



Proposals for a Parliamentary Private Bill to update the Malvern Hills Acts

Summary

This is a summary of the proposals set out in the Trust's [public consultation document](#). The page numbers below relate to the relevant proposal in the full document.

Malvern Hills Trust (the Trust) cares for 1200 hectares of the stunning Malvern Hills and Commons. This is a landscape of national importance - 85 % of the area which we manage is within the Malvern Hills National Landscape and 58 % is designated as Sites of Special Scientific Interest.

The Trust was established in 1884 and is governed by five Acts of Parliament which set out the duties of the organisation and the powers which it has. The Trust has a power to raise a levy from the parishes of Malvern Town, Malvern Wells, West Malvern, Guarlford, Colwall and Mathon parishes. The board of trustees is the decision making body and some of the trustees are elected by local residents.

The Trust is a registered charity (charity number 515804).

Because the Trust is governed by statute, changes to its administrative arrangements and powers can only be made by another Act of Parliament.

Why is another Act of Parliament needed?

The Trust's Acts are very out of date and this affects our ability to care for the Hills in an effective way in the 21st century. Issues which need to be addressed include:

- The Acts refer to many statutory provisions which are no longer in force
- The right to vote in trustee elections is in part defined by reference to a Council which ceased to exist 50 years ago
- The Victorian language is difficult to interpret
- Because there are five Acts, provisions relevant to a particular topic can be in several different places and sometimes there are contradictions between them
- Some of its administrative provisions are contained in an Act of 1847
- The Trust needs to be able to deal with practical situations which were not envisaged when the Acts were passed
- Some of the language used in the Acts has no clear meaning (for example "Natural Aspect") (see page 8)
- Many sections of the Acts no longer serve any purpose (see page 41)
- The Trust needs a number of additional powers to enable it to operate more effectively
- The Trust cannot comply with the current recommendations for good governance of charities. For example, the Board of 29 is too big for effective decision making and there is no way of ensuring its members have the necessary skills, experience and knowledge (see page 11)

What changes will be made?

As well as making changes to address the issues outlined above, the aim is to combine in one place the provisions which remain relevant from the five existing Acts, expressed in updated language. The proposed Bill will:

- Replace the old Acts and set out all the sections that are being retained in a logical order (see page 71)
- Contain an up to date set of administrative provisions to comply with the requirements for a modern charity (see page 23)
- Establish new methods of electing and appointing trustees to a smaller Board (see page 11)
- Contain new powers to give greater flexibility, more fundraising options and enable more effective land management
- Change the statutory name of the organisation to Malvern Hills Trust (see page 70)

What won't change?

There are some fundamental elements in our Acts which will not change. These include:

- The essential objects of the charity – public rights of access, the Trust's land remaining open and unbuilt on and looking after the landscape, flora and fauna
- Commoners' rights
- Who pays the levy and who votes to appoint trustees (see page 33).

Key proposals to be included

We aim to add some powers to allow the Trust to operate more effectively.

Fundraising

We want to be able to diversify our income streams by having powers to:

- Set up a membership body (see page 29)
- Set up a trading subsidiary
- Sell items that we produce in the course of our work such as wood and compost.

Land management

We need to have more flexibility in the ways we can manage our land by:

- Having a power to secure the grazed commons in order to make grazing viable in the 21st century (see page 35)
- Having a power to install watering points for livestock (see page 41)
- Having more flexibility to put up temporary fencing where necessary, whilst maintaining public access (see page 35)
- Clarifying the rights of estovers in relation to trees planted by the Trust (see page 61)
- Changing the Trust's liability to the public so that it is the same as that for owners of land open to the public under Countryside and Rights of Way Act 2000 (see page 55)
- Being able to purchase and look after livestock, including a clear power to purchase land for stock management purposes (see page 35).

General power

To include a general power so that the Trust can do other things not specifically covered by the Act so long as it is acting in pursuance of the charity's objects. This type of power is now common both for charities and local government and the Trust feels it is essential to avoid having to go back to Parliament again when there is a change of circumstances (see page 30).

New arrangements for the Board

We need to improve the efficiency and effectiveness of board decision making and bring it in line with charity best practice. In order to do this we propose:

- Reducing the maximum size of the board to 12, made up of:
 - 6 trustees elected from the same areas as currently, but based on one combined electoral area
 - Up to 6 trustees selected for their relevant skills and experience and with a view to ensuring greater diversity
- Drawing candidates from a wider area
- Limiting the length of time trustees can serve on the board without a break
- Providing a power to remove a trustee (for example in the event of gross misconduct, prolonged ill health or persistent failure to attend meetings) (see page 11).

Miscellaneous

Some of the other things we would like to include are:

- An explicit discretion to enable MHT to make a charge for events held on MHT land together with a power to allow temporary refreshment facilities associated with those events (see page 52)
- A power to remove all types of vehicles abandoned on our land (see page 59)
- An up to date set of administrative provisions.

How you can help

Follow these three steps to give us your feedback:

1. Read our [consultation document](#)
2. Once you have done that, if you have any questions drop in to one of our [consultation events](#)
3. Then please take time to complete the [consultation questionnaire](#) to let us know what you think.

The consultation period starts on 22 May 2024 and closes on 22 July (17 July for paper submissions).

Thank you.