6732 to provide a ward for Indian seamen at a London hospital.

¹³⁶ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (including the Passmore Edwards Cottage Hospital at Tilbury) and all hospitals belonging to local authorities were, with certain exceptions, transferred to and vested in the Minister of Health on 5 July 1948.

Reference

Extent of repeal or revocation

Feltwell Fuel Allotment Charity Scheme Confirmation Act 1927 (17 & 18 Geo.5 c.xxxii)	The whole Act.
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Feltwell Fuel Allotment Charity Scheme Confirmation Act 1927

1. This note proposes the repeal of an obsolete 1927 Act relating to a charity operating in Norfolk.

2. According to its long title, the purpose of the Feltwell Fuel Allotment Charity Scheme Confirmation Act 1927 (“the 1927 Act”) was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity known as the Fuel Allotment in the Ancient Parishes of Feltwell St Mary and Feltwell St Nicholas in the County of Norfolk.

3. This fuel allotment charity (“the Charity”) originated with an inclosure award dated 8 September 1815 which was made pursuant to an Act of 1813.¹³⁷ The scheme confirmed by the 1927 Act empowered the Charity’s trustees to sell parts of the land known as The West Common in Feltwell and use the yearly income from the sale proceeds, after payment of debts and expenses, for the purchase of fuel for distribution among the poor inhabitants of Feltwell St Mary and Feltwell St Nicholas.

4. The Charity still exists. Known simply as *Fuel Allotment*, the charity today pays an annual Christmas grant to elderly residents in the village of Feltwell in Norfolk. The Charity’s current constitution is contained in Charity Commission schemes of 5 November 1943 and 25 April 1968.¹³⁸ Accordingly the scheme confirmed by the 1927 Act no longer operates and has become obsolete along with the 1927 Act itself. The repeal of the 1927 Act is proposed on that basis.

Consultation

5. The Charity Commission, the Fuel Allotment Charity and Norfolk County Council have been consulted about these repeal proposals.

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¹³⁷ 53 Geo.3 c.cxlvi (Feltwell Inclosure).

¹³⁸ This constitution provides for the annual income of the Charity to be applied in providing fuel, money or gifts in kind for poor persons resident in Feltwell St Mary and Feltwell St Nicholas.

Richmond Parish Charity
Lands Scheme Confirmation Act 1928
(18 & 19 Geo.5 c.xv)

The whole Act.

Richmond Parish Charity Lands Scheme Confirmation Act 1928

1. This note proposes the repeal of an obsolete 1928 Act relating to charity land in Richmond (in the London Borough of Richmond-upon-Thames).

2. According to its long title, the purpose of the *Richmond Parish Charity Lands Scheme Confirmation Act 1928* (“the 1928 Act”) was-

to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called or known as the Richmond Parish Charity Lands in the parish of Richmond in the county of Surrey.

3. *The Richmond Parish Lands Charity* (“the Charity”) originated with an Act of 1785¹³⁹ whereby George 3 and Queen Charlotte made a gift of common land next to Richmond Park to the Vestry of Richmond Parish. The land was to be used for the construction of a workhouse, the surplus land to be used for the benefit of the poor.

4. Today the Charity, under the supervision of the Charity Commission, operates to help the people of Richmond. Through grant-giving and social housing the Charity seeks to improve the quality of life of disadvantaged people within the London postal code regions TW9, TW10 and SW14.

5. The scheme confirmed by the 1928 Act provided for the Charity and its endowments to be administered and managed by the mayor, aldermen and burgesses of the borough of Richmond. In other words, the borough council succeeded the parish vestry as trustees of the Charity.

6. In 1968, however, the Charity was re-constituted independently of the borough council. The Charity’s current constitution is contained in a Charity Commission scheme of 13 May 1991 (as amended by the Charity in December 2007). This establishes the Charity’s charitable objects which include the relief of the aged, impotent and poor inhabitants of the London Borough of Richmond-upon-Thames.

¹³⁹ 25 Geo.3 c.41 (Richmond: poor relief, etc). This Act was partly repealed by the Ministry of Health Provisional Order Confirmation (Richmond (Surrey)) Act 1928 (18 & 19 Geo.5 c.lxiv).

7. Accordingly the scheme confirmed by the 1928 Act no longer operates and has become obsolete along with the 1928 Act itself. The repeal of the 1928 Act is proposed on that basis.

