

CHAPTER 70

1936, c. 70.

An Act to Amend The Victoria Foundation Act*[Assented to 1st April, 1966.]*

Preamble.

WHEREAS The Victoria Foundation has presented a petition praying that *The Victoria Foundation Act*, being chapter 70 of the Statutes of 1936, be amended:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the *Victoria Foundation Act Amendment Act, 1966*.

Amends s. 5
of 1936 Act.

2. *The Victoria Foundation Act*, being chapter 70 of the Statutes of 1936, is amended by deleting section 5 thereof and substituting the following:—

"5. The Corporation may

"(a) accept and carry into effect trusts exclusively for charitable purposes;

"(b) receive exclusively for charitable purposes devises, bequests, or donations of and hold, control, and administer property of every kind and description, whether real or personal and wheresoever situate;

"(c) if not in contravention of the provisions of any charitable trust, devise, bequest, or donation under which it is received, convert any property at any time of and from time to time received or held by the Corporation into any other form, and for such purpose sell, dispose of, assign, transfer, or exchange the same;

"(d) lease any lands at any time held by the Corporation for exclusively charitable purposes;

"(e) pass on and entrust to one or more trust companies the possession or custody and the management of all or any portion of the personal property and the management of the real property at any time or from time to time received or held by the Corporation pursuant to subclause (b) hereof in such manner and in such portions as the Advisory Board may deem proper, and enter into agreements with such trust companies with regard thereto;

"(f) abandon any property devised, bequeathed, or donated to the Corporation which the Advisory Board are of the opinion is not advisable in the interests of the Corporation to retain;

"(g) to do such acts and to enter such arrangements or contracts and conduct its affairs in such way as may be necessary and ancillary and incidental to carrying out the objects hereafter set forth."

Adds s 5A

3. Section 5A is added as follows:—

"5A. The objects of the Corporation are to devote itself exclusively to charitable purposes and, in particular, to administer to the sick, aged, destitute, and helpless; to promote educational advancement and scientific or medical research for the increase of human knowledge and the alleviation of human suffering; to better underprivileged or delinquent persons; and to provide for such other exclusively charitable purposes as may, in the discretion of the Advisory Board, appear to contribute to the mental, moral, and physical improvement of the inhabitants of the County of Victoria."

Amends s 9

4. Section 9 (1) is repealed and the following substituted:—

"9. (1) The Advisory Board shall consist of nine residents of the County of Victoria, of whom the Mayor of the City of Victoria for the time being by virtue of his office shall be one. The other members of the Advisory Board shall be appointed by a resolution to be passed by a majority of the following persons for the time being at a meeting to be held in accordance with the by-laws of the Corporation, namely: The County Court Judge of the County of Victoria, the Mayor of the City of Victoria, the President, for the time being, of the Board of Directors of the Community Chest of Greater Victoria, the President, for the time being, of the Victoria Medical Society, and the President, for the time being, of the Victoria Chamber of Commerce. A majority of such persons shall form a quorum for a meeting. All of the said appointors shall themselves be eligible for appointment as members of the Advisory Board."

Amends s 10

5. Section 10 is repealed and the following substituted:—

"10. (1) The Advisory Board is empowered to determine, by resolution to be passed by a majority of the Advisory Board, the manner in which the income available in each fiscal year shall be used and distributed for such charitable purposes as will, in the absolute discretion of such majority, best promote the objects of the Corporation within the County of Victoria, and to effectuate such purposes it is empowered to determine what charitable institutions and to what extent the same shall benefit. The Advisory Board shall, subject as hereinafter provided, in so determining, respect and be governed by the terms, provisions, and conditions expressed by the testator or any donor in the instrument creating the trust; provided that if in the course of time after the death of the testator or donor conditions should arise whereby in the opinion of the Advisory Board a departure from such terms, provisions, or conditions would further the true intent and object of this Act, the

Advisory Board shall have power, upon obtaining the authority of a Judge of the Supreme Court of British Columbia, to make such departure to the extent necessary to further such true intent and object. The application to such Judge shall be made by petition or by summons in Chambers, and the provisions of section 88 of the *Trustee Act* (R.S.B.C. 1960), mutatis mutandis, shall apply to such application.

"(2) In the absence of any direction by the testator or donor, it shall be deemed that all moneys are to be invested and the net income devoted in perpetuity for exclusively charitable purposes as provided in this Act or any amendments thereto, but subject to the provisions of section 13 hereof."

Amends s. 11. **6.** Section 11 is repealed and the following substituted:—

"11. Where property has been devised, given, or donated to the Corporation and the testator or donor is desirous that a part of the income derivable therefrom or the capital thereof should be distributed for exclusively charitable purposes for the benefit of citizens or areas other than mentioned in section 10 but within the Province of British Columbia, and so indicates in the instrument creating the trust, the Advisory Board may accept and exercise the trust in respect of the distribution of such part as fully and effectually as in respect of the remainder."

Amends s. 13. **7.** Section 13 is amended by deleting the words "clause 10" therein and substituting the words "clause 5A".