



CHAPTER xvii

An Act to authorise the appointment of certain trust corporations as trustees of Baptist and Congregational charities and the declaration adoption and amendment of model trusts and for other purposes.

[22nd June 1951.]

WHEREAS the Baptist Union of Great Britain and Ireland is an unincorporated association of persons and bodies of persons being Protestant dissenters belonging to the Baptist denomination the constitution of which association is published in the Baptist handbook and the affairs of which are regulated by a council and an assembly:

And whereas the Baptist Union of Wales and Monmouthshire is a similar association of persons and bodies in Wales and Monmouthshire:

And whereas the Baptist Union Corporation Limited is a company limited by guarantee incorporated under the Companies Acts 1862 to 1890 having for its main object the promotion of the interests of the Baptist denomination and having power to act as trustee of any property vested in the said company:

And whereas the Congregational Union of England and Wales is an unincorporated association of persons and bodies of persons being Protestant dissenters belonging to the Congregational denomination commonly called Independents the constitution of which association is published in the Congregational year book and the affairs of which are regulated by a council and an assembly:

And whereas the Congregational Union of England and Wales (Incorporated) is a company limited by guarantee incorporated under the Companies Acts 1862 to 1900 having for its

main object the promotion of the Evangelical religion according to the principles and usages for the time being of Protestants of the Congregational denomination and having power to act as trustees of any property vested in the said company :

And whereas the companies whose names are set out in the first and second parts of the schedule to this Act are companies limited by guarantee (or otherwise limited) incorporated under the Companies Acts 1860 to 1900 or later Acts having objects and powers similar to the objects and powers of the Baptist Union Corporation Limited and the Congregational Union of England and Wales (Incorporated) respectively :

And whereas the members of the said denominations are organised for the purpose of worship communion and fellowship into autonomous groups of members known as churches and groups of churches form bodies known as associations or county unions :

And whereas various places of worship chapels mission halls preaching places manses Sunday schools and institutes dwelling-houses and other lands and buildings situate in various parts of England and Wales and other properties are held upon various trusts for the use and benefit of churches of the Baptist or Congregational denominations or other organisations of those denominations :

And whereas by a great number of the foundation deeds whereby such trusts were declared it is provided that the trustees to be appointed upon any appointment of new trustees shall be individuals or shall be members or male members of churches of the Baptist or Congregational or of some other Protestant dissenting denomination or such deeds contain other limitations or provisions restrictive of or limiting the power of a trust corporation to be trustees thereof and in some cases such deeds contain provisions that the number of trustees must be kept up or made up to a particular number :

And whereas many of such foundation deeds are of ancient date or contain no sufficient or convenient provisions for the due administration of the trusts :

And whereas it is desirable that property held for the purposes of the residence of a minister of any church should be held upon different administrative trusts from the trusts affecting chapels halls and other property :

And whereas by a declaration of trust dated the twenty-seventh day of October nineteen hundred and fifty under the seal of the Baptist Union Corporation Limited recorded in the books of the Charity Commissioners for England and Wales on the third day of November nineteen hundred and fifty trusts were declared of a certain piece of land at the junction of Rowlett Road and Darley Dale Road Corby in the county of

Northampton and such trusts are the Baptist Model Trusts for Chapels and Halls:

And whereas by a declaration of trust dated the twenty-seventh day of October nineteen hundred and fifty under the seal of the Baptist Union Corporation Limited recorded in the books of the Charity Commissioners for England and Wales on the third day of November nineteen hundred and fifty trusts were declared of a certain piece of land in Tudor Way Rickmansworth in the county of Hertford and such trusts are the Baptist Model Trusts for Manses:

And whereas by a declaration of trust dated the fourth day of March nineteen hundred and forty-eight under the seal of the London Congregational Union Incorporated recorded in the books of the Charity Commissioners for England and Wales on the twelfth day of March nineteen hundred and forty-eight trusts were declared of a certain piece of land known as the Alexandra Park Congregational Church and such trusts are known as the Congregational Model Trusts (General):

And whereas by a declaration of trust dated the thirteenth day of September nineteen hundred and forty-six under the seal of the Congregational Union of England and Wales (Incorporated) recorded in the books of the Charity Commissioners for England and Wales on the eighth day of November nineteen hundred and forty-six trusts were declared of a certain piece of land known as 23 Kingswood Road Dunton Green in the county of Kent and such trusts are known as the Congregational Model Manse Trusts:

And whereas it is expedient that such provisions should be made as are in this Act contained enabling the above-mentioned trust corporations and other trust corporations to be appointed trustees of such trusts and enabling such trust corporations to declare that the property subject to such trusts should thenceforth be held upon the appropriate model trusts in lieu of the former trusts and for power to be conferred to vary such model trusts:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say) :—

1. This Act may be cited as the Baptist and Congregational Short title. Trusts Act 1951.

Interpretation.

