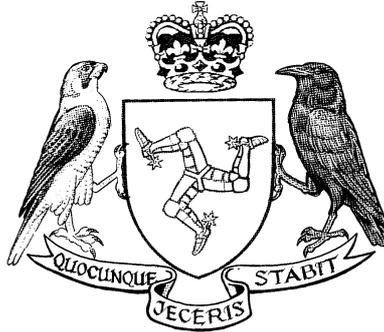


# **BROADWAY BAPTIST CHURCH ACT 2011**

## **Arrangement of Sections**

### Section

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- Schedule — Property transferred to BBC



Isle of Man } Signed in Tynwald: 12th July 2011  
 to Wit } Received Royal Assent: 12th October 2011  
 Announced to Tynwald: 18th October 2011

## AN ACT

to transfer the functions and assets of the Broadway Baptist Church Trust, the Alpha Centre Trust and the Well Trust to Broadway Baptist Church (a company limited by guarantee); and for connected purposes.

WHEREAS —

(1) The Broadway Baptist Church, (“the Church”), was founded by the Church Trust, a Declaration of Trust dated 5th of March 1895.

(2) By Deed of Conveyance dated the 11th day of January 1893 the original Trustees of the Church Trust purchased that plot of land part of Belhaven situate at Broadway in the Town of Douglas and Parish of Onchan from Richard Maltby Broadbent and Jane Allen Broadbent and constructed on that plot the building now commonly known as Broadway Baptist Church (“the Church premises”).

(3) The Well Trust was formed by Declaration of Trust dated the 11th August 1987.

(4) The Alpha Centre Trust was formed by Declaration of Trust dated the 12th August 1992.

(5) By Deed of Conveyance dated the 12th day of August 1992 the Trustees of the Alpha Centre Trust purchased from Cherilan Investments Limited land and buildings situate at Broadway in the Town of Douglas and Parish of Onchan adjacent to the premises of Broadway Baptist Church now commonly known as the Alpha Centre.

(6) The Church, the Alpha Centre Trust and the Well Trust share common religious purposes and governance.

(7) The members of the Church have called upon the Trustees to consolidate, streamline and amalgamate their governance.

(8) The Church intends to establish a body corporate limited by guarantee under the laws of the Isle of Man to be known as “Broadway Baptist Church” (such body corporate being referred to in this Act as “BBC”).

(9) The Church is desirous that permission will be granted to dispense with the use of the word “Limited” under section 18 of the Companies Act 1931 when referring to BBC.

(10) The Church is desirous that BBC shall be registered as a charity for the purposes of the Charities Registration Act 1989.

(11) The Trustees and the members of the Church are desirous that all assets held by the Trusts should vest in BBC and that thereafter the Trusts should be terminated.

(12) The members of the Church are desirous of adopting the basis of faith contained within a Members’ Guide to be adopted by BBC.

(13) These purposes cannot be effected without the authority of an Act of Tynwald.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

Short title      **1.** This short title of this Act is the Broadway Baptist Church Act 2011.

Commencement      **2.** This Act, other than section 1 and this section, shall come into operation on such day or days as the Attorney General, after consultation with the Trustees, may by order appoint.

Definitions      **3.** (1) In this Act —

(a) “the Church” means the body of people forming the church founded in Douglas by the Church Trust and their successors;

(b) “the Church premises” has the meaning given in recital (2) in the preamble;

