

CHAPTER 87.

An Act to amend the Endowed Schools Acts.

[7th August 1874.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Transfer of Powers.

Transfer of powers of Endowed Schools Commissioners to Charity Commissioners.

1. On and after the thirty-first day of December one thousand eight hundred and seventy-four all powers and duties by the Endowed Schools Acts vested in or imposed on the Endowed Schools Commissioners shall be transferred to and imposed on the Charity Commissioners, and, except as otherwise provided by this Act, shall be exercised and performed by the Charity Commissioners in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties have been exercised and performed by the Endowed Schools Commissioners, or as near thereto as circumstances permit.

On and after the thirty-first day of December one thousand eight hundred and seventy-four the commissioners, secretary, assistant commissioners, and other persons appointed and employed in pursuance of the Endowed Schools Acts shall cease to hold office.

Power to add to Charity Commissioners.

2. Her Majesty and her successors may at any time after the passing of this Act, by warrant under her sign manual from time to time appoint any number of persons not exceeding two to be paid Charity Commissioners for England and Wales and a person to be secretary in addition to the three paid Charity Commissioners and secretary capable of being appointed under the Charitable Trusts Acts, 1853 to 1869. The two additional Commissioners and additional secretary appointed in pursuance of this Act shall hold office during Her Majesty's pleasure, and their salaries shall, unless otherwise directed by Parliament, cease to be paid after the expiration of five years from the said thirty-first day of December one thousand eight hundred and seventy-four.

Save as in this section mentioned, the additional Commissioners shall have the same powers, perform the same duties, and stand in all respects in the same position as the other paid Charity Commissioners with the exception of the Chief Commissioner.

The Commissioners of Her Majesty's Treasury may allow the Charity Commissioners to employ such number of assistant commissioners, officers, and clerks as the Commissioners of Her Majesty's Treasury may think necessary for the purpose

of enabling the said Charity Commissioners to perform the additional duties imposed upon them by this Act.

3. There shall be repealed so much of the Charitable Trusts Acts, 1853 to 1869, as regulates the amounts of the salaries of the Commissioners, their secretary and inspectors; and there shall be paid to the Commissioners, their secretary or secretaries, assistant commissioners, inspectors, officers, and clerks, whether appointed under this Act or under the said Charitable Trusts Acts, out of moneys provided by Parliament, such salaries as the Treasury may from time to time determine: Provided that no decrease shall be made in pursuance of this section in the salary of any Charity Commissioner, secretary, inspector, officer, or clerk appointed before the passing of this Act under the said Charitable Trusts Acts, or any of them.

Salaries of
Charity Com-
missioners and
their officers.

Amendment of Law.

4. Any power by the Endowed Schools Act, 1869, vested in the Charity Commissioners, upon application made to them by the Commissioners under the said Act, may after the said thirty-first day of December one thousand eight hundred and seventy-four be exercised by the Charity Commissioners of their own motion.

Exercise of
certain powers
by Charity
Commission-
ers.

5. A scheme of the Charity Commissioners made in pursuance of the powers of this Act and the Endowed Schools Acts, or any of them, shall not be submitted to the Committee of Council on Education unless it has been approved at a meeting of the Board at which there are present not less than three Commissioners (of whom one shall be the Chief Commissioner, or, in his absence from illness or unavoidable cause, such other Charity Commissioner as may for the time being be named by the Committee of Council on Education); in all other respects one Charity Commissioner may act under the Endowed Schools Acts as amended by this Act.

Quorum of
Commission-
ers.

Miscellaneous and Repeal.

6. The powers of making schemes under the Endowed Schools Acts as amended by this Act shall continue in force for a period of five years from the said thirty-first day of December one thousand eight hundred and seventy-four; and during the continuance of such powers any court or judge shall not, with respect to any endowed school or educational endowment which can be dealt with by a scheme under this Act and the Endowed Schools Acts, or any of such Acts, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

Continuance of
powers trans-
ferred to Cha-
rity Commis-
sioners.

7. On and after the said thirty-first day of December one thousand eight hundred and seventy-four the enactments set

Repeal of Acts.

forth in the schedule annexed hereto shall be repealed to the extent to which such enactments are therein expressed to be repealed.

Provided that the repeal enacted in this Act shall not affect—

- (1.) Anything duly done under any enactment hereby repealed:
- (2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed.

Saving clause
as to certain
schemes.

8. Notwithstanding the seventeenth section of the Endowed Schools Act, 1873, any scheme which has before the passing of this Act been submitted by the Endowed Schools Commissioners to the Committee of Council on Education for approval may be proceeded with.

Provided, that with respect to every such scheme which has not been approved by the Committee of Council on Education before the passing of this Act, such Committee shall before approving the same cause such scheme, after the passing of this Act, and that notwithstanding any prior publication and notice, to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme.

Definitions.

9. In this Act, so far as is consistent with the context, the expressions following have the meanings hereafter assigned to them; that is to say,

The expression "The Endowed Schools Acts" means the Endowed Schools Acts, 1869 and 1873:

The expression "The Endowed Schools Commissioners" means the Commissioners appointed in pursuance of the Endowed Schools Act, 1869:

The expression "The Charity Commissioners" means the Charity Commissioners for England and Wales.

Construction
and short title.

10. This Act, so far as consistent with the tenor thereof, shall be construed as one with the Endowed Schools Acts, as amended by this Act; and in the construction of the Endowed Schools Acts the expression "the Commissioners" shall, unless there is something in the context inconsistent therewith, on and after the said thirty-first day of December one thousand eight hundred and seventy-four, mean the Charity Commissioners; and this Act and the other Acts mentioned in this section may be cited together as the Endowed Schools Acts, 1869, 1873, and 1874, and this Act may be cited separately as "The Endowed Schools Act, 1874."

SCHEDULE.

ACTS PARTLY REPEALED on and after the thirty-first day of
December one thousand eight hundred and seventy-four.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	The first paragraph of section fifty-two, and the whole of sections thirty-one, forty-eight, and fifty-nine.
36 & 37 Vict. c. 87.	The Endowed Schools Act, 1873.	Section seventeen.