CHAPTER xxvi.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charities consisting of the London Road Congregational Chapel and the net proceeds of sale of the Trust Property in Hanover Place both in the Borough of Brighton in the County of Sussex. [30th June 1926.]

A.D. 1926.

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year nineteen hundred and twenty-five reported that they had approved and certified a Scheme for the application or management of the charities consisting of—

(1) the London Road Congregational Chapel comprised in an Indenture dated 8th February 1830 to which Charity the Charitable Trusts Acts 1853 to 1914 were extended by an Order of the Charity Commissioners of the 7th October 1924;

(2) the net proceeds of sale of the trust property in Hanover Place comprised in an Indenture dated 9th August 1826;

both in the borough of Brighton in the county of Sussex:

And whereas it is expedient that the 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

A.D. 1926.

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 Brighton (London Road) Congregational Chapel Charities Scheme Confirmation Act 1926.

SCHEDULE.

Scheme for the application or management of the following Charities in the Borough of Brighton in the County of Sussex :—

(1) *The Charity consisting of the London Road Congregational Chapel comprised in an Indenture dated 8th February* 1830;

(2) *The Charity consisting of the net proceeds of sale of the Trust Property in Hanover Place comprised in an Indenture dated 9th August* 1826.

1. In this Scheme the expression "the Church" means the Church for the time being assembling for worship in the Chapel of the Charity numbered (1) above.

2. The above-mentioned Charities and the endowments thereof specified in the Schedule hereto and all other the endowments (if any) of the Charities shall be administered and managed by the body called the Sussex Congregational Union (Incorporated) as the trustees of the Charities subject to and in conformity with the provisions of this Scheme.

3. Any freehold or leasehold lands and hereditaments comprised in this Scheme are hereby vested in the said body for all the estate and interest therein belonging to or held in trust for the Charities.

The Charity Numbered (1) *above.*

4. The Trustees shall permit the buildings for the time being belonging to the Charity numbered (1) above to be used occupied and enjoyed as a place for the public worship of God and for preaching the Gospel of the Lord Jesus Christ according to the principles and usages for the time being of Protestants of the Congregational Denomination commonly called Independents being Pædobaptists under the direction of the Church and 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.

5. The Trustees shall permit to officiate in the said buildings as stated minister or pastor of the Church such person or persons only as shall be of the denomination aforesaid being Pædobaptists and shall (except in the case of the present minister or pastor)

A D. 1926. be chosen and elected by special resolution of the Church and no person shall be permitted to officiate as minister or pastor in the said buildings who shall be guilty of immoral conduct or shall cease to be of the denomination aforesaid or shall be removed from his office by a special resolution of the Church.

6. The Trustees shall permit such occasional ministers or other persons to officiate in the said buildings as the stated minister or pastor of the Church for the time being (if any) or if there be no such minister or pastor as the deacon or deacons of the Church for the time being or any committee from time to time appointed by the Church for the purpose shall appoint unless any such appointment shall be negatived by a resolution of the Church.

7. The Trustees shall permit the deacon or deacons of the Church or other person or persons appointed for the purpose by the Church to receive all moneys contributed or subscribed and also the net rents arising from any lease of property of the Charity numbered (1) above and any other money which may come to the hands of the Trustees in connexion with the premises in the nature of income and after payment thereout of the expenses of repairing and insuring the premises and the interest of any mortgage or debt secured on the premises or incurred in the erection completion repair alteration enlargement or improvement of the said buildings and premises to pay such sum for the support of the minister or pastor of the Church as the Church shall have determined and to apply the remainder in payment of the incidental and other expenses attending the maintenance of divine worship on the said premises and for the other purposes of the said Charity as the Church shall direct Provided nevertheless that moneys contributed or subscribed for any specified purpose shall not be subject to this clause but shall be applied for such specified purpose.

8. The Trustees shall from time to time under the direction of the Church permit the buildings for the time being belonging to the Charity numbered (1) above to be repaired altered enlarged or taken down and rebuilt so as to render the same better adapted for the purposes aforesaid and shall under the like direction from time to time permit the erection of additional buildings.

9. Except as regards any property of the Charity numbered (1) above 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 said Charity 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 1925 the Trustees

shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the estates of the said Charity or any lease thereof in reversion after more than 3 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 The restrictions contained in this clause are hereinafter called "the said restrictions."