Consultation

8. The Charity Commission, the Richmond Parish Lands Charity and the London Borough of Richmond-upon-Thames have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Goldsmiths' Consolidated Charities Scheme Confirmation Act 1932 (22 & 23 Geo.5 c.xvii)	The whole Act.

Goldsmiths' Consolidated Charities Scheme Confirmation Act 1932

1. This note proposes the repeal of an obsolete 1932 Act authorising a gift of £50,000 to the University of London.

2. According to its long title, the purpose of the *Goldsmiths' Consolidated Charities Scheme Confirmation Act 1932* ("the 1932 Act") was-

to confirm a Scheme of the Charity Commissioners for the application or management of the charities called the Goldsmiths' Consolidated Charities.

3. The Goldsmiths' Company ("the Company") is one of the 12 Great Companies of the City of London and has its origins in the medieval trade guilds. Many charities have derived from the Company over the centuries. Following amalgamations of these charities during the 20th century, only a few exist today. Goldsmiths' College, University of London was originally established by the Company in 1891 to provide educational opportunities for the people of New Cross.¹⁴⁰

4. The scheme confirmed by the 1932 Act authorised the trustees of the Goldsmiths' Consolidated Charities (under the management of the Goldsmiths' Company of the City of London) to make a grant of £50,000 to the University of London out of the capital endowment of the charities, such grant to be applied towards the cost of building and equipping a library for the University.¹⁴¹ The purpose of the gift was to house the Foxwell collection of economic literature that had been purchased by the Company and given to the University in 1903.¹⁴²

5. The grant authorised by the scheme was duly made. The scheme thereupon became spent along with the 1932 Act. The repeal of the 1932 Act is proposed on that basis.

¹⁴⁰ It was established as the Company's Technical and Recreative Institute before being re-established by the University as Goldsmiths' College in 1904.

¹⁴¹ The £50,000 was to be raised by the sale of investments of the charities as directed by the Charity Commissioners.

¹⁴² In 1937 the Goldsmiths' Library of Economic Literature was housed in a purpose-built room in Senate House. It remains there to this day.

Consultation

6. The Charity Commission, the Goldsmiths' Company and Goldsmiths University of London have been consulted about these repeal proposals.

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Ford Street Charity Scheme Confirmation Act 1932 (22 & 23 Geo.5 c.xviii)	The whole Act.
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Ford Street Charity Scheme Confirmation Act 1932

1. This note proposes the repeal of an obsolete Act relating to a charity in Tavistock, Devon.

Ford Street Charity Scheme Confirmation Act 1932

2. According to its long title, the purpose of the *Ford Street Charity Scheme Confirmation Act 1932* (“the 1932 Act”) was-

to confirm a Scheme of the Charity Commissioners for the application or management of the charity known as the Ford Street Charity in the ancient parish of Tavistock in the county of Devon.

3. The Ford Street Charity originated with a 1763 Act¹⁴³ whereby John Duke of Bedford provided funds for the maintenance of almshouses in Ford Street, Tavistock.

4. Today the charity, now known as the *Ford Street and Maynard Almshouse Charity*, continues to maintain accommodation in Ford Street for poor persons of good character in the parishes of Tavistock and Gulworthy.

5. The scheme confirmed by the 1932 Act superseded an earlier scheme made by the Charity Commissioners in 1900. The 1932 Act scheme made provision for the administration of the charity including provision as to the trustees, the application of income and the use of the almshouses.

6. The 1932 Act scheme has, however, been superseded by a later scheme sealed by the Charity Commissioners on 22 March 1983. This 1983 scheme (as amended by a scheme sealed on 1 September 1997) re-constituted the Ford Street charity and merged it with other charities including the Maynard Almshouse charity. Accordingly the 1932 Act scheme no longer operates and has become obsolete along with the 1932 Act itself. The repeal of the 1932 Act is proposed on that basis.

¹⁴³ 3 Geo.3 c.27 (John Duke of Bedford’s Estate in Tavistock, Devon)

Consultation

7. The Charity Commission, the Department of Health, the Ford Street and Maynard Almshouse Charity, Tavistock Town Council and Devon County Council have been consulted about these repeal proposals.

