STATUTORY INSTRUMENTS

2026 No. 1149

CHARITIES, ENGLAND AND WALES

The Charities (Russell-Cotes Art Gallery and Museum) Order 2026

Made - - - -	*2nd November 2026*
Laid before Parliament	*3rd November 2026*
Coming into force - -	*1st December 2026*

The Charity Commission for England and Wales ("the Commission") has settled the scheme ("the scheme") set out in the Schedule to this Order in accordance with section 73(1)(a) of the Charities Act 2011(**a**) ("the Act") with a view to its being given effect under section 73(2) of the Act(**b**).

In accordance with section 73(7) of the Act, the charity known as "Russell-Cotes Art Gallery and Museum" ("the Charity") has made an application to the Commission for a scheme for the administration of the Charity and the Charity has been notified of the Commission's intention to proceed with the scheme.

In accordance with section 88 of the Act(**c**), public notice of the Commission's proposals has been given and all representations made in response to the notice have been taken into account by the Commission.

It appears to the Commission that the scheme should be established, but that it is necessary for the scheme to make provision which goes beyond the powers exercisable by the Commission apart from section 73 of the Act.

The Secretary of State makes this Order in exercise of the powers conferred by sections 73(2) and 347(3)(b) of the Act(**d**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.

(2) This Order comes into force on 1st December 2026 and extends to England and Wales.

(**a**) 2011 c. 25.
(**b**) Section 73(2) was amended by S.I. 2016/997.
(**c**) Section 88 was amended by S.I. 2016/997.
(**d**) Section 347(3)(b) was amended by S.I. 2016/997.

Administration of the charity known as the Russell-Cotes Art Gallery and Museum

2. The charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Commission under number 306288 is to be administered in accordance with the scheme set out in the Schedule.

Vicky Foxcroft
Parliamentary Under-Secretary of State
2nd November 2026 Department for Digital, Culture, Media and Sport

SCHEDULE

Article 2

Scheme for the administration of the charity known as "Russell-Cotes Art Gallery and Museum"

The charity known as "Russell-Cotes Art Gallery and Museum" ("the Charity") is registered with the Commission under number 306288. The Charity is administered in accordance with section 57 of the Bournemouth Borough Council Act 1985(**a**) and "the Governing Documents"(**b**) as defined in paragraph 1.

The Commission settles the following scheme in accordance with section 73(1)(a) of the Charities Act 2011:

Interpretation

1. In the scheme for the administration of the Charity settled by the Commission in accordance with section 73(1)(a) of the Charities Act 2011 as set out in this Schedule ("the scheme")—

"the 1908 Indenture" means the indenture dated 1 February 1908 between (1) Merton Russell-Cotes and Annie Russell-Cotes, (2) Annie Russell-Cotes and (3) the Corporation;

"the 1915 Indenture" means the indenture dated 31 December 1915 between (1) Sir George Augustus Eliott Tapps Gervis- Meyrick, (2) Reginald Gervis Hargreaves Frederick Rothersall Phipps and Algernon John Fitzroy Nugent, (3) Lady Annie Nelson Russell-Cotes and (4) Royal Bath Hotel Bournemouth Limited;

"the 1918 Indenture" means the conveyance dated 29 October 1918 between (1) Dame Annie Nelson Russell-Cotes and (2) the Corporation;

"the 1919 Indenture" means the deed of gift dated 1 February 1919 between (1) Sir Merton Russell-Cotes and Dame Annie Nelson Russell-Cotes and (2) the Corporation;

"the 1920 Indenture" means the deed of trust dated 11 November 1920 between (1) Sir Merton Russell-Cotes and (2) the Corporation;

"the 1985 Act" means the Bournemouth Borough Council Act 1985;

"the Art Collection" means the collections of paintings, engravings, prints, pieces of statuary art, treasures, ornaments, bric-a-brac and other objects of art and vertu given or assigned to the Corporation by the Governing Documents or referred to in the Governing Documents ("the collections"), as—

(a) supplemented by any item—

(i) purchased by the Corporation under the Governing Documents or section 57 of the 1985 Act,

(ii) purchased by the Company under paragraph 5(c) of the scheme, or

(iii) donated to the Corporation or the Company to be added to the collections;

(**a**) 1985 c. v.

