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TUESDAY, 30 APRIL, 1957

At the Court at Windsor Castle, the 29th day of April, 1957.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS the Church Commissioners have duly prepared and laid before Her Majesty in Council a Scheme bearing date the 8th day of February, 1957, in the words and figures following, that is to say:—

“We, the Church Commissioners, acting in pursuance of the Pastoral Reorganisation Measure, 1949, the Union of Benefices Measures, 1923 to 1952, and the Diocesan Stipends Funds Measure, 1953, now humbly lay before Your Majesty in Council the following Scheme which we have prepared with the consent of the Right Reverend William, Bishop of Bath and Wells (in witness whereof he has signed the Scheme), for effecting the union of the benefice of Spaxton and the benefice of Charlynych both situate in the diocese of Bath and Wells,

“SCHEME.

“1. *Union of Benefices.* The benefice of Spaxton and the benefice of Charlynych shall be permanently united together and form one benefice with cure of souls under the style of ‘The United Benefice of Spaxton with Charlynych’, but the parishes of the said benefices shall continue in all respects distinct.

“2. *Taking effect of union.* Upon the day when any Order of Your Majesty in Council affirming this Scheme is published in the London Gazette the union shall forthwith take effect.

“3. *Parsonage House.* Upon the union taking effect the parsonage house at present belonging to the benefice of Spaxton shall be the house of residence of the incumbent of the united benefice.

“4. *Patronage.* After the union has taken effect the right of presentation to the united benefice shall be exercised by the patrons of the two benefices alternately, the patron of the benefice of Charlynych having the first presentation to the united benefice to be made after the union.

“5. *Diversion of Endowment Income.*

“(1) Subject as hereinafter provided any surplus, calculated by us for the twelve months ending on the 31st March in each year of the endowment income (calculated in accordance with the Schedule hereto) of the united benefice over and above an annual sum of £750 shall, with effect from the date upon which the union shall take effect, be paid to and be held by us, for the benefit of the diocesan stipends fund of the diocese of Bath and Wells.

“(2) The said endowment income and the said surplus and the said annual sum of £750 shall be deemed to accrue from day to day and shall when we deem that circumstances so require be apportionable accordingly.

“(3) Any moneys due to us from the incumbent of the united benefice, or, during any vacancy in the united benefice, from the sequestrators thereof, as the case may be (hereinafter called ‘the incumbent or sequestrators’) upon the calculation of the said surplus shall be paid by the incumbent or

sequestrators to us not later than the 30th June in each year and shall be recoverable as a debt due to us.

“(4) For the purpose of ascertaining the amounts of the said endowment income and of the said surplus, we shall have power to require production by the incumbent or sequestrators of accounts and other documents in relation thereto, and the said accounts for the twelve months to 31st March in each year (or where applicable for a part of the year ending on that date) shall be rendered annually to us within six weeks of that date in such form as we shall prescribe; and in the event of failure by the incumbent or sequestrators to produce such accounts or documents we shall have all legal remedies for enforcing production thereof.

“SCHEDULE.

“For the purpose of this Scheme the endowment income of the united benefice shall without prejudice to the power of decision vested in us by virtue of Section 18 of the Pastoral Reorganisation Measure, 1949, if any question shall arise, be computed in accordance with our Central Register of Benefice Income, that is to say, by including:—

“(1) all gross secured income payable by us and any other person or body, and

“(2) all gross income received from ground rents, chief rents or other fixed charges, other glebe rents and any letting of the parsonage house or a normally divided portion thereof,

“and by deducting therefrom:—

“(1) the rates payable on the parsonage house if occupied by the incumbent,

“(2) the rent and rates payable on any house occupied by the incumbent other than the parsonage house,

“(3) the annual assessment charged upon the incumbent under the Ecclesiastical Dilapidation Measures, 1923 to 1951, in respect of the benefice,

“(4) the rates payable on the glebe,

“(5) the cost of collecting glebe rents,

“(6) any tithe annuity, rentcharge or fee farm rent charged upon the glebe,

“(7) any other outgoings in respect of the glebe,

“(8) any charge upon the benefice income in favour of another benefice or any lay person,

“(9) any payment to a curate or lay worker out of the benefice income,

“(10) the annual payments in respect of capital and interest in respect of any mortgage of the benefice income.

“(11) any pension paid to a retired incumbent out of the benefice income,

“(12) any part of the benefice income diverted to the diocesan stipends fund pursuant to an Order under Section 12 of the Pastoral Reorganisation Measure, 1949.”

And Whereas the provisions of the Union of Benefices Measures, 1923 to 1952, the Union of Benefices Rules, 1926 and 1930, and the Pastoral Reorganisation Measure, 1949, relating to the preparation and submission of this Scheme have been duly complied with: