

Guideline Leaflet T10: Holborn Trusts

This leaflet only contains the text of the Holborn Trusts, a set of Modern Model Trusts used for residential property owned by Baptist churches. These trusts were available for churches to adopt between 1962 and 2003. This leaflet does not contain any explanation of the way the trusts apply to Baptist property, but this information is contained in other leaflets – there is a list on the next page.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

T10: Holborn Trusts

This leaflet contains the text of the Holborn Trusts.

These are a set of Model Trusts, promoted by the Baptist Union of Great Britain. They were produced to help local Baptist churches with various legal and property arrangements for residential church property. Houses were generally used by the Minister and their family and are usually known as Manses. Sometimes these trusts for residential property are applied to other residential property used by other church workers, or let to provide an income to the church.

They were available for churches to adopt between 3 May 1962 and 1 May 2004.

For those churches that adopted the Holborn Trusts between 1962 and 2004 but have made no further changes to their property and trust arrangements they will still apply.

For general information about the development of our current patterns of Baptist property ownership, please refer to:

T06 Manse Trusts

T01 Baptist Property Trusts – Beginnings and Patterns

T02 Modern Model Trusts

T03 Appointing Property Trustees – Baptist Trust Corporations

T04 Ultimate Trusts – Recycling money for mission

T08 Manse Trusts

The text is reproduced on pages 2-4 is the text of the Holborn Trusts

BAPTIST MODEL TRUSTS FOR MANSES

These trusts may be referred to as the Holborn Trusts and are the model trusts referred to in Section 4 of the Baptist and Congregational Trusts Act, 1951.

Following the passing of a resolution at the Baptist Union Annual Assembly on 1 May 1961, approving amendments to the Kingsgate Trusts and a confirmatory resolution at the Assembly on 30 April 1962, the Holborn Trusts replaced the Kingsgate Trusts for the purposes of Section 4 of the Baptist and Congregational Trusts Act 1951.

THE HOLBORN TRUSTS

SCHEDULE OF TRUSTS

- 1 (1) THESE trusts are the Model Trusts for Manses approved by the Union pursuant to the Baptist and Congregational Trusts Act 1951 and may be referred to as the Holborn Trusts.
- (2) IN this Schedule unless the context otherwise requires:
 - “UNION” means the Baptist Union of Great Britain
 - “ASSOCIATION” means the Regional Baptist Association operating in the locality in which the premises are situated being an Association in membership with the Union or if there shall be no such Association means the Union.
 - “BAPTIST TRUST CORPORATION” has the meaning ascribed in the Baptist and Congregational Trusts Act 1951.
 - “CHURCH” means the Church of Protestant Dissenters of the Baptist Denomination for the purpose of which the premises are held.
 - “TRUST PREMISES” has the meaning ascribed in Clause 2.
 - “TRUSTEES' EXPENSES” has the meaning ascribed in Clause 9.
- (3) (a) ALL the powers discretions and authorities hereby given to or vested in the Union shall be exercisable by the Council of the Union or by such Committee of the Church as the Council may from time to time appoint.
- (b) ALL the powers discretions and authorities hereby given to or vested in the Association shall be exercisable by the Executive Council or Committee of the Association or by such sub-committee, of the Executive Council or Committee as may from time to time be appointed.