(**b**) A copy of a charity's governing document may be requested from the Charity Commission electronically by following this link: https://forms.charitycommission.gov.uk/tell-us-about-something/ or by writing to Charity Commission, PO Box 211, Bootle, L20 7YX.

(b) reduced by the sale, donation or other disposal of any item by—

(i) the Corporation under section 57 of the 1985 Act or any of the Governing Documents, or

(ii) the Company under any of the Governing Documents as supplemented and modified by the provisions of the scheme;

"the Charity" means the charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Commission under number 306288;

"the Company" means RCAGM Sole Trustee Ltd, a private company limited by guarantee without share capital incorporated on 10 March 2025 for the sole purpose of acting as trustee of the Charity and registered with Companies House under number 16304062;

"the Corporation" means the mayor, aldermen and burgesses of the former county borough of Bournemouth;

"the Existing Trustee" means Bournemouth, Christchurch and Poole Council;

"the Governing Documents" means—

(a) the 1908 Indenture,

(b) the 1915 Indenture,

(c) the 1918 Indenture,

(d) the 1919 Indenture,

(e) the 1920 Indenture, and

(f) the order of the Charity Commissioners for England and Wales dated 6 April 1976 approving and establishing a scheme for the administration of the Charity;

"Management Committee" means the committee appointed by the Corporation in accordance with section 102 of the Local Government Act 1972(**a**) to manage, regulate, control and deal with the Charity and its property;

"property" includes any description of property, both moveable and immoveable, tangible and intangible;

"the Russell-Cotes House" means the freehold property known as East Cliff Hall conveyed to the Corporation by a conveyance dated 29 October 1918 between (1) Dame Annie Nelson Russell-Cotes and (2) the Corporation.

Administration of the Charity

2. The Charity and its property is to be administered in accordance with the Governing Documents as supplemented and modified by the provisions of the scheme.

Objects of the Charity

3.—(1) The objects of the Charity are to—

(a) provide an art gallery and museum under the name of "The Russell-Cotes Art Gallery and Museum" for the benefit of the inhabitants of, and visitors to, Bournemouth,

(**a**) 1972 c. 70; section 102 was amended by paragraph 16 of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), paragraph 31 of Schedule 13 to the Children Act 1989 (c. 41), Part 2 of Schedule 12 to the Local Government and Housing Act 1989 (c. 42), paragraph 4 of Schedule 3 to the Localism Act 2011 (c. 20), section 7 of the Policing and Crime Act 2017 (c. 3), section 74 of the Levelling-up and Regeneration Act 2023 (c. 55) and S.I. 2001/1517 for England and S.I. 2002/803 for Wales.

(b) use the Russell-Cotes House, which is designated land, as an art gallery and museum for the object of the Charity set out in paragraph (a), and

(c) use the Art Collection for the object of the Charity set out in paragraph (a).

(2) In sub-paragraph (1)(b), "designated land" means land held on trusts which stipulate that it must be used for the objects of the Charity.

Change of charity trustee

4. The Company is appointed as the sole trustee of the Charity in place of the Existing Trustee.

Powers of the Company as charity trustee

5. The Company may—

(a) remove from the Russell-Cotes House, temporarily or permanently, any object which is part of the Art Collection and may exhibit, retain, store or preserve that object in such building as the Company thinks fit;

(b) lend any part of the Art Collection to another museum or art gallery for such period as the Company thinks fit, including for an indefinite period;

(c) sell any object which is part of the Art Collection which in the opinion of the Company is—

