



Jersey

**METHODIST CHURCH ACT 1976
(JERSEY) ORDER 1986**

Unofficial extended UK law

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APPENDIX



Jersey

METHODIST CHURCH ACT 1976 (JERSEY) ORDER 1986

Jersey Order in Council 16/1986

THE METHODIST CHURCH ACT 1976 (JERSEY) ORDER 1986.

—————
(Registered on the 1st day of August, 1986.)
—————

At the Court at Buckingham Palace.

—————
8th July, 1986.
—————

PRESENT

The Queen's most Excellent Majesty in Council

—————
HER MAJESTY, in pursuance of sections 28 and 30 of the Methodist Church Act 1976 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

1. This Order may be cited as the Methodist Church Act 1976 (Jersey) Order 1986 and shall come into operation on 1st September, 1986.
2. The Methodist Church Act 1976 shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.
3. The Methodist Church Union Act 1929 shall cease to extend to the Bailiwick of Jersey.

G.I. de Denev

Clerk of the Privy Council.

*SCHEDULE***(Article 2)****Exceptions, Adaptations and Modifications in the Extension of the Methodist Church Act 1976 to the Bailiwick of Jersey**

1. In Section 1 –

- (a) in subsection (2), the words from “but no Standing Orders” to the end shall be omitted; and
- (b) for subsection (3) there shall be substituted the following subsection –

“(3) In this section ‘the appointed day’ means the date of coming into operation of the Law of 1986.”.

2. In section 2(1) –

- (a) in the definition of “acceptance by the Board”, for the words “section 13 (As to seal) of the Act of 1939” there shall be substituted the words “Article 5(2) of the Law of 1986”;
- (b) the definition of “the Act of 1969” shall be omitted;
- (c) for the definition of “the Board” there shall be substituted the following definition –

“ ‘the Board’ means the Trustees for Jersey Methodist Church Purposes established by the Law of 1986;”;
- (d) the definitions of “the Charities Act” and “the Commissioners” shall be omitted;
- (e) after the definition of “the Conference” there shall be inserted the following definition –

“ ‘the Court’ means the Royal Court of Jersey;”;
- (f) for the definition of “land” there shall be substituted the following definition –

“ ‘land’ includes houses, buildings and structures on land, water, interests in land or water and servitudes or rights in, or over land or water;”;
- (g) after the definition of “land” there shall be inserted the following definitions –

“ ‘the Law of 1973’ means the Sharing of Church Buildings (Jersey) Law, 1973;²

²

Volume 1973–1974, page 125.

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‘the Law of 1986’ means the Methodist Church (Jersey) Law 1986;³’;

- (h) for the definition of “model deed” there shall be substituted the following definition –

“ ‘model deed’ means any deed mentioned in Schedule 1 to this Act;”;

- (i) in the definition of “model deed property” the words in brackets shall be omitted; and

- (j) at the end of the definition of “property” there shall be inserted the words –

“and in sections 12, 13, 14 and 15 means property situated in Jersey”.

3. In Section 9 –

- (a) in subsection (1), in the definition of “relevant property”, the words “or by virtue of the operation of section 16 (Termination of sharing agreements) of this Act” shall be omitted;

- (b) subsection (2) shall be omitted;

- (c) in subsection (3), for the words from “section 10” to the end there shall be substituted the words “Article 6(2) of the Law of 1986”; and

- (d) subsections (4), (5), (6), (8) and (9) shall be omitted.

4. In Section 10, subsections (2) and (3), for the words “Commissioners shall have given their prior consent” there shall be substituted the words “Court shall have given its prior consent”.

5. In section 12 –

- (a) in subsection (3), for the words from “subsection (2)” to the end there shall be substituted the words “Article 6(1) of the Law of 1986”; and

- (b) in subsection (4), for the words “subsection (2) of the said section 9” there shall be substituted the words “Article 6(1) of the Law of 1986”.

6. In section 13(2), for the words from “subsection (2)” to the end there shall be substituted the words “Article 6(1) of the Law of 1986”.

7. Section 16 shall be omitted.

8. In section 17(2), after the words “of this Act” there shall be inserted the words “or Article 6 of the Law of 1986”.

³ Volume 1986–19 , page 3.

9. In section 18(3), after the words “enactment or instrument” in both places where they occur there shall be inserted the words “or any rule of law applicable in the Bailiwick of Jersey”.

10. In section 24(3), the words from “and the Conference shall procure” to the end shall be omitted.

11. For section 26 there shall be substituted the following section –

“26. Nothing in this Act shall affect any power or jurisdiction of Her Majesty or the Court to alter the trusts of any charity.”.

12. Sections 27, 28, 29, 30 and 31 shall be omitted.

13. In Schedule 1, Part II shall be omitted.

14.-(1) In Schedule 2, Part I –

(a) in the definition of “local purposes”, for the words “the Act of 1969” there shall be substituted the words “the Law of 1973”; and

(b) in the definition of “new model trust property”, for the words “sections 12 to 16” there shall be substituted the words “sections 12 to 15”,

(2) In Schedule 2, Part III, paragraph 13(1), for the words “the Act of 1969” there shall be substituted the words “the Law of 1973”.

(3) In Schedule 2, Part III, paragraph 14 –

(a) after sub-paragraph (2) there shall be inserted following sub-paragraph –

“(2A) Notwithstanding that any of the members of any church or congregation hereinafter mentioned may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may by Standing Order prescribe permit the use of a place of worship or any other premises comprised in the property by members of one or more Christian churches or congregations either for particular occasions or for a period which shall not in any case exceed twelve months, provided that (i) such permission shall be given only upon terms that it is revocable by the managing trustees and (ii) such consent as aforesaid shall be given only in cases where to grant permission would not (having regard to all the circumstances) itself infringe or offend the doctrinal standards.”; and

(b) in sub-paragraph (3), for the words “Subject to the foregoing sub-paragraph and to any provision of the Act of 1969” there shall be substituted the words “Subject to sub-paragraphs (2) and (2A) of this paragraph and to any provision of the Law of 1973”.

(4) In Schedule 2, Part III, paragraph 21, for the words “the Act of 1969” there shall be substituted the words “the Law of 1973”.

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- (5) In Schedule 2, Part III, paragraph 26 –
- (a) at the end of sub-paragraph (2)(a) there shall be inserted the word “or”;
and
 - (b) the word “or” at the end of sub-paragraph (2)(b) and the whole of sub-paragraph (2)(c) shall be omitted.
- (6) In Schedule 2, Part III, paragraph 27(5), the words from “and the Conference shall procure” to the end shall be omitted.
15. Schedule 3 shall be omitted.

METHODIST CHURCH ACT 1976**CHAPTER XXX***ARRANGEMENT OF SECTIONS*

Section

1. Short title and commencement.
2. Interpretation.
3. Constitution and doctrine.
4. Purposes.
5. Amendment of the Deed of Union.
6. Power to unite other churches.
7. Existing church property.
8. Future trusts for benefit of uniting churches.
9. Model trust vesting provisions.
10. Power to adopt model trusts.
11. Responsibility for existing liabilities.
12. Future model trust settlements.
13. Future model trust property to be held by the Board.
14. Future model deeds trusts.
15. Gifts to Local Churches or Circuits.
16. Termination of sharing agreements.
17. Supplementary provisions regarding transfer.
18. Securities.
19. Annuitant, superannuation and other funds.
20. Indemnities.
21. Legal proceedings.
22. Copies of certain documents to be evidence.
23. Construction of the word "conference".
24. Construction of references to abolished bodies and offices.
25. Saving for liabilities.
26. Powers and exceptions in relation to charities.
27. Amendment of the Act of 1939.
28. Repeal.
29. Extent.
30. Application to Channel Islands and Isle of Man.
31. Costs of Act.

SCHEDULES

Schedule 1 – Deeds and Orders referred to in definition of model deed –

- Part I – Deeds.
- Part II – Orders.

Schedule 2 – Managing trustees of model trust property and model trusts –

- Part I – Interpretation.
- Part II – Managing trustees of model trust property.
- Part III – Model trusts.

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Schedule 3 – Enactment repealed.

ELIZABETH II**1976 CHAPTER XXX**

AN ACT to make further provision concerning the constitution, purposes, doctrinal standards and property of the Methodist Church in Great Britain, to vest in the Trustees for Methodist Church Purposes as custodian trustees all property held upon the trusts of the Model Deed of the Methodist Church and certain other property and to provide for such property to be held upon new models trusts, to declare the said new model trusts and provide for the adoption of such trusts in relation to other property of the Methodist Church; to repeal the Methodist Church Union Act 1929 and re-enact with modifications some of the provisions thereof; and for the purposes connected with the matters aforesaid.

