CHAPTER xxvi.

An Act to confirm a scheme of the Charity Commissioners for the application or management of certain charities. A.D. 1917.

[2nd August 1917.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and sixteen reported that they had approved and certified a scheme for the application or management of the following charities:—

1. The charity consisting of the baptist chapel and trust property in the parish of Lamarsh in the county of Essex comprised in the following indenture:—

   Indenture dated eleventh November one thousand eight hundred and seventy-six;

   to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an Order of the Charity Commissioners of the seventh November one thousand nine hundred and sixteen:

2. The charity consisting of the baptist chapel known as the Chalford Tabernacle in the parish of Chalford in the county of Gloucester and of the trust property held in connexion with the said chapel comprised in the following indentures or some or one of them:—

   Indentures of lease and release dated respectively twenty-fifth and twenty-sixth December one thousand seven hundred and forty-six;

   Indentures of lease and release dated respectively first and second May one thousand seven hundred and forty-seven;

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to which charity the said Acts were extended by an Order of the said Commissioners of the fourteenth November one thousand nine hundred and sixteen:

3. The charity consisting of—

The baptist chapel in the parish of Bures St. Mary in the county of Suffolk comprised in the following indentures:—

Indenture dated third September one thousand eight hundred and thirty-three;

The site for a manse in connexion with the said chapel comprised in the following indenture:—

Indenture dated ninth October one thousand eight hundred and forty-four;

The manse in connexion with the said chapel comprised in the following indenture:—

Indenture dated twenty-fourth July one thousand eight hundred and fifty-eight;

to which endowments the said Acts were extended by an Order of the said Commissioners of the seventh November one thousand nine hundred and sixteen; and of

The endowment of Mary Wass and others in connexion with the last-mentioned chapel:

And whereas the said scheme is set out in an appendix to the said report:

And whereas it is expedient that the said scheme as the same is fully set out and defined in the schedule to this Act should be confirmed:

Be it therefore 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:—

Confirmation of scheme.

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

Short title.

2. This Act may be cited as the Baptist Chapels Scheme Confirmation Act 1917.

SCHEDULE.

Scheme for the application or management of the following charities.

1. *The charity consisting of the baptist chapel and trust property in the parish of Lamarsh in the county of Essex comprised in the following indenture:—*

Indenture dated 11th November 1876.

2. *The charity consisting of the baptist chapel known as the Chalford Tabernacle in the parish of Chalford in the county of Gloucester and of the trust property held in connexion with the said chapel comprised in the following indentures or some or one of them:—*

Indentures of lease and release dated respectively 25th and 26th December 1746;

Indentures of lease and release dated respectively 1st and 2nd May 1747.

3. *The charity consisting of—*

The baptist chapel in the parish of Bures St. Mary in the county of Suffolk comprised in the following indenture:—

Indenture dated 3rd September 1833;

The site for a manse in connexion with the said chapel comprised in the following indenture:—

Indenture dated 9th October 1844;

The manse in connexion with the said chapel comprised in the following indenture:—

Indenture dated 24th July 1858;

The endowment of Mary Wass and others in connexion with the said chapel.

1. In this scheme the expression "the Church" means in the case of each of the above-mentioned charities the Church for the time being assembling for worship in the chapel belonging to that charity.

2. The above-mentioned charities and the endowments thereof shall be administered and managed by the body called the Baptist Union Corporation Limited subject to and in conformity with the provisions of this scheme.

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3. The lands and hereditaments belonging to each charity are hereby vested in the said body for all the estate and interest therein belonging to or held in trust for the charity.

4. The trustees in the case of the charity numbered 3 shall hold the manse comprised in the above-mentioned indenture dated the 24th July 1858 upon the trusts and subject to the provisions contained in that indenture Subject as aforesaid the trustees in the case of each charity shall permit any building used as a manse belonging to the charity to be occupied as a residence by the pastor for the time being of the chapel belonging to the charity provided that if and when any such pastor does not desire to occupy the said premises the trustees may let the same at the best rent that can reasonably be obtained but so that any tenancy shall be determinable by the trustees at six months' notice in the event of any such pastor signifying in writing to the trustees his desire to occupy the said premises The clear yearly income derived from any such letting as aforesaid shall be paid by the trustees to the pastor for the time being.