(i) damaged,

(ii) in poor condition,

(iii) not required for exhibition, or

(iv) not required for use for the objects of the Charity set out in paragraph 3(1),

provided that the Company uses the proceeds of any such sale to purchase works of art to be added to the Art Collection;

(d) appoint and pay a salary to a person to oversee the Art Collection and keep it in good order, including labelling, arranging and cataloguing the Art Collection, acting under the direction of the Company;

(e) open the art gallery and museum known as "The Russell-Cotes Art Gallery and Museum" to the public on such days and for such hours as the Company determines from time to time;

(f) hold or arrange for exhibitions of work on loan or sale or otherwise in the art gallery and museum known as "The Russell-Cotes Art Gallery and Museum" at such times as the Company thinks fit.

Directors: appointment, etc.

6.—(1) Sir George Meyrick Baronet, or the person for the time being who holds that title, has a right to be a director of the Company.

(2) Subject to sub-paragraph (3), the Existing Trustee may appoint directors of the Company.

(3) At any one time, no more than two directors of the Company may be appointees of the Existing Trustee.

(4) The Company must obtain the written consent of the Commission before amending its articles of association to alter any one or more of the following—

(a) the maximum number of directors of the Company;

(b) the quorum for a meeting of the directors of the Company;

(c) the appointment or retirement of the directors of the Company;

(d) the remuneration of the directors of the Company;

(e) the interests of directors, including conflicts of interest or the requirement for the directors of the Company also to be members of the Company.

(5) If the Company has not obtained the prior written consent of the Commission in accordance with sub-paragraph (4), the Company must notify the Commission of any alteration to its articles of association within 28 days beginning with the date of such alteration.

Financial benefits: directors, members and connected persons

7.—(1) Subject to sub-paragraph (2), a member of the Company must not receive a financial benefit from the Charity.

(2) A member of the Company who is also a director of the Company may receive a financial benefit from the Charity under sub-paragraphs (4) or (5).

(3) Subject to sub-paragraphs (4) and (5), a director of the Company or a connected person must not—

(a) buy or receive any goods or services from the Charity on terms which are preferential to those applicable to members of the public,

(b) sell goods, services or any interest in land to the Charity,

(c) be employed by, or receive any remuneration from, the Charity, or

(d) receive any other financial benefit from the Charity.

(4) A director of the Company or a connected person may receive a financial benefit from the Charity—

(a) which is authorised by the High Court, or

(b) where the prior written consent of the Commission has been obtained.

(5) Subject to paragraph (6), a director of the Company or a connected person may receive any one or more of the following financial benefits from the Charity—

(a) interest on money lent by the director of the Company or a connected person to the Charity at a reasonable and proper rate which in any event must be no higher than the Bank of England base rate;

(b) reasonable and proper rent from premises leased to the Charity by a director of the Company or a connected person;

(c) taking part in the normal trading and fund-raising activities of the Charity on the same terms as members of the public;

(d) remuneration for acting as the manager of the art gallery and museum referred to in paragraph 3(1)(a) under a contract of employment with the Charity.

(6) The directors of the Company must ensure that at no time a majority of the directors of the Company receives, or is due to receive, any financial benefit under sub-paragraph (4), (5) or both.

(7) In this paragraph—

"Bank of England base rate" means—

(a) the percentage rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or

(b) where an order under section 19 of the Bank of England Act 1998(**a**) (reserve powers) is in force, any equivalent percentage rate determined by the Treasury under that section;

"connected person" means—

(a) a child, stepchild, parent, grandchild, grandparent, brother or sister of a director of the Company,

(b) a spouse or civil partner of a director of the Company including a person falling within section 350(2) of the Charities Act 2011(**b**) (connected person: spouse and civil partner), or any person falling within paragraph (a),

(c) a person carrying on business in partnership with a director of the Company or any person falling within paragraph (a) or (b),

(d) an institution which is controlled by—

(i) a director of the Company, or any person falling within paragraph (a), (b) or (c), or

