



Haberdashers' Aske's Charity Act 2016

2016 CHAPTER ii

An Act to make provision regarding the identity of the incorporators of the Aske Corporation and the status of the Corporation; to provide for property held on trust by the Corporation to be subject to the same legal controls as apply generally to charity property; to make formal provision for internal procedures; and for related purposes. [15th September 2016]

WHEREAS—

- (1) The Worshipful Company of Haberdashers (“the Company”) was incorporated by a charter granted by Henry VI on 3rd June 1448:
- (2) The Company's day to day operation is the responsibility of the Master and Wardens:
- (3) An Act for the settling of a charity given by Robert Aske Esq. to the Company of Haberdashers of London 1690 (c.18) (“the 1690 Act”) established the Master and Wardens as the Governors of the Possessions and Revenues of the Hospital at Hoxton of the Foundation of Robert Aske Esquire (“the Aske Corporation”) and incorporated the Aske Corporation as a body corporate:
- (4) The Charity given by Robert Aske is now known as Haberdashers' Aske's Charity (“the Charity”), an educational charity that operates schools (“the Schools”):
- (5) The Aske Corporation is the Estates Governor of the Schools, one of the charity trustees with the function of controlling the land and investments that make up the Aske Corporation's assets used by the Schools and applying such assets and distributing income of the Aske Corporation for the use of the Schools and related charities:
- (6) The Charity and the Aske Corporation are governed by the 1690 Act and a succession of schemes and orders made by the Endowed Schools Commissioners and the Charity Commissioners:
- (7) Doubts have arisen as to the effect of these enactments as regards the composition of the Aske Corporation, its status as a body corporate, the restrictions placed on the Aske Corporation in holding the Charity's property and the manner in which the Aske Corporation is controlled:
- (8) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Citation

- (1) This Act may be cited as the Haberdashers' Aske's Charity Act 2016.
- (2) This Act and the 1690 Act may be cited together as the Haberdashers' Aske's Charity Acts 1690 and 2016.

2 Interpretation

In this Act—

“the 1690 Act” means the Act for the settling of a charity given by Robert Aske Esq. to the company of Haberdashers of London 1690, as having effect at the date on which this Act comes into force;

“the Aske Corporation” means the Governors of the Possessions and Revenues of the Hospital at Hoxton of the Foundation of Robert Aske Esquire incorporated by the 1690 Act;

“the Charity” means Haberdashers' Aske's Charity;

“the Estates Governor” means the Aske Corporation in its capacity as a charity trustee of the Charity;

“the Master and Wardens” means the persons who are for the time being the Master and Wardens of the Worshipful Company of Haberdashers; and

“the Schemes” means the schemes listed in Schedule 1, as having effect at the date on which this Act comes into force.

3 Composition and control of the Aske Corporation

For the avoidance of doubt in construing the 1690 Act, the corporators comprising the Aske Corporation are the Master and Wardens, who are responsible for the control of the Aske Corporation and its property.

4 Status of the Aske Corporation

- (1) Where this section applies, the Aske Corporation is to be deemed to be a charitable company within the meaning of section 193 of the Charities Act 2011, with the corporators as its directors.
- (2) This section applies to the determination of any question of the civil liability of the Estates Governor or any of its corporators.

5 Dispositions of land and other property

- (1) Nothing in the 1690 Act relating to the holding in perpetuity of land or other property is to be taken as conflicting with, or overriding, any provision of the Schemes or of the general law regarding the disposition of land or other property held in trust for a charity
- (2) The 1690 Act is amended as shown in Schedule 2.

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6 Operation of the Schemes

- (1) The Schemes have effect subject to this Act and are to be construed consistently with it.
- (2) Any provision of the Schemes that is inconsistent with this Act (and in particular any provision of the Schemes that relates to the personal liability of the incorporators of the Charity, however described) ceases to have effect.

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SCHEDULES

SCHEDULE 1

Section 2

THE SCHEMES

<i>Date</i>	<i>No.</i>	<i>Made by</i>	<i>Named charity</i>
9th August 1873	240	Endowed Schools Commissioners	The Foundation of Robert Aske
12th November 1900	991	Charity Commissioners	The Foundation of Robert Aske
2nd August 1991	193(S)	Charity Commissioners	Haberdashers' Aske's Charity

SCHEDULE 2

Section 5

AMENDMENTS OF THE 1690 ACT

- 1 In the section the marginal note of which is “Powers to purchase lands”—
 - (a) after “or otherwise howsoever” insert “and to dispose of any such property”; and
 - (b) for “the statute for not putting lands in Mortmain, or any other” substitute “any”;

and accordingly the marginal note becomes “Powers to purchase and dispose of lands and other property”.
- 2 In the section the marginal note of which is “Lands confirmed, purchased of Alexander Andrews, and of Isaac Honywood” for “for ever” substitute “to hold for the purposes of and in accordance with this Act”.