



## CHAPTER 1

An Act for varying the provisions relating to property subject to the trusts of a settlement dated the fourteenth August nineteen hundred and forty-four, of Arthur Robert third Baron Hillingdon.

[21st December 1955.]

### WHEREAS—

(1) By a settlement (in this Act called “the voluntary settlement”) dated the fourteenth day of August one thousand nine hundred and forty-four and made between Arthur Robert third Baron Hillingdon (in this Act called “the late Lord Hillingdon”) of the one part and Glyn’s Executor & Trustee Company (in this Act called “the Trustee Company”) of the other part it was declared that the Trustee Company should stand possessed of certain investments therein mentioned to which the late Lord Hillingdon was absolutely entitled (which investments and the investments for the time being representing the same are in this Act called “the trust fund”) upon the following trusts:—

- (a) To pay out of the annual income of the trust fund the annual sum of one thousand pounds to Violet Louisa Mills an aunt of the late Lord Hillingdon so long as she should live and continue a spinster;
- (b) Subject as aforesaid to pay the annual income of the trust fund to the late Lord Hillingdon during his life;
- (c) After the death of the late Lord Hillingdon to retain out of the income of the trust fund such an annual sum as should together with other income therein mentioned amount to the sum of six thousand pounds a year and to hold such annual sum on protective trusts for the benefit of Edith Mary Winifred wife of the late Lord Hillingdon (in this Act called “the Dowager Lady Hillingdon”);

- (d) Subject as aforesaid to hold the capital and income of the trust fund as to two equal third parts thereof upon trust for Charles Hedworth fourth Baron Hillingdon (in this Act called "the present Lord Hillingdon") the elder son of the late Lord Hillingdon and as to the remaining equal third part thereof upon trust for James Herbert Mills (the younger son of the late Lord Hillingdon) who died on the sixth day of June nineteen hundred and forty-nine a bachelor ;
- (e) It was further provided that the trustees should retain the share of each son of the late Lord Hillingdon and stand possessed of such share upon the following trusts the trustees should hold the income of such share upon protective trusts for the benefit of such son during his life and after his death as to the capital and income thereof upon trust for all or any one or more exclusively of the others or other of the children and remoter issue of such son at such time and if more than one in such shares and with such provisions for maintenance education advancement and otherwise at the discretion of any persons and with such gifts over generally in such manner for the benefit of such issue or some or one of them as such son should by deed revocable or irrevocable or by will or codicil appoint and in default of and subject to any such appointment upon trust for all or any the children or child of such son who attained the age of twenty-one years or being female married under that age and if more than one in equal shares with provisions for hotchpot ;
- (f) It was further provided that if a son of the late Lord Hillingdon should not have any child who under the trusts in default of appointment thereinbefore contained attained a vested interest in such son's share then such son's share should accrue to the original share of the other son and be held upon the trusts thereby declared concerning such original share and as one fund for all purposes with such original share ;
- (g) It was further provided that if neither son of the late Lord Hillingdon should have a child who attained a vested interest in the trust fund then the trust fund was to be held upon trust for all or any the children or child of Penelope Anne Sturt eldest daughter of the late Lord Hillingdon who attained the age of twenty-one years or being female married under that age and if more than one in equal shares ;
- (h) Power was conferred on each son of the late Lord Hillingdon to appoint by deed revocable or irrevocable or by will or codicil to or for the benefit of any wife

who might survive him during the residue of her life or for any less period any part not exceeding one-third of the income of his share of the trust fund as well original as accrued ;

- (i) The voluntary settlement contained no trust to take effect on the failure of the trusts aforesaid and no power to invest moneys liable to be invested in the purchase of land :

(2) The property subject to the voluntary settlement was derived from the estate valued for probate in the year nineteen hundred and nineteen at over one million and three hundred thousand pounds of Charles William second Baron Hillingdon which was settled by his will and codicils (in the event which happened that his eldest son predeceased him without having had issue) upon trust for the late Lord Hillingdon during his life with remainder to his eldest son (the present Lord Hillingdon) in tail male with power for the trustees of the said will to transfer the settled property or any part thereof to the tenant for life free from the trusts of the said will :

(3) In exercise of the said power the trustees of the said will transferred to the late Lord Hillingdon absolutely all the settled property except certain heirlooms the last transfer having been made shortly before the date of the voluntary settlement (being a transfer of the property immediately afterwards made subject to the voluntary settlement) :

(4) By a deed of appointment dated the eighteenth day of July nineteen hundred and forty-seven the present Lord Hillingdon in exercise of the power conferred upon him by the voluntary settlement appointed that after his death one-third of the income of (in the events which happened) the trust fund should be paid to his wife Sarah Gray Baroness Hillingdon (then Sarah Gray Stuart spinster) during her life :

