



Jersey

**UNITED REFORMED CHURCH ACTS 1972  
AND 1981 (JERSEY) ORDER 1998**

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**APPENDIX**



Jersey

# UNITED REFORMED CHURCH ACTS 1972 AND 1981 (JERSEY) ORDER 1998

**Jersey Order In Council 10/1998**

**THE UNITED REFORMED CHURCH ACTS 1972 AND 1981 (JERSEY) ORDER 1998**

*(Registered on the 3rd day of April 1998)*

**At the Court at Buckingham Palace**

18th day of March 1998

PRESENT

**The Queen's Most Excellent Majesty in Council**

**HER MAJESTY**, in exercise of the powers conferred upon Her by section 33 of the United Reformed Church Act 1972, and section 31 of the United Reformed Church Act 1981, 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 United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998 and shall come into force on 18th May 1998.
2. In this Order, “Jersey” means the Bailiwick of Jersey.
3. The United Reformed Church Act 1972 shall extend to Jersey with the exceptions, adaptations and modifications specified in Schedule 1 to this Order.
4. Sections 1, 2, 21, 24, 28 and 29 of the United Reformed Church Act 1981 shall extend to Jersey with the exceptions, adaptations and modifications specified in Schedule 2 to this Order.

*Jersey Order in Council 10/1998*

*United Reformed Church Acts 1972 and 1981 (Jersey)  
Order 1998*

**N.H. NICHOLLS**

*Clerk of the Privy Council.*

**SCHEDULE 1****(Article 3)****EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE UNITED REFORMED CHURCH ACT  
1972 IN ITS EXTENSION TO JERSEY**

1. Where there is a reference to the date of formation there is substituted a reference to the date of the extension of the United Reformed Church Act 1972 to Jersey.

2. In section 4(2), in paragraph (a)(ii), for “passing of this Act” substitute “extension of this Act to Jersey”.

3. In section 4(3), for the words from “forthwith after the appointment of the first clerk” onwards substitute “at the same time as he sends the certificate to the commissioners send a copy of it to the clerk”.

4. In section 5(2) –

(a) in paragraph (a) –

(i) for “effected by the preceding subsection” substitute “effected by section 5(1) of the United Reformed Church Act 1972 as that Act has effect in England and Wales”; and

(ii) at the end insert –

“: Provided that nothing in this paragraph shall be taken to prevent a non-uniting congregation from becoming a member of a Presbyterian Church other than that church or denomination commonly described and known as the Presbyterian Church of England and regulating its affairs in accordance with the doctrinal and administrative principles and usages of that other Presbyterian Church”; and

(b) omit paragraph (b).

5. In section 5(3), for paragraphs (a) to (i) substitute –

“(a) every uniting church and uniting congregation in Jersey; and

(b) every committee, council, court or other unincorporated association of or exclusively subsidiary or ancillary to any of the associations listed in paragraphs (a) to (h) of section 5(3) of the United Reformed Church Act 1972 as that Act has effect in England and Wales.”.

6. In section 6(1), for the comma before “of the Congregational Union” substitute “or”; and omit the words from “or of any association” to “of that schedule”.

7. Omit section 6(2).

8. Omit section 7.

9. Omit section 8.
10. In section 9(1), omit “(other than property to which the preceding section of this Act applies)”.
11. Omit section 9(2).
12. In section 10(2), omit the words from “and until” to “of this Act”; and for “this Act had not been passed” substitute “this Act had not been extended to Jersey”.
13. In section 11(2)(b), omit “section 8 (Lands held in trust for uniting churches and uniting congregations),”.
14. In section 12(1), omit the words from “and until” to “of this Act”.
15. In section 12(2), omit the words from “, until” to “said section 13”; and omit paragraph (b).
16. In section 12(3), for all the words after “in connection with”, where that expression appears for the second time, substitute the words “the Congregational Church, the Congregational Union and any incorporated or unincorporated council or association of congregational churches or of the congregational denomination”.
17. In section 12(4)(b), omit “section 8 (Lands held in trust for uniting churches and uniting congregations),”.
18. Omit sections 13 to 15.
19. Omit section 19.
20. Omit section 20(3).
21. Omit section 22.
22. Omit section 23(1) and (3).
23. In section 23(2) –
  - (a) omit “to which the preceding subsection applies”;
  - (b) for “Part III of the Marriage Act 1949” substitute “Articles 38 and 39 of the Loi (1842) sur l’Etat Civil as amended”; and
  - (c) for “the said Act” substitute “the said Law”.
24. In section 23(4) –
  - (a) for “the Registrar General of Births, Deaths and Marriages in England and Wales” substitute “l’Enregistreur Surintendant”; and
  - (b) omit “to which subsection (1) of this section applies and shall indicate on that list which of those buildings are buildings”.