(26th October, 1976)

WHEREAS under and by virtue of the enactments in that behalf contained in the Methodist Church Union Act 1929 (hereinafter referred to as “the Act of 1929”) and a deed of union executed in pursuance thereof on the 20th September, 1932 (hereinafter referred to as “the date of union”) the Wesleyan Methodist Church, the Primitive Methodist Church and the United Methodist Church became as from the date of union a united church or denomination under the name of the Methodist Church:

AND WHEREAS pursuant to the powers contained in section 8 (Power of Uniting Conference to adopt Deed of Union) of the Act of 1929 the Conference of the Methodist Church has from time to time subsequent to the date of union amended the said deed of union (hereinafter as so amended referred to as “the Deed of Union”):

AND WHEREAS the constitution and doctrinal standards of the Methodist Church are declared and defined in the Deed of Union and under and by virtue of the proviso to subsection (2) of the said section 8 (and of clauses 31(a) of the Deed of Union) the Conference of the Methodist Church has no power to alter or vary in any manner whatsoever the clauses contained in the Deed of Union which define the said doctrinal standards:

AND WHEREAS pursuant to the powers contained in section 14 (Power to adopt new model deed) of the Act of 1929 a model trust deed (hereinafter referred to as “the Model Deed”) dated 15th December, 1932, was adopted and certain property of the Methodist Church is held respectively upon the trusts of that deed as from time to time altered pursuant to the powers contained in section 15 (Power to alter new model deed) of the Act of 1929 upon trusts of numerous deeds executed after the 15th December, 1932, incorporating the trusts of the Model Deed and upon the trusts of one or other of the three earlier model trust deeds which are referred to in the Preamble to the Act of 1929 (all the aforesaid deeds immediately hereinbefore recited being hereinafter together referred to as “the model deeds”):

AND WHEREAS under and by virtue of the enactments in that behalf contained in the Methodist Church Act 1939 a single body of trustees was constituted and incorporated under the name and style of the Trustees for Methodist Church Purposes (hereinafter referred to as “the Board”) and empowered to receive and hold as trustees or as custodian trustees (and so that section 4 of the Public Trustee Act 1906 should apply to the Board as if the Board were entitled by rules made under that Act to act as custodian trustees) all real, leasehold and other personal estate which should from time to time be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts, intents or purposes connected with the Methodist Church or any of its connexional or local organisations or further and otherwise as by the said Act of 1939 provided:

AND WHEREAS under and by virtue of the enactments in that behalf contained in the Methodist Church Funds Act 1960 better provision was made for the investment of certain funds (including any funds for the time being held upon the trusts of the model deeds) of or connected with the work of the Methodist Church:

AND WHEREAS the sharing of Church Buildings Act 1969, which applies to the Methodist Church, makes provision for the sharing and using of church buildings in England and Wales by different churches in manner inconsistent with the trusts of the model deeds relating to the doctrinal standards of the Methodist Church:

AND WHEREAS under and by virtue of subsection (4) of section 15 (Power to alter new model deed) of the Act of 1929 (and of clause 32 of the Deed of Union) the Conference of the Methodist Church has no power to alter or vary in the Model Deed the clause therein contained relating to the doctrinal standards of the Methodist Church:

AND WHEREAS no provision was made in the Act of 1929 for the definition of the purposes of the Methodist Church and it is expedient in the circumstances now prevailing that such provision as is made in this Act should be made for the definition of such purposes:

AND WHEREAS it is expedient that the Conference of the Methodist Church should be empowered to alter any provision of the Deed of Union including any such provision relating to the doctrinal standards of the Methodist Church:

AND WHEREAS by reason of the changes in the structure of the organisation and government of the Methodist Church and of the desirability of central vesting of the property held upon the trusts of the model deeds it is expedient that provision should be made by this Act for the discharge of the existing trustees of the said property, for the vesting of the said property in the Board as custodian trustees and for the managing trustees of the said property to be such person or persons to be ascertained in the manner provided by this Act:

AND WHEREAS for the better administration of the property mentioned in the foregoing recital it is expedient that this Act should provide that the said trusts affecting such property should be determined and that all such property be held upon model trusts provided for by this Act:

AND WHEREAS it is expedient to provide for the adoption of the said model trusts in relation to certain other property of the Methodist Church:

AND WHEREAS numerous enactments contained in the Act of 1929 are spent and it is expedient that that Act should be repealed and that some of its provisions should be re-enacted with modifications as provided by this Act:

AND WHEREAS it is expedient that the other provisions contained in this Act be enacted:

AND WHEREAS the purposes of this Act cannot be effected without the authority of Parliament:

MAY IT THEREFORE please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in present Parliament assembled, and by the authority of the same, as follows⁴ –

1.-(1) This Act may be cited as the Methodist Church Act 1976 and, subject to subsection (2) of this section, shall come into operation on the appointed day.

(2) This section, and any provisions of Schedule 2 to this Act which confer any power upon the Conference to make or (as construed in accordance with subsection (3) of section 32 of the Interpretation Act 1889) to revoke or vary Standing Orders, shall come into operation on the passing of this Act; * * * * *

[(3) In this section “the appointed day” means the date of coming into operation of the Law of 1986.]

(4) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the appointed day and any reference to the date of the commencement of this Act is a reference to that date; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsection (2) of this section shall be disregarded for the purpose if construing that reference in accordance with section 36 of the Interpretation Act 1889 (which relates to the meaning of “commencement” with reference to an Act).

2.-(1) In this Act, unless the subject or context otherwise requires –

“acceptance by the Board” means, in relation to any vesting declaration in favour of or transfer of property to or assent in favour of the Board pursuant to any provision of this Act, the acceptance by the Board of such vesting declaration, transfer or assent signified in writing under the common seal of the Board in accordance with [Article 5(2) of the Law of 1986];

“the Act of 1929” means the Methodist Church Union Act 1929;

“the Act of 1939” means the Methodist Church Act 1939;

⁴ Deletions and words in square brackets indicate adaptations and modifications made by the Methodist Church Act 1976 (Jersey) Order 1986.

“the Act of 1960” means the Methodist Church Funds Act 1960.

* * * * *

“appropriate consultation” means such consultation with such local or other body or person as the Conference may by provision in the Deed of Union or by Standing Order thereunder or otherwise prescribe;

[“the Board” means the Trustees for Jersey Methodist Church Purposes established by the Law of 1986;]

* * * * *

“church property” means any property for the time being belonging to or held in trust for or for the purposes of the Methodist Church, or any connexional or local organisation of the Methodist Church, or any society institution or charity being a society institution or charity subsidiary or ancillary to the Methodist Church;

* * * * *

“the Conference” means the Conference of the Methodist Church constituted under and by virtue of the Act of 1929 and the Deed of Union and includes the governing body from time to time of the Methodist Church;

[“the Court” means the Royal Court of Jersey;]

“the date of union” means the 20th September, 1932;

“the Deed of Union” means the deed of union executed in pursuance of the Act of 1929 on the date on union, as from time to time amended before the commencement of this Act;

“deferred special resolution” means a resolution of the Conference passed in one year by a special majority and, after full consultation down to and including Local Church level, confirmed in the second following year by a special majority;

“doctrinal standards” means the doctrinal standards of the Methodist Church as declared and defined for the time being in the Deed of Union;

“existing church property” means any property which was church property immediately before the commencement of this Act;

“existing Circuit Advance Fund” means any property which immediately before the commencement of this Act comprised a Circuit Advance Fund constituted pursuant to the Standing Orders relating to Circuit Advance Funds from time to time in force before the commencement of this Act;

[“land” includes houses, buildings and structures on land, water, interests in land or water and servitudes or rights in, on or over land or water;

“the Law of 1973” means the Sharing of Church Buildings (Jersey) Law, 1973;⁵

“the Law of 1986” means the Methodist Church (Jersey) Law, 1986;⁶

“Local Church” shall have meaning assigned to that expression for the time being by paragraph 1 of Part I of Schedule 2 to this Act;

“the Methodist Church” means the United Church or denomination formed under provisions of the Act of 1929;

“Ministerial Session” means the Ministerial Session of the Conference constituted and continuing under and by virtue of the Act of 1929 and the Deed of Union;

[“model deed” means any deed mentioned in Schedule 1 to this Act;]

“model deed property” means any church property which was held immediately before the commencement of this Act upon the trusts and with and subject to the powers and provisions of a model deed (* * * * *) and includes any existing Circuit Advance Fund;

“model trusts” means the trusts for the time being contained in Part III of Schedule 2 to this Act;

“model trust property” means any model deed property and any other property which shall after the commencement of this Act be held upon the model trusts;

“model trust vesting provisions” has the meaning assigned thereto by section 9 (Model trust vesting provisions) of this Act;

“property” includes real and personal property, and any estate share and interest in any property, real or personal, and any debt, and any thing in action, and other right or interest, whether in possession or not [and in sections 12, 13, 14 and 15 means property situated in Jersey];

“the Property Division” means the Property Division or other the Connexional organisation for the time being constituted under the Deed of Union and Standing Orders and authorised by the Conference to act generally on behalf of the Conference in relation to property affairs;

“Representative Session” means the Representative Session of the Conference constituted and continuing under the Act of 1929 and the Deed of Union;

“the Secretary” means the Secretary of the Conference;

“special majority” means, in relation to any resolution passed or confirmed at any session or meeting of the Conference, the votes in favour of such

⁵ Volume 1973–1974, page 125.

⁶ Volume 1986–19 , page 3.

resolution of not less than three-quarters of the members of such session or meeting present and voting;

“special resolution” means a resolution of the Conference passed in one year by a special majority and, after appropriate consultation, confirmed in the next following year by a special majority;

“Standing Orders” means the Standing Orders made by the Conference from time to time by virtue of the power in that behalf contained in this Act and in the Deed of Union;

“trust instrument” means any trust deed, will or other instrument or authority by which the administration of any property is regulated;

“the uniting churches” means the Wesleyan Methodist Church, the Primitive Methodist Church and the United Methodist Church;

“vesting declaration” means a written declaration executed by the Board pursuant to subsection (2) of section 10 (Power to adopt model trusts) of this Act or by any trustees pursuant to subsection (3) of the said section 10;

“will” includes a codicil and any other testamentary writing.

(2) Except so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

3.-(1) Subject to the following provisions of this section and to section 4 (Purposes), section 5 (Amendment of the Deed of Union) and section 6 (Power to unite with other churches) of this Act, the constitution of the Methodist Church and the doctrinal standards shall be as declared and defined in the Deed of Union:

Provided that in the event of any conflict between any provision of this Act and any provision of the Deed of Union the provision of this Act shall prevail.

(2) The Conference shall be the final authority within the Methodist Church with regard to all questions concerning the interpretation of its doctrines.