(5) By a deed of release dated the twentieth day of July nineteen hundred and fifty and made between the late Lord Hillingdon of the one part and the Trustee Company of the other part the late Lord Hillingdon released in favour of the present Lord Hillingdon his life interest in certain investments to the value of approximately three hundred thousand pounds forming part of the trust fund :

(6) The late Lord Hillingdon died on the fifth day of December nineteen hundred and fifty-two having by his last will dated the twenty-eighth day of August nineteen hundred and fifty-two appointed the Trustee Company to be executor thereof and it duly proved the same on the twenty-fourth day of February nineteen hundred and fifty-three :

(7) The property subject to the trusts of the voluntary settlement was valued for probate at over five hundred and ninety-seven thousand pounds and estate duty amounting to over two hundred and ninety-five thousand pounds was payable in respect thereof:

(8) Particulars of the descendants of the late Lord Hillingdon are as follows:—

(a) The late Lord Hillingdon was married once only namely on the eighth day of August nineteen hundred and sixteen to the Dowager Lady Hillingdon (then Edith Mary Winifred Cadogan spinster) and there were issue of the said marriage five children and no more namely two sons the present Lord Hillingdon born on the twelfth day of January nineteen hundred and twenty-two and the said James Herbert Mills and three daughters the said Penelope Anne Sturt Ursula Sybil Mills and Marygold Frost;

(b) The present Lord Hillingdon has been married once only namely on the ninth day of August nineteen hundred and forty-seven to the said Sarah Gray Baroness Hillingdon and has had issue two children and no more namely a daughter Victoria Elizabeth Mills (who was born on the twenty-third day of July nineteen hundred and forty-eight) and a son Charles James Mills (who was born on the eighth day of March nineteen hundred and fifty-one);

(c) The said Penelope Anne Sturt was born on the seventeenth day of May nineteen hundred and seventeen and has been married once only namely on the eighteenth day of June nineteen hundred and forty to Evelyn Lennox Napier Sturt (who died on the twenty-fifth day of June nineteen hundred and forty-five) and has had issue three children and no more namely Caroline Susan Sturt (who was born on the twenty-fifth day of March nineteen hundred and forty-one) Pamela Mary Sturt (who was born on the tenth day of November nineteen hundred and forty-two) and Gerrard Philip Napier Sturt (who was born on the fourteenth day of November nineteen hundred and forty-four);

(d) The said Ursula Sybil Mills was born on the fifth day of July nineteen hundred and eighteen and is a spinster;

(e) The said Marygold Frost was born on the nineteenth day of October nineteen hundred and twenty-four and has been married once only namely on the second day of January nineteen hundred and forty-eight to Kenneth Samuel Frost and has had issue two children and no more namely Jennifer Anne Frost (who was born on the

fourteenth day of October nineteen hundred and forty-eight) and Susan Alice Frost (who was born on the eleventh day of April nineteen hundred and fifty):

(9) The property now subject to the trusts of the voluntary settlement is the land and investments specified in the First Schedule to this Act:

(10) As a result of the form of the voluntary settlement the present Lord Hillingdon can make no income or capital of the trust fund available during his life for his children or his sisters or their children and no capital of the trust fund can be made available for him for any purpose:

(11) It is expedient that the present Lord Hillingdon should have power to make provision out of the trust fund for his children or any future children of his to take effect during his life if on the marriage of any child or on any other occasion or for any other reason he should think fit to do so:

(12) It is expedient that provision should be made for the sisters of the present Lord Hillingdon out of the funds subject to the voluntary settlement:

(13) The restriction against alienation imposed by the protective trusts affecting the life interest of the present Lord Hillingdon may have been prudent and reasonable at the date of and in the circumstances of the voluntary settlement but it is now no longer expedient and is inconvenient and unreasonable and prevents the present Lord Hillingdon from making proper and reasonable provision for his children to take effect during his life and of making proper arrangements for resettlement of the said trust funds:

(14) The present Lord Hillingdon and his wife and children are the only persons who would at present benefit under any forfeiture of the present Lord Hillingdon's life interest:

(15) It is expedient that there should be some provision to enable the present Lord Hillingdon to raise capital for business and other purposes and to enable trust moneys to be invested in land and in a residence:

