



Jersey

METHODIST CHURCH (JERSEY) LAW 1986

Official Consolidated Version

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Showing the law from 1 January 2019 to Current



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METHODIST CHURCH (JERSEY) LAW 1986

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Jersey

METHODIST CHURCH (JERSEY) LAW 1986

A LAW to establish and incorporate the Trustees for Jersey Methodist Church Purposes and to vest in them all property held upon the trusts of the Model Deed of the Methodist Church, and for connected purposes

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“1929 Act” means the Methodist Church Union Act 1929 of the United Kingdom which extends to Jersey as mentioned in section 35 thereof;

“1976 Act” means the Methodist Church Act 1976 of the United Kingdom as the same shall be extended to Jersey by Order in Council, with such exceptions, adaptations and modifications as may be specified in the Order;

“Board” means the corporate body established by Article 2;

“Circuit” shall have the meaning assigned to that expression for the time being by paragraph 1 of Part I of Schedule 2 to the 1976 Act save that for the purposes of Articles 3 and 8 it shall mean only the Jersey Circuit or other Circuit for the time being comprising or including Jersey;

“Conference” has the meaning assigned to it by section 2(1) of the 1976 Act;

“Methodist Church” has the meaning assigned to it by section 2(1) of the 1976 Act;

“model trusts” means the trusts for the time being contained in Part III of Schedule 2 to the 1976 Act;

“purposes of the Methodist Church” means the purposes mentioned in section 4 of the 1976 Act;

“property” has the meaning assigned to it by section 2(1) of the 1976 Act;

“Synod” means the Channel Islands District Synod of the Methodist Church.

2 Establishment of the Trustees for Jersey Methodist Church Purposes

- (1) For the purposes of this Law there shall be established a body to be called the “Trustees for Jersey Methodist Church Purposes” (in this Law referred to as the “Board”) to perform the functions assigned to the Board by or under this Law.
- (2) The Board shall be a body corporate having perpetual succession and a common seal and with power to acquire and hold immovable property and personal property of every kind and to transfer, exchange, assign, lease or otherwise dispose of any present or future immovable property or personal property held by them and the Board may sue and be sued under that name and may act as trustees and as custodian trustees.
- (3) The Board shall, as soon as may be after they have been constituted, establish and shall thereafter maintain in Jersey a registered office at which all instruments for service upon the Board shall be served.
- (4) It shall be the duty of the Board to give to the Judicial Greffier notice in writing of the situation of their registered office for the time being.
- (5) The powers referred to in paragraph (2) shall be exercisable subject to such consents or orders (if any) being obtained as would, if this Law had not been passed, have been requisite if the transaction were being effected under an express power conferred by an instrument creating a trust.
- (6) The following provisions shall have effect with respect to any property (in this paragraph referred to as “trust property”) vested in the Board as custodian trustees –
 - (a) the trust property shall vest in or be transferred to the Board as if they were sole trustee;
 - (b) the management of the trust property and the exercise of any power or discretion exercisable by the trustees under the trusts applicable shall remain or be vested in the trustees other than the Board (which trustees are in this paragraph referred to as the “managing trustees”);
 - (c) as between the Board and the managing trustees, and subject to and without prejudice to the rights of any other persons, the Board shall have the custody of all securities and documents relating to the trust property, but the managing trustees shall have free access thereto and be entitled to take copies or extracts;
 - (d) the Board shall concur in and perform all acts necessary to enable the managing trustees to exercise any powers of management or any other power or discretion vested in the managing trustees (including the power to pay money or securities into court), unless the manner in which the Board are requested to concur is a breach of trust, or involves a personal liability on the Board in respect of calls or otherwise, but, unless they so concur, the Board shall not be liable for any act or default on the part of the managing trustees or any of them;
 - (e) all sums payable out of the income or capital of the trust property shall be paid to or by the Board, but the Board may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as the managing trustees direct, or into such bank to the credit of such person as the managing trustees may direct, and in such case the

Board shall be exonerated from seeing to the application thereof and shall not be answerable for any loss or misapplication thereof;

- (f) the power of appointing new trustees, when exercisable by the managing trustees, shall be exercisable by the managing trustees alone, but the Board shall have the same power of applying to the court for the appointment of a new trustee as any other trustee;
- (g) the Board, if they act in good faith, shall not be liable for accepting as correct and acting on the faith of any written statement by the managing trustees as to any matter of fact, upon which the title to the trust property may depend, nor for acting upon any legal advice obtained by the managing trustees independently of the Board.

