CHAPTER iv.

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 the Parish of Westgate on Sea in the County of Kent. A.D. 1918.

[27th June 1918.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year nineteen hundred and seventeen 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 the parish of Westgate on Sea in the county of Kent comprised in an indenture dated twenty-sixth November eighteen hundred and eighty-three to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an order of the Charity Commissioners of the twentieth November nineteen hundred and seventeen:

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

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 Westgate on Sea Congregational Chapel Charity Scheme Confirmation Act 1918.

[*Price* 6*d. Net.*]

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SCHEDULE.

Scheme for the Application or Management of the Charity consisting of the Congregational Chapel and Trust Property in the Parish of Westgate-on-Sea in the County of Kent comprised in an Indenture dated 26th November 1883.

1. The above-mentioned charity and the endowment thereof shall be administered and managed by the body called the Congregational Union of England and Wales (Incorporated) as the Trustees of the charity subject to and in conformity with the provisions of this scheme.

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

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 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 Christian church for the time being assembling for worship in the said buildings and for the instruction of children and adults and for the promotion of such other charitable purposes whether religious or philanthropic in connexion 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 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) 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 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.

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 for the purpose shall appoint unless such appointment shall be negatived by a resolution of the church.

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6. 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 and any other money which may come into the hands of the Trustees in connexion with the charity in the nature of income and after payment thereout of the expenses of repairing and insuring the buildings of the charity and the interest of any mortgage or debt secured on the property of the charity or incurred in the erection completion repair alteration enlargement or improvement of the said buildings to pay such sum for the support of the minister or pastor 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 said buildings and for the other purposes of 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.

7. The Trustees shall from time to time under the direction of the church 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 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 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 estates 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 thereof 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 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 or debts incurred or to be incurred in the erection or completion of the buildings erected

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or to be erected on the land belonging to the charity and not provided for by voluntary subscriptions.

10. Subject to the said restrictions hereinbefore contained 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 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 connexion 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 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 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 situated within twenty miles of the site of the existing chapel at which the church assembles for worship and shall be held by the Trustees upon the same trusts and subject to the same powers and provisions as are herein declared concerning that chapel 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.

11. Notwithstanding anything hereinbefore contained if the church is dissolved or dispersed or (unless the church shall have removed within the meaning of clause 17 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 fifteen or under the Trustees may in their discretion but subject to the said restrictions hereinbefore 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 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.

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 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 hereinbefore 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 mortgagee lessee purchaser 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. If the church shall at any time by a special resolution request the said Congregational Union of England and Wales (Incorporated) or any other incorporated union or association acting as Trustees to retire from the trusteeship of the charity 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 minister or 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 charity either duly qualified individual persons or another incorporated union or any incorporated association of Congregational churches and the said Congregational Union of England and Wales (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 In the event of the appointment of individual Trustees the following provisions as to such appointment and as to the discharge and retirement of Trustees by way of variation of the statutory provisions shall take effect:—

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

(2) 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

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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:

(3) 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:

(4) 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 minister or pastor and deacons or one of the deacons (if there shall be such minister or pastor or deacons) 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 when the Trustees are an incorporated union or association be exerciseable by their committee or a majority of such committee and when there are individual Trustees by a majority of the 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 they shall be entitled to act according to their rules and byelaws from time to time in force.

15. 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 on the two Lord's days immediately preceding such meeting at each service held in the chapel at which the church assembles for worship:

(*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 twenty-one 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:

(*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 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.

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 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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