(16) The objects of this Act cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject Charles Hedworth fourth Baron Hillingdon does most humbly beseech Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the consent of the Lords Spiritual and Temporal and Commons in this

present Parliament assembled and by the authority of the same as follows:—

- Short title.           1. This Act may be cited as the Hillingdon Estate Act 1955.
- Interpretation.       2. In this Act except so far as the context otherwise requires—  
     “ the voluntary settlement ” means the voluntary settlement dated the fourteenth day of August nineteen hundred and forty-four and made between Arthur Robert third Baron Hillingdon of the one part and Glyns Executor & Trustee Company of the other part ;  
     “ the Trustee Company ” means Glyns Executor & Trustee Company or other the trustee or trustees for the time being of the respective settlements referred to in this Act namely the voluntary settlement as varied by this Act and the settlements effected by the Second Schedule to this Act ;  
     “ the present Lord Hillingdon ” means Charles Hedworth fourth Baron Hillingdon ;  
     “ the Dowager Lady Hillingdon ” means Edith Mary Winifred Baroness Hillingdon ;  
     “ the late Lord Hillingdon ” means Arthur Robert third Baron Hillingdon.
- Settlement of part of trust property.       3. Subject to the payments provided for by section 7 (Costs of Act) of this Act the assets specified in Part I of the First Schedule to this Act and the investments and property for the time being representing the same shall be held by the Trustee Company upon the trusts and with and subject to the powers and provisions declared by and contained in the voluntary settlement but so that such trusts powers and provisions shall henceforth be deemed to be varied in manner mentioned in the Second Schedule to this Act.
- Settlements of remaining parts of trust property.       4. The assets specified in Part II Part III and Part IV of the First Schedule to this Act respectively shall be held by the Trustee Company freed and discharged from all trusts powers and provisions declared by or contained in the voluntary settlement and from all estates interests and powers to take effect thereunder and (so freed and discharged) subject to the trusts and with and subject to the powers and provisions set forth concerning the same respectively in the Third Schedule to this Act.
- General saving.       5. Saving always to the Queen’s most Excellent Majesty Her heirs and successors and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted from this general saving) all such right title interest claim and demand whatsoever of in to or out of the property for the time being subject to the subsisting

limitations or trusts of the voluntary settlement as they or any of them had before the passing of this Act or might have enjoyed if this Act had not been passed.

6. The following are the several persons excepted by this Act from the general saving aforesaid that is to say:—

Exceptions  
from general  
saving.

- (1) the present Lord Hillingdon ;
- (2) the said Victoria Elizabeth Mills ;
- (3) the said Charles James Mills ;
- (4) other the children and remoter issue of the present Lord Hillingdon ;
- (5) the said Caroline Susan Sturt ;
- (6) the said Pamela Mary Sturt ;
- (7) the said Gerrard Philip Napier Sturt ;
- (8) other the children of Penelope Anne Sturt ;
- (9) Sarah Gray Baroness Hillingdon or other the wife of the present Lord Hillingdon who may survive him ;
- (10) the Dowager Lady Hillingdon ;
- (11) Violet Louisa Mills ;
- (12) the executors of the late Lord Hillingdon ;
- (13) the Trustee Company.

7. The Trustee Company shall out of the cash specified in Part I of the First Schedule to this Act or by a sale of a sufficient part of the investments specified in such Part of such schedule or by such other means as may be reasonable pay and defray the costs charges and expenses incurred by any of the persons mentioned in section 6 (Exceptions from general saving) of this Act preparatory to and in applying for and obtaining this Act and incidental thereto and of carrying the same into effect including the costs charges and expenses of and incidental to the preparation execution and stamping of any instruments necessary for carrying this Act into effect.

Costs of Act.

8. This Act shall not be a public Act but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.

Act not to be  
a public Act  
but to be  
evidence.

## SCHEDULES

## FIRST SCHEDULE

LIST OF ASSETS NOW SUBJECT TO THE TRUSTS OF THE  
VOLUNTARY SETTLEMENT

## PART I

Assets to be held on the trusts and with and subject to the powers and provisions declared by and contained in the voluntary settlement as such trusts powers and provisions are varied in manner mentioned in the Second Schedule to this Act subject to payment thereof of any estate duty remaining unpaid and subject to raising thereof the costs charges and expenses mentioned in section 7 (Costs of Act) of this Act:—

- (1) The freehold premises known as Messing Park Kelvedon in the county of Essex—

Estimated value—£15,000.

- (2) The following investments and cash:—

£77,656	4s.	Royal Bank of Scotland capital stock.
£5,800	0s.	Mortgage secured on 15 Chelsea Square.
£28,000	0s.	Cash.

Estimated total value of (1) and (2)—£301,180.

## PART II

Assets to be held upon the trusts mentioned in the Third Schedule to this Act concerning the same—

£21,000	0s.	Royal Bank of Scotland capital stock.
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Estimated value—£70,000.