3 Constitution of Board and first members

- (1) Subject to the provisions of this Law, the Board shall consist of the Chairman of the Synod, the Superintendent Minister of the Circuit and such number of appointed members as the Synod shall (subject to the provisions of this Article) from time to time think fit provided that such number shall be an even number and not more than 8 nor less than 4.
- (2) Each member of the Board shall be a member of the Methodist Church and in the case of an appointed member shall at the time of the person's appointment be resident in Jersey and, subject to the provisions of this Law with respect to avoidance and determination of office, shall hold office until the member attains 70 years of age.
- (3) This first appointed members of the Board shall be the persons appointed by the Synod following nomination by the Circuit to be such members and a statement in writing under the hand of the Chairman of the Synod shall be conclusive evidence as to who are the first appointed members of the Board. The Synod may from time to time (subject to the provisions of this Article) appoint new or additional members of the Board and a statement in writing under the hand of the Chairman of the Synod shall be conclusive evidence of such appointment.

4 Appointment of new members

- (1) If a member of the Board shall –
 - (a) die;
 - (b) become bankrupt;
 - (c) make an assignment for the benefit of the member's creditors;
 - (d) refuse or be unfit to act or be incapable of acting as a member of the Board;
 - (e) being an appointed member reside for 12 consecutive months out of Jersey;
 - (f) cease to be a member of the Methodist Church;
 - (g) by notice in writing sent or delivered to the Chairman for the time being of the Synod state the member's desire to resign from the Board; or
 - (h) attain the age of 70 years,the member shall thereupon cease to be a member of the Board.

- (2) On the occurrence of a vacancy or vacancies in the appointed membership of the Board pursuant to paragraph (1) it shall be the duty of the Synod to make such further appointments to the Board as may be requisite to cause such membership thereof to comply with Article 3.
- (3) The proceedings of the Board shall not be invalidated by any vacancy in their membership.

5 Procedure

- (1) Subject to the provisions of this Law or to any other statutory provision or rule of law, or any trust deed, under which the Board may hold any immovable property or personal property, the Board may from time to time determine their own procedure.
- (2) The common seal of the Board shall be kept by such person or persons as the Board by resolution or by a memorandum under the hands of all the members thereof shall from time to time appoint and shall not be affixed to any instrument except with the sanction of at least 2 members of the Board testified by their signatures to a statement expressing such sanction written on the instrument to which the seal is affixed but it shall not be necessary for the members so testifying their sanction to be present at the affixing of the seal.

6 Transfer of property to Board

- (1) All immovable property and all personal property held upon the trusts of the Model Deed in Jersey shall on the appointed day by virtue of this Law be vested in the Board in place and to the exclusion of all persons who are then the trustees of such property subject to the trusts, directions and powers referred to or contained in this Law and the 1976 Act and the Board shall hold all such property as custodian trustees upon the model trusts and freed and discharged from all trusts powers and provisions affecting such property before the commencement of this Law but subject to any encumbrance affecting the same.
- (2) The Board may receive and hold all immovable property and all personal property of every kind which shall from time to time be given or transferred to them upon or for any trusts, intents or purposes of the Methodist Church in Jersey or its Synod, circuits, districts, missions or other connectional or local organisations whether immediately connected with chapels or not or upon or for any trusts, intents or purposes connected with any of its Sunday schools, day schools, or ministers' houses or upon or for any trusts, intents or purposes connected with any society, institution or charity subsidiary or ancillary to the Methodist Church.
- (3) In relation to the Board and in relation to the trusts of or affecting any immovable property given or transferred to them Article 11(2)(a)(iii) of the [Trusts \(Jersey\) Law 1984](#), shall not have effect.
- (4) In this Article "appointed day" means the day on which this Law comes into operation.
- (5) Nothing in this Article shall derogate from the provisions of Article 13.