LAW/005/024/06
09 September 2010

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Jesus Hospital (Chipping Barnet) Scheme Charity Confirmation Act 1933 (23 & 24 Geo.5 c.xiv)	The whole Act.
<hr/> <p><i>Jesus Hospital (Chipping Barnet) Scheme Charity Confirmation Act 1933</i></p> <p>1. This note proposes the repeal of an obsolete 1933 Act authorising the purchase of a hall in Barnet (Hertfordshire).</p> <p>2. According to its long title, the purpose of the <i>Jesus Hospital Chipping Barnet Scheme Charity Confirmation Act 1933</i> (“the 1933 Act”) was-</p> <p style="padding-left: 40px;"><i>to confirm a Scheme of the Charity Commissioners for the application or management of the charity called Jesus Hospital in Chipping Barnet in the County of Hertford.</i></p> <p>3. The Jesus Hospital in Chipping Barnet Charity (“the Charity”) was founded in 1679 by James and Mary Ravenscroft. It exists for the purposes of managing the Charity’s almshouses in the Barnet area, thereby providing accommodation for persons in housing and financial need.</p> <p>4. The scheme confirmed by the 1933 Act authorised the Charity’s Visitors to buy “the Tudor Hall of the Grammar School of Queen Elizabeth at Chipping Barnet” for the use of the Visitors for their meetings, to provide an office for their clerk and for other purposes in connection with the Charity’s work. The scheme authorised a purchase price for the hall of £1750.</p> <p>5. The purchase authorised by the scheme was duly completed and Tudor Hall, which was built in 1573 for the purposes of the grammar school in Chipping Barnet, was vested in the Charity.</p> <p>6. The Charity, however, no longer owns Tudor Hall. It was sold to Hertfordshire County Council for educational purposes in 1958. Today Tudor Hall forms part of Barnet College. Accordingly the scheme no longer operates and has become obsolete along with the 1933 Act itself. The repeal of the 1933 Act is proposed on that basis.</p>	

Consultation

7. The Charity Commission, Jesus Hospital in Chipping Barnet and the London Borough of Barnet have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Cancer Hospital (Free) Act 1933 (23 & 24 Geo.5 c.xxxvi)	The whole Act.

Cancer Hospital (Free) Act 1933

1. This note proposes the repeal of an obsolete Act relating to the Royal Marsden Hospital in London.

2. According to its long title, the purpose of the *Cancer Hospital (Free) Act 1933* (“the 1933 Act”) was-

to enable the Cancer Hospital (Free) to make and accept charges for the accommodation and treatment of certain patients and for other purposes.

3. Founded as the Free Cancer Hospital in 1851¹⁴⁴ by Dr William Marsden, the Royal Marsden Hospital (“the Hospital”) was the first hospital in the world dedicated to the study and treatment of cancer. The Hospital outgrew its original premises at Cannon Row, Westminster and moved in 1930 to its present site in the Fulham Road in south-west London.¹⁴⁵ The Hospital became part of the National Health Service in 1948 and became a post-graduate teaching hospital.¹⁴⁶ In 2004 the Hospital became one of the first NHS Foundation Trusts, a status that provided the Hospital with greater financial freedom.

4. The principal purpose of the 1933 Act was to authorise the Hospital to maintain separate areas for patients who were able and willing to pay fees for their medical treatment (whilst being unable to afford the cost of a private nursing home). The 1933 Act also authorised the Hospital to charge these patients such fees as were specified by the Charity Commissioners.

5. The 1933 Act became unnecessary as a result of the *Voluntary Hospitals (Paying Patients) Act 1936* which authorised voluntary hospitals (such as the Hospital) to provide accommodation and treatment for paying patients. Today the

¹⁴⁴ The Hospital was incorporated by Royal Charter in 1910 and became known as The Cancer Hospital (Free). The Hospital was renamed “The Royal Marsden Hospital” in 1954.

¹⁴⁵ A second hospital was opened in Sutton (south London) in 1962.

¹⁴⁶ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

Hospital has the powers given to Foundation Trusts by the National Health Service Act 2006¹⁴⁷, including powers to provide private health care for paying patients.

6. Accordingly the 1933 Act is now obsolete and may be repealed on that basis.

Consultation

7. The Department of Health, the Charity Commission and the Royal Marsden NHS Foundation Trust have been consulted about these repeal proposals.