5. The trustees shall apply the clear yearly income derived from the above-mentioned endowment of Mary Wass and others as to three-sixths thereof in augmentation of the general fund of the chapel belonging to the charity numbered 3 as to two-sixths thereof in augmentation of the stipend of the pastor for the time being of that chapel and as to the remaining one-sixth thereof for the benefit of poor members of the Church for the time being assembling for worship in that chapel.

6. Subject as aforesaid the trustees shall permit the buildings belonging to each charity to be used occupied and enjoyed—

(*a*) as a place of public worship for the service of Almighty God by a Church of Protestant Dissenters consisting only of persons who hold the Deity of the Lord Jesus Christ and the sole authority of the Holy Scriptures and that interpretation of them usually called Evangelical in contradistinction to Unitarian and Roman Catholic and constituted as hereinafter mentioned and have made a confession of faith in the Lord Jesus Christ;

(*b*) for the instruction of children and adults and for the promotion of such other charitable purposes whether religious or philanthropic as the Church shall from time to time direct.

7. In the case of each charity no person shall be eligible to become a deacon or elder of the Church unless he is a member of the Church.

8. The trustees shall permit to officiate in the chapel buildings belonging to each charity such stated pastor or pastors as the Church shall in special church meeting from time to time elect holding the

Deity of the Lord Jesus Christ and the sole authority of the Holy Scriptures and that interpretation of them usually called Evangelical in contradistinction to Unitarian and Roman Catholic and having been baptised on a confession of faith in the Lord Jesus Christ and maintaining and practising the doctrine and rite of the baptism of believers and no other baptism. A.D. 1917.

9. The trustees shall remove and in all lawful ways eject from the buildings belonging to any of the charities any pastor or pastors whom the Church in special church meeting shall lawfully dismiss or whose pastorate shall have been lawfully determined.

10. The trustees shall permit to officiate in the chapel buildings belonging to any of the charities such occasional preachers as the stated pastor or the deacons or elders for the time being of the Church may appoint.

11. In the case of any of the charities the trustees shall permit the Church or any person authorised by the Church for that purpose to alter improve enlarge add to or pull down and rebuild the buildings for the time being belonging to the charity in such manner as the Church shall determine in special church meeting and the trustees shall approve.

12. Except as regards any property of the charities which for the time being is registered as a place of meeting for religious worship with the Registrar-General of Births Deaths and Marriages in England and is bonâ fide used as a place of meeting for religious worship and except as regards such other property (if any) of the charities as for the time being by virtue of any provision of the Charitable Trusts (Places of Religious Worship) Amendment Act 1894 is exempt from the operation of the Charitable Trusts Acts 1853 to 1914 the trustees shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the property of the charities or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding 21 years.

13. Subject to the restrictions contained in the last preceding clause hereof it shall be lawful for the trustees in the case of each charity to sell demise or let the property belonging to the charity or any part thereof in such manner or to exchange the same or any part thereof for such other hereditaments of freehold copyhold or leasehold tenure and to pay or accept such money (if any) by way of equality of exchange as the Church shall in special church meeting determine and the trustees shall approve and from time to time to raise by mortgage of the property belonging to the charity or any part thereof such sum or sums of money and at such rate or rates

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of interest as the Church shall in special church meeting determine and the trustees shall consider it expedient to raise for any of the purposes hereinafter mentioned.

14. In the case of each charity the trustees shall apply the moneys arising from any such sale letting exchange or mortgage as aforesaid in or towards payment of the expenses of any such works of alteration improvement enlargement addition pulling-down and rebuilding as are hereinbefore mentioned or the purchase or acquisition for the purposes of the Church of any other hereditaments of freehold copyhold or leasehold tenure or other property or for paying off (wholly or partially) or procuring the transfer of any mortgage or mortgages for the time being affecting the property belonging to the charity or for meeting or defraying any other necessary or proper expenses connected with or for the benefit of the Church as the Church shall in special church meeting determine and the trustees shall approve.

15. In the case of each charity the trustees shall hold all hereditaments taken in exchange purchased or otherwise acquired by the trustees under the foregoing provisions and all buildings erected thereon upon the same or the like trusts and with and subject to the same or the like powers and provisions as are herein contained concerning the property belonging to the charity.

16. In creating any mortgage under any of the powers of mortgaging herein contained the trustees may insert in such mortgage such power of sale and other powers and such covenants and provisions as they may think expedient including (if it is thought desirable) a provision for the continuance of the loan for any term therein specified.

17. In the case of each charity the trustees shall permit the Church generally and in every respect not herein provided for to manage all its affairs according to its uncontrolled discretion.