## PART III

Assets to be held upon the trusts mentioned in the Third Schedule to this Act concerning the same:—

£6,000	0s.	Royal Bank of Scotland capital stock.
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Estimated value—£20,000.

## PART IV

Assets to be held upon the trusts and with and subject to the powers and provisions mentioned in the Third Schedule to this Act concerning the same—

£9,000	0s.	Royal Bank of Scotland capital stock.
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Estimated value—£30,000.

## SECOND SCHEDULE

## VARIATION OF THE VOLUNTARY SETTLEMENT

The voluntary settlement shall henceforth be read and construed as if it had been varied in manner following that is to say:—

- (1) as if in paragraph (a) of sub-clause (5) of clause 2 the words “trust for” had been substituted for the words “protective trusts for the benefit of”;





## CHAPTER 1

An Act for varying the provisions relating to property subject to the trusts of a settlement dated the fourteenth August nineteen hundred and forty-four of Arthur Robert third Baron Hillingdon.

[21st December 1955.]

**W**HEREAS—

(1) By a settlement (in this Act called “the voluntary settlement”) dated the fourteenth day of August one thousand nine hundred and forty-four and made between Arthur Robert third Baron Hillingdon (in this Act called “the late Lord Hillingdon”) of the one part and Glyns Executor & Trustee Company (in this Act called “the Trustee Company”) of the other part it was declared that the Trustee Company should stand possessed of certain investments therein mentioned to which the late Lord Hillingdon was absolutely entitled (which investments and the investments for the time being representing the same are in this Act called “the trust fund”) upon the following trusts:—

- (a) To pay out of the annual income of the trust fund the annual sum of one thousand pounds to Violet Louisa Mills an aunt of the late Lord Hillingdon so long as she should live and continue a spinster;
- (b) Subject as aforesaid to pay the annual income of the trust fund to the late Lord Hillingdon during his life;
- (c) After the death of the late Lord Hillingdon to retain out of the income of the trust fund such an annual sum as should together with other income therein mentioned amount to the sum of six thousand pounds a year and to hold such annual sum on protective trusts for the benefit of Edith Mary Winifred wife of the late Lord Hillingdon (in this Act called “the Dowager Lady Hillingdon”);

- (d) Subject as aforesaid to hold the capital and income of the trust fund as to two equal third parts thereof upon trust for Charles Hedworth fourth Baron Hillingdon (in this Act called "the present Lord Hillingdon") the elder son of the late Lord Hillingdon and as to the remaining equal third part thereof upon trust for James Herbert Mills (the younger son of the late Lord Hillingdon) who died on the sixth day of June nineteen hundred and forty-nine a bachelor ;
- (e) It was further provided that the trustees should retain the share of each son of the late Lord Hillingdon and stand possessed of such share upon the following trusts the trustees should hold the income of such share upon protective trusts for the benefit of such son during his life and after his death as to the capital and income thereof upon trust for all or any one or more exclusively of the others or other of the children and remoter issue of such son at such time and if more than one in such shares and with such provisions for maintenance education advancement and otherwise at the discretion of any persons and with such gifts over generally in such manner for the benefit of such issue or some or one of them as such son should by deed revocable or irrevocable or by will or codicil appoint and in default of and subject to any such appointment upon trust for all or any the children or child of such son who attained the age of twenty-one years or being female married under that age and if more than one in equal shares with provisions for hotchpot ;
- (f) It was further provided that if a son of the late Lord Hillingdon should not have any child who under the trusts in default of appointment thereinbefore contained attained a vested interest in such son's share then such son's share should accrue to the original share of the other son and be held upon the trusts thereby declared concerning such original share and as one fund for all purposes with such original share ;
- (g) It was further provided that if neither son of the late Lord Hillingdon should have a child who attained a vested interest in the trust fund then the trust fund was to be held upon trust for all or any the children or child of Penelope Anne Sturt eldest daughter of the late Lord Hillingdon who attained the age of twenty-one years or being female married under that age and if more than one in equal shares ;
- (h) Power was conferred on each son of the late Lord Hillingdon to appoint by deed revocable or irrevocable or by will or codicil to or for the benefit of any wife

who might survive him during the residue of her life or for any less period any part not exceeding one-third of the income of his share of the trust fund as well original as accrued ;

- (i) The voluntary settlement contained no trust to take effect on the failure of the trusts aforesaid and no power to invest moneys liable to be invested in the purchase of land :

(2) The property subject to the voluntary settlement was derived from the estate valued for probate in the year nineteen hundred and nineteen at over one million and three hundred thousand pounds of Charles William second Baron Hillingdon which was settled by his will and codicils (in the event which happened that his eldest son predeceased him without having had issue) upon trust for the late Lord Hillingdon during his life with remainder to his eldest son (the present Lord Hillingdon) in tail male with power for the trustees of the said will to transfer the settled property or any part thereof to the tenant for life free from the trusts of the said will :