4. The purposes of the Methodist Church are and shall be deemed to have since the date of union the advancement of –

- (a) the Christian faith in accordance with the doctrinal standards and the discipline of the Methodist Church;
- (b) any charitable purpose for the time being of any Connexional, district, circuit, local or other organisation of the Methodist Church;
- (c) any charitable purpose for the time being of any society or institution being a society or institution subsidiary or ancillary to the Methodist Church;

- (d) any purpose for the time being of any charity being a charity subsidiary or ancillary to the Methodist Church.

5.-(1) Notwithstanding any provision of the Deed of Union to the contrary, the Conference may amend the Deed of Union by such variation or revocation of any provision thereof or by such addition of any new provision thereto as the Conference may from time to time consider to be expedient.

(2) Subject to the provisions of the next following subsection, the Conference shall make any amendment of the Deed of Union by deferred special resolution if the doctrinal standards are thereby affected but otherwise by special resolution.

(3) So long as the Conference shall consist of both the Representative and Ministerial Sessions the Conference shall make any amendment of the Deed of Union by special resolution of both the Representative and Ministerial Sessions if such amendment shall affect the continuance as a separate body of the Ministerial Session as provided by the Deed of Union, or shall affect the definition, by virtue of that Deed, of the relative duties and privileges of the Representative and Ministerial Sessions respectively.

(4) After any amendment of the Deed of Union any reference to that Deed in this Act or in any written instrument, whenever executed, shall be deemed to be a reference to the Deed of Union as so amended.

6.-(1) In this section –

“body” means, in relation to the Methodist Church or any other church, any part thereof or any local or other body thereof or subsidiary or ancillary thereto;

“other church” means, in relation to the Methodist Church, any other Christian Church or organisation whether or not the doctrines of such church or organisation differ from doctrinal standards of the Methodist Church.

(2) Notwithstanding the provisions of section 4 (Purposes) of this Act, the Conference may –

- (a) do or procure the doing of any act or thing leading up to or incidental to the negotiation or preparation of the terms and conditions of any scheme or arrangement for the unification or amalgamation or association of the Methodist Church or any body thereof with any other church or any body thereof respectively;
- (b) approve the terms and conditions of such scheme or arrangement by special resolution;
- (c) promote any legislation and do or procure the doing of any other act or thing that may be necessary to give effect to and carry out any approved scheme or arrangement approved by the Conference pursuant to the foregoing paragraph.

7. After the commencement of this Act all existing church property shall, subject to the provisions of this Act, continue to be held subject to the subsisting trusts powers and provisions contained in any trust instrument relating to any such property, but subject and without prejudice to any mortgage, charge, incumbrance, lien, bond, lease or agreement affecting the same.

8.-(1) Subject to section 14 (Future model deed trusts) and section 15 (Gifts to Local Churches or Circuits) of this Act, if any property shall after the commencement of this Act become subject to any trust for or on behalf of or in connexion with or for any of the purposes of any of the uniting churches or any part of any such churches or for or on behalf of any society, institution or charity subsidiary or ancillary to any of the said churches, then, instead of the said trusts, such property shall be held in trust for or for the purposes of the Methodist Church or for or for the purposes of the corresponding society, institution or charity subsidiary or ancillary to the Methodist Church and in other respects and so far as circumstances permit upon the trusts and with and subject to the powers and provisions contained in the trust instrument otherwise affecting the said property but subject and without prejudice to any mortgage, charge, incumbrance, lien, bond, lease or agreement affecting the same:

Provided that –

- (a) any power conferred by such trust instrument upon any officer or body of or connected with any of the uniting churches shall be deemed to have been conferred upon and shall be exercisable by the Conference or any committee of the Conference or any body of or connected with the Methodist Church or any officer thereof to whom the Conference may delegate the same; and
- (b) if a person or a class of persons or a society, institution, charity or fund standing in any relation to any of the uniting churches shall be an object named or designated in a disposition in such trust instrument, then the object of such disposition shall be the person or the class of persons or the society, institution, charity or fund standing in a similar relation to the Methodist Church generally.

(2) If any person shall hold any property upon any trust to which the foregoing subsection applies he may pay or transfer the same to the Secretary who shall hold the same upon such trusts as aforesaid and whose receipt shall be an effectual discharge to such person for all purposes.

9.-(1) In the following provisions of this section (in this Act referred to as “the model trust vesting provisions”) –

“incumbrance” includes any mortgage, charge, tenancy, lien or liability;

“outstanding relevant property” means such relevant property as shall not be vested in the Board immediately before the relevant date;

“relevant date” means, in relation to model deed property, the date of the commencement of this Act and, in relation to any other relevant property, the

date upon which the model trust vesting provisions shall become applicable to such property;

“relevant property” means any model deed property, and includes any other property to which the model trust vesting provisions be applied after the commencement of this Act by virtue of the execution or acceptance by the Board of a vesting declaration pursuant to section 10 (Power to adopt model trusts) of this Act * * * * *.

(2) * * * * *

(3) Whenever the model trusts shall be applied to any property under any provisions of this Act, such of the appropriate persons ascertained in accordance with the provisions of Part II of Schedule 2 to this Act as shall have attained full age shall be the managing trustees of such property and, subject to the provisions of this Act, the Board shall be deemed to have received such property as custodian trustees pursuant to [Article 6(2) of the Law of 1986].

(4) * * * * *

(5) * * * * *

(6) * * * * *

(7) Section 19 of the Act of 1939 (which empowers the Conference to remove any trustee of certain church property) shall not apply to any managing trustee of any model trust property.

(8) * * * * *

(9) * * * * *

10.-(1) In this section “church property” means any church property except model trust property.

(2) If the [Court shall have given its prior consent] to such action it shall be lawful for the Board, in the case of any church property held by the Board as trustees (other than as custodian trustees), to execute a written declaration under the common seal of the Board, adopting the model trusts in relation to such property or any part thereof described in such declaration and thereupon the model trust vesting provisions shall apply to the property so described.

(3) If the / Court shall have given its prior consent / to such action it shall be lawful for the trustees or a majority of trustees of any church property (not being property to which the foregoing subsection applies), or for the managing trustees or a majority of such trustees if such property is held by the Board as custodian trustees, to transmit to the Board a written declaration executed by them under seal adopting the model trusts in relation to such property or any part thereof described in such declaration and upon the acceptance by the Board of such declaration the model trust vesting provisions shall apply to the property so described.

11.-(1) In this section –

“existing relevant trust liability” means any relevant trust liability which shall not have been discharged before the model trust date;

“former trustees” means, in relation to relevant church property, the persons and the personal representatives of deceased persons who were the trustees thereof at any time before the model trust date;

“model trust date” means, in relation to model deed property, the date of the commencement of this Act and, in relation to any other relevant property, the date upon which the model trust vesting provisions shall be applied thereto pursuant to section 10 (Power to adopt model trusts) of this Act;

“new trustees” means, in relevant church property, the Board as custodian trustees thereof and the managing trustees thereof for the time being ascertained in accordance with subsection (3) of section 9 (Model trust vesting provisions) of this Act;

“relevant church property” means any model deed property and any church property to which the model trust vesting provisions shall be applied pursuant to the said section 10 and includes the property from time to time representing such trust property as model trust property after the model trust date;

“relevant right of indemnity” means, in relation to any relevant church property, any statutory or other right of the former trustees or any of them to be indemnified out of such property in respect of any relevant trust liability or in respect of any expense and includes any lien or charge, whether express or implied, securing any such right of indemnity;

“relevant trusts” means, in relation to any relevant church property, the trusts, powers and provisions contained in any model deed or any other trust instrument applicable to such property before the model trust date;

“relevant trust liability” means, in relation to the former trustees of any relevant church property, any liability (including a personal liability) properly incurred before the model trust date by the former trustees or any of them in or about the execution of the relevant trusts.

(2) On the model trust date all existing relevant trust liabilities of the former trustees of any relevant church property shall be transferred, by virtue of this Act, to the new trustees of such relevant church property who shall, subject to the next following subsection, be under a duty to discharge all such liabilities on and after the model trust date in exoneration of the former trustees.

(3) Nothing in the last foregoing subsection shall prejudice the right of any person to enforce any existing relevant trust liability against the former trustees or any of them after the model trust date.

(4) Any new trustee who shall discharge or be required to discharge any existing relevant trust liability after the model trust date pursuant to subsection (2) of this section shall be subrogated to and entitled to the benefit of any relevant right of indemnity of any former trustee in respect of such liability.

(5) Any former trustee who shall discharge or be required to discharge any existing relevant trust liability after the model trust date by reason of such liability being enforced against him by any person entitled in that behalf may exercise, in respect of such liability, any relevant right of indemnity out of the relevant church property.

(6) Nothing in the foregoing provisions of this section and nothing done thereunder shall deprive any former trustee of any relevant church property of the benefit of any relevant right of indemnity in respect of any relevant trust liability discharged by him before the model trust date.

(7) To the extent that the benefit of any relevant right of indemnity out of any relevant church property shall not afford full reimbursement of indemnity to –

- (a) any new or former trustee who shall after the model trust date discharge or be required to discharge any existing relevant trust liability in accordance with subsections (2) or (3) of this section; or
- (b) any former trustee who shall have discharged any relevant trust liability before the model trust date;

in respect of all such loss, damages, costs and expenses thereby sustained or incurred by him, such new or former trustee shall be fully reimbursed or indemnified out of the general funds of the Methodist Church.

12.-(1) Subject to section 15 (Gifts to Local Churches or Circuits) of this Act, any settlement (hereinafter in this section referred to as “a model trust settlement”) of any property upon the model trusts shall be effected in accordance with the following provisions of this section.

(2) In this section “declaration preference” means, in relation to a model trust settlement, a written declaration by the settlor in such settlement expressing (whether in precatory or mandatory terms) the settlor’s preference or desire for the application of any property subject to such settlement or of any part of such property for any one or more of the purposes for which model trust property may from time to time be held under the model trusts.