**25.** In section 24(1), for the words from “On and from the date” to “that Act” substitute the words “On and from the date of the extension of this Act to Jersey the Sharing of Church Buildings (Jersey) Law 1973 shall have effect as if the United Reformed Church were named in the Schedule to that Law”.

**26.** In section 24(2), for “the said Act” substitute “the said Law”.

**27.** In section 26(2), at the end, for “passed” substitute “extended to Jersey”.

**28.** Omit section 28(4).

**29.** In section 29, insert before the word “Law” the word “Jersey” (in two places).

**30.** In section 31 –

(a) omit “the commissioners”; and

(b) at the end, insert –

“nor shall be taken as being in derogation of the Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations, as amended”.

**31.** Omit sections 32 to 34 and Schedules 1 and 2.

**SCHEDULE 2****(Article 4)****EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE UNITED  
REFORMED CHURCH ACT 1981 IN THEIR EXTENSION TO JERSEY****1.** In section 2 –

- (a) omit the definitions of “Association”, “Churches of Christ”, “clerk”, “commissioners”, “date of unification”, “dissolved association”, “Moderator”, “Proposals for Unification”, “Unifying Assembly”, “Unifying Declaration”, and “uniting church”;
- (b) in the definition of “Act of 1972”, at the end, add “as extended to Jersey by the United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998”.

**2.-(1)** In section 21(1) –

- (a) for “commencement of this Act” substitute “date of extension of this section to Jersey”;
- (b) in paragraphs (a) and (b), for “formation as defined in the Act of 1972” substitute “the extension of the Act of 1972 to Jersey”;
- (c) omit paragraphs (c) and (d);
- (d) for “passing of this Act” substitute “extension of this section to Jersey”;
- (e) in paragraph (i), for “5th October 1972” substitute “the date of the extension of the Act of 1972 to Jersey”; and
- (f) omit paragraphs (iii) and (iv).

**(2)** In section 21(2) –

- (a) for “commencement of this Act” substitute “date of extension of this section to Jersey”;
- (b) for “said date of formation” substitute “date of extension of the Act of 1972 to Jersey”; and
- (c) omit “and section 15”.

**(3)** Omit section 21(3).**3.** In section 24 –

- (a) for “society, or uniting church” substitute “or society”; and
- (b) insert the word “Jersey” before the words “Law Society” (in two places).

**4.** In section 29 –

(a) omit “the commissioners”; and

(b) at the end, insert –

“nor shall be taken as being derogation of the Loi (1862) sur les teneures en fidéicommiss et l’incorporation d’associations, as amended”.



**UNITED REFORMED CHURCH ACT 1972****1972 CHAPTER 18***ARRANGEMENT OF SECTIONS*

## Section

1. Short title.
2. Interpretation.
3. Validity and evidence of Uniting Declaration.
4. Validity and evidence of certain resolutions.
5. Dissolution of unincorporated bodies.
6. Powers of incorporated associations.
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8. \* \* \* \* \*
9. Other property held in trust for uniting churches and uniting congregations.
10. Property held in trust for uniting and other churches or congregations.
11. Property held in trust for the Presbyterian Church.
12. Property held in trust for the congregational denomination.
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14. \* \* \* \* \*
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16. Gifts which are to take effect as gifts to the United Reformed Church.
17. Power to make grants, etc., to the United Reformed Church.
18. Powers vested in dissolved associations.
19. \* \* \* \* \*
20. Preservation of existing trusteeships.
21. Covenants restricting use of land.
22. \* \* \* \* \*
23. Application of Places of Worship Registration Act 1855 and Marriage Act 1949.
24. Sharing of church buildings.
25. Actions, etc., by or against the United Reformed Church.
26. Pending representative actions, etc.
27. Indemnities.
28. Admission of non-uniting churches and congregations.
29. Arbitration.
30. Saving for charges, etc.
31. Saving of powers in regard to charities.
32. \* \* \* \* \*

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33. \* \* \* \* \*

34. \* \* \* \* \*

*SCHEDULES*

Schedule 1.— \* \* \* \* \*

Schedule 2 — \* \* \* \* \*

**ELIZABETH II****1972 CHAPTER 18**

**AN ACT** to make provision as to property held on behalf of the Congregational Church in England and Wales and its member churches and of the Presbyterian Church of England, and for other purposes incidental to or consequential upon the formation of the United Reformed Church (Congregational-Presbyterian) in England and Wales.

