

WELLSPRING CHURCH, WIRKSWORTH

**MEMORANDUM OF UNDERSTANDING IN RELATION TO
BAPTIST PROPERTY MATTERS AND BAPTIST PENSION LIABILITIES**

This Memorandum of Understanding is made the ___ day of ____ 2015 between

- Barbara Wilson, William Bowmer, John Proctor, Alison Ball and others the Charity Trustees of Wellspring Church Wirksworth (“ the LEP Trustees”) of the first part and
 - The East Midland Baptist Trust Company Limited of the second part
1. The purpose of this memorandum is to set out the proposals for managing matters relating to Wirksworth and Bonsall Baptist Church
 2. Wirksworth and Bonsall Baptist Church (“the Baptist Church”) and Wirksworth Methodist Church (“the Methodist Church”) are the participating Churches in a single congregation local ecumenical partnership known as Wellspring Church, Wirksworth whose constitution was adopted on 17 November 2013 and is attached at annex A.
 3. Pursuant to the terms of the LEP constitution the LEP trustees shall exercise the functions of the Methodist Church Council and the Deacons of the Baptist Church in relation to the LEP and any property subject to a Sharing Agreement between the Baptist Church and the Methodist Church.
 4. The Methodist Church and the Baptist Church have entered into a Sharing Agreement in substantially the form attached at annex B.
 5. The East Midland Baptist Trust Company (“EMBTC”) held Wirksworth Chapel on behalf of the Baptist Church. It was sold on 19 December 2014 and it is intended that the proceeds of sale (“the Chapel Proceeds”) will be made available to improve Wirksworth Methodist Church. The basis upon which any capital contribution will be made will be set out in writing and agreed between the relevant parties pursuant to clause 6 of the Sharing Agreement.
 6. The following properties are held by the EMBTC on behalf of the Baptist Church:-
 - a Manse, title number DY325465;
 - an Investment Property title number DY454271; and
 - a Cemetery, title number DY454185.
 7. The provisions of this Memorandum of Understanding apply to the properties referred to at paragraph 6 together with any other property which may be acquired by Wirksworth & Bonsall Baptist Church (together “the Baptist Properties”).
 8. Under the terms of the property trusts relating to the Baptist Properties (“the Baptist Property Trusts”), not all of the trustees of the LEP are eligible to be charity trustees of the Baptist Properties (“Baptist Property Charity Trustees”). In addition, some decisions

in relation to the Baptist Properties are reserved to the Special Church Members' Meeting of the Baptist Church.

9. To ensure compliance with the Baptist Property Trusts, the LEP will make supplemental rules to ensure that at all times there are sufficient trustees of the LEP to take the role of Baptist Property Trustees.
10. To ensure compliance with the Baptist Property Trusts when necessary, a meeting of the Baptist Members of Wellspring Church will be called in the manner required by the Baptist Property Trusts.
11. The Baptist Church has an ongoing liability in respect of the accrued deficit on the Baptist Ministers Pension Fund ("the Pension Deficit"). At the present time the liability is being discharged by monthly contributions.
12. The Manse will be made available to the Baptist or Methodist minister appointed by the LEP at an agreed commercial rent. If it is not required by the minister, it will be let.
13. The rental and other income received in relation to the Baptist Properties will first be applied towards the costs relating to those properties, the Pension Deficit and any other payments due to the Baptist Ministers' Pension Fund.
14. After distribution of the income from the Baptist Properties as described in paragraph 13, any surplus funds generated by the management of the Baptist Properties may be transferred to the Common Funds of Wellspring Church, Wirksworth if approved as described in paragraph 15. When determining the surplus funds, the Baptist Property Charity Trustees will take due regard of future incomes and expenditure relating to the Baptist Properties and payments due to the Baptist Ministers' Pension Fund as well as holding a reserve to meet contingent liabilities.
15. Upon the recommendation of the Baptist Property Charity Trustees and the Treasurer of the LEP, transfers may be made from the Baptist Property account to the LEP Common Funds account at any Congregational Meeting subject to the approval of those Baptist members of the LEP present.
16. The Baptist Properties and the implementation of this Memorandum of Understanding will be managed on a day-to-day basis by the joint Baptist/Methodist Premises and Finance Working Group established by the LEP Trustees and the Baptist Property Charity Trustees and will report to them regularly.
17. Provided day-to-day expenditure of less than £1000 and emergency expenditure from the Baptist Property account is agreed by the joint Baptist/Methodist Premises and Finance

Working Group and by the Treasurer, further approval by a meeting of the Baptist members of the LEP will be dispensed with.

Pursuant to section 333 Charities Act 2011 on behalf of Wellspring Church, Wirksworth (two trustees who are not eligible to be Baptist Charity Trustees)

Signed:

Barbara Wilson

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John Proctor

Pursuant to section 333 Charities Act 2011 on behalf of Wellspring Church, Wirksworth (two trustees who are eligible to be Baptist Charity Trustees)

Signed:

William Bowmer

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Alison Ball

Signed:

Director/authorised person on behalf of the
East Midland Baptist Trust Company Limited