2. In this Act unless the context otherwise requires the following expressions have the meanings hereby assigned to them (that is to say) :—

“ Appropriate model trust ” means such of the model trusts mentioned in this section as is appropriate to the denomination for the benefit of which and the purpose for which the trust property is held ;

“ Appropriate trust corporation ” means in the case of property held on trusts relating to the Baptist denomination a Baptist trust corporation and in the case of property held on trusts relating to the Congregational denomination a Congregational trust corporation ;

“ An association ” means a group or union of churches in a particular area and includes a congregational union of any county in England or Wales ;

“ The Baptist Model Trusts for Chapels and Halls ” “ the Baptist Model Trusts for Manses ” “ the Congregational Model Trusts (General) ” and “ the Congregational Model Manse Trusts ” mean respectively the model trusts known by these names respectively ;

“ Baptist trust corporations ” means the trust corporations whose names and titles are set out in the first part of the schedule to this Act and such other trust corporations as now or at any time hereafter (a) are or may be duly authorised by the Lord Chancellor to act as trust corporations under the provisions of the Law of Property (Amendment) Act 1926 and (b) have or may have objects for the promotion of the Evangelical religion according to the principles and usages of the Baptist denomination and (c) are or may be approved by the Baptist Union ;

“ Baptist Union ” means the religious and charitable association known as “ the Baptist Union of Great Britain and Ireland ” ;

“ A church ” means a body of persons organised according to the principles and usages of the Baptist or Congregational denomination for the purpose of worship communion and fellowship ;

“ Church lands ” means places of worship chapels mission halls preaching places Sunday schools institutes dwelling-houses manses and other lands and buildings in England and Wales which under the direction and control of a recognised denominational society are used occupied or enjoyed or intended to be so used occupied or enjoyed for all or any of the following purposes (namely) :—

(a) The public worship of God according to the principles and usages for the time being of Protestant

16 & 17 Geo. 5.
c. 11.

dissenters of either the Baptist or Congregational denominations ;

(b) The instruction of children or adults or the promotion of other religious or charitable purposes in accordance with the principles and usages aforesaid ;

(c) A residence for a minister of either of the said denominations or for a caretaker of any of the aforesaid premises ;

“ Congregational trust corporations ” means the trust corporations whose names and titles are set out in the second part of the schedule to this Act and such other trust corporations as now or at any time hereafter (a) are or may be duly authorised by the Lord Chancellor to act as trust corporations under the provisions of the Law of Property (Amendment) Act 1926 and (b) have or may have objects for the promotion of the Evangelical religion according to the principles and usages of the Congregational denomination and (c) are or may be approved by the Congregational Union and by the association of the county in which the church lands intended to be vested in such trust corporations are situate ;

“ Congregational Union ” means the religious and charitable association known as “ the Congregational Union of England and Wales ” ;

“ Recognised denominational society ” means and includes the Baptist Union the Congregational Union the Baptist Union of Wales and Monmouthshire and a church or association or other body which is duly recognised as the case may be as Baptist by the Baptist Union or by the Baptist Union of Wales and Monmouthshire or as Congregational by the Congregational Union by writing under the hand of the secretary of such union.

3.—(1) Notwithstanding anything to the contrary contained in any trust deed relating to church lands an appropriate trust corporation may be appointed to be and may act (either alone or jointly with others) as a trustee of such trusts as if such trust corporation were an individual having the qualifications prescribed by such trust deed and in such case any provision relating to the number of trustees to be appointed shall have no application.

Appointment of Baptist or Congregational trust corporations as trustees.

(2) When a trust corporation has been appointed a trustee of any trust then so long as such trust corporation remains such trustee any provision in the foundation deed of such trust relating to the number of trustees shall cease to operate.

Adoption of
model trusts.

4. A Baptist trust corporation (other than the Welsh Baptist Union Corporation Limited) or a Congregational trust corporation being a trustee alone or jointly with others of any church lands may at the request of the recognised denominational society entitled to occupy enjoy or have the benefit of such church lands by writing under its seal alone (if it shall be a sole trustee) or by writing under its seal and under the hands and seals of such other trustees (if it shall be a trustee jointly with other trustees) declare that such church lands shall thenceforth be held on the appropriate model trusts (subject to the provisions of section 6 (Saving for doctrinal standards and other matters) of this Act) and thenceforth the said church lands shall (subject as aforesaid) be held upon such trusts accordingly.

Power to
amend model
trusts.