[29th June 1972]

**WHEREAS –**

(1) The Congregational Church in England and Wales (hereinafter called “the Congregational Church”) is a voluntary unincorporated association of autonomous groups of persons (known as “churches”) of the congregational denomination the affairs of which are regulated by a council and an assembly:

(2) The Congregational Union of England and Wales (Incorporated) is a company limited by guarantee having for its main object the promotion of evangelical religion according to the principles and usages for the time being of protestants of the congregational denomination and having power to act as trustee of any property vested in the company:

(3) The incorporated associations whose names are set out in Part I and the second column of Part II of the First Schedule to this Act and in paragraphs (d) to (g) inclusive of subsection (3) of section 12 (Property held in trust for the congregational denomination) of this Act are companies limited by guarantee (or otherwise limited) having objects and powers similar to the objects and powers of The Congregational Union of England and Wales (Incorporated):

(4) The associations whose names are set out in the first column of Part II of the First Schedule to this Act are voluntary unincorporated associations of churches of the congregational denomination within particular counties or areas formed for the purpose of mutual guidance and assistance:

(5) The church or denomination known as the Presbyterian Church of England (hereinafter called “the Presbyterian Church”) is a voluntary unincorporated association of persons organised for the purpose of Christian worship, instruction, fellowship and work into groups (known as “congregations”) having a form of church government administered through representative councils or courts known as Sessions, Presbyteries and the General Assembly of which the last mentioned is the supreme court whose decisions are final and binding upon the whole Presbyterian Church:

(6) The Presbyterian Church of England Trust is a company limited by guarantee having for its main object the carrying on, promotion and furtherance of religious or other

charitable work directed to the advancement and support of the Presbyterian Church and having power to act as trustee of any property vested in the company:

(7) The Assembly of the Congregational Church and the General Assembly of the Presbyterian Church being convinced that the will of God is a union of their respective churches or denominations have for many years been engaged in discussions towards the achievement of that end:

(8) The said discussions culminated in the preparation of a Scheme of Union (hereinafter called “the Scheme”) which was approved by the Assembly of the Congregational Church on the eleventh day of May One thousand nine hundred and seventy-one and by the General Assembly of the Presbyterian Church on the same day:

(9) The Scheme provides for the formation of a united church or denomination under the name of the United Reformed Church (Congregational-Presbyterian) in England and Wales (hereinafter called “the United Reformed Church”) if the procedures and conditions defined and declared in the Scheme are satisfied:

(10) The formation of the United Reformed Church must involve the variation of trusts of property held for or for the purposes of (amongst other bodies) the Congregational Church, churches and associations of churches and of the Presbyterian Church and of the organisations and associations of that church or denomination:

(11) It is expedient that the variations of trust for which provision is made in this Act should be made if the United Reformed Church is formed:

(12) It is further expedient that the other provisions of this Act (being provisions incidental to or consequential upon the formation of the United Reformed Church) should be enacted:

(13) 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 this present Parliament assembled, and by the authority of the same, as follows<sup>3</sup> –

### **Short title**

1. This Act may be cited as the United Reformed Church Act 1972.

### **Interpretation**

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

“clerk” means the clerk of the General Assembly;

“commissioners” means the Charity Commissioners for England and Wales;

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<sup>3</sup> Deletions and words in square brackets indicate adaptations and modifications made by the United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998.