(3) A model trust settlement of any property, otherwise than by will, shall be effected by the settlor doing and executing all such acts documents and things as may be necessary and expedient to complete the transfer of such property and of every estate or interest of the settlor therein to the Board upon the model trusts (with or without a declaration of preference) and upon the acceptance by the Board of such transfer the model trust vesting provisions shall apply to such property as if the same had been transferred to and vested in the Board under [Article 6(1) of the Law of 1986].

(4) A model trust settlement of any property by will shall be effected by the settlor devising or bequeathing such property to the Board upon the model trusts (with or without a declaration of preference) and his personal representatives shall, in due course of administration, assent to the vesting of such property in the Board and do and execute all such other acts documents and things as may be necessary and expedient to complete the transfer thereof and of every estate or interest of the settlor

therein to the Board upon the model trusts and upon the acceptance by the Board of any such assent or transfer the model trust vesting provisions shall apply to the property thereby affected as if the same had been transferred to and vested in the Board under [Article 6(1) of the Law of 1986].

(5) A declaration of preference shall not create any trust and shall have such effect only as shall for the time being be provided in Schedule 2 to this Act.

13.-(1) If, notwithstanding the provisions of section 12 (Future model trust settlements) of this Act, any trust instrument made after the commencement of this Act shall purport to direct any property to be held by any trustee, other than the Board, upon the model trusts, the following provisions of this section shall apply.

(2) In the case of any trust instrument other than a will, the trustees named in the trust instrument, or any other trustee or trustees from time to time of the said property, shall upon the completion of the transfer of all such property and of every estate or interest therein to them, transfer the same to the Board upon the model trusts and, upon the acceptance by the Board of such transfer the model trust vesting provisions shall apply to the property so transferred as if the same had been transferred to and vested in the Board under [Article 6(1) of the Law of 1986].

(3) In the case of any trust instrument being a will, the provisions of subsection (4) of the said section 12 shall apply as if the property subject to such trust instrument had been bequeathed or devised thereunder to the Board on the model trusts.

14. Subject to section 15 (Gifts to Local Churches or Circuits) of this Act, if any provision of any trust instrument (whenever executed) shall come into operation after the commencement of this Act and shall incorporate or adopt in relation to any property subject to such trust instrument the trusts of any model deed, then such provision shall be construed and have effect as if the same were expressed to incorporate or adopt the model trusts in relation to such property and the provisions of the foregoing section shall apply to such trust instrument as if the same contained a direction that such property should be held upon the model trusts by trustees other than the Board.

15.-(1) In this section the expression “Circuit” shall have the meaning assigned to that expression for the time being by paragraph 1 of Part I of Schedule 2 to this Act.

(2) If any will (whenever executed) coming into operation after the commencement of this Act shall contain a devise or bequest giving, or having effect by virtue of section 8 (Future trusts for benefit of uniting churches) of this Act as if it were expressed to give, any property to any local Church or Circuit or to the trustees or managing trustees of any local Church or Circuit without any express declaration of trust affecting such property, then such will shall have effect in all respects as if such devise or bequest had been made to the Board after the commencement of this Act upon the model trusts in accordance with subsection (4) of section 12 (Future model trust settlements) of this Act, and such devise or bequest shall be deemed to contain a declaration of preference, made pursuant to the said subsection (4), for the application

of such property for the purposes of the Local Church or Circuit referred to in such devise or bequest.

16. * * * * *

17.-(1) In this section the expressions “existing relevant trust liability”, “model trust date”, “new trustees” and “relevant church property” have the same meaning as in section 11 (Responsibility for existing liabilities) of this Act.

(2) No vesting of relevant church property in the Board as custodian trustees upon the model trusts effected on the model trust date by virtue of or pursuant of any provision of section 9 (Model trust vesting provisions) or 10 (Power to adopt model trusts) of this Act [or Article 6 of the Law of 1986] and no transfer of any existing relevant trust liability to the new trustees of such property on the model trust date by virtue of subsection (2) of the said section 11 shall –

- (a) operate as a breach of covenant or condition against alienation;
- (b) give rise to any forfeiture; or
- (c) invalidate or discharge any contract or security.

(3) Whenever by the operation of any vesting or transfer mentioned in the last foregoing subsection any right, liability or obligation becomes, on the model trust date, a right, liability or obligation of the new trustees of any relevant church property or any one or more of them, then subject to subsections (3), (5) and (6) of the said section 11, such new trustees and all other persons shall, on and after the model trust date, have the same rights, powers and remedies and in particular the same rights and powers as to taking or resisting legal proceedings or making or resisting applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as if it had at all times been a right, liability or obligation of the new trustees; and any legal proceedings or applications to any authority by or against any other person and pending immediately before the model trust date may, in so far as they relate to such relevant church property or to any such right, liability or obligation, be continued by or against the new trustees.

18.-(1) In this section –

“Central Board” has the same meaning as in the Act of 1960;

“model trust certificate” means a certificate under the hand of the General Secretary of the Property Division certifying that the securities therein identified were vested in the Board on the model trust date therein specified;

“model trust date” means, in relation to model deed property, the date of commencement of this Act and, in relation to any other relevant church property, the date upon which the model trust vesting provisions shall be applied thereto pursuant to section 10 (Power to adopt model trusts) of this Act;

“relevant church property” means any model deed property and any church property to which the model trust vesting provisions shall be applied pursuant to the said section 10;

“securities” means shares, stock, debentures, debenture stock, loan stock, bonds, units of a unit trust scheme or other shares of the investment subject to the trusts of such a scheme and other securities of any description.

(2) On the model trust date the Act of 1960 shall have effect –

(a) in relation to any relevant church property consisting immediately before the model trust date of shares in any investment fund constituted under the Act of 1960, as if the Central Board had received notice on the model trust date that the Board had become absolutely entitled to such shares; and

(b) in relation to any relevant church property consisting immediately before the model trust date of money deposited in any deposit fund constituted under the Act of 1960, as if such money had been deposited in such deposit fund by the Board on the model trust date.

(3) Where by any enactment or instrument [or any rule of Law applicable in the Bailiwick of Jersey] the transfer of any securities is required to be effected or recorded by means of entries in a register then, if –

(a) a model trust certificate is produced to the person who is authorised or required to keep the register; and

(b) it appears to that person that any of the securities so identified are included in the register kept by him;

he shall, notwithstanding anything in section 75 or 117 of the Companies Act 1948 or any other enactment or instrument [or any rule of law applicable in the Bailiwick of Jersey] regulating the keeping of the register, make such entries as may be necessary to give effect to the vesting referred to in the model trust certificate in all respects as if such certificate were a proper instrument of transfer to the Board on the model trust date of the securities therein identified.

(4) A document which purports to be a model trust certificate shall be taken to be such a certificate unless the contrary is proved.

(5) Nothing done for the purposes of or in pursuance of subsection (3) of this section shall be taken to affect any person with notice of any trust or to impose on any person a duty to inquire into the matter.

19.-(1) In this section –

“continuing uniting church fund” means any annuitant, superannuation or beneficent fund generally or specifically referred to in sub section (1) of section 19 of the Act of 1929 which was existing immediately before the commencement of this Act;

“Methodist Church fund” means any other superannuation or beneficent fund of or in connexion with the Methodist Church which was existing immediately before, or which may be established after, the commencement of this Act;

“trustees” means, in relation to any fund referred to in this section, the trustees for the time being of or other the persons having for the time being the legal control of or power of disposition over such fund.

(2) Subject to the provisions of the next following subsections, the trustees of a continuing uniting church fund shall on and after the commencement of this Act continue to hold and apply such fund or permit the same to be applied in accordance with the trusts and for the benefit of the members and other persons in accordance with which and for the benefit of whom such fund was held and applicable immediately before the commencement of this Act.

(3)(a) Subject to paragraph (b) of this subsection, it shall be lawful for the trustees of a continuing uniting church fund to enter into and carry into effect, upon such terms and conditions and in such manner generally as they may think proper and as may be approved by the Conference, any agreement or arrangement for the amalgamation of such fund with and the transfer thereof to the trustees of any Methodist Church fund and from and after such transfer as aforesaid the trustees of such continuing uniting church fund shall, by virtue of this Act, be released and discharged from all claims, demands, actions and proceedings in respect of such continuing uniting church fund and the trusts thereof or in respect of any sale, investment or transposition of investment, payment, other dealing or anything done or omitted by them in respect thereof or otherwise howsoever in relation thereto.

(b) Paragraph (a) of this subsection shall not operate to release or discharge any trustee from any claim, demand, action or proceeding unless he has acted honestly and reasonably.

(4) It shall be lawful, with the approval of the Conference, for any two or more continuing uniting church funds to be amalgamated with each other and for any one or more of such funds to be amalgamated with any new fund that may be established with similar objects.

20. Nothing in this Act and nothing empowered to be done thereunder shall deprive any person of any right of indemnity to which he was entitled immediately before the commencement of this Act whether as party to any action, arbitration or proceeding, as trustee or in any other capacity whatsoever.

21.-(1) Any action, arbitration and proceeding of any description by or against the Methodist Church may be brought or defended (or carried on if pending at the commencement of this Act) for and on behalf of the Methodist Church in the name of “the President of the Methodist Conference” by that description (without naming the holder for the time being of that office) and the death or incapacity of the President for the time being of the Conference or the expiration of his term of office or any act

or thing done or suffered by him shall not abate or affect such action, arbitration or proceeding.

(2) Any writ, notice or other process in any such action, arbitration or proceeding shall be sufficiently served on the Methodist Church if served personally on the Secretary for the time being of the Conference or delivered at the office of the Conference.

(3) Any affidavit, statutory or other declaration or any answer or other similar document required from or by the Methodist Church may be made and verified by the President, Vice-President or Secretary for the time being of the Conference for and on behalf of the Methodist Church.

(4) Every President, Vice-President and Secretary of the Conference shall be reimbursed and fully indemnified out of the connexional funds of the Methodist Church against all loss, damages, costs and expenses which he may sustain or incur by reason or in consequence of any action, arbitration or proceeding brought, defended or carried on, process served or document made pursuant to this section.

22.-(1) Any document purporting to be a copy of the Deed of Union and being or purporting to be signed by the President, Vice-President or Secretary of the Conference and dated shall for all purposes be sufficient evidence of the terms of the Deed of Union at the purported date of such purported copy, unless some variation between it and the original document shall be proved.

(2) Any document purporting to be a copy of a vesting declaration, or purporting to be a copy of a transfer of property to or of a written assent in favour of the Board pursuant to section 12 (Future model trust settlements), section 13 (Future model trust property to be held by the Board) or section 14 (Future model deed trusts) of this Act and purporting to be executed, or to be endorsed as accepted, by the Board on a specified date and sealed with the common seal of the Board shall –

- (a) be sufficient evidence for all purposes of the original vesting declaration, transfer or assent, unless some variation between such copy and the original vesting declaration, transfer or assent shall be proved; and
- (b) subject to the foregoing paragraph of this section, be sufficient evidence for all purposes of the acceptance by the Board, where appropriate, of such original vesting declaration, transfer or assent on the date specified in such purported copy thereof, unless the contrary be proved.

23. Whenever in any Act, order, letters patent, decree, scheme, deed, will, memorandum and articles of association or other instrument the expression “conference” occurs as applicable to the annual conference or assembly of any of the uniting churches it shall, except in so far as the context otherwise requires, be construed to mean the Conference.

24.-(1) In this section –

“body” means any body of or connected with the Methodist Church and includes the Conference;

“office” means any office of or connected with the Methodist Church;

“abolished body or office” includes any former body or office and any other body or office which the Conference may abolish after the commencement of this Act;

“former body or office” means any body or office which the Conference shall have abolished before the commencement of this Act.

(2) The Conference may declare that any body or office shall correspond to any abolished body or office respectively to the extent of all or any one or more of the functions of or assets held by or for such abolished body or the holder of such abolished office, and thereupon any reference in this or any other Act or in any order, letters patent, decree, scheme, deed, will, memorandum and articles of association or other instrument, to such abolished body or office or to the holder of such abolished office (including any reference required to be construed as such reference under and by virtue of any former provision of section 12 (Church lands to be held in trust for Methodist Church), section 13 (As to construction of word “conference”), section 18 (Personal property of uniting Churches to be held in trust for Methodist Church) or section 20 (Gifts to uniting Churches to take effect in favour of Methodist Church) of the Act of 1929 or of any provision of section 8 (Future trusts for benefit of uniting churches) or section 23 (Construction of the word “conference”) of this Act or any delegation pursuant to any such provision or former provision) shall, to the extent that such declaration permits be construed and have effect as a reference to the body or office respectively corresponding to such abolished body or office or to the holder of the office corresponding to such abolished office.

(3) The Conference may procure that any declaration by the Conference pursuant to the last foregoing subsection may at any time and from time to time be embodied in a deed poll under the hand and seal of the President of the Conference or of such other officer thereof as the Conference may from time to time designate in that behalf * * * * * .

25. Subject to section 11 (Responsibility for existing liabilities) and subsection (3) of section 17 (Supplementary provisions regarding transfer) of this Act, nothing in this Act and nothing done in the exercise of any power thereby conferred shall relieve any property or any person from any liability or responsibility to which they would otherwise be subject in respect of any mortgage, charge, incumbrance, lien, bond or obligation.

[**26.** Nothing in this Act shall affect any power or jurisdiction of Her Majesty or the Court to alter the trusts of any charity.]

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31. * * * * *

SCHEDULES

SCHEDULE 1

(Section 2)

DEEDS AND ORDERS REFERRED TO IN DEFINITION OF MODEL DEED

PART I

DEEDS

1. The Wesleyan Methodist Chapel Model Deed dated 3rd July, 1832, and made between John Sutcliff and others.

2. The United Methodist Free Churches (formerly Wesleyan Methodist Association) Model Deed dated 27th January, 1842, and made between Robert Eckett and others.

3. The Methodist New Connexion Model Deed dated 29th December, 1846, and made between Thomas W. Scarf and others.

4. The Bible Christian Model Deed dated 31st December, 1863, and made between James Hinks and others.

5. The Model Chapel Trust Deed of the Primitive Methodist Connexion dated 24th March, 1864, and made between the Reverend Richard Davies and others.

6. The United Methodist Free Churches Reference Deed dated the 1st November, 1865, and made between Matthew Baxter and others.

7. The Model Deed of the United Methodist Church dated the 22nd April, 1908, and made between Henry Arthur Clowes and others.

8. The Model Deed of the Methodist Church dated the 15th December, 1932, and made between His late Majesty King George V and others.

PART II

ORDERS

9. * * * * *

10. * * * * *

*SCHEDULE 2***(Section 2)****MANAGING TRUSTEES OF MODEL TRUST PROPERTY AND MODEL TRUSTS***PART I*

INTERPRETATION

1. In this Schedule, unless the subject or context otherwise requires –

“appropriate Church Council” means, in relation to any local property, the Church Council of the Local Church for whose benefit or in connexion with which such property is for the time being solely or mainly held, used or applied;

“appropriate Circuit Meeting” means, in relation to any Circuit property, the Circuit Meeting of the Circuit for whose benefit or in connexion with which such property is for the time being solely or mainly held, used or applied;

“board of the Property Division” means the body of persons constituted for the time being under Standing Orders to discharge the responsibilities of the Property Division, and includes, where appropriate, any person or persons to whom any functions of such body under any provision of this Schedule may have been delegated by such body in accordance with any Standing Order made pursuant to paragraph 11 of this Schedule;

“Church” means the Methodist Church;

“Church Council” means the body of persons of that name for the time being constituted in relation to a Local Church under the Deed of Union and Standing Orders;

“Circuit” means a Circuit of the Church constituted under the Deed of Union and Standing Orders;

“Circuit Advance Fund” means any property which shall after the commencement of this Act comprise a Circuit Advance Fund constituted pursuant to Standing Orders or any direction of the Conference or of the board of the Property Division given pursuant to Standing Orders, and includes an existing Circuit Advance Fund;

“Circuit manse” means, in relation to any Circuit, a dwelling for occupation by a minister, probationer, or deaconess, appointed to such Circuit;

“Circuit Meeting” means the body of persons of that name for the time being constituted in relation to a Circuit under the Deed of Union and Standing Orders;

“Circuit property” means any model trust property or any part thereof for the time being held, used or applied for Circuit purposes in accordance with the model trusts, and includes any property which but for this provision would after the commencement of this Act have ceased to be local property and have become general property by reason only of there having ceased to be any relevant Local Church;

“Circuit purposes” means, in relation to any model trust property or any part thereof and in relation to any Circuit, all or of any of the purposes of a Circuit manse or any other property (not being local property) for the time being used or applied or held for the purposes of being used or applied, in accordance with the model trusts, solely or mainly by or in connexion with such Circuit, or all or any of the purposes of any property for the time being comprising or required, by Standing Orders or by any direction of the Conference or of the board of the Property Division given pursuant to Standing Orders, to be held as or to be added to a Circuit Advance Fund, and includes any other charitable purpose comprised in the model trusts which the Conference may by Standing Order designate as a Circuit purpose in relation to such Circuit and to model trust property;

“Connexional dwelling” means, in relation to any Connexional organisation, a dwelling for occupation by the Secretary or General Secretary, any other officer or any employee of such organisation;

“Connexional organisation” means any Connexional Division, Connexional Committee, Connexional Institution or other Connexional organisation for the time being constituted under the Deed of Union and Standing Orders;

“Connexional property” means any model trust property or any part thereof for the time being held, used or applied for Connexional purposes in accordance with the model trusts;

“Connexional purposes” means, in relation to any model trust property or any part thereof and in relation to any Connexional organisation, all or any of the purposes of a Connexional dwelling or of any other property (not being local, Circuit or District property), for the time being used or applied or held for the purpose of being used or applied, in accordance with the model trusts, solely or mainly by or in connexion with such organisation, and includes any other charitable purpose comprised in the model trusts which the Conference may by Standing Order designate as a Connexional purpose in relation to such organisation and to model trust property;

“Connexional Trustees” means, in relation to any Connexional property, the person or persons for the time being constituting in accordance with Standing Orders, the Connexional Trustees in respect of the Connexional organisation for whose benefit or in connexion with such property is for the time being solely or mainly held, used or applied;

“District” means a District of the Church constituted under the Deed of Union and Standing Orders;

“District manse” means, in relation to any District, a dwelling for occupation by the Chairman of such District;

“District property” means any model trust property or any part thereof for the time being held, used or applied for District purposes in accordance with the model trusts;

“District purposes” means, in relation to any model trust property or any part thereof and in relation to any District or group of Districts, all or any of the purposes of a District manse, or of any other property (not being local or Circuit property) for the time being used or applied, or held for the purpose of being used or applied, in accordance with the model trusts, solely or mainly by or in connexion with such District or group Districts, and includes any other charitable purpose comprised in the model trusts which the Conference may by Standing Order designate as a District purpose in relation to such District or group of Districts and to model trust property;

“District Trustees” means, in relation to any District property the body of persons for the time being constituting in accordance with Standing Orders, the District Trustees of the District or group of Districts for whose benefit or in connexion with which such property is for the time being solely or mainly held, used or applied;

“general property” means any model trust property or any part thereof for the time being held, used or applied for general purposes in accordance with the model trusts;