- (c) “the Church Trust” means the Declaration of Trust dated 5th March 1895;
  - (d) “the Alpha Centre Trust” means the trust established as the Alpha Centre Trust by Declaration of Trust dated 12th August 1992;
  - (e) “BBC” means the body corporate referred to in recital (8) in the preamble;
  - (f) “the Well Trust” means the trust established as the Well Trust by Declaration of Trust dated 11th August 1987;
  - (g) “the Trusts” means the Alpha Centre Trust, the Church Trust and the Well Trust (and “Trustee”, without more, shall be construed accordingly).
- (2) In this Act —
- (a) “the Baptist Union Corporation” means the Baptist Union Corporation Limited, a company duly incorporated under the Companies Acts of England and Wales and registered under company number 32743 (a charity registered in England under registration number 249635) having its registered office situate at Baptist House PO Box 44 129 Broadway, Didcot, Oxfordshire OX11 8RT;
  - (b) “the North Western Baptist Association” means the North Western Baptist Association a company duly incorporated under the Companies Acts of England and Wales and registered under company number 209503 (a charity registered in England under registration number 247113) having its registered office situate at The Resource Centre, Fleet Street, Wigan WN5 ODS;
  - (c) “Spurgeon’s College” means the college now more particularly known as Spurgeon’s College, a company limited by guarantee and being duly incorporated under the Companies Acts of England and Wales and registered under company number 4418151 (a charity registered in England under registration number 1096721) having its registered office situate at South Norwood Hill, London SE25 6DJ;

and each of these definitions includes the successors and permitted assigns of the company in question and any nominee appointed in the Isle of Man to act on the company’s behalf.

Constitution  
of Broadway  
Baptist  
Church  
("BBC")

**4.** The Members' Guide (which contains the basis of faith approved by the Church and adopted by BBC) as from time to time amended, together with the Memorandum and Articles of Association of BBC shall form the constitution of BBC.

Vesting of real  
property held  
by the trustees  
of the Church  
Trust and the  
Alpha Centre  
Trust

**5.** On the coming into operation of this section the real property described in the Schedule held by the Trustees of the Church and the Alpha Centre Trust shall, by virtue of this Act, and without any deed of conveyance, transfer or other instrument, be transferred to and vested in BBC.

Termination  
of the Trusts  
and transfer of  
assets

**6.** On the coming into operation of this section all assets, documents, books, funds or other property of the Trusts, not otherwise conveyed by virtue of section 5, shall pass to and shall become the property of and responsibility of BBC and the Trusts shall terminate accordingly.

Indemnity of  
Trustees

**7.** (1) No Trustee shall by being party to or executing as such Trustee any contract or other instrument or otherwise executing any of the requirements of this Act be subjected to being sued by any person.

(2) The bodies, goods or lands of a Trustee shall not be liable to execution of any legal process by reason of —

- (a) any contract or other instrument to be entered into signed or executed by the Trustees or any of them; or
- (b) any other lawful act done by the Trustees or any of them in the execution of any of their powers or obligations in pursuance of the provisions of this Act;

and in respect of anything falling within paragraph (a) or (b) a Trustee and a Trustee's executors and administrators shall be indemnified out of any trust property for the time being vested in the Trustees or, after the termination of the Trusts, by BBC.

Dissolution

**8.** (1) If BBC is dissolved either voluntarily or by order of the High Court any real property or any assets remaining shall, subject to the order of the High Court —

- (a) be used —
  - (i) to support existing evangelical Christian witness on the Isle of Man; or
  - (ii) for the purpose of establishing a future evangelical Christian witness on the Isle of Man; or

(b) be paid to Spurgeon's College,

as the Baptist Union Corporation acting through the North West Baptist Association in its absolute discretion may decide.

(2) The ultimate beneficiary shall be Spurgeon's College.

(3) Nothing in this section authorises the application of any real property or assets remaining otherwise than for charitable purposes.

## Section 5

## SCHEDULE

*Property transferred to BBC*

1. A plot or parcel of land part of Belhaven situate at Broadway in the Town of Douglas and Parish of Onchan more particularly described in a deed of conveyance bearing date the 11th day of January 1893 from Richard Maltby Broadbent and Jane Allen Broadbent to Francis Thomas Bartlett Westlake, William Darbyshire Eastham, Robert Jones, Peter Travis, Henry Howarth, Walter Clucas, James Shaw, and John Lake, the original Trustees of the Church, together with the building erected thereon and known as Broadway Baptist Church (the Church premises).

2. A plot or parcel of land situate at Broadway in the Town of Douglas and Parish of Onchan more particularly described in a deed of conveyance bearing date the 12th day of August 1992 from Cherilan Investments Limited to the Trustees of the Alpha Centre Trust together with the buildings thereon erected being the former boarding houses known as numbers 7 and 8 Sherwood Terrace and now together known as the Alpha Centre.