



### CHAPTER IV.

An Act to confirm a Scheme of the Charity Commissioners A.D. 1916.  
for the application or management of the Charity  
consisting of the Protestant Congregational Dissenters'  
Chapel in the Parish of Burnham-on-Crouch in the  
County of Essex. [18th December 1916.]

**W**HEREAS the Charity Commissioners in their report to  
His Majesty of their proceedings during the year one  
thousand nine hundred and thirteen reported that they had  
approved and certified a scheme for the application or manage-  
ment of the charity consisting of the Protestant Congregational  
Dissenters' Chapel in the parish of Burnham-on-Crouch in the  
county of Essex comprised in the following instruments:—

Declaration of trust dated twenty-seventh June one thousand  
eight hundred and sixty-two; and

Deed of enfranchisement dated twenty-second August one  
thousand nine hundred and twelve;

to which charity the Charitable Trusts Acts 1853 to 1894 were  
extended by an order of the Charity Commissioners of the  
eleventh April one thousand nine hundred and thirteen:

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 Confirmation  
of scheme.  
that nothing in this Act or in the said scheme shall be held

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A.D. 1916. — 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 Burnham-on-Crouch Chapel Scheme Confirmation Act 1916.

SCHEDULE.

A.D. 1916.

*Scheme for the application or management of the Charity consisting of the Protestant Congregational Dissenters' Chapel in the Parish of Burnham-on-Crouch in the County of Essex.*

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

2. The above-mentioned chapel with the appurtenances shall forthwith vest 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 for the time being 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 as the said 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 said 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) be chosen and elected by special resolution of the said 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 be removed from his office by a special resolution of the said 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 said church for the time being (if any) or if there be no such minister or pastor as the deacon or deacons of the said church for the time being or any committee from time to time appointed by the said church for the purpose shall appoint unless any such appointment shall be negatived by a resolution of the said church.



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A.D. 1916.

6. The Trustees shall permit the deacon or deacons of the said church or other person or persons appointed for the purpose by the said 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 premises in the nature of income and after payment thereof 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 said church as the said 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 charity as the said 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 said church permit the buildings for the time being belonging to 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 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 charity estate 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 the necessity of obtaining the consent of the said church to raise by mortgage of the property of the charity or by a deposit of the title deeds thereof



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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 for the time being belonging to the charity and not provided for by voluntary subscriptions. A.D. 1916.

10. Subject to the said restrictions herein-before contained the Trustees shall whenever required by a special resolution of the said 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 said 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 in such manner as the said 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 twenty miles of the premises 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 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.

11. Notwithstanding anything herein-before contained if the said church is dissolved or dispersed or (unless the said 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 said church entitled to vote at a special meeting as herein-after provided for shall be reduced to ten or under the Trustees may in their discretion but subject to the said restrictions herein-before contained 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 for such religious purposes and in such manner as the Trustees shall in their discretion think proper.

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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 said 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 said church has been dissolved or any of the said other events have taken place or (except as regards the said restrictions contained in clause 8 hereof) 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. In case the said church shall at any time by a special resolution request the said Essex Incorporated Congregational Union 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 pastor and deacons of the said church the said 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 Essex Incorporated Congregational Union or other the union or association ceasing to be Trustees shall at the request and cost of the said 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 said church may appoint. During such period as an incorporated union or association shall act as Trustees of the charity they shall be entitled to act according to their rules and byelaws from time to time in force.

14. In the event of the said Essex Incorporated Congregational Union or any other incorporated union or association acting as Trustees ceasing to be Trustees of the charity 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



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retirement of Trustees by way of variation of the statutory provisions shall take effect:— A.D. 1916.

- (i) The full number of Trustees shall be ten 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 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) 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 said 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.

15. 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 their being individual Trustees as fully and effectually in all respects as the same might have been exercised by the Trustees.

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

- (a) The meeting shall be convened by the minister or pastor or deacons or committee for the time being of the said church or by the authority of the Trustees or of one-fifth in number of the members of the said 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:

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- (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 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 said 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 said 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 said 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 said 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.

17. Except where it is hereby expressly provided that a special resolution of the said church or a resolution of a special meeting thereof is requisite the affairs of the said church and the provisions of this scheme may in all respects be managed and carried out under the direction of the members of the said church at ordinary meetings of the said 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 said church subject to the provisions of such last preceding clause hereof.

18. In the event of the removal of the said church to another locality the powers hereby vested in the said church in regard to the



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trust premises shall not thereby be suspended or in any manner impaired or affected. A.D. 1916.

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.

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