“general purposes” means, in relation to any model trust property or any part thereof (not being for the time being local, Circuit, District or Connexional property), all or any of the charitable purposes comprised in the model trusts;

“Local Church” means the body of persons for the time being constituting a Society or Local Church under the Deed of Union and Standing Orders;

“local property” means any model trust property or any part thereof for the time being held, used or applied for local purposes in accordance with the model trusts;

“local purposes” means, in relation to any model trust property or any part thereof and in relation to any Local Church, all or any of the purposes of a place of worship, or of any other property, for the time being used or applied, or held for the purpose of being used or applied in accordance with the model trusts, solely or mainly by or in connexion with such Local Church (whether or not in conjunction with members of any other church pursuant to a sharing agreement under [the Law of 1973] and includes any other charitable purpose comprised in the model trusts which the Conference may by Standing Order designate as a local purpose in relation to such Local Church and to model trust property;

“managing trustees” means, in relation to any model trust property or any part thereof, the managing trustees from time to time and includes (except in paragraph 4 of this Schedule) the temporary trustees of that property or any

part thereof, such trustees being ascertained in accordance with the provisions of Part II of this Schedule;

“Methodist practice” means the constitutional practice, usage and discipline of the Church as regulated for the time being by the Deed of Union and Standing Orders;

“model trust amenity” means a place of worship, cemetery or burial ground, house or other dwelling, vestry, hall, classroom, schoolroom, day school, office, hostel, college, bookshop, playground or any other building or amenity and includes any kitchen, convenience or other building, room or structure ancillary to any such aforementioned premises;

“model trust operation” means the laying out, building, furnishing, equipping, maintaining, repairing, altering, enlarging, demolishing, rebuilding, refurnishing or re-equipping of any model trust amenity for use for or incidental to any kind of charitable purpose comprised in the model trusts, and includes the conversion of any such model trust amenity or any part thereof to another category of model trust amenity for use as aforesaid;

“new model trust property” means any property or any part thereof which shall after the commencement of this Act become model trust property pursuant to any provision of sections 10 (Power to adopt model trusts) or of [sections 12 to 15] inclusive of this Act and shall not be affected by any direction made pursuant to paragraph 3(2) of this Schedule;

“place of worship” means any church, chapel or other place for religious worship by members of the Church;

“purposes of the Church” means the purposes of the Church for the time being under section 4 (Purposes) of this Act;

“statutory or other legal provision” means any Act, any instrument or document made or having effect under or by virtue of any such Act, any other instrument or document affecting legal rights or obligations, any trust (whether arising under a trust instrument or otherwise), and any rule of law, being an Act, instrument, document, trust, or rule in force at the commencement of this Act;

“trustees” means the Board in relation to any model trust property or any part thereof held by the Board upon the model trusts under paragraph 4(2) of this Schedule and the Board as custodian trustees together with the managing trustees in relation to any other model trust property.

PART II

MANAGING TRUSTEES OF MODEL TRUST PROPERTY

2. Subject to the provisions of this Part of this Schedule, so long as any model trust property or any part thereof shall be held, used or applied so as to fall within any category mentioned below, the managing trustees of such property or such

part thereof shall be the body of persons or the person or persons (or such of those persons as shall have attained full age) specified immediately after such category as follows –

- (a) local property: the appropriate Church Council;
- (b) Circuit property: the appropriate Circuit Meeting;
- (c) District property: the District trustees;
- (d) Connexional property: the Connexional Trustees;
- (e) general property: the Secretary or the person or persons for the time being authorised under Standing Orders to exercise the functions of the Secretary.

3.-(1) For the purposes of this Schedule any new model trust property shall be deemed to be general property until such time, if any, as a direction affecting such property or any part thereof shall be made pursuant to the next following sub-paragraph.

(2) Subject to the next following sub-paragraph, the board of the Property Division may, after appropriate consultation, direct in writing under the hand of its General Secretary or any other person authorised by such board in that behalf that any new model trust property or any part thereof shall be deemed for the purposes of this Schedule to fall, at the date of such declaration, within any category of model trust property other than general property.

(3) In exercise of the power conferred by the foregoing sub-paragraph the board of the Property Division shall give consideration to any declaration of preference, made pursuant to section 12 (Future model trust settlements) of this Act or deemed to have been so made by virtue of section 15 (Gifts to Local Churches or Circuits) of this Act, in respect of any new model trust property or any part thereof but shall not be bound to give effect thereto.

4.-(1) If and during such period as there shall be no managing trustees of any model trust property or any part thereof by reason of there being no person or persons respectively constituting any of the bodies or holding or entitled to exercise the functions of the office mentioned in paragraph 2 of this Schedule (or corresponding to any such body or office pursuant to section 24 (Construction of references to abolished bodies and offices) of this Act), or for any other reason, the board of the Property Division may, by written instrument under the hand of its General Secretary or of any other person authorised by such board in that behalf appoint any local or other body of the Church or any officer of the Church or of any such body as the temporary managing trustees or trustee during such period of such property of part thereof.

(2) If during any period (hereinafter referred to as “the suspense period”) there shall be no managing trustees or temporary managing trustees of any model trust property or any part thereof, the custodian trusteeship of the Board and the model trust vesting provisions shall be suspended in respect of such property or such or such part of thereof until the expiration of the suspense period and, during the suspense period,

the Board shall hold such property or such part thereof upon the model trusts so far as circumstances permit.

5.-(1) In this paragraph “appropriate authority” means, in relation to any model trust property or any part thereof (other than new model trust property), any body of persons or the person or persons who would be the managing trustees in respect of such property or such part thereof under this Schedule if the same were to fall within any category of model trust property mentioned in paragraph 2 of this Schedule.

(2) For the purposes of this Schedule a management issue shall occur in relation to any model trust property or any part thereof (other than new model trust property) whenever on or after the commencement of this Act the board of the Property Division, acting on its own motion, or upon the written request of an appropriate authority, shall declare in writing under the hand of its General Secretary or of any other person authorised by such board in that behalf that –

- (a) no appropriate authority claims to be the managing trustees in respect of such property or part thereof;
- (b) more than one appropriate authority claims to be the managing trustees in respect of all such property or such part thereof; or
- (c) any appropriate authority or such board is doubtful regarding the category of such property or of such part thereof.

(3) Upon the occurrence of a management issue and until such issue is determined by a certificate under paragraph 6(1) of this Schedule, the Secretary shall be the managing trustee of the model trust property or any part thereof affected by such issue.

6.-(1) As soon as may be after the occurrence of a management issue the board of the Property Division shall, after appropriate consultation and subject to the next following sub-paragraph, certify under the hand of its General Secretary or of any other person authorised by such board in that behalf, that at the date of such certificate the model trust property or any part thereof affected by such issue falls within any category of model trust property specified in such certificate.

(2) The board of the Property Division shall, immediately before issuing any certificate under the foregoing sub-paragraph in respect of any model trust property or any part thereof, have regard to any Memorandum or amended Memorandum of Terms of Management under paragraphs 8 or 9 of this Schedule then affecting such property or part thereof and shall procure that any description in such certificate of any land or other assets shall, so far as circumstances as the date of such certificate permit, follow the corresponding description in such Memorandum or amended Memorandum.

7. For the purposes of this Schedule a division of management shall occur in relation to any model trust property whenever, by reason of the operation of any provision of this Act or any act or thing done pursuant thereto, such property falls on the commencement of this Act, or shall thereafter fall, within more than one category of model trust property.

8.-(1) As soon as may be after a division of management shall occur in relation to any model trust property the following matters (hereinafter in this Schedule referred to as “terms of management”) shall, subject to the provisions of sub-paragraphs (3) and (4) of this paragraph and to appropriate consultation, be determined by mutual agreement between the respective sets of managing trustees affected by such division –

- (a) the boundaries and extent of any land comprised in such property in respect of which any set of managing trustees shall exercise any power duty or discretion included in the model trusts or any other statutory or legal provision;
- (b) the assets other than land comprised in such property in respect of which any set of managing trustees shall exercise any power, duty or discretion included in the model trusts or any other statutory or other legal provision; and
- (c) every power duty and discretion which shall be exercised by any set of managing trustees in relation to any such land or such other asset.

(2) Upon the determination of the terms of management in accordance with the foregoing sub-paragraph, the respective sets of managing trustees shall procure that such terms be embodied in a memorandum (hereinafter referred to as the “Memorandum of Terms of Management”), to be signed by not less than two of the persons constituting each set of managing trustees affected by such division (or, in the case of general property, to be signed by the Secretary or by the person or persons for the time being exercising his functions) and to be transmitted to the Board by or on behalf of all such managing trustees.

(3) In default of compliance with the provisions of the two foregoing sub-paragraphs, within three months (or such other period as may be prescribed by Standing Orders) of the occurrence of a division of management, by the respective sets of managing trustees of the model trust property affected by such division, the board of the Property Division shall, after consultation, determine the terms of management and procure the execution of the Memorandum of Terms of Management in respect of such division under the hand of its General Secretary or of any other person authorised by such board in that behalf, and shall transmit such Memorandum to the Board.

(4) The respective sets of managing trustees of any model trusts property affected by a division of management or the board of the Property Division, as the case may be, shall, immediately before determining the terms of management in respect of such division pursuant to sub-paragraphs (1) or (3) respectively of this paragraph, have regard to any certificate of such board under paragraph 6(1) of this Schedule then affecting such property or any other part thereof, and such sets of managing trustees or such board, as the case may be, shall procure that any description, in the Memorandum of Terms of Management embodying such terms of management, of any land or other asset shall, so far as circumstances at the date of such Memorandum permit, follow the corresponding description in such certificate.

