

Royal Albert Hall Bill [HL]

[AMENDMENTS PROPOSED TO BE MADE IN COMMITTEE]

EXPLANATORY MEMORANDUM

This Bill is promoted by The Corporation of the Hall of Arts and Sciences (the Royal Albert Hall) (“the Corporation”).

The purpose of this Bill is to amend certain existing provisions relating to the annual contribution payable by Members of the Corporation (“the Members”) towards the general purposes of the Royal Albert Hall (“the hall”); and to make further provision regarding the exclusion of the Members from the hall.

Clause 1 gives the short title of the Bill and provides that it shall come into force when it is passed.

Clause 2 defines certain expressions used in the Bill.

Clause 3 amends certain existing provisions relating to the annual contribution payable by the Members.

Clause 4 makes further provision for the exclusion of the Members from the hall.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of The Corporation of the Hall of Arts and Sciences (the Royal Albert Hall) the provisions of Royal Albert Hall Bill [HL] are compatible with the Convention rights.

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[AMENDMENTS PROPOSED TO BE MADE IN COMMITTEE]

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TO

Amend certain provisions of the Royal Albert Hall Act 1966 relating to the annual contribution payable by the Members of the Corporation towards the general purposes of the Royal Albert Hall; and to make further provision regarding the exclusion of the Members from the hall.

W HEREAS –

(1) The Corporation of the Hall of Arts and Sciences (“the Corporation”) was incorporated by Royal Charter dated the 8th April 1867 (“the original charter”) for the purpose of building and maintaining a hall and buildings connected therewith on the estate of the Commissioners for the Exhibition of 1851 (“the exhibition commissioners”) at South Kensington and appropriating the hall to purposes connected with science and art as therein mentioned; and the Corporation accordingly built the Royal Albert Hall (“the hall”) which was opened on the 29th March 1871: 5

(2) The membership of the Corporation consists of the registered holders of permanent seats in the amphitheatre of the hall or of private boxes containing a certain number of seats or of seats in such boxes such seats having been allotted to them in proportion to the amount of subscriptions paid by them towards the building of the hall or having been subsequently purchased by them. The seatholders now number ~~316 holding 1,268 seats~~315, holding 1,256 seats: 10

(3) The exhibition commissioners subscribed large sums towards the building of the hall in respect of which they held rights to seats which they have since surrendered. They also made a free grant to the Corporation of a lease of the site of the hall for a term of 999 years from the 25th March 1867, at a nominal rent: 15

(4) The said lease included covenants by the Corporation to keep the hall in good repair and not to use it or permit its use for any ends, intents or purposes except such as were authorised by the original charter without the consent in writing of the commissioners and a right of entry for the exhibition commissioners in the event of breach of any of the covenants on the part of the Corporation contained in the lease: 20

(5) The original charter provided for the drawing up and sanctioning of a constitution for the Corporation and under such constitution the management of the hall was vested in an elective council consisting of a president and 25

eighteen ordinary members. A supplemental charter dated the 7th December 1928, provided for the addition to the council of five appointed members appointed respectively by the parties therein mentioned. The members of the council all serve in an honorary capacity:

(6) The original charter provided that no dividend should be payable to any member of the Corporation and all profits which the Corporation might make by the use of the hall or by the sale or letting of any seats belonging to the Corporation for the time being after completion of the hall should be applied in carrying into effect the purposes of the Corporation. The constitution provided that the boxes or seats in the hall remaining at the disposal of the Corporation might be sold or let by the council either for the remainder of the term of the said lease or for any less period on such terms as the council might think fit: 5

(7) The purposes for which the hall was authorised by the original charter to be used were the following:— 10

- (a) congresses both national and international for purposes of science and art;
- (b) performances of music including performances on the organ;
- (c) the distribution of prizes by public bodies and societies;
- (d) conversaziones of societies established for the promotion of science and art; 20
- (e) agricultural, horticultural and the like exhibitions;
- (f) national and international exhibitions of works of art and industry including industrial exhibitions by the artisan classes;
- (g) exhibitions of pictures, sculpture and other objects of artistic or scientific interest; 25
- (h) generally any other purposes connected with science and art:

(8) The original charter empowered the Corporation subject to the rights reserved to the members of the Corporation to let the use of the hall “for a limited period” for any purposes for which the Corporation might themselves use the hall: 30

(9) By a supplemental charter dated the 25th October 1887 (“the charter of 1887”), the said purposes were supplemented under article 9 by the following purposes:— 35

- (a) public or private meetings of any body of persons;
- (b) operettas, concerts, balls or any “other than theatrical” entertainments for the amusement and recreation of the people;

and the council of the Corporation was authorised under article 10 to let the hall for any of those purposes and also to arrange with individual members of the Corporation for the exchange purchase renting or temporary user of their boxes or seats: 40