10. Subject to the said restrictions it shall be lawful for the Trustees without the necessity of obtaining the consent of the Church to raise by mortgage of the property of the Charity numbered (1) above or by a deposit of the title deeds thereof such sum or sums of money as in the exercise of their discretion they think proper for the purpose of paying off any debt or debts incurred or to be incurred in the erection alteration or completion of the buildings for the time being belonging to the said Charity and not provided for by voluntary subscriptions.

11. Subject to the said restrictions the Trustees shall whenever required by a special resolution of the Church with the consent in writing of the Trustees (or a majority of the Trustees in the event of there being individual Trustees) or their committee or a majority of such committee sell mortgage enfranchise or demise for any term of years the trust premises or any part thereof or exchange the same or any part thereof for any other freehold copyhold customary or leasehold premises in accordance with the directions of the Church The Trustees shall stand possessed of the moneys arising from any such mortgage sale or exchange and any other moneys which may come to their hands in connexion with the trust premises in the nature of capital after paying all costs and expenses incurred in relation thereto upon trust to lay out and apply the same in or towards the enlargement rebuilding improvement or repair of the said buildings and premises or in or towards the purchase of other premises of any tenure or towards any of the other purposes or objects of the Charity numbered (1) above in such manner as the Church shall by special resolution direct but so that any premises so purchased or so taken in exchange whether freehold copyhold customary or leasehold shall be situate within 20 miles of the premises now belonging to the said Charity and shall be held by the Trustees upon the same trusts and subject to the same powers and provisions as are herein declared concerning such last-mentioned premises If any difference shall arise as to whether moneys coming into the hands of the Trustees are capital or income the decision of the Trustees shall be conclusive.

12. Notwithstanding anything hereinbefore contained if the Church is dissolved or dispersed or (unless the Church shall have removed within the meaning of clause 16 hereof) if the regular

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public worship of God in the said buildings is discontinued for six calendar months together or if the number of the members of the Church entitled to vote at a special meeting as hereinafter provided for shall be reduced to 10 or under the Trustees may in their discretion but subject to the said restrictions either let or mortgage or sell the trust premises or any part thereof and pay and apply the net proceeds of such letting mortgage or sale remaining after payment of all expenses in such manner as the Trustees shall in their discretion think proper for religious purposes not being inconsistent with the principles and usages for the time being of Protestants of the Congregational Denomination commonly called Independents being Pædobaptists.

13. Upon any mortgage lease sale enfranchisement or exchange purporting to be made in pursuance of any trust or power herein contained no mortgagee lessee purchaser or other person dealing bonâ fide with the Trustees shall be bound or concerned to inquire whether the occasion for executing or exercising such trust or power has arisen or as to whether any special or other meeting of the Church has been held or as to the competency or regularity of any such meeting or of any requisition or resolution passed or purporting to have been passed thereat or as to whether the Church has been dissolved or any of the said other events have taken place or (except as regards the said restrictions) otherwise as to the propriety or regularity of any such mortgage lease sale enfranchisement or exchange and notwithstanding any impropriety or irregularity in such mortgage lease sale enfranchisement or exchange the same shall as regards a purchaser mortgagee lessee or other person as aforesaid (except as regards the said restrictions) be deemed to be within the aforesaid trusts or powers and be valid accordingly.

14. The following provisions shall apply to every special meeting of the Church :—

(*a*) The meeting shall be convened by the Minister or Pastor or Deacons or Committee for the time being of the Church or by the authority of the Trustees or of one-fifth in number of the members of the Church entitled to vote at such meeting by notice announcing the place day and hour of the meeting and the business or matter to be transacted or considered and such notice shall be given at each service held on the premises on the two Lord's Days immediately preceding such meeting ;

(*b*) The meeting shall be fixed for and held not earlier than the Tuesday next following the second of such two Lord's Days ;

(*c*) The only person who shall be entitled to attend and vote at such meeting shall be those who whether male or

female have attained the age of 21 years and have been members of the Church during at least the six calendar months next preceding the meeting;

(*d*) No votes shall be given by proxy but votes may be given by ballot or otherwise as the Church may direct;

(*e*) The term "a special resolution" in this Scheme means a resolution passed at a special Church meeting by a majority consisting of not less than two-thirds of the persons present and voting on the question before the meeting and the same shall be binding upon all the members of the Church whether present or not at such meeting;

(*f*) Except where a special resolution is hereby expressly required a resolution passed at a special meeting by a simple majority of the persons voting on the question before the meeting shall be binding on all the members of the Church whether present or not at such meeting;

(*g*) The proceedings and resolutions of the meeting shall be evidenced by a minute thereof under the hand of the chairman who shall have a casting vote and such minute shall be conclusive evidence that any resolution therein expressed to have been passed was passed at a meeting duly convened and held and by the requisite majority and it shall further be presumed that the person subscribing such minute as chairman was duly appointed to the office.