5.—(1) Any of the appropriate model trusts may be amended wholly or in part by alteration addition or omission but not earlier than the year nineteen hundred and fifty-three and at recurring intervals of not less than ten years after any amendment shall have been made and so that every such amendment shall be first approved by the council of the Baptist Union or of the Congregational Union as the case may be by resolution carried by a majority of three-fourths of the persons present and voting at a meeting of such council specially convened for the purpose and shall then be submitted for the consideration of the next annual meeting of the assembly of the Baptist Union or of the Congregational Union as the case may be the nature and particulars of the amendment approved by such council having been first published in the agenda paper of the meeting of such assembly and shall be approved by a resolution of such assembly carried at such meeting or any adjournment thereof by the votes of not less than two-thirds of the persons present and voting on such resolution and confirmed in the next subsequent year by a resolution of such assembly similarly carried and in that case shall be binding as from the date of the said confirmatory resolution of such assembly and shall be conclusively evidenced by the insertion in the minutes of the assembly of such resolution and confirmatory resolution.

(2) Every such amendment as aforesaid shall have effect as from the date of the confirmatory resolutions in this section mentioned and thereafter the said model trusts shall be construed and take effect as so amended and reference in any document executed after that date to the appropriate model trusts shall be construed and take effect as a reference to the appropriate model trusts as so amended.

(3) Any such amendment shall be embodied in a deed poll under the hand and seal of the president or chairman for the time being of the Baptist or Congregational Union as the case may be and any such deed poll shall within three months after execution be sent to the office of the Charity Commissioners for

England and Wales for the purpose of being recorded in the books of the said commissioners.

6. Nothing in this Act shall confer any power to alter or to vary in any trust deed or in any model trusts any provision as to— Saving for doctrinal standards and other matters.

- (a) the doctrinal standards to be held and proclaimed;
- (b) the qualifications of the minister or ministers deacons or elders or members of any church of either of the said denominations;
- (c) the identity of the ultimate beneficiaries who may be entitled to the church lands or to the proceeds of sale thereof or other property in the event of the failure of the primary trusts.

7. This Act shall not apply to Scotland or Northern Ireland. Extent of Act.

8. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act and otherwise in relation thereto shall be borne and paid as to one-half partly by and out of the general fund of the Baptist Union and partly by and out of the funds of the trust corporations mentioned in the first part of the schedule to this Act in such proportions as may be agreed between the Baptist Union and those trust corporations and as to the other half partly by and out of the general fund of the Congregational Union and partly by and out of the funds of the trust corporations mentioned in the second part of the schedule to this Act in such proportions as may be agreed between the Congregational Union and those trust corporations. Costs of Act.

THE SCHEDULE

FIRST PART

EXISTING BAPTIST TRUST CORPORATIONS

- The Baptist Union Corporation Limited.
- The Bristol and District Association of Baptist Churches (Incorporated).
- The Devon Baptist Association Corporation Limited.
- The East Midland Baptist Association (Incorporated).
- The Lancashire and Cheshire Association of Baptist Churches (Incorporated).
- The London Baptist Property Board Limited.
- The Welsh Baptist Union Corporation Limited.
- The West Midland Baptist (Trust) Association (Incorporated).
- The Wilts and East Somerset Baptist Association (Incorporated).
- The Yorkshire Association of Baptist Churches and Home Mission or Itinerant Society (Incorporated).

SECOND PART

EXISTING CONGREGATIONAL TRUST CORPORATIONS

- The Congregational Union of England and Wales (Incorporated).
- The Berks South Oxon and South Bucks Congregational Union (Incorporated).
- The Cambridgeshire Congregational Union (Incorporated).
- The Cheshire Congregational Union (Incorporated).
- The Devon Congregational Union (Incorporated).
- The Dorset Congregational Association (Incorporated).
- The Durham and Northumberland Congregational Union (Incorporated).
- The Essex Congregational Union (Incorporated).
- The Congregational Union of Gloucestershire and Herefordshire (Incorporated).
- The Hampshire Congregational Union (Incorporated).
- The Hertfordshire Congregational Union (Incorporated).
- The Kent Congregational Association (Incorporated).
- The Lancashire Congregational Union (Incorporated).
- The Leicestershire and Rutland Congregational Union (Incorporated).

- The Lincolnshire Congregational Union (Incorporated).
- The London Congregational Union (Incorporated).
- The Monmouthshire Congregational Union (Incorporated).
- The Norfolk Congregational Union (Incorporated).
- The Northamptonshire Association of Congregational Churches (Incorporated).
- The Nottinghamshire Congregational Union (Incorporated).
- The Shropshire Congregational Union (Incorporated).
- The Somerset Incorporated Congregational Union.
- The Staffordshire Congregational Union (Incorporated).
- The Suffolk Congregational Union (Incorporated).
- The Surrey Congregational Union (Incorporated).
- The Sussex Congregational Union (Incorporated).
- The Warwickshire Congregational Union (Incorporated).
- The Wilts and East Somerset Congregational Union (Incorporated).
- The Yorkshire Congregational Union (Incorporated).
- The English Congregational Union of North Wales (Incorporated).
- The South Wales English Congregational Union (Incorporated).
- The Union of Welsh Independents (Incorporated).

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SCHEDULE.