(10) The charter of 1887 provided under article 11 that the Corporation in general meeting might by resolution after notice and with the support of a majority of not less than two-thirds of the votes of those voting empower the council to exclude the members of the Corporation from the hall on a certain number 45

of days not exceeding ten in any one year on any occasion on which the hall should be used for private meetings or entertainments to which the general public should be unable to obtain admission by payment of money only:

(11) The Royal Albert Hall Act 1876 ("the 1876 Act"), after reciting that the funds at the disposal of the council for maintaining, repairing and furnishing the hall and supporting an adequate staff of officers and servants were wholly insufficient for those purposes and that a majority of the members were willing that the seats should be charged at a rate not exceeding two pounds per annum for providing a fund for those purposes empowered the Corporation to rate the members in every year at such sum (in the said Act called "the seat rate") not exceeding two pounds for every seat as the members present at a general meeting called for that purpose some time in the month of February in each year should determine: 5

(12) The Royal Albert Hall Act 1927 ("the 1927 Act") after reciting that the funds at the disposal of the council for the purposes recited in the 1876 Act were again insufficient by reason of increased cost of those purposes and that the expenditure of large sums of money on the hall had become necessary in order to comply with the requirements of the London County Council relating to means of escape in case of fire and safety of persons resorting to the hall and that the Corporation had no funds to enable them to comply with such requirements included (inter alia) provisions to the following effect:— 10

- (a) imposing on every member for the time being of the Corporation a compulsory seat rate in place of the seat rate under the 1876 Act for a period of six years from the 1st January 1927; and as from the expiration of that period increasing to three pounds the maximum sum of two pounds chargeable in any year for seat rate under the 1876 Act; 15
- (b) providing that notwithstanding anything in the original charter or in article 9 of the charter of 1887 the hall may be used for theatrical entertainments and operatic performances but without affecting the operation of the Theatres Act 1843; 20
- (c) providing under sections 17 and 18 as follows:—

- (i) that the occasions on which the Corporation in general meeting may under article 11 of the charter of 1887 by resolution empower the council to exclude the members of the Corporation from the hall shall be extended so as to include firstly occasions on which the hall is used for balls for the purposes of which a floor is erected over the amphitheatre stalls and secondly occasions when it is used for other entertainments (not being (a) balls for the purposes of which a floor is not so erected or (b) boxing entertainments) whether or not the general public can obtain admission thereto by payment of money; 25
- (ii) that on occasions (other than those to which, the said extension applies) on which the hall is used for any purpose for which it is necessary or convenient to erect a floor over the amphitheatre stalls a floor may be erected thereover and the holders of such amphitheatre stalls shall be disentitled to use 30

such stalls but entitled to free admission to the hall and to all rights and privileges as such holders other than the use of their stalls. The floor may not remain over the amphitheatre stalls longer than six weeks unless with the consent in writing of the holders of a majority of such stalls; 5

(d) prohibiting the Corporation from letting the main hall for any continuous period exceeding one year:

(13) The Royal Albert Hall Act 1951 (“the 1951 Act”) after reciting that after eighty years of existence and constant use the hall was urgently in need of large structural and other repairs and improvements to render it safe and commodious for those who resorted to it and properly equipped for the many uses to which it was and might be put, and that heavy expenditure mainly of a capital nature was involved for which the funds and resources of the Corporation and possibilities of revenue from use or letting of the hall were insufficient to provide, included (inter alia) provisions to the following effect:— 10

(a) imposing a capital contribution charged upon and in respect of every seat of two hundred and eighty pounds payable by yearly instalments of seven pounds for a period of forty years, the sums so charged when received by the Corporation being applicable solely to capital purposes; and 15

(b) providing that the occasions on which the council might be empowered to exclude members from the hall pursuant to the provisions of article 11 of the charter of 1887 should comprise all occasions on which the hall was let for any purposes for which the Corporation was empowered to let the hall and that in addition the council might exclude the members from the hall on certain further occasions not exceeding eight in number: 20

(14) The Royal Albert Hall Act 1966 (“the 1966 Act”) in order to enable the funds of the Corporation to be used to the best advantage and the financial resources of the Corporation to be augmented to the necessary extent and to give the Corporation increased means of earning revenue, conferred further powers upon the Corporation and the council with respect to the use and letting of the hall and the rights of seatholders therein as set out in that Act, in particular:— 25

(a) making provision as to the annual contribution that could be charged for each seat; and 30

(b) providing that the occasions on which the council might be empowered to exclude members from the hall pursuant to the provisions of article 11 of the charter of 1887 be further amended. 35

(15) On 18th December 1967, the Corporation was registered as a charity under the provisions of the Charities Act 1960: 40

(16) In order to assist the administration and management of the affairs of the Corporation in the pursuit of its purposes, it is expedient that further provision is made for the members to benefit the Corporation by the conferring of further powers upon the Corporation and the council with respect to the use and letting of the hall and the rights of seatholders therein: 45

(17) The objects of this Act cannot be attained without the authority of Parliament.

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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1 Citation and commencement

- (1) This Act may be cited as the Royal Albert Hall Act 202[] and comes into force on the day on which this Act is passed.
- (2) The Royal Albert Hall Acts 1876 to 1966 and this Act may be cited together as the Royal Albert Hall Acts 1876 to 202[].