18. In the case of each charity all such matters as are hereby directed to be decided by the Church in special church meeting shall be so decided at a special church meeting convened by the pastor or by the deacons and elders or the officers for the time being of the Church or by the trustees or by one-fifth in number of the members of the Church entitled to vote at such meeting whereof a public notice stating the whole of the business intended to be transacted thereat and the time and place of such meeting shall have been given orally in the course of divine service both in the morning and in the evening on the two Lord's Days immediately preceding the day fixed for such meeting and at any special church meeting those persons alone shall be entitled to vote who shall have attained the age of 18 years and shall have communed with the Church at the Lord's Table once at least during the period of six calendar months next preceding such meeting.

19. Every question submitted to a church meeting (whether ordinary or special) shall be decided by the votes of a majority of the members present and entitled to vote and actually voting on such question at such meeting and in the event of an equality of votes the chairman of such meeting shall have a casting vote in addition to his vote as a member but the foregoing provisions of this clause shall not apply to any matter which under any express provision herein contained is to be determined by a special church meeting and a resolution relating to any such matter shall only be carried if it is supported by the votes of a majority of not less than two-thirds of the members present and entitled to vote and actually voting on such resolution at such meeting.

20. At any church meeting (whether ordinary or special) the pastor (if any) for the time being of the Church shall (if he shall be present and willing to act as chairman of such meeting) be entitled to take the chair and in case there shall be no such pastor or he shall be absent or unwilling to act as chairman the members present shall elect a chairman before proceeding with the business of such meeting The proceedings and resolutions of any church meeting shall be proved by a minute thereof signed by the chairman and such minute shall be conclusive evidence that any resolution therein stated to have been passed was passed by the requisite majority at a meeting duly convened and held and also of the due appointment of the person signing the minute as chairman.

21. Upon any professed exercise by the trustees of any power herein contained no person dealing with the trustees shall be bound or concerned to inquire whether the case in which the power is exerciseable has happened or whether the exercise thereof has been determined upon or authorised by a meeting of the church or otherwise (except as regards the said restrictions contained in the twelfth clause hereof) as to propriety or regularity of such exercise or in the case of the foregoing powers of raising money by mortgage whether and for what purpose the money raised is required and notwithstanding any impropriety or irregularity whatsoever in the exercise of any such power the same shall in favour of such person (except as regards the said restrictions) be deemed to be within the provisions under which it purports to be made and be valid accordingly.

22. If in the case of any of the charities at any time the membership of the Church shall fall below twelve registered members who have communed with the Church at the Lord's Table within the period of six calendar months next preceding such time or in case the regular public worship of God in the buildings belonging to the charity shall be wholly discontinued for the space of twelve calendar months then the trustees shall stand possessed of the property belonging to the charity upon trust in the case of the charities numbered 1 and 3 for the

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Baptist Union of Great Britain and Ireland and to be held or disposed of as the council of that union shall direct and upon trust in the case of the charity numbered 2 to sell the same and in accordance with the trusts contained in the above-mentioned indenture dated 2nd May 1747 to apply the proceeds of such sale for the use benefit and advantage of the Church of Protestant Dissenters at Tetbury in the county of Gloucester mentioned in the said indenture and if there shall be no such Church to pay such proceeds of sale into the stock or fund in London commonly called the Particular Baptist Fund to be at the sole disposal of the managers or directors of such stock or fund.

23. All the trusts powers discretions and authorities hereby given to or vested in the trustees shall be exerciseable by their executive committee.

24. Any statutory power for the time being in force of nominating or appointing new trustees shall in the case of any of the charities be exerciseable by the Church in special church meeting.

25. If in the case of any of the charities any dispute or difference shall at any time arise between the trustees the members of the church and the pastor or other officers thereof or between any of such persons concerning the meaning construction or effect of any of the provisions hereinbefore contained or concerning any matter relating to the property or affairs of the charity or the Church or concerning the doctrines teaching and mode of conducting public worship in the buildings belonging to the charity such dispute or difference shall be submitted for settlement to the council of the Baptist Union of Great Britain and Ireland whose decision shall be binding and conclusive on the parties to such dispute or difference and all other persons concerned or interested therein but this provision shall not enable the said council to override any determination of a duly convened meeting of the Church in regard to the subject matter of such dispute or difference when it shall appear to the said council that such determination was within the powers of such meeting and was arrived at regularly and properly by the necessary majority.

26. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

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