(ii) two or more persons falling within sub-paragraph (i), when taken together,

in the sense that the director or other person is able to secure that the affairs of the institution are conducted in accordance with the person's wishes, or

(e) a body corporate in which—

(i) the Company, a director of the Company, or any person falling within paragraph (a), (b) or (c) has a "substantial interest" within the meaning of section 352 of the Charities Act 2011 (connected person: substantial interest in body corporate), or

(ii) two or more persons falling within sub-paragraph (i), when taken together, have a "substantial interest" within the meaning of section 352 of the Charities Act 2011;

"financial benefit" means a benefit, direct or indirect, which is either money or has a monetary value.

Repeal of section 57 of the 1985 Act

8. In the 1985 Act omit section 57.

Modification of the Governing Documents: general

9. So far as the Governing Documents are not otherwise so modified—

(a) references in the Governing Documents to the Management Committee, Committee or Corporation are to be read as references to the Company, and

(b) they have effect on and after the coming into force of the scheme with such modifications as are required for the purposes of giving effect to the scheme.

Modification of the 1908 Indenture

10. The 1908 Indenture has effect as if—

(a) for clause 1 (Corporation to hold property upon trust as an Art Gallery, etc) there were substituted—

(**a**) 1998 c. 11.
(**b**) Section 350(2) was amended by S.I. 2019/1458; there is another amendment but it is not relevant.

"1. The Company shall hold the Russell-Cotes House and the Art Collection upon trust for the objects of the Charity set out in paragraph 3(1) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.

2. In this Indenture—

(a) the reference to "the Charity" in clause 1 is a reference to the charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Charity Commission for England and Wales under number 306288;

(b) references to "East Cliff Hall" are references to the freehold property known as East Cliff Hall conveyed to the mayor, aldermen and burgesses of the former county borough of Bournemouth ("the Corporation") by a conveyance dated 29 October 1918 between (1) Dame Annie Nelson Russell-Cotes and (2) the Corporation.";

(b) clause 2 (Committee of Management) were omitted;

(c) clause 3 (Art Property to remain in East Cliff Hall) were omitted;

(d) clause 4 (enlargement of East Cliff Hall) were omitted;

(e) in clause 5 (inscription over East Cliff Hall entrance), the words ", whenever called upon by the Lessor, close all doorways and other means of communication between the demised premises and the other land of the Lessor, and shall" were omitted;

(f) clause 7 (appointment of curator) were omitted;

(g) clause 8 (art gallery hours) were omitted;

(h) clause 9 (turnstiles) were omitted;

(i) in clause 10 (the holding of annual exhibitions and sales)—

(i) for the words "annual or half-yearly" there were substituted the words "at such times as the Company thinks fit";

(ii) the words "a sub-committee in that event being appointed to act under the advice of a competent adviser as a Selection Committee," were omitted;

(j) clause 11 (grantors' right to reside in East Cliff Hall) were omitted;

(k) clause 12 (Corporation to pay rent, etc) were omitted;

(l) clause 13 (Lessor covenant: right to light, etc) were omitted;

(m) clause 14 (Lessor covenant: pay rent, etc) were omitted.

Modification of the 1915 Indenture

11. The 1915 Indenture has effect as if the following provisions were omitted—

(a) clause 7 (observation of covenants, etc);

(b) clause 8 (no right of light, etc);

(c) clause 10 (access to Royal Bath Hotel);

(d) Schedule 2 (covenants, restrictions and stipulations).

Modification of the 1918 Indenture

12. The 1918 Indenture has effect as if—

(a) for clause 1 (Corporation to hold property upon trust as an Art Gallery, etc) there were substituted—

"1. The Company shall hold all of the said premises conveyed in the preceding part of this Indenture upon trust for the objects of the Charity set out in paragraph 3(1)(a) and (b) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.