- (c) ALL the trusts powers discretions and authorities hereby given to or vested in a body Corporate shall be exercisable by the Directors of such Body.
- 2 SUBJECT as hereinafter mentioned the Trustees shall permit the premises and any buildings erected or hereafter erected thereon (hereinafter called "the Trust Premises") to be used occupied and enjoyed by or under the direction or management of the Church as a dwellinghouse for the stated Minister for the time being of the Church or for the Caretaker for the time being of any other premises held by or in trust for the Church.
- 3 THE Trustees may at the request of the Church let the trust premises or any part thereof upon such terms and at such rent as the Church may propose and the Trustees may approve and subject to satisfaction of the Trustees' Expenses shall stand possessed of the net proceeds Upon trust to pay the same to the Treasurer of the Church for the general purposes of the Church.
- 4 THE Trustees shall permit the Church to erect a dwellinghouse or alter improve enlarge add to or pull down and rebuild any buildings for the time being on the Trust Premises in such manner as the Church shall determine and the Trustees shall approve.
- 5 (i) THE Trustees may at the request of the Church and subject to any statutory restrictions for the time being in force.
- (a) SELL the Trust Premises or any part thereof in such manner or exchange the same or any part thereof for such other hereditaments of freehold or leasehold tenure and pay or accept such money (if any) by way of equality of exchange in such manner as the Church shall in any such case determine and the Trustees shall approve.
- (b) FROM time to time raise by mortgage of the Trust Premises or any part thereof such sums of money and at such rates of interest as the Church shall determine and the Trustees shall consider expedient.
- (ii) SUBJECT to satisfaction of the Trustees' expenses the Trustees shall apply the moneys arising from any such sale or exchange or Mortgage as aforesaid.
- (a) IN defraying such expenditure (whether of a capital nature or otherwise) incurred or to be incurred by the Church in connection with the charitable purposes of the Church as the Church may determine and the Trustees may approve or
- (b) In defraying any expenditure (whether of a capital nature or otherwise) incurred or to be incurred in connection with such other charitable purposes of the Baptist Denomination as the Church may determine and the Trustees may approve.
- (iii) ALL hereditaments taken in exchange under the foregoing provisions and all buildings erected on the premises shall be held by the Trustees upon the same or the like trusts and with and subject to the same or the like powers and provisions as herein contained.
- 6 IF at any time it shall appear to the Union and the Association that the Church has ceased to exist or that the usages and practices of the Church are not in accordance with the usages and practices of the Baptist Denomination then and in that case the Trustees shall at the joint request of the Union and the Association and subject to any statutory restrictions for the time being in force sell mortgage demise or let the Trust Premises or any part thereof in such manner as the Union and the Association shall jointly determine and shall apply the net moneys arising there from in defraying any expenditure (whether of a capital nature or otherwise) incurred or to be incurred in connection with such charitable purposes of the Baptist Denomination as the Union and the Association may jointly determine.
- 7 IN creating any mortgage under any of the powers of mortgage herein contained the Trustees may insert in such mortgage such power of sale and other powers and such covenants and

provisions as they may think expedient including if it is thought desirable a provision for the continuance of the loan for any term therein specified.

- 8 UPON any professed exercise by the Trustees of any power herein contained no person dealing with the Trustees shall be bound or concerned to enquire whether the case in which the power is exercisable has happened or whether the exercise thereof has been determined upon or authorised by the Church the Association or the Union or otherwise as to the propriety or regularity of such exercise or in the case of any of the foregoing powers of raising money by mortgage whether or for what purpose the money raised is required and notwithstanding any impropriety or irregularity whatsoever in the exercise of any such power the same shall in relation to such person be deemed to be within the power under which it purports to be made and valid accordingly.
- 9
 - (a) ALL monies (in this Schedule called "Trustees' expenses") found paid or advanced by the Trustees in or towards the purchase of the Trust premises or any part thereof or the erection improvement or repair of any buildings thereon and any other expenditure properly incurred by the Trustees in the exercise of their duties and powers shall be reimbursed to the Trustees.
 - (b) IF after not less than six months' written notice to the Church any such monies shall remain due to the Trustees they may (subject to any statutory restrictions for the time being in force) sell demise let or mortgage the Trust premises or any part thereof in such manner as they may in their sole discretion determine.
 - (c) ANY balance remaining in the hands of the Trustees after such reimbursement as aforesaid shall be applied in accordance with the provisions of Clause 5 of this Schedule.
- 10 THE power of appointing a new Trustee or new Trustees shall be vested in the Church Provided that if and so long as a Baptist Trust Corporation is a Trustee or one of the Trustees no new or additional Trustee shall be appointed without the previous written approval of that Corporation.
- 11 IF and so long as a Baptist Trust Corporation shall be the Trustee or one of the Trustees monies in the hands of the Trustees and not immediately required for the primary purposes of these trusts may be invested in the purchase of or at interest upon the security of such stocks funds shares securities or other investments (including land of any tenure) of whatsoever nature and wheresoever as the Trustees shall propose and the Church shall approve to the intent that the Trustees and the Church shall together have the same full and unrestricted powers of investing and transposing investments in all respects as if the said monies and investments were vested in an individual as absolute beneficial owner.

END OF HOLBORN TRUSTS

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association BMS Birmingham 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
 129 Broadway, Didcot OX11 8RT
 Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
 Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392

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