(3) In exercise of the said power the trustees of the said will transferred to the late Lord Hillingdon absolutely all the settled property except certain heirlooms the last transfer having been made shortly before the date of the voluntary settlement (being a transfer of the property immediately afterwards made subject to the voluntary settlement) :

(4) By a deed of appointment dated the eighteenth day of July nineteen hundred and forty-seven the present Lord Hillingdon in exercise of the power conferred upon him by the voluntary settlement appointed that after his death one-third of the income of (in the events which happened) the trust fund should be paid to his wife Sarah Gray Baroness Hillingdon (then Sarah Gray Stuart spinster) during her life :

(5) By a deed of release dated the twentieth day of July nineteen hundred and fifty and made between the late Lord Hillingdon of the one part and the Trustee Company of the other part the late Lord Hillingdon released in favour of the present Lord Hillingdon his life interest in certain investments to the value of approximately three hundred thousand pounds forming part of the trust fund :

(6) The late Lord Hillingdon died on the fifth day of December nineteen hundred and fifty-two having by his last will dated the twenty-eighth day of August nineteen hundred and fifty-two appointed the Trustee Company to be executor thereof and it duly proved the same on the twenty-fourth day of February nineteen hundred and fifty-three :

(7) The property subject to the trusts of the voluntary settlement was valued for probate at over five hundred and ninety-seven thousand pounds and estate duty amounting to over two hundred and ninety-five thousand pounds was payable in respect thereof:

(8) Particulars of the descendants of the late Lord Hillingdon are as follows:—

(a) The late Lord Hillingdon was married once only namely on the eighth day of August nineteen hundred and sixteen to the Dowager Lady Hillingdon (then Edith Mary Winifred Cadogan spinster) and there were issue of the said marriage five children and no more namely two sons the present Lord Hillingdon born on the twelfth day of January nineteen hundred and twenty-two and the said James Herbert Mills and three daughters the said Penelope Anne Sturt Ursula Sybil Mills and Marygold Frost;

(b) The present Lord Hillingdon has been married once only namely on the ninth day of August nineteen hundred and forty-seven to the said Sarah Gray Baroness Hillingdon and has had issue two children and no more namely a daughter Victoria Elizabeth Mills (who was born on the twenty-third day of July nineteen hundred and forty-eight) and a son Charles James Mills (who was born on the eighth day of March nineteen hundred and fifty-one);

(c) The said Penelope Anne Sturt was born on the seventeenth day of May nineteen hundred and seventeen and has been married once only namely on the eighteenth day of June nineteen hundred and forty to Evelyn Lennox Napier Sturt (who died on the twenty-fifth day of June nineteen hundred and forty-five) and has had issue three children and no more namely Caroline Susan Sturt (who was born on the twenty-fifth day of March nineteen hundred and forty-one) Pamela Mary Sturt (who was born on the tenth day of November nineteen hundred and forty-two) and Gerrard Philip Napier Sturt (who was born on the fourteenth day of November nineteen hundred and forty-four);

(d) The said Ursula Sybil Mills was born on the fifth day of July nineteen hundred and eighteen and is a spinster;

(e) The said Marygold Frost was born on the nineteenth day of October nineteen hundred and twenty-four and has been married once only namely on the second day of January nineteen hundred and forty-eight to Kenneth Samuel Frost and has had issue two children and no more namely Jennifer Anne Frost (who was born on the

fourteenth day of October nineteen hundred and forty-eight) and Susan Alice Frost (who was born on the eleventh day of April nineteen hundred and fifty):

(9) The property now subject to the trusts of the voluntary settlement is the land and investments specified in the First Schedule to this Act:

(10) As a result of the form of the voluntary settlement the present Lord Hillingdon can make no income or capital of the trust fund available during his life for his children or his sisters or their children and no capital of the trust fund can be made available for him for any purpose:

(11) It is expedient that the present Lord Hillingdon should have power to make provision out of the trust fund for his children or any future children of his to take effect during his life if on the marriage of any child or on any other occasion or for any other reason he should think fit to do so:

(12) It is expedient that provision should be made for the sisters of the present Lord Hillingdon out of the funds subject to the voluntary settlement:

(13) The restriction against alienation imposed by the protective trusts affecting the life interest of the present Lord Hillingdon may have been prudent and reasonable at the date of and in the circumstances of the voluntary settlement but it is now no longer expedient and is inconvenient and unreasonable and prevents the present Lord Hillingdon from making proper and reasonable provision for his children to take effect during his life and of making proper arrangements for resettlement of the said trust funds:

(14) The present Lord Hillingdon and his wife and children are the only persons who would at present benefit under any forfeiture of the present Lord Hillingdon's life interest:

(15) It is expedient that there should be some provision to enable the present Lord Hillingdon to raise capital for business and other purposes and to enable trust moneys to be invested in land and in a residence:

(16) The objects of this Act cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject Charles Hedworth fourth Baron Hillingdon does most humbly beseech Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the consent of the Lords Spiritual and Temporal and Commons in this

present Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the Hillingdon Estate Act 1955.