7 Trustees' indemnity preserved

Nothing contained in this Law shall deprive any trustee of any property referred to in Article 6(1) of any rights to which but for this Law the trustee would be entitled to be indemnified out of such property in respect of any mortgage, charge, incumbrance, lien, bond and disposition in security or obligation in respect of which the trustee shall have become personally liable.

8 Evidence

Any document purporting to be a copy of any resolution passed by the Conference or Synod or Circuit or the Board (such document being or purporting to be signed by the Secretary of the Conference or Chairman of the Synod or the Superintendent Minister of the Circuit or Chairman of the Board as the case may be for the time being) shall be conclusive evidence that such resolution was duly passed by the Conference, Synod, Circuit or the Board, as the case may be and a letter signed or purporting to be signed by the Secretary of the Conference, Chairman of the Synod, Superintendent Minister of the Circuit or Chairman of the Board as the case may be for the time being, declaring that such resolution has been passed by a particular majority shall be conclusive evidence of the fact that without proof of the number or proportion of the votes recorded in favour of or against such resolution.

9 Indemnity of Board and members thereof

No member of the Board shall by being party to or executing as such member, any contract or other instrument or otherwise lawfully executing any of the powers given to the Board by this Law be subjected to be sued or prosecuted by any person whomsoever nor shall the bodies, goods or lands of any such members be liable to execution of any legal process by reason of any contract or other instrument so entered into signed or executed by the Board or any of the members thereof or by reason of any lawful act done by the Board or any of the members thereof in the execution of any of their powers as such Board or member and the members of the Board, their executors and administrators, shall be indemnified out of any trust for the time being vested in the Board for all payments made or liabilities incurred in respect of any acts done by them in connexion with such property or the trusts affecting the same and for all losses, costs and damages which they may incur in the execution of this Law as regards such property or the trusts affecting the same and the Board may apply such property for the purposes of such indemnity.

10 Application of the [Trusts \(Jersey\) Law 1984](#) in modified form

The [Trusts \(Jersey\) Law 1984](#), shall apply to the Board, the model trusts and all property now or hereafter held by the Board upon the model trusts or any other trusts as if Article 11(2)(a)(iii) were deleted from the [Trusts \(Jersey\) Law 1984](#).

11 Non-application of the [Loi \(1862\) sur les teneures en fidéicommiss et l'incorporation d'associations](#)

The [Loi \(1862\) sur les teneures en fidéicommiss et l'incorporation d'associations](#) shall not apply to the Board, the model trusts or any property now or hereafter held by the Board upon the model trusts or any other trusts.

12 Registration

- (1) The Royal Court shall, when it orders the registration of this Law, also order the registration of a copy of this Law signed by the Greffier of the States in the Public Registry of Contracts.
- (2) No fees shall be payable under the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#), in relation to the registration of a copy as required by paragraph (1) of this Article.

13 Effect of registration in the Public Registry of Contracts

- (1) The registration of a copy of this Law in the Public Registry of Contracts shall on the appointed day have like effect as a contract passed before the Royal Court and the title to any immovable property held upon the trusts of the Model Deed which immediately before the appointed day was registered in the Public Registry of Contracts shall vest in, belong to and be held by the Board on and after the appointed day.
- (2) In this Article “appointed day” means the day on which this Law comes into operation.

14 Citation

This Law shall be cited as the Methodist Church (Jersey) Law 1986.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Methodist Church (Jersey) Law 1986	L.2/1986	1 September 1986 (R&O.7543)

Table of Renumbered Provisions

Original	Current
1(1)	1
(2), (3), (4)	spent, omitted from this revised edition
14(1)	14
(2)	spent, omitted from this revised edition

Table of Endnote References

There are currently no endnote references