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¹⁴⁷ The 2006 Act, Part 2, Chapter 5 (NHS Foundation Trusts).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Samaritan Free Hospital for Women Act 1933 (23 & 24 Geo.5 c.xc)	The whole Act.
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Samaritan Free Hospital for Women Act 1933

1. This note proposes the repeal of an obsolete Act relating to a London hospital that no longer exists.

2. According to its long title, the purpose of the *Samaritan Free Hospital for Women Act 1933* (“the 1933 Act”) was-

to enable the Samaritan Free Hospital for Women to provide and equip additional accommodation and to make certain charges therefor and for other purposes.

3. The Samaritan Hospital for Women (“the Hospital”) was founded in January 1847¹⁴⁸

*for the reception of poor women afflicted with diseases incidental to their sex and to afford without letters of recommendation medical and surgical attendance to sick women and children.*¹⁴⁹

The Hospital moved to the Marylebone Road in central London in 1890.

4. The principal purpose of the 1933 Act was to authorise the Hospital to maintain separate wards for patients who were able and willing to pay fees for their medical treatment. The 1933 Act also authorised the Hospital to charge such patients such fees as were specified by the Charity Commissioners.

5. The 1933 Act became unnecessary as a result of the *Voluntary Hospitals (Paying Patients) Act 1936* which authorised voluntary hospitals (such as the Hospital) to provide accommodation and treatment for paying patients. The Hospital became absorbed by the National Health Service in 1948¹⁵⁰ and closed in 1997 when its functions were taken over by St Mary’s Hospital, Paddington. Accordingly the 1933 Act is now obsolete and may be repealed on that basis.

¹⁴⁸ Originally known as the Gynepathic Institute Free Hospital, the Hospital was established in Gray Street, Manchester Square in London.

¹⁴⁹ Preamble to the 1933 Act.

¹⁵⁰ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals and all hospitals belonging to local authorities were, with certain exceptions, transferred to and vested in the Minister of Health on 5 July 1948.

Consultation

6. The Department of Health, the Charity Commission and Imperial College Healthcare NHS Trust have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Prince of Wales's Hospital Plymouth Act 1934 (24 & 25 Geo.5 c.lii)	The whole Act.
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Prince of Wales's Hospital Plymouth Act 1934

1. This note proposes the repeal of an obsolete pre-National Health Service Act relating to hospitals in Plymouth.

2. According to its long title, the purpose of the *Prince of Wales's Hospital Plymouth Act 1934* ("the 1934 Act") was-

to amalgamate the South Devon and East Cornwall Hospital Plymouth, the Royal Albert Hospital Devonport and the Central Hospital Plymouth, to make provision with respect to the property and funds of the said Hospitals to provide, to provide for the incorporation of the governing body of the amalgamated hospitals and for other purposes.

3. Accordingly the main effect of the 1934 Act was to amalgamate three hospitals in Plymouth-

- ◆ the South Devon and East Cornwall
- ◆ the Royal Albert and
- ◆ the Central

and to establish a corporation of the amalgamated hospitals, to be known as the Prince of Wales's Hospital Plymouth ("the Corporation").

4. The 1934 Act provided as follows:

- (a) short title, interpretation; incorporation of the hospital; objects and powers of the Corporation; vesting of property in the Corporation (*sections 1 to 6*)
- (b) Corporation's powers of investment; provisions as to references to the existing hospitals; existing debts and liabilities (*sections 7 to 10*)
- (c) establishment of a court of governors; provision for a president, vice-president and governors (*sections 11 to 16*)
- (d) Corporation to be run by a Board of management; membership, powers and officers of the Board; Board's bye-laws; provision for private patients (*sections 17 to 27*)
- (e) saving for jurisdiction of Charity Commissioners; costs of this Act (*sections 28 and 29*).

5. The arrangements set up by the 1934 Act became unnecessary when the three hospitals became absorbed by the National Health Service in 1948.¹⁵¹ Moreover each of the three hospitals amalgamated by the 1934 Act has since closed. *The Central Hospital* (later known as the Homeopathic Hospital or the Lockyer Street Hospital) closed in 1977. *The Royal Albert Hospital* became the Devonport section of the Plymouth General Hospital in 1963 and closed in 1981 when the new Derriford Hospital opened. *The South Devon and East Cornwall Hospital* (which later became known as the Greenbank Hospital) closed during the 1990s.