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2 Interpretation

- (1) In this Act, unless the subject or context otherwise requires—
 - “the 1966 Act” means the Royal Albert Hall Act 1966;
 - “the annual contribution” has the meaning assigned to that expression by section 3 (annual contribution) of the 1966 Act;
 - “the constitution” means the constitution of the Corporation contained in Schedule 2 to the 1966 Act;
 - “the Corporation” means the Corporation of the Hall of Arts and Sciences;
 - “the council” means the council of the Corporation;
 - “the council” means the council of the Corporation;
 - “the existing enactments” means the Royal Albert Hall Acts 1876 to 1966;
 - “the hall” means the Royal Albert Hall of Arts and Sciences at South Kensington (constructed in accordance with the provisions of the original charter and commonly known as “the Royal Albert Hall”) as for the time being existing;
 - “member” means a person who is for the time being a member of the Corporation whether a body corporate or an individual and in the case of several persons jointly entitled to the same seat means all such persons collectively;
 - “the original charter” means the Royal Charter dated the 8th April 1867, by which the Corporation was incorporated;
 - “seat” means a permanent seat in the hall with a registered holder whether such seat be in the amphitheatre or forms one of several seats in a private box; and
 - “the supplemental charters” means the supplemental charters of the Corporation dated 25th October 1887 and 7th December 1928.
- (2) Except where the context otherwise requires, any reference in this Act to any enactment is to be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

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3 Annual contribution

(1) Section 3 (annual contribution) of the 1966 Act is amended as follows.

(2) In subsection (1)(a), after the words “the annual contribution” (in the first place those words appear), omit the colon and the following paragraph except the full stop. 5

(3) In subsection (1)(b), for the words “two-thirds” substitute “three-quarters”.

4 Further power to exclude members from the hall

(1) Notwithstanding anything in the original charter, the supplemental charters and the existing enactments, the following provisions have effect. 10

(2) The Corporation may, by resolution in general meeting, determine when and upon what terms the council may, in respect of a calendar year, exclude members from the hall.

(3) A resolution under subsection (2) may be proposed by—
(a) the council; or
(b) not less than twenty members. 15

(4) A resolution proposed under subsection (3) shall not be carried unless approved by a majority of not less than three-quarters of the votes of members voting in person or by proxy and voting on a show of hands (or by a poll if demanded) or in a poll taken by means of postal voting papers.

(5) If more than one resolution is proposed under subsection (3), the method of voting shall be the same for each one. 20

(6) If more than one resolution proposed under subsection (3) is carried, only the resolution with the highest number of votes in favour of it shall be valid.

(7) A resolution under subsection (2) may specify whether, and if so the terms upon which, any additional rent received in respect of the letting of the hall on any occasion on which the members are excluded from the hall in accordance with the terms of the resolution, which is attributable to such exclusion, shall be applied by the council in or towards the reduction of the annual contribution. 25

(8) Subject to the provisions of subsections (5) and (9), the provisions of clauses 21 to 26 of the constitution shall apply to any general meeting held pursuant to this section. 30

(9) The council may make, revoke and alter byelaws under clause 11 of the constitution for regulating matters relating to the operation of this section including—
(a) the manner in which the resolution may be proposed;
(b) how the identity of a member proposing the resolution may be authenticated;
(c) the giving and timing of notices; and
(d) the variation of a resolution for it to be made efficacious. 35

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(10) In subsection (2), “calendar year” means any one or more calendar years within the period of five consecutive calendar years following the year in which the resolution is approved by the Corporation under that subsection.

(11) For any calendar year in respect of which a resolution under subsection (2) has not been passed, the council may exercise the power conferred upon it by section 14 of the 1966 Act to exclude members from the hall. 5

(12) For any calendar year in respect of which a resolution proposed under subsection (3)(b) has been passed, the council may elect instead to exercise the power conferred upon it by section 14 of the 1966 Act to exclude members from the hall. 10

5 ~~Restrictions on powers to exclude members~~

(1) ~~No power exercisable under section 4 has effect unless—~~

(a) ~~it is approved by a sub-committee of the council of which the independent members of the council will form a majority; and~~

(b) ~~an undertaking has been given by all members who are trustees that any tickets for seats received from the exercise of the power to alter the number of events from which seat holders are excluded must only be sold by the trustee or relatives of the trustee through a ticket return scheme operated or approved by the Corporation.~~

(2) ~~In this section “relative” means in relation to any person any of the following—~~

(a) ~~that person’s spouse;~~

(b) ~~that person’s civil partner;~~

(c) ~~any brother, sister, aunt or uncle of that person or of that person’s spouse or civil partner;~~

(d) ~~any lineal descendant of that person or of a person mentioned in paragraphs (a) to (c).~~

(3) ~~In this section “trustee” means a member of the Council of the Corporation of the Hall of Arts and Sciences.~~

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