

provisions of the said Measures, and Notices have been transmitted to the persons or bodies entitled under the said Measures to receive Notice requiring any objections to such draft Scheme to be stated or transmitted in writing to the said Ecclesiastical Commissioners within the time prescribed in the Statutory Rules applicable to proceedings under the said Measures:

And whereas the prescribed time has elapsed and no such objections have been so stated or transmitted to the said Ecclesiastical Commissioners:

And whereas public notice of the certification to His Majesty in Council of the said Scheme and the consent thereto in writing of the Bishop of Birmingham has been duly given in the manner and within the time prescribed in the Statutory Rules aforesaid:

And whereas the said Scheme has been laid before both Houses of Parliament for the space of two calendar months:

And whereas the said Scheme has been approved by His Majesty in Council:

Now, therefore, His Majesty, by and with the advice of His said Council, is pleased hereby to affirm the said Scheme and to order that the Benefices therein recommended to be united shall be united to the extent and for the purposes recommended in the said Scheme and further to order and direct that the said Scheme and every part thereof shall be effectual in law immediately from and after the date when this Order shall have been duly published in the London Gazette pursuant to the said Measures.

And His Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the said Diocese of Birmingham.

*Rupert B. Howorth.*

At the Court at *Buckingham Palace*, the 2nd day of *February*, 1939.

PRESENT.

The KING's Most Excellent Majesty in Council.

WHEREAS the Ecclesiastical Commissioners for England have, in pursuance of the Ecclesiastical Commissioners (Powers) Measure, 1938, duly prepared, and laid before His Majesty in Council, a Scheme bearing date the 12th day of January, 1939, in the words and figures following, that is to say:—

"We, the Ecclesiastical Commissioners for England, in pursuance of the Ecclesiastical Commissioners (Powers) Measure, 1938, have prepared, and now humbly lay before Your Majesty in Council, the following Scheme for providing for quarterly payments to incumbents of benefices in accordance with section 7 of the said Measure:

"Now, therefore, we, the said Ecclesiastical Commissioners for England, humbly recommend and propose as follows:—

"1. In this Scheme

(a) 'Benefice' shall mean or include any benefice as defined by the Ecclesiastical Commissioners (Powers) Measure, 1938.

(b) 'Incumbent' shall in relation to any benefice mean or include not only the holder of the benefice but also any other person who by reason of any sequestration or other

event is or becomes for the time being entitled to receive the income of the benefice.

(c) The expression 'income of the benefice' or any reference to the income of a benefice shall mean or be read as a reference to that portion of the income of the benefice to which this Scheme is hereinafter stated to be applicable, save such part thereof (if any) as may either permanently or for the time being be excluded from the operation of the Scheme under the provision in that behalf hereinafter contained.

"2.—(1) The Scheme shall be applicable to all income of any benefice payable to the Incumbent thereof in right of his benefice by the Ecclesiastical Commissioners and being either

(a) an annual sum charged on the Common Fund of the Ecclesiastical Commissioners in favour of the benefice whether permanently or temporarily so charged;

(b) the dividends on any stock or other investments held by the Ecclesiastical Commissioners upon trust for the benefice;

(c) an annual sum payable to the Incumbent charged upon or payable out of the income of any trust fund under the control of the Ecclesiastical Commissioners, or

(d) any other sum periodically payable by the Ecclesiastical Commissioners to any incumbent in right of his benefice as part of the income thereof.

(2) Except in any case where the Ecclesiastical Commissioners may otherwise direct the Scheme shall not be applicable to any annual or other sum or dividends payable to the Incumbent of a Benefice for or towards providing the stipend of a curate or other clerical or lay assistant.

(3) Provided always that the Ecclesiastical Commissioners may at any time and from time to time, either permanently or temporarily, exclude from the operation of this Scheme any income of such nature or description as in their opinion renders its inclusion or continued inclusion undesirable or inconvenient.

(4) The total amount of the annual income of any benefice to be brought into account for the purposes of this Scheme is hereinafter referred to as 'the gross income' of the benefice.

"3. The Scheme shall come into operation on the 1st day of April, 1939, and the financial year of the Scheme shall be the year commencing on the 1st day of April and ending on the next ensuing 31st day of March.

"4. The yearly sum to be paid to the Incumbent of any benefice by quarterly instalments as hereinafter mentioned in respect of the income of the benefice for any financial year shall be the balance which remains after deducting from the gross income of the benefice for that year any sums chargeable against or payable out of such gross income which may lawfully or properly be so deducted by the Ecclesiastical Commissioners under any Statute or Measure, and such other sums (if any) as may with the consent of the Incumbent be so deducted in respect of any annual sum payable to the Ecclesiastical Commissioners by the Incumbent, or payable by them on behalf of the Incumbent to any other person.

Such yearly sum as aforesaid is hereinafter referred to as the 'net income' of the benefice.