Conclusion

6. The provisions of the 1934 Act became obsolete when the hospitals came under the control of the National Health Service in 1948. The Act may now be repealed on that basis.

Consultation

7. The Department of Health, the Charity Commission, Plymouth Hospitals NHS Trust and Plymouth City Council have been consulted about these repeal proposals.

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¹⁵¹ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospital and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Buckingham's Charity (Dunstable) Scheme Confirmation Act 1936 (26 Geo.5 & 1 Edw.8 c.lxxvi)	The whole Act.

Buckingham's Charity (Dunstable) Scheme Confirmation Act 1936

1. This note proposes the repeal of an obsolete Act relating to the Luton and Dunstable Hospital in Bedfordshire.

2. According to its long title, the purpose of the *Buckingham's Charity (Dunstable) Scheme Confirmation Act 1936* ("the 1936 Act") was-

to confirm a scheme of the Charity Commissioners for the application or management of the Charity of Arthur Frederick Buckingham for a cottage hospital, in the borough of Dunstable, in the county of Bedford.

3. Arthur Frederick Buckingham (1860 to 1917) was a Dunstable grocer who bequeathed by his Will £4,000 to found a cottage hospital in Dunstable for the poor and needy of Dunstable and district.¹⁵² In the event it proved expedient to use the money to build a new general hospital, rather than a cottage hospital. The new hospital was named "*The Luton and Dunstable Hospital*" and was opened by Queen Mary in February 1939. The hospital became part of the National Health Service in 1948.¹⁵³

4. The scheme confirmed by the 1936 Act ("the 1936 Act Scheme") provided as follows-

(a) the trustees of the charity of Arthur Frederick Buckingham were authorised to pay the funds of the charity (except the fund representing the bequest of one Flora Lucretia Blackwell for the upkeep of the charity's cottage hospital) to the trustees appointed to build the new general hospital on land at the corner of Dunstable Road West and Lewsey Road (Luton), the funds to be used for the building of the general hospital (*clause 1*)

¹⁵² Although it was written on a brown sugar bag, the will was declared valid and probate was granted in May 1918.

¹⁵³ By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals (including the Luton and Dunstable) and all hospitals belonging to local authorities were, with certain exceptions, transferred to and vested in the Minister of Health on 5 July 1948.

- (b) once the new general hospital was opened, the fund representing the bequest of Flora Lucretia Blackwell for the upkeep of the charity's cottage hospital was to be used as an endowment of the general hospital, with the income being applied to the upkeep of the general hospital (*clause 2*)
- (c) provisions as to alteration, construction and date of the 1936 Act Scheme (*clause 3*)

5. The 1936 Act Scheme has long ceased to operate. The provisions of the Scheme authorising the application of funds towards the building of the general hospital ceased to have effect upon the completion of the Luton and Dunstable Hospital in 1937. The remaining provision of the Scheme relating to the endowment provided by the bequest of Flora Blackwell has also ceased to have effect. The Charitable Funds Committee of the Hospital has confirmed that it has no records showing any income from this bequest. Indeed the Charity Commission has confirmed that it has no records relating to the Arthur Frederick Buckingham charity, a clear indication that the charity has long ceased to exist.

6. The fact that the 1936 Act Scheme has ceased to exist means that the 1936 Act itself now serves no useful purpose. Its repeal is proposed on that basis.

Consultation

7. The Department of Health, the Charity Commission and the Luton and Dunstable NHS Foundation Trust have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Reading Almshouse and Municipal Charities Scheme Confirmation Act 1958 (6 & 7 Eliz. c.x)	The whole Act.
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Reading Almshouse and Municipal Charities Scheme Confirmation Act 1958

1. This note proposes the repeal of an obsolete Act passed to confirm a scheme made by the Charity Commissioners relating to certain charities operating in Reading, Berkshire.

2. The scheme confirmed by the 1958 Act (“the 1958 Act Scheme”) provided for the management of the following 7 charities or groups of charities-
 - (1) The Consolidated General Almshouse Charities of Reading
 - (2) The Charity of Thomas Barkshire (*Subsequently ceased to exist and was removed from the Register of Charities on 4 May 2005*).
 - (3) The Charity of Thomas Cooke (*Subsequently ceased to exist and was removed from the Register of Charities on 13 February 2009*).
 - (4) The Charity of Edward Simeon for the Obelisk in the Market Place (*Subsequently ceased to exist and was removed from the Register of Charities on 16 September 2002*).
 - (5) The Charity of Martin Hope Sutton (*Subsequently ceased to exist and was removed from the Register of Charities on 4 May 2005*).
 - (6) The Charity of William Vine (*Subsequently ceased to exist and was removed from the Register of Charities on 4 May 2005*).
 - (7) The Consolidated Church Almshouse Charities of Reading (*Subsequently ceased to exist and was removed from the Register of Charities on 4 May 2005*).