Interpretation. 2. In this Act except so far as the context otherwise requires—

“the voluntary settlement” means the voluntary settlement dated the fourteenth day of August nineteen hundred and forty-four and made between Arthur Robert third Baron Hillingdon of the one part and Glyns Executor & Trustee Company of the other part;

“the Trustee Company” means Glyns Executor & Trustee Company or other the trustee or trustees for the time being of the respective settlements referred to in this Act namely the voluntary settlement as varied by this Act and the settlements effected by the Second Schedule to this Act;

“the present Lord Hillingdon” means Charles Hedworth fourth Baron Hillingdon;

“the Dowager Lady Hillingdon” means Edith Mary Winifred Baroness Hillingdon;

“the late Lord Hillingdon” means Arthur Robert third Baron Hillingdon.

Settlement of part of trust property.

3. Subject to the payments provided for by section 7 (Costs of Act) of this Act the assets specified in Part I of the First Schedule to this Act and the investments and property for the time being representing the same shall be held by the Trustee Company upon the trusts and with and subject to the powers and provisions declared by and contained in the voluntary settlement but so that such trusts powers and provisions shall henceforth be deemed to be varied in manner mentioned in the Second Schedule to this Act.

Settlements of remaining parts of trust property.

4. The assets specified in Part II Part III and Part IV of the First Schedule to this Act respectively shall be held by the Trustee Company freed and discharged from all trusts powers and provisions declared by or contained in the voluntary settlement and from all estates interests and powers to take effect thereunder and (so freed and discharged) subject to the trusts and with and subject to the powers and provisions set forth concerning the same respectively in the Third Schedule to this Act.

General saving.

5. Saving always to the Queen's most Excellent Majesty Her heirs and successors and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted from this general saving) all such right title interest claim and demand whatsoever of in to or out of the property for the time being subject to the subsisting

limitations or trusts of the voluntary settlement as they or any of them had before the passing of this Act or might have enjoyed if this Act had not been passed.

6. The following are the several persons excepted by this Act from the general saving aforesaid that is to say:—

Exceptions  
from general  
saving.

- (1) the present Lord Hillingdon ;
- (2) the said Victoria Elizabeth Mills ;
- (3) the said Charles James Mills ;
- (4) other the children and remoter issue of the present Lord Hillingdon ;
- (5) the said Caroline Susan Sturt ;
- (6) the said Pamela Mary Sturt ;
- (7) the said Gerrard Philip Napier Sturt ;
- (8) other the children of Penelope Anne Sturt ;
- (9) Sarah Gray Baroness Hillingdon or other the wife of the present Lord Hillingdon who may survive him ;
- (10) the Dowager Lady Hillingdon ;
- (11) Violet Louisa Mills ;
- (12) the executors of the late Lord Hillingdon ;
- (13) the Trustee Company.

7. The Trustee Company shall out of the cash specified in Part I of the First Schedule to this Act or by a sale of a sufficient part of the investments specified in such Part of such schedule or by such other means as may be reasonable pay and defray the costs charges and expenses incurred by any of the persons mentioned in section 6 (Exceptions from general saving) of this Act preparatory to and in applying for and obtaining this Act and incidental thereto and of carrying the same into effect including the costs charges and expenses of and incidental to the preparation execution and stamping of any instruments necessary for carrying this Act into effect.

Costs of Act.

8. This Act shall not be a public Act but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.

Act not to be  
a public Act  
but to be  
evidence.

## SCHEDULES

## FIRST SCHEDULE

LIST OF ASSETS NOW SUBJECT TO THE TRUSTS OF THE  
VOLUNTARY SETTLEMENT

## PART I

Assets to be held on the trusts and with and subject to the powers and provisions declared by and contained in the voluntary settlement as such trusts powers and provisions are varied in manner mentioned in the Second Schedule to this Act subject to payment thereof of any estate duty remaining unpaid and subject to raising thereof the costs charges and expenses mentioned in section 7 (Costs of Act) of this Act:—

- (1) The freehold premises known as Messing Park Kelvedon in the county of Essex—

Estimated value—£15,000.