“Congregational Church” means the voluntary unincorporated association known as the Congregational Church in England and Wales;

“Congregational Union” means The Congregational Union of England and Wales (Incorporated);

“date of formation” means the date on which is passed the Uniting Declaration;

“enactment” means an enactment in this Act or in any general or local Act or in any order, rule or regulation made under any Act;

“General Assembly” means the General Assembly of the United Reformed Church;

“land” includes any estate, interest or right, in, over or under land;

“local church” means a local church of the United Reformed Church;

“Moderator” means the Moderator of the General Assembly of the United Reformed Church;

“non-uniting church” means a body of persons organised according to the principles and usages of the congregational denomination for the purpose of worship, communion and fellowship other than a uniting church;

“non-uniting congregation” means a congregation of the Presbyterian Church which shall have passed a resolution to secede under and in accordance with the Scheme of Union;

“Presbyterian Church” means the church or denomination commonly described and known as the Presbyterian Church of England;

“property” means property of every description wheresoever situate and includes property held on trust and securities, rights and powers of every description;

“resolution of approval” means a resolution of an association named in Part I or the first column of Part II of the First Schedule to this Act which approves that resolution of the Assembly of the Congregational Church which is referred to in the definition of the “Scheme of Union” in this subsection;

“Scheme of Union” means the scheme of union approved by resolution of the Assembly of the Congregational Church on the eleventh day of May One thousand nine hundred and seventy-one and by resolution of the General Assembly of the Presbyterian Church on the same day;

“United Reformed Church” means the church or denomination which on its formation is to be described and known as the United Reformed Church (Congregational-Presbyterian) in England and Wales, or as the United Reformed Church (Congregational-Presbyterian) or as the United Reformed Church;

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<sup>4</sup> See paragraph 1 of Schedule 1 to the United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998.

“uniting church” means a member church of the Congregational Church which shall have passed a resolution to unite under and in accordance with the Scheme of Union;

“uniting union church” means a uniting church which immediately before the passing of its resolution to unite shall have been a member of the Baptist Union of Great Britain and Ireland;

“uniting congregation” means a congregation of the Presbyterian Church other than a non-uniting congregation; and

“the Uniting Declaration” means the declaration which under the Scheme of Union forms the United Reformed Church.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended or amended by or by virtue of any subsequent enactment including any enactment in this Act.

### **Validity and evidence of Uniting Declaration**

3.-(1) The declaration by the president of the United Assembly at that Assembly that the Uniting Declaration has been passed in accordance with the Scheme of Union shall be final and conclusive as to that fact and as to the satisfaction of all preliminary procedures and conditions defined and declared in the Scheme, and the date, validity and effectiveness of the Uniting Declaration shall not thereafter be questioned on any ground in any court or proceeding whatsoever.

(2)(a) The president of the United Assembly forthwith after the passage of the Uniting Declaration shall certify his declaration of that event and the date thereof, and shall send the certificate together with a copy of the Scheme of Union to the commissioners for safe keeping under section 25(2) of the Charities Act 1960.

(b) A copy of the certificate referred to in the preceding paragraph or of the Scheme of Union which is authenticated either by the Moderator or by the clerk shall be admissible in all courts and proceedings as evidence respectively of the matters certified and of the contents of the Scheme of Union; and a document purporting to be such a copy shall be received without proof of the position or handwriting of the person authenticating it.

(3) In this section the expression “United Assembly” means the assembly which under the Scheme of Union is empowered to pass the Uniting Declaration.

### **Validity and evidence of certain resolutions**

4.-(1) The declaration by the person presiding at the appropriate meeting that a resolution of approval, a resolution to unite or a resolution to secede has been passed shall be final and conclusive as to that fact and as to the satisfaction of all preliminary procedures and conditions, and the date, validity and effectiveness of such a resolution shall not thereafter be questioned on any ground in any court or proceeding whatsoever.

(2) Subsection (2) of section 3 (Validity and evidence of Uniting Declaration) of this Act shall apply in regard to resolutions of approval, resolutions to unite and resolutions to secede, and for the purpose of such application –

- (a) paragraph (a) of the said subsection shall have effect as if –
  - (i) for the reference to the president of the United Assembly there were substituted a reference to the person presiding over the meeting at which the resolution in question is passed or (in the event of his death or inability or unwillingness to act) to a person present at the meeting;
  - (ii) for the reference to forthwith after the passage of the Uniting Declaration there were substituted a reference to forthwith after the [extension of this Act to Jersey];
  - (iii) for the expression “of that event” there were substituted the words “the passing of the resolution”;
  - (iv) the reference to the Scheme of Union were omitted;
- (b) paragraph (b) of the said subsection shall have effect as if –
  - (i) the reference to the Scheme of Union were omitted; and
  - (ii) in relation to a resolution to secede, as if for the reference to the Moderator or the clerk there were substituted a reference to the minister or the session clerk for the time being of the non-uniting congregation in question.