9. The respective sets of managing trustees affected by terms of management may, after appropriate consultation, determine to amend the

Memorandum of Terms of Management relating to such division and thereupon subparagraphs (2) and (4) of the foregoing paragraph shall apply as if the reference therein to the determination of the terms of management were a reference to the determination of the amended terms of management and as if the reference therein to the Memorandum of Terms of Management were a reference to amended Memorandum of Terms of Management.

10. Without prejudice to the provisions of paragraph 26 of this Schedule, the Memorandum or amended Memorandum of Terms of Management in respect of any division of management shall, from the date such Memorandum or amended Memorandum is received by the Board pursuant to the appropriate provisions of paragraphs 8 or 9 of this Schedule, be conclusive evidence for all purposes of the terms of management relating to such division of management.

11. The Conference may by Standing Orders authorise the board of the Property Division to delegate, in such manner and subject to such restrictions or conditions as may be prescribed in such Standing Orders, to any committee or officer of the Property Division or to any other body or officer of the Church, all or any of the functions of such board under this Schedule.

PART III

MODEL TRUSTS

12. Model trust property shall be held upon and subject to the following charitable trusts, powers and provisions if and so far only as the execution, exercise or operation respectively of any of such trusts, powers or provisions in respect of such property or any part thereof shall be in furtherance of or incidental to a purpose of the Church.

13. Subject to the provisions of this Act and of this Schedule, the trustees shall hold the property upon the following trusts, or such of them as shall be capable of having effect having regard to the character and condition of the property, namely upon trust –

- (a) to apply, at the discretion of the managing trustees, any moneys available for such charitable purposes in the purchase of land or any chattel or other property for the purposes of a model trust amenity or a model trust operation or for any other purpose for which model trust property may be held or applied, or directed to be held or applied, under any provision of this Part of this Schedule;
- (b) to permit any place of worship to be used for religious worship and for public and other meetings and services held in accordance with Methodist practice and the provisions of the next following paragraph;
- (c) to permit a Sunday or other similar school or class to be held in accordance with Methodist practice in any schoolroom, or, in the discretion of the managing trustees, in or upon, any other part of the land comprised in the property, but if in a place of worship, only at such a time as not to interfere with public worship;

- (d) to permit any further meeting to be held in or upon any part of the land comprised in the property only if the holding of such meeting is not contrary to Methodist practice;
- (e) to permit any day school to be used for the education of children and young person under such system of management as the Conference may prescribe or approve or as may be required by law;
- (f) to permit any suitable building or part of a building comprised in the property to be used as an office, hostel, college, bookshop or other institution for or incidental to any purpose of the Church;
- (g) to permit any house or other dwelling to be used as a Circuit or District manse., or Connexional dwelling or for such other purpose of the Church as the Conference shall by Standing Order prescribe;
- (h) to permit any vestry, hall, classroom, kitchen, convenience, building, room, structure, or other appurtenance and any vacant land to be used for or in connexion with any of the above purposes or for purposes ancillary to any of such purposes;
- (i) to permit any land laid out as a cemetery or burial ground to be used for such purposes;
- (j) to permit any land laid out as a playground to be used for such purposes;
- (k) to change the use or application of the property or any part thereof from any one or more of the above purposes to any one or more other of such purposes or to permit the property or any part thereof to be held, used or applied mainly for any one or more of such purposes and partially for any one or more other of such purposes;
- (l) to carry into effect any sharing agreement affecting the property or any part thereof and made after the commencement of this Act under the provisions [the Law of 1973];
- (m) to permit any land comprised in the property or any part of such land thereof when not required or expected to be required for any of the above purposes by the managing trustees, to be used or applied temporarily or occasionally or intermittently but without creating any lease or tenancy, for any charitable purpose which is not contrary to Methodist practice;
- (n) to permit any chattel to be used in furtherance of or incidental to any purpose of a model trust amenity or model trust operation or for any other purpose for which model trust property may be held or applied or directed to be held or applied under any provisions of this part of the Schedule; and
- (o) to hold the same or any part thereof for or incidental to any such purpose of the Church as the Conference may from time to time authorise.

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14.-(1) The managing trustees shall permit such services and meetings for religious worship to be held in any place of worship at such times in such manner and to be officiated at by such minister or such other persons as shall be required or permitted by Methodist practice and by the provisions of this paragraph.

(2) Notwithstanding that any of the members of any communion or body hereinafter mentioned may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may by Standing Order prescribe –

- (a) hold, and permit the participation by members of the Church together with any members of any other Christian communion or body in, any occasional joint service or meeting in a place of worship or any other premises comprised in the property;
- (b) permit any member of any such communion or body to officiate and to preach at any such joint service or meeting.

[(2A) Notwithstanding that any of the members of any church or congregation hereinafter mentioned may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may at Standing Order prescribe permit the use of a place of worship or any other premises comprised in the property by members of one or more Christian churches or congregations either for particular occasions or for a period which shall not in any case exceed twelve months, provided that (i) such permission shall be given only upon terms that it is revocable by the managing trustees and (ii) such consent as aforesaid shall be given only in cases where to grant such permission would not (having regard to all the circumstances) itself infringe or offend the doctrinal standards.]

(3) [Subject to sub-paragraphs (2) and (2A) of this paragraph and to any provisions of the Law of 1973] or of any sharing agreement made thereunder affecting the property or any part thereof, the managing trustees shall not permit any person, at any service or meeting for religious worship held at or in any part of any premises comprised in the property, so to preach or expound God's Holy Word or perform any act as to deny or repudiate the doctrinal standards.

15. Subject to the provisions of this Schedule, it shall be lawful for the managing trustees to sell, subject to such restrictions and conditions as they think proper and either in perpetuity or for a limited time, the exclusive right of burial (and of the right of one or more burials) in any part of any cemetery or burial ground comprised in the property, and also the right of erecting and placing any monument, gravestone, tablet or monumental inscription in such cemetery or burial ground.

16. Subject to any statutory restriction and to the provisions of this Schedule the managing trustees may –

- (a) borrow such sum or sums as they consider necessary or expedient for the execution of any purpose of or the exercise of any power or the performance of any duty conferred or imposed on them, under this Schedule or any other statutory or other legal provision and may

mortgage or charge the property or any part thereof to secure any sum borrowed by them;

- (b) sell the property or any part thereof for the best price that can reasonably be obtained;
- (c) grant or renew any licence for the use of the whole or any part of any land comprised in the property for such period and for such reasonable payment and otherwise subject to such conditions as the managing trustees shall think fit;
- (d) build, repair, alter, enlarge, demolish or rebuild and furnish any building, structure or works of any description whatsoever and generally improve any part of any land comprised in the property, except where such land or any part thereof is in the actual possession of a mortgagee as such under a mortgage which contains a provision to the contrary;
- (e) let or re-let for any term at a rack rent, or on a lease for a premium, rent, royalty, share of profits or other consideration or any combination thereof, any part of the land comprised in the property or any timber, mineral or other rights therein;
- (f) sell any timber, minerals or other products of or substance in or on any part of any land comprised in the property;
- (g) provide facilities of any kind for any tenant or occupant of any land comprised in the property or any part of such land;
- (h) dispose of the property or any part thereof for development under a building lease or other arrangement including or not including provisions for the acquisition by the trustees of a freehold or leasehold interest (to be held on the model trusts) in all or any part of any new premises to be comprised in such development;
- (i) bring or defend any action relating to the property;
- (j) refer or join in a reference to arbitration of any disagreement or any dispute which may arise between the trustees and any other person in relation to the property;
- (k) delegate all or any of their powers or duties under these trusts to the Conference or to any Connexional, District, Circuit or local body of the Church, or any Committee of any such body;
- (l) appoint and dismiss such Committees, Stewards or Treasurers or other officers or servants as may be necessary and expedient in respect of the property or any part thereof; and
- (m) determine what is necessary or expedient for the purposes of the management of the property.

17. Subject to the provisions of this Schedule the managing trustees may invest any moneys requiring investment in or upon any investment for the time being authorised by law for the investment of trust funds or in any common investment fund or deposit fund for the time being constituted by or pursuant to the scheme contained in the First Schedule to the Act of 1960.

18.-(1) The trustees shall hold any property to which this paragraph is applicable upon trust for such purpose or purposes of the Church and in such manner as the Conference shall declare by Standing Order made pursuant to sub-paragraphs (1)(e) and (2) of the next following paragraph, or as the Conference or the board of the Property Division shall direct pursuant to any Standing Order made pursuant to the said provisions of the next following paragraph, as the case may be.

(2) This paragraph shall apply to –

- (a) all moneys which shall be paid or payable to the trustees (whether by one or more or successive or recurrent payments) on or pursuant to any sale, letting or other disposition of the property or any part thereof or of any interest therein made by the managing trustees in exercise of any power in that behalf conferred on them under any provision of paragraphs 15 or 16 of this Schedule; and
- (b) all existing Circuit Advance Funds.

19.-(1) Without prejudice to the generality of its powers as the governing body of the Church conferred by this Act and the Deed of Union, and without prejudice to any other provision of this Act or the said Deed expressly requiring or authorising it to prescribe any matter or thing by Standing Orders or otherwise, the Conference shall by Standing Orders declare, prescribe or regulate, in the manner provided in the next following sub-paragraph, the following matters or things, namely –

- (a) when and in what manner and subject to what procedure, requirements or conditions the managing trustees may exercise any power conferred on them under any provision of paragraphs 15, 16 or 17 of this Schedule;
- (b) the duties and terms of appointment of any Committee, Steward, Treasurer or other officer or servant appointed by the managing trustees pursuant to sub-paragraph (1) of paragraph 16 of this Schedule;
- (c) subject to the provisions of subsection (2) of section 6 (Contributions to investment funds and deposits in deposit funds to be authorised investments) of the Act of 1960 but otherwise without regard to general law or the effect of any statutory or other legal provision, what part of the property shall be deemed to be capital and what part of the property shall be deemed to be income for the purposes of the administration of these trusts;
- (d) subject to the next following provision of this sub-paragraph, the manner in which the managing trustees may apply capital and income for the purposes of these trusts;

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- (e) the purpose or purposes of these trusts of the Church for which and the manner in which the trustees shall hold any property to which paragraph 18 of this Schedule is applicable;
- (f) subject to any statutory requirement or regulation what accounts shall be kept by the managing trustees and what arrangements shall be made by the managing trustees for the audit of such accounts;
- (g) any such other matter or thing being consistent with this Act and Methodist practice as the Conference may deem expedient in relation to the property and the model trusts.