- (2) The following investments and cash:—

£77,656	4s.	Royal Bank of Scotland capital stock.
£5,800	0s.	Mortgage secured on 15 Chelsea Square.
£28,000	0s.	Cash.

Estimated total value of (1) and (2)—£301,180.

## PART II

Assets to be held upon the trusts mentioned in the Third Schedule to this Act concerning the same—

£21,000 0s. Royal Bank of Scotland capital stock.

Estimated value—£70,000.

## PART III

Assets to be held upon the trusts mentioned in the Third Schedule to this Act concerning the same:—

£6,000 0s. Royal Bank of Scotland capital stock.

Estimated value—£20,000.

## PART IV

Assets to be held upon the trusts and with and subject to the powers and provisions mentioned in the Third Schedule to this Act concerning the same—

£9,000 0s. Royal Bank of Scotland capital stock.

Estimated value—£30,000.

## SECOND SCHEDULE

## VARIATION OF THE VOLUNTARY SETTLEMENT

The voluntary settlement shall henceforth be read and construed as if it had been varied in manner following that is to say:—

- (1) as if in paragraph (a) of sub-clause (5) of clause 2 the words “trust for” had been substituted for the words “protective trusts for the benefit of”;



- (2) as if there had been added to paragraph (e) of sub-clause (5) of clause 2 the words following:—

2ND SCH.  
—cont.

“ and if there shall be no such child then upon trust for the eldest son of the settlor absolutely ” ;

- (3) as if clause 3 had been sub-clause (i) of clause 3 and there had been inserted thereafter—

“(ii) Money liable to be invested under the trusts hereof may also be invested in the purchase of freehold property in England or Wales ;

(iii) All such property shall be assured to the trustee upon trust to sell the same and to hold the proceeds of such sale after payment of the costs thereof upon the same trusts and with and subject to the same powers and provisions (including the present power of purchasing land) as the money so laid out in the purchase of the said property would have been subject if it had not been so laid out ;

(iv) Moneys forming part of the trust fund may also be laid out to an amount not exceeding £25,000 in the purchase of and paying the expenses of the purchase of and making improvements in a messuage with suitable out-buildings offices and other appurtenances and with or without gardens pleasure grounds and lands to be held therewith as a residence for the eldest son of the settlor such messuage and premises to be situate in England or Wales and to be freehold or leasehold ;

(v) If the eldest son of the settlor shall take out or shall have taken out from time to time a policy or policies on his life whether under the Married Women's Property Act 1882 or otherwise and shall have paid all premiums payable in respect of any such policy payable before such transfer as is hereinafter mentioned and shall transfer any such policy to the trustees to be held by the trustees if not taken out under the Married Women's Property Act 1882 upon the trusts affecting the trust fund and if taken out under the Married Women's Property Act 1882 upon the trusts declared in the policy then upon the eldest son of the settlor charging the income to which he may be entitled of the trust fund with the premiums payable in respect of any such policy the trustees shall raise out of the trust fund from time to time and transfer to the eldest son of the settlor for his own benefit free from the trusts hereof a sum equal to the sum assured by any such policy ;

(vi) The trustees may and shall if requested in writing by the eldest son of the settlor advance from time to time any moneys not exceeding the sum of £20,000 out of the trust fund by way of loan to the eldest son for the purpose of the business of the eldest son for such period at such rate of interest and upon such terms as the trustees shall think fit and so that the repayment of every or any sum so advanced with the interest thereon be secured by the

2ND SCH.  
—cont.

bond or covenant of the eldest son either with or without any other security and the statement in writing by the eldest son that the sum is required for his business shall be conclusive for the protection of the trustees."

### THIRD SCHEDULE

#### TRUSTS OF THE ASSETS SPECIFIED IN PARTS II III AND IV OF THE FIRST SCHEDULE

1. The Trustee Company shall either permit the assets specified in Parts II III and IV respectively of the First Schedule to this Act or any part or parts thereof respectively to remain in their existing state of investment so long as the Trustee Company thinks fit or may at its discretion sell call in or convert into money the same or any part or parts thereof and shall at its discretion invest the proceeds of any such sale calling in or conversion in or upon any investments authorised by this schedule with power at its discretion to vary or transpose any investment for or into others of any nature hereby authorised.

2. The Trustee Company shall stand possessed of the assets specified in Part II of the First Schedule to this Act and the investments and property for the time being representing the same upon trust for all or any the children or child of the present Lord Hillingdon other than those born after his eldest or only child for the time being attains the age of 30 years who being male attain the age of 21 years or being female attain that age or marry and if more than one in equal shares and subject as aforesaid upon the trusts and with and subject to the powers and provisions for the time being affecting the assets specified in Part I of the First Schedule to this Act.