15. Except where it is hereby expressly provided that a special resolution of the Church or a resolution of a special meeting thereof is requisite the affairs of the Church and the provisions of this Scheme may in all respects be managed and carried out under the direction of the members of the Church at ordinary meetings of the Church to which meetings the provisions of the last preceding clause hereof shall not apply but the same shall be held and regulated according to the ordinary practices and usages of Congregational churches which practices and usages shall also apply to special meetings of the Church subject to the provisions of such last preceding clause hereof.

16. In the event of the removal of the Church to another locality the powers hereby vested in the Church in regard to the trust premises shall not thereby be suspended or in any manner impaired or affected.

The Charity Numbered (2) *above.*

17. The clear yearly income of the Charity numbered (2) above shall be applied by the Trustees in payment of the incidental and other expenses attending the maintenance of divine worship in the Chapel of the Charity numbered (1) above and for the other purposes of that Charity as the Church shall direct.

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General Provisions.

18. In case the Church shall at any time by a special resolution request the said Sussex Congregational Union (Incorporated) or any other incorporated union or association acting as Trustees to retire from the Trusteeship of the Charities or in case such union or association shall at any time desire to retire or be discharged from the said Trusteeship and shall signify such desire by giving three calendar months notice in writing under the hand of their secretary addressed to the Pastor and Deacons of the Church the Church shall forthwith or (as the case may be) before the expiration of the said notice proceed by special resolution to appoint as new trustees of the Charities either duly qualified individual persons or another incorporated union or any incorporated association of congregational churches and the said Sussex Congregational Union (Incorporated) or other the union or association ceasing to be Trustees shall at the request and cost of the Church convey or assign the hereditaments then vested in such union or association and affected by the trusts of this Scheme to such persons or to such other incorporated union or association as the Church may appoint.

19. In the event of the said Sussex Congregational Union (Incorporated) or any other incorporated union or association acting as Trustees ceasing to be Trustees of the Charities and of the Church deciding to appoint individual Trustees in their place the following provisions as to the appointment of new Trustees and as to the discharge and retirement of Trustees by way of variation of the statutory provisions shall take effect :—

(i) The full number of Trustees shall be 10 and that number shall as far as possible be kept up ;

(ii) No person shall be appointed a Trustee who is not a member of a congregational church and any Trustee who ceases to be a member of such a church or who becomes bankrupt or remains out of the United Kingdom for more than 12 consecutive calendar months shall ipso facto cease to be a Trustee of the Charities ;

(iii) A new Trustee may be appointed in the place of any Trustee who through death retirement or any other cause ceases to be a Trustee or who desires to be discharged from the trusts of the Charities or who refuses or is unfit to act or is incapable of acting therein ;

(iv) Any one of the Trustees may when there are more than five Trustees retire from the trusts of the Charities on giving two calendar months' notice in writing of his intention so to do to the then pastor and deacons or one of the deacons of the Church (if there shall be such pastor or deacon) and to each of the other Trustees for the time being and upon the termination of such

two months the Trustee giving the notice shall cease to be a Trustee to all intents and purposes provided that any notice sent by post to the last known usual place of abode in England of any Trustee shall be sufficient notice to him hereunder.

20. All the trusts powers discretions and authorities hereby given to or vested in the Trustees shall be exerciseable by their committee or a majority of such committee or by a majority of the Trustees in the event of there being individual Trustees as fully and effectually in all respects as the same might have been exercised by the Trustees During such period as an incorporated union or association shall act as Trustees of the Charities they shall be entitled to act according to their rules and byelaws from time to time in force provided that if there shall be any variance or inconsistency between the provisions of such rules and byelaws and the provisions of this Scheme the provisions of this Scheme shall prevail.

21. 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.

SCHEDULE OF PROPERTY.

Charity Numbered (1) *above.*

Land situate in Ann Street London Road Brighton together with the buildings thereon known as the London Road Congregational Chapel.

Charity Numbered (2) *above.*

1,999*l.* 4*s.* 6*d.* four per cent. Funding Stock 1960–90 standing in the names of Edwin James Hamilton John Mansfield Arthur Edward Saunders and William Stevens.

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