CHAPTER lv.

An Act to confirm a Scheme of the Charity Commissioners for the Application or Management of the Charity consisting of the Congregational Chapel and Trust Property in Foleshill Road in the City of Coventry. A.D. 1914.

[8th July 1914.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and twelve reported that they had approved and certified a scheme for the application or management of the charity consisting of the Congregational Chapel and Trust Property in Foleshill Road in the city of Coventry comprised in an indenture dated the second day of December one thousand seven hundred and ninety-five to which charity the provisions of the Charitable Trusts Acts 1853 to 1894 were extended by an order of the Charity Commissioners of the fifteenth day of October one thousand nine hundred and twelve:

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 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 Foleshill Road (Coventry) Congregational Chapel Scheme Confirmation Act 1914.

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SCHEDULE.

Scheme for the Application or Management of the Charity consisting of the Congregational Chapel and Trust Property in Foleshill Road in the City of Coventry.

1. The above-mentioned charity and its endowments consisting of the above-mentioned chapel and trust property shall be administered and managed by the Trustees thereof subject to and in conformity with the provisions of this scheme.

2. In this scheme the following expressions shall have the following meanings :—

(1) The expression "the Church" means the Christian Church for the time being assembling for worship in the buildings for the time being belonging to or occupied for the purposes of the charity ;

(2) The expression "the Church members" means those persons whether male or female who have from time to time been admitted into Church membership by a resolution of the Church and whose names are for the time being entered in the roll of Church members ;

(3) The expression "subscribers" means those members of the congregation for the time being assembling for worship in the said buildings who subscribe to the funds of the charity either by hiring a seat or pew or by any other method which the Church members shall from time to time determine.

3. The Trustees shall permit the buildings belonging to the charity to be used occupied and enjoyed as a place for the public worship of God according to the principles and usages of Protestant Dissenters 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 in connection therewith as the Church shall from time to time direct.

4. The Trustees shall permit to officiate in the said buildings as stated minister or pastor of the Church such person only as being of the denomination aforesaid and a Pædobaptist shall hold preach and maintain the doctrines set out in the schedule hereto and shall except in the case of the present minister or pastor (if any) be chosen and

elected by special resolution of the Church members and subscribers No person shall be permitted to officiate as minister or pastor in the said buildings who shall be proved guilty of immoral conduct or shall cease to be of the denomination aforesaid or to be a Pædobaptist or shall cease to hold preach and maintain the doctrines aforesaid or be removed from his office by a special resolution of the Church members and subscribers.

5. 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 members and subscribers for the purpose shall appoint unless such appointment shall be negatived by a resolution of the Church members and subscribers.

6. The Trustees shall permit the deacon or deacons of the Church or other person or persons appointed for the purpose by the Church members and subscribers to receive all moneys contributed or subscribed and also the net rents arising from any lease of the property of the charity and any other money which may come into the hands of the Trustees in connection with the charity in the nature of income and after payment thereout of all outgoings for rents or rentcharges (if any) mortgage interest (if any) taxes rates (if any) insurances renewals alterations repairs and all other costs or expenses for which the Trustees may be liable to pay such sum for the support of the minister or pastor of the Church as the Church members and subscribers shall have determined and to apply the remainder in payment of the incidental and other expenses attending the maintenance of divine worship in the buildings belonging to the charity and for the other purposes of this scheme in relation to the charity as the Church members and subscribers 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.

7. The Trustees shall from time to time under the direction of the Church members and subscribers permit the buildings for the time being belonging to the charity 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.

8. Except as regards any property of the charity 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

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except as regards such other property (if any) of the 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 1894 the Trustees shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the estate of the charity 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 twenty-one years.

9. Subject to the restrictions contained in the last preceding clause hereof it shall be lawful for the Trustees without obtaining the consent of the Church members and subscribers to raise by mortgage of the property of the charity or by the 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 incurred or to be incurred in the erection or completion of the buildings erected or to be erected on the land belonging to the charity and not provided for by voluntary subscriptions.

10. Subject to the said restrictions herein-before contained the Trustees shall whenever required by a special resolution of the Church members and subscribers with the consent in writing of the Trustees or of a majority of the Trustees sell mortgage enfranchise or demise for any term of years the property of the charity 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 members and subscribers 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 connection with the charity 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 construction enlargement rebuilding improvement or repair of the buildings belonging to the charity or in or towards the purchase of other premises of any tenure or towards any of the other purposes of this scheme in relation to the charity in such manner as the Church members and subscribers 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 twenty miles of the site of the chapel now belonging to the 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 the buildings now belonging to the charity 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.

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11. Notwithstanding anything herein-before contained if the Church is dissolved or dispersed or (unless the Church shall have removed within the meaning of clause seventeen hereof) if the regular public worship of God in the chapel buildings for the time being belonging to the charity is discontinued for six calendar months together or if the number of the Church members and subscribers entitled to vote at a special meeting as herein-after provided for shall be reduced to fifteen or under the Trustees may in their discretion but subject to the said restrictions herein-before contained either let or mortgage or sell the property of the charity or any part thereof and pay and apply the net proceeds of such letting mortgage or sale remaining after payment of all expenses for such religious purposes not tending to the promulgation of doctrines inconsistent with those herein-before referred to and in such manner as the committee of the congregational union or association of the county in which the property of the charity is situate shall direct in writing signed by the secretary of the said committee and if there shall be no such committee in existence or such committee shall fail so to signify its directions within six months after being requested so to do in writing by the Trustees then as shall be directed by the committee of the Congregational Union of England and Wales in manner aforesaid.

12. 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 members and subscribers 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 herein-before contained) 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.

13. 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 have effect:—

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

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

(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 charity or who refuses or is unfit to act or is incapable of acting therein:

(iv) The power of appointing new Trustees of the charity shall be vested in the Church members and subscribers such power to be exercised by resolution of a special meeting of the Church members and subscribers:

(v) Any one of the Trustees may when there are more than five Trustees retire from the trusts of the charity 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.

14. All the trusts powers discretions and authorities hereby given to or vested in the Trustees shall be exerciseable by a majority of the Trustees as fully and effectually in all respects as the same might have been exercised by the Trustees.

15. The following provisions shall apply to every special meeting of the Church members and subscribers:—

(*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 Church members and subscribers 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 in the chapel on the two Lord's days immediately preceding such meeting:

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

(*c*) The only persons who shall be entitled to attend and vote at such meeting shall be those who whether male or female have attained the age of seventeen years and have during at least the six calendar months next preceding the meeting been Church members or subscribers:

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

(*e*) The term "a special resolution" in this scheme means a resolution passed at a special meeting of the Church members and subscribers 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 Church members and subscribers whether present or not at such meeting and upon the congregation:

(*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 Church members and subscribers whether present or not at such meeting and upon the congregation:

(*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.

16. Except where it is hereby expressly provided that a special resolution 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 Church members and subscribers at ordinary meetings 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 subject to the provisions of such last preceding clause thereof.

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

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

SCHEDULE TO THE SCHEME.

The unity of the Godhead as Father Son and Holy Spirit.

The incarnation resurrection and ascension of the only-begotten Son of the Father in Jesus Christ Who is our propitiatory sacrifice our Redeemer our Judge the sole Head of His Church.

The quickening indwelling guiding and sanctifying of the Holy Spirit.

The revelation of God's grace to man and of man's duty to God in the Holy Scriptures.

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