3. The Trustee Company shall stand possessed of the assets specified in Part III of the First Schedule to this Act and the investments and property for the time being representing the same upon trust for the benefit of the children (hereinafter described as "qualifying children") of the said Penelope Anne Sturt Ursula Sybil Mills and Marygold Frost (sisters of the present Lord Hillingdon each of whom is hereinafter referred to as a "sister" and who are together called "the sisters") per stirpes in manner following:—

- (1) the qualifying children of each sister shall be all or any of the children or child of such sister who being male attain the age of twenty-one years or being female attain that age or marry;
- (2) the qualifying children of each sister if more than one shall take in equal shares;
- (3) the share of the qualifying children of the said Penelope Anne Sturt shall be twice the share of the qualifying children of each of the other sisters;
- (4) if any sister shall have no qualifying children and until she has any children the share of her children shall accrue to and be held upon the trusts affecting the shares of the children of her sisters if more than one in the proportions of their original shares;

(5) if no sister shall have qualifying children then the said assets shall be held upon the trusts and with and subject to the powers and provisions for the time being affecting the assets specified in Part I of the First Schedule to this Act.

4. (a) The Trustee Company shall stand possessed of the assets specified in Part IV of the First Schedule to this Act and the investments and property for the time being representing the same (in this schedule called "the sisters fund") upon trust for the sisters in equal shares.

(b) The share of the sisters fund held upon trust for each of them the sisters shall not vest absolutely in such sister but shall be held by the Trustee Company upon the trusts and with and subject to the powers and provisions hereinafter declared concerning the same that is to say:—

(a) upon trust to pay the income of such share to such sister during her life;

(b) upon trust as to the capital and future income of such share for such one or more exclusively of the others or other of the children or remoter issue of such sister at such age or time or respective ages or times if more than one in such shares and with such trusts for their respective maintenance education and advancement at the discretion of the Trustee Company or any other person or persons as such sister shall by deed or deeds revocable or irrevocable or by will or codicil appoint and subject and until any such appointment;

(c) upon trust for all or any the children or child of such sister who being male attain the age of twenty-one years or being female attain that age or marry and if more than one in equal shares Provided always that no child of such sister who or whose issue shall take any part of such share under an appointment by virtue of the power hereinbefore contained shall in default of appointment to the contrary be entitled to any share of the unappointed part thereof without bringing the share or shares appointed to him or her or to his or her issue into hotchpot and accounting for the same accordingly;

(d) if the trusts hereinbefore declared concerning the share of any sister in the sisters fund shall fail then subject to the powers and provisions in this schedule declared and contained and to the powers by law vested in the Trustee Company concerning the same and to every or any exercise of such respective powers such share and any additional share which may accrue to or be added thereto by virtue of this present power shall go and accrue by way of addition to the share or shares of the other sisters if more than one in equal shares and so that the share which shall so accrue and be added to the share of any sister shall be held upon the trusts and with and subject to the powers and provisions herein declared and contained concerning her original share or as near thereto as circumstances will admit and subject as aforesaid shall be held upon the trusts and with and

3RD SCH.  
—cont.

subject to the powers and provisions contained in the voluntary settlement with respect to the trust funds thereby settled and as such trusts powers and provisions are varied by this Act.

5. Trust moneys may at the discretion of the Trustee Company be invested in or upon any investments (whether authorised by law for investment of trust moneys or not) of whatsoever nature and where-soever situated and whether movable or immovable and whether subject to incumbrances or obligations or liabilities of any kind or not and whether of a terminable or wasting or reversionary character and so that the Trustee Company shall not be liable for any loss incurred in making such investment but shall have the same full and unrestricted powers of making and changing investments of trust moneys as if it was absolutely and beneficially entitled thereto.

6. The Trustee Company shall have in relation to each of the settlements referred to in this schedule the powers of charging and appropriation conferred upon it by the voluntary settlement.

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# Hillingdon Estate Act, 1955

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## ARRANGEMENT OF SECTIONS

### Section

1. Short title.
2. Interpretation.
3. Settlement of part of trust property.
4. Settlements of remaining parts of trust property.
5. General saving.
6. Exceptions from general saving.
7. Costs of Act.
8. Act not to be a public Act but to be evidence.

### SCHEDULES :

First Schedule—List of assets now subject to the trusts of the voluntary settlement—

- Part I.
- Part II.
- Part III.
- Part IV.

Second Schedule—Variation of the voluntary settlement.

Third Schedule—Trusts of the assets specified in Parts II III and IV of the First Schedule.