2. In this Indenture—

(a) the reference to "the Charity" in clause 1 is a reference to the charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Charity Commission for England and Wales under number 306288;

(b) the references to "East Cliff Hall" in clause 4 are references to the freehold property known as East Cliff Hall conveyed to the mayor, aldermen and burgesses of the former county borough of Bournemouth ("the Corporation") by a conveyance dated 29 October 1918 between (1) Dame Annie Nelson Russell-Cotes and (2) the Corporation.";

(b) clause 2 (grantors' right to reside) were omitted;

(c) clause 3 (covenants and indemnities) were omitted;

(d) clause 5 (right to copies of indenture) were omitted.

Modification of the 1919 Indenture

13. In the 1919 Indenture, for the words from "TO HOLD the same unto the Corporation absolutely Upon the trusts" to "Indenture of the twenty ninth day of October One thousand nine hundred and eighteen and subject thereto" substitute "to the Company to hold upon trust for the objects of the charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Charity Commission for England and Wales under number 306288, as set out in paragraph 3(1)(a) and (c) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.

Modification of the 1920 Indenture

14. The 1920 Indenture has effect as if—

(a) for clause 1 (Corporation to hold second collection on like trusts) there were substituted—

"1. The second collection shall be held by the Company for the objects of the Charity set out in paragraph 3(1)(a) and (c) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.

2. In this Indenture, references to—

(a) "the Charity" are references to the charity known as "Russell-Cotes Art Gallery and Museum" and registered with the Charity Commission for England and Wales under number 306288;

(b) "Curator" are references to the person appointed by the Company under paragraph 5(d) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026.";

(b) clause 2.1 (investments) were omitted;

(c) in clause 2.2, for the words from "TO PAY the yearly income arising therefrom" to "shall be applied in the manner following that is to say:—" (yearly income payable to Sir Merton Russell-Cotes) there were substituted "TO APPLY the yearly income arising from such investments as follows—";

(d) clause 2.2(i) (Art Gallery and Museum maintenance) were omitted;

(e) in clause 2.2(ii)(c) (charitable objects), for the words "in such other objects in connection with and for the benefit of the said Art Gallery and Museum as the said Committee

shall think desirable" there were substituted "for the objects of the Charity set out in paragraph 3(1) of the Schedule to the Charities (Russell-Cotes Art Gallery and Museum) Order 2026";

(f) after clause 2.2(ii)(d) (unapplied income), the words "PROVIDED nevertheless that any appointment of a Curator during the lifetime of the said Sir Merton Russell-Cotes shall be made in consultation with the said Sir Merton Russell-Cotes" were omitted;

(g) condition 1 (alterations, etc) were omitted;

(h) condition 2 (third collection to be left intact, etc) were omitted;

(i) condition 3 (requirement to hold annual garden party) were omitted.

Signed by authority of the Commission

Jan Lasik
Director of Legal Services
Charity Commission

22nd October 2026

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the scheme ("the scheme") settled by the Charity Commission for England and Wales in accordance with section 73(1)(a) of the Charities Act 2011 (c. 25) for the administration of the charity known as "Russell-Cotes Art Gallery and Museum" ("the Charity"). Prior to the Order coming into force, the Charity was governed by section 57 of the Bournemouth Borough Council Act 1985 (c. v) and "the Governing Documents" as defined in paragraph 1 of the Schedule to the Order. The scheme supplements and modifies "the Governing Documents" and repeals section 57.

The scheme replaces Bournemouth Christchurch and Poole Council as trustee of the Charity with RCAGM Sole Trustee Ltd ("the Company"), a private company limited by guarantee without share capital. It confers powers on the Company as charity trustee to run the Russell-Cotes Art Gallery and Museum and to control and deal with its art collection. The scheme also places restrictions on the directors of the Company, members of the Company and connected persons from receiving a financial benefit from the Charity.

Once the Order is in force, the Charity will be governed by "the Governing Documents" as supplemented and modified by the scheme.

An impact assessment has not been produced for this Order as no impact on the private or wider voluntary sectors is foreseen.

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