CHAPTER clxxiv.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the following Charities:—(1) The Charity of the Congregational Chapel School and Trust Property in Grimshaw Street in the Borough of Preston in the County of Lancaster (2) The Charity consisting of the West End Congregational Chapel School and Trust Property in the Borough of Southport in the said County and (3) The Charity consisting of the Congregational Chapel School and Trust Property at Gatley in the Ancient Parish of Stockport in the County of Chester. [15th August 1913.]

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WHEREAS the Charity Commissioners in their report to His Majesty of their 'proceedings during the year one thousand nine hundred and twelve have reported that they have approved and certified a scheme for the application or management of the following charities to which the Charitable Trusts Acts 1853 to 1894 were extended by orders of the Charity Commissioners of the twenty-seventh day of September one thousand nine hundred and twelve:—

(1) The charity consisting of the Congregational chapel school and trust property in Grimshaw Street in the borough of Preston in the county of Lancaster comprised in the following indentures or one of them:—

Indenture dated the twenty-first day of January one thousand eight hundred and eight;

Indenture dated the first day of December one thousand eight hundred and thirty-seven;

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Indenture dated the sixteenth day of November one thousand eight hundred and forty-seven:

(2) The charity consisting of the West End Congregational chapel school and trust property in the borough of Southport in the said county comprised in an indenture dated the eleventh day of November one thousand eight hundred and sixty-one:

(3) The charity consisting of the Congregational chapel school and trust property at Gatley in the ancient parish of Stockport in the county of Chester comprised in the following indentures or one of them:—

Indenture dated the twenty-sixth day of March one thousand eight hundred and ten;

Indenture dated the twenty-first day of April one thousand eight hundred and seventy-three;

Indenture dated the twentieth day of October one thousand eight hundred and ninety-seven;

Indenture dated the twenty-third day of December one thousand nine hundred and five:

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 Preston Southport and Gatley Chapels Scheme Confirmation Act 1913.

SCHEDULE.

Scheme for the Application or Management of the following Charities :—

(1) *The Charity consisting of the Congregational chapel school and trust property in Grimshaw Street in the borough of Preston in the county of Lancaster :*

(2) *The Charity consisting of the West End Congregational chapel school and trust property in the borough of Southport in the said county :*

(3) *The Charity consisting of the Congregational chapel school and trust property at Gatley in the ancient parish of Stockport in the county of Chester.*

1. In this scheme the expression "the Church" means—

(1) In the case of the above-mentioned charity numbered 1 the Church for the time being assembling for worship in the chapel belonging to that charity ;

(2) In the case of the above-mentioned charity numbered 2 the Church for the time being assembling for worship in the chapel belonging to that charity ;

(3) In the case of the above-mentioned charity numbered 3 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 specified in the schedule hereto and all other the endowments (if any) of the said charities shall be administered and managed respectively by the following bodies as the Trustees thereof subject to and in conformity with the provisions of this scheme :—

(*a*) In the case of the said charities numbered 1 and 2 by the Lancashire Congregational Union (Incorporated) ; and

(*b*) In the case of the said charity numbered 3 by the Cheshire Congregational Union (Incorporated).

3. The endowments of each charity with the appurtenances are hereby vested in the Union hereby constituted the Trustees thereof for all the estate and interest therein belonging to or held in trust for the charity.

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4. The Trustees shall permit the buildings belonging to each 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.

5. The Trustees shall permit to officiate in the said buildings as stated minister or pastor of the Church such persons only as shall be of the denomination aforesaid being Pædobaptists and shall except in the case of the present minister or pastor (if any) be chosen and elected by special resolution of the Church 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 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 the Church with the consent of the minister or pastor 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 such appointment shall be negatived by a resolution of the Church.

7. The Trustees shall in the case of each charity 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 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 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 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 each 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.

9. Except as regards any property of the charities which 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 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 estates 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.

10. Subject to the restrictions contained in the last preceding clause hereof it shall be lawful for the Trustees in the case of each charity without obtaining the consent of the Church 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.

11. Subject to the said restrictions herein-before contained the Trustees shall in the case of each charity whenever required by a special resolution of the Church with the consent in writing of the Trustees or their committee or a majority of such committee 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 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

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charity 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 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.

12. Without prejudice and in addition to the powers contained in clauses 10 and 11 in case the Trustees shall be required to pay any money for which such Trustees shall be liable in relation to the trusts of this scheme and the same shall not be duly provided by the Church after demand or otherwise than by such Trustees it shall be lawful for the Trustees on their sole authority and without the consent request or direction of the Church or any member thereof but subject to the said restrictions herein-before contained to mortgage all or any part of the premises when and in such manner in all respects as such Trustees shall think proper and out of the proceeds thereof to pay all expenses of and incident to such mortgage and fully to reimburse and indemnify such Trustees.

13. Notwithstanding anything herein-before contained if in the case of any of the charities the Church is dissolved or dispersed or (unless the Church shall have removed within the meaning of clause 18 hereof) if the regular 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 shall be reduced to 15 or under the Trustees may in their uncontrolled 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 principles and usages inconsistent with those herein-before referred to and in such manner as shall be directed by the committee of the Congregational Union of England and Wales.

14. 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 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 formed or 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.

15. All the trusts powers discretions and authorities hereby given to or vested in either body of Trustees where not otherwise specially defined shall be exerciseable by the executive committee of the Union.

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

(*a*) The meeting shall be convened by the minister or pastor or the deacons or the 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 in the chapel belonging to the charity 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 21 years and have been members of the Church during at least 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 "special resolution" in this scheme means a resolution passed at a special meeting of the Church by a majority consisting of not less than two-thirds of the persons present and voting on the resolution 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 present and voting on the resolution shall be binding on all the members of the Church whether present or not at such meeting:

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(*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.

17. 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 the case of each charity 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.

18. In the case of each charity 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.

19. 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.

As to Charity numbered 1.

Three pieces of land containing respectively 399 614 and 424 superficial square yards or thereabouts situate in Grimshaw Street in the borough of Preston in the county of Lancaster with the buildings thereon or on part thereof consisting of the chapel and school.

As to Charity numbered 2.

A piece of land containing 5,446 superficial square yards or thereabouts situate on the west side of Duke Street in the borough of Southport in the county of Lancaster with the buildings thereon consisting of the West End Congregational chapel school and chapel-keeper's house.

As to Charity numbered 3.

A piece of land containing 294 superficial square yards or thereabouts situate at Gatley in the ancient parish of Stockport in the county of Chester with the buildings thereon consisting of the chapel and school.

A piece of land containing 447⅔ superficial square yards or thereabouts situate adjoining the last-mentioned piece of land.

A chief rent of 3*l*. 10*s*. issuing out of premises in Hilton Street and Port Street in the city of Manchester.

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