



CHAPTER clxix.

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 Roe Street in the Ancient Township of Macclesfield in the Ancient Parish of Prestbury in the County of Chester. A.D. 1913.
[15th August 1913.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and eleven 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 Roe Street in the ancient township of Macclesfield in the ancient parish of Prestbury in the county of Chester comprised in an indenture dated the seventeenth day of May eighteen hundred and thirty to which charity the Charitable Trusts Acts eighteen hundred and fifty-three to eighteen hundred and ninety-four were extended by an order of the Charity Commissioners dated the seventeenth day of November nineteen hundred and eleven:

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:—

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held

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A.D. 1913. 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 *Roe Street (Macclesfield)*
Congregational Chapel Scheme Confirmation Act 1913.

SCHEDULE.

A.D. 1913.

Scheme for the Application or Management of the Charity consisting of the Congregational Chapel and Trust Property in Roe Street in the Ancient Township of Macclesfield in the Ancient Parish of Prestbury in the County of Chester comprised in an Indenture dated 17th May 1830.

1. The charity and its endowments consisting of the above-mentioned chapel and trust property held as to part thereof for the residue of a term of 999 years from the 25th March 1815 subject to the payment of a yearly rent of 6*l.* 3*s.* 11*d.* and as to other part thereof for the residue of a term of 999 years from the 20th August 1829 subject to the payment of a yearly rent of 24*l.* 5*s.* shall be administered and managed by the Cheshire Congregational Union (Incorporated) as the Trustees of the charity subject to and in conformity with the provisions of this scheme.

2. The aforesaid endowments of the charity with the appurtenances are hereby vested in the said Union for all the terms and interest therein belonging 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 according to the principles and usages of Protestant dissenters of the Congregational denomination commonly called Independents being Pædobaptists under the direction of the Christian Church for the time being assembling for worship therein 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 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 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 the Church with

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A.D. 1913. 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.

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 the 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 thereof 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.

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 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 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 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 21 years.

9. Subject to the said restrictions herein-before contained the Trustees shall whenever required by a special resolution of the Church

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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 customaryhold or leasehold premises in accordance with the directions of the Church. The Trustees shall stand possessed of the moneys arising from any such sale mortgage enfranchisement 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 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 shall by special resolution direct but so that any premises so purchased or so taken in exchange whether freehold copyhold customaryhold 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.

10. Notwithstanding anything herein-before contained if the Church is dissolved or dispersed or 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 herein-after provided shall be reduced to 20 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 in such manner as they shall think fit the net proceeds of such letting mortgage or sale remaining after payment of all expenses for religious purposes not being contrary to the principles and usages of the denomination aforesaid.

11. Without prejudice and in addition to the power contained in clause 9 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 said 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 said 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

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A.D. 1913. 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.

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 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.

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

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 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: A.D. 1913.
- (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.

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. Provided lastly that 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.

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

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