(2) In the exercise of its duty under the foregoing sub-paragraph the Conference may from time to time make any Standing Order declaring, prescribing or regulating the whole or any part of any such matter or thing or providing that the whole or any part of such matter or thing shall, in the circumstances specified in such Standing Order, be subject to the direction of the Conference or of the board of the Property Division.

20.-(1) If the board of the Property Division shall consider that any purpose of the Church would thereby be advanced, it shall be lawful for such board to authorise the trustees of any model trust property, by a written authority under the hand of its General Secretary or of any other person authorised by such board in that behalf to dispose of such property or any part thereof, in any manner whatsoever to any person upon trust for such purpose of the Church without the payment or provision of any consideration or for the payment or provision of less consideration than might otherwise be reasonably obtainable in respect of such property or such part thereof, and it shall be lawful for such trustees to enter into any transaction pursuant to such authority.

(2) Where any model trust property or any part thereof comprises or includes a place of worship or a former place of worship, then, if the board of the Property Division shall consider that any purpose of the Church would thereby be advanced or tend to be advanced, such board may, by a written authority given under the hand of its General Secretary, or of any other person authorised by such board in that behalf, authorise the trustees of such model trust property or such part thereof to dispose of such property or such part thereof subject to any restriction (to be specified in such written authority) of the use of any land and any building or part of any building comprising such place of worship or former place of worship; and any transaction entered into by the trustees of such model trust property or such part thereof pursuant to any such authority shall not be capable of being impugned by reason of any such restriction.

(3) In the foregoing sub-paragraph “former place of worship” means any property which was formerly a place or part of a place of worship but which, in the opinion of the board of the Property Division, ceased to be such a place or part of such a place not more than twenty years before the date of any written authority affecting the said property given by the said board pursuant to the powers contained in the foregoing sub-paragraph.

21. The trustees shall not exercise or perform or concur in the exercise or performance of any discretion or power conferred or duty imposed by any provision of this Schedule, or by any other statutory or other legal provision, save in accordance with any Standing Order and any direction or authority respectively made or given under or pursuant to any provision of this Act:

Provided that, in the event of any conflict between any such Standing Order or any such authority or direction and any provision of [the Law of 1973] or any sharing agreement made pursuant thereto and affecting any such model trust property, the provision of that Act or agreement shall prevail.

22. Subject to the provisions of the foregoing paragraph the managing trustees shall, in the exercise or performance in relation to any model trust property or any part thereof, of any discretion or power conferred or duty imposed by this Schedule or by any other statutory or other legal provision, give consideration to any declaration of preference, made pursuant to section 12 (Future model trust settlements) of this Act or deemed to have been so made by virtue of section 15 (Gifts to Local Churches or Circuits) of this Act, in respect of such property or such part thereof, but shall not be bound to give effect thereto.

23.-(1) The Conference may resolve that in the opinion of the Conference any model trust property (other than any such property held by the Board upon the model trusts under paragraph 4(2) of this Schedule) or any part thereof has become redundant or that its retention is not a practicable means of advancing any purpose of the Church, and may (by the same or any subsequent resolution) further resolve that in the opinion of the Conference such property or part thereof ought to be sold, and upon the passing of such further resolution the Board shall, by virtue of this Act and without further assurance cease to be the custodian trustees upon the model trusts and shall become the trustees of such property or part thereof to the exclusion of the managing trustees thereof, and shall hold such property or part thereof upon trust to sell the same and to hold the proceeds of sale upon trust (after discharge of any incumbrance or of any liability in respect of which any previous trustees or managing trustees and the Board as the previous custodian trustees shall be entitled to indemnity) to apply the same for any purpose of the Church in accordance with such scheme as may be made or approved by the Conference or by the board of the Property Division.

(2) The provisions of sub-paragraphs (2) and (3) of paragraph 20 of this Schedule shall apply in the case of any disposition of any model trust property or any part thereof by the Board pursuant to the foregoing sub-paragraph as if any reference to the trustees of such property in any of such provisions were a reference to the Board:

Provided that where any model trust property or any part thereof comprises or includes a place of worship or a former place of worship and pursuant to the provisions of the foregoing sub-paragraph, such model trust property or such part thereof is to be sold by the Board to a person who worshipped in such place of worship or former place of worship as a member or adherent of the Church immediately before the Conference resolved that such property or such part thereof ought to be sold and who proposes to use such place of worship or former place of worship for the purposes of Christian religious worship, nothing in sub-paragraphs (2) and (3) of paragraph 20 of this Schedule as hereinbefore in this sub-paragraph applied,

shall enable the board of the Property Division to authorise the Board, when selling such model trust property or such part thereof to such person, to impose any restriction excluding the use for the purposes of Christian religious worship of any land or any building or part of any building comprising such place of worship or former place of worship.

24.-(1) The amount of any sum properly borrowed for the purposes of these trusts upon the personal security of the managing trustees shall be deemed to be charged upon and secured by a lien against the property or such part thereof in respect of which such sum was borrowed, for the amount of such sum in favour and for the indemnity of such trustees, but no such charge or lien shall have any effect as against a purchaser, mortgagee, lessee or other person under a sale, mortgage, charge, lease or other disposition made for value in execution of these trusts, whether made with or without notice of that charge or lien.

(2) The trustees shall not be –

- (a) liable for any involuntary loss suffered by them nor for any injury done by any other person to the property;
- (b) accountable for more money than comes to their hands; or
- (c) responsible for the repair and upkeep of the property, except to the extent of funds available or supplied to them for that purpose.

25. Any receipt given on behalf of –

- (a) the Board by the person who purports to be the treasurer or the secretary for the time being of the Board; or
- (b) the managing trustees by the persons purporting to be the managing trustees or the majority of such trustees or by any person purporting to be the General Secretary, Steward, Treasurer or other officer entitled to give such receipt on behalf of the managing trustees;

shall be a good and sufficient discharge for all moneys or other property therein acknowledged to have been received, and any person who shall have paid delivered or transferred any such property shall be exonerated by such receipt from all liability to enquire whether the Board or the managing trustees were the proper recipients of such moneys or property, and from all liability to see to the application thereof, and from all loss arising by or in consequence of the misapplication or non-application of the same.

26.-(1) For the purposes of this paragraph –

“document” means, in relation to a purchaser, the document transferring, creating or evidencing any interest;

“interest” means, in relation to any model trust property or any part thereof and to any purchaser, any interest in or charge on such property or such part thereof or the benefit of any covenant or agreement expressed to be entered

into by the trustees or the managing trustees of such property or such part thereof;

“memorandum of consent” means a memorandum signed by the General Secretary of the board of the Property Division or by any other person authorised by such board in that behalf and attested by two witnesses present at the time of such signature, consenting to the transaction therein mentioned;

“purchaser” means, in relation to any model trust property or any part thereof, any person acquiring an interest from the trustees or managing trustees thereof in good faith and for money or money’s worth, and includes the successors or assigns of such person.

(2) A statement in a document to the effect that –

(a) any person named as a party to such document and purporting to execute the same as the sole managing trustee of any model trust property or any part thereof, is such sole managing trustee; [or]

(b) any persons together named as a party to such document and purporting to execute the same as the managing trustees of any model trust property or any part thereof, are such managing trustees; *

(c) * * * * *

shall in favour of a purchaser, be conclusively presumed to be true.

(3) If, before any transaction creating or purporting to create an interest has been entered into, a memorandum of consent in respect of such transaction has been executed, then such interest shall not, as against the purchaser, be capable of being impugned on the ground that such transaction was not within the powers conferred on managing trustees under the model trusts or that such transaction was entered into in breach of Standing Orders.

(4) For the purposes of this paragraph, if a memorandum of consent shall purport to have been signed and attested as mentioned in sub-paragraph (1) of this paragraph, then, on proof (whether by evidence or as a matter of presumption) of the signature such memorandum shall be presumed to have been so signed and attested, unless the contrary is shown.

27.-(1) Subject to the two next following sub-paragraphs, the Conference may by special resolution amend, repeal or add to the provisions of this Schedule except the provisions of paragraphs 12, 17, 20, 21, 23 and 24 thereof and the provisions of this paragraph.

(2) The Conference shall make any amendment or repeal of or any addition to the provisions of this Schedule by deferred special resolution if such amendment repeal or addition relates to or affects the provisions of paragraph 14 of this Schedule or any amendment of or addition to such provisions.

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(3) No amendment or repeal of or addition to the provisions of this Schedule shall authorise the use or application of the property or any part thereof for any purpose which is not a purpose of the Church or incidental to purpose of the Church.

(4) After any amendment or repeal of or addition to the provisions of this Schedule pursuant to sub-paragraph (1) of this paragraph, any reference to this Schedule or to the model trusts in this Act or in any other statutory or other legal provision shall be deemed to be a reference to this Schedule or to the model trusts respectively subject to such amendment repeal or addition.

(5) The Conference may procure that any such amendment repeal or addition may at any time and from time to time be embodied in a deed poll under the hand and seal of the President of the Conference for the time being * * * * *.

SCHEDULE 3

(Section 28)

ENACTMENT REPEALED

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