3. The 1958 Act Scheme provided that Charities numbered 1, 2, 5, 6 and 7 –
 - (a) should be administered and managed together under the title of the *Reading Consolidated Almshouse Charities*
 - (b) (together with the Charity numbered 4) should be administered and managed together under the title of the *Reading General Municipal Charities*.

4. The 1958 Scheme has been superseded by a scheme (“the 1998 Scheme”) made by the Charity Commission on 16 January 1998. The 1998 Scheme established a new constitution for-

- ◆ the Reading General Municipal Charities (ie the Charities numbered 1, 2, 4, 5, 6 and 7 above)
- ◆ the Charity of Thomas Cooke (ie the Charity numbered 3 above)
- ◆ certain other Reading Charities.

5. The 1998 Scheme provided that all these Charities should be administered and managed together as one Charity, to be called *The Reading Consolidated Almshouse Charity*.

6. Once the 1958 Act Scheme had been superseded by the 1998 Scheme, the 1958 Act became obsolete. Its repeal is proposed on that basis.

Consultation

7. The Charity Commission, the Department of Health, the Reading Consolidated Almshouse Charity and Reading Borough Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
St James's Dwellings Charity Scheme Confirmation Act 1958 (6 & 7 Eliz.2 c.xii)	The whole Act.

St James's Dwellings Charity Scheme Confirmation Act 1958 (6 & 7 Eliz.2 c.xii)

1. According to its long title, the purpose of the St James's Dwellings Charity Scheme Confirmation Act 1958 ("the 1958 Act") was to "confirm a Scheme of the Charity Commissioners for the application or management of the St James's Dwellings Charity in the City of Westminster". The charity was dissolved as a separate entity in 1994 when its assets were transferred to the Westminster Amalgamated Charity.

2. The Scheme (referred to in this note as "the Scheme") is set out in the Schedule to the 1958 Act. It related to a charity ("the Charity") known as the *St James's Dwellings, in the Ancient Parish of St James, in the City of Westminster*. The Charity was regulated by a High Court scheme dated 3 August 1885 as amended by (i) the City of Westminster (St James) Scheme 1901, and (ii) a Scheme of the Charity Commissioners dated 4 November 1932. The purpose of the Charity was to provide residential accommodation for poor persons living in Westminster.

3. The Scheme provided for the Charity to be administered and managed by the Mayor, Aldermen and Councillors of the City of Westminster as trustees of the Scheme. The Scheme also provided as follows:

- (a) the trustees were authorised to acquire a site in the City of Westminster¹⁵⁴ for the erection of buildings to provide accommodation for the Charity beneficiaries (i.e. its residents) and to raise an income from commercial lettings
- (b) the Charity income was to be applied, after payment of expenses and reserves, for the benefit of the residents in the accommodation
- (c) residents had to be poor persons of good character who resided in the City of Westminster, preferably in the Ancient Parish of St James, Westminster.

¹⁵⁴ The Charity's existing accommodation was in buildings (known as "the St James's Buildings") at 9-11 Ingestre Place and 3-4 Silver Place in the City of Westminster.

4. The Scheme was superseded by a new scheme made by the Charity Commissioners on 5 November 1962. This provided the Charity with a new constitution, thereby making the Scheme and the 1958 Act obsolete. Further Charity Commission schemes were made for the Charity on 16 September 1985 and 7 April 1989. The Charity in effect merged with the Westminster Amalgamated Charity when its assets were transferred to that charity in 1994. The Charity thereupon ceased to exist as a separate entity and was removed from the Register of Charities on 16 May 1994.

5. In conclusion, the 1958 Act became obsolete when the Scheme was superseded in November 1962. Its repeal is proposed on that basis.

Consultation

6. The Charity Commission, Westminster Amalgamated Charity and Westminster City Council have been consulted about these repeal proposals.

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