(3) The person who sends to the commissioners a certificate of the passage of a resolution of approval or of a resolution to unite or (in the event of his death or inability or unwillingness to act) another person present at the meeting in question, shall [at the same time as he sends the certificate to the commissioners send a copy of it to the clerk].

(4) In this section a “resolution to unite” means a resolution which is referred to in the definition of “uniting church” in section 2 (Interpretation) of this Act and “resolution to secede” means a resolution which is referred to in the definition of “non-uniting congregation” in the said section 2.

### **Dissolution of unincorporated bodies**

**5.-(1)** On the date of formation and subject to the provisions of this section every association to which this section applies shall be dissolved and all offices held in or in connection with each such association shall be extinguished.

- (2)(a) Notwithstanding the dissolution of the Presbyterian Church [effected by section 5(1) of the United Reformed Church Act 1972 as that Act has effect in England and Wales] a non-uniting congregation shall not be dissolved but on and after the date of formation shall continue with its affairs regulated in accordance with the doctrinal and administrative principles and usages of the Presbyterian Church extant immediately before the date of formation subject only to such modifications to those principles and usages as shall be decided by the Session with the concurrence of a meeting of the congregation to be necessary in consequence of the dissolution of the Presbyterian Church[:

Provided that nothing in this paragraph shall be taken to prevent a non-uniting congregation from becoming a member of a Presbyterian Church other than that

church or denomination commonly described and known as the Presbyterian Church of England and regulating its affairs in accordance with the doctrinal and administrative principles and usages of that other Presbyterian Church].

(b) \* \* \* \* \*

(3) This section applies to –

[(a) every uniting church and uniting congregation in Jersey; and

(b) every committee, council, court or other unincorporated association of or exclusively subsidiary or ancillary to any of the associations listed in paragraphs (a) to (h) of section 5(3) of the United Reformed Church Act 1972 as that Act has effect in England and Wales.]

### **Powers of incorporated associations**

**6.-(1)** On and from the date of formation any words referring to or describing whether expressly or by implication the Presbyterian Church or the congregational denomination, being words which immediately before that date were contained in the rules of the Retired Presbyterian Ministers Housing Society Limited, the Memorandum or Articles of Association of the Presbyterian Church of England Trust [or] of the Congregational Union \* \* \*, shall be read, construed and have effect as including a reference to or description of the United Reformed Church.

(2) \* \* \* \* \*

**7.** \* \* \* \* \*

**8.** \* \* \* \* \*

### **Other property held in trust for uniting churches and uniting congregations**

**9.-(1)** All property \* \* \* which immediately before the date of formation is held in trust for or for the purposes of or in connection with –

- (a) a uniting church (whether alone or jointly with one or more other uniting churches or uniting congregations);
- (b) a uniting congregation (whether alone or jointly with one or more other uniting congregations or uniting churches);
- (c) the minister or ministers of one or more uniting churches or of one or more uniting congregations; or
- (d) the members of or any class of members of one or more uniting churches or of one or more uniting congregations;

shall on and from that date be held in trust for or (as the case may be) for equivalent purposes of or in connection with the local church, minister of a local church or members or class of members of a local church corresponding to the uniting church, uniting congregation, minister, members or class of members for which or for the purpose of which the property was previously



held but otherwise, so far as circumstances will permit, upon the same trusts and with and subject to the same powers and provisions as those upon which the property was held before the date of formation.

(2) \* \* \* \* \*

### **Property held in trust for uniting and other churches or congregations**

**10.-(1)** This section applies to any property which immediately before the date of formation is held in trust for or for the purposes of or in connection with –

- (a) a uniting church (whether alone or jointly with one or more other uniting churches or uniting congregations) and a church which is not a uniting church (whether alone or jointly with one or more other such churches);
- (b) the minister or ministers of one or more uniting churches and the minister or ministers of one or more churches which are not uniting churches;
- (c) the members of or any class of members of one or more uniting churches and the members or any class of members of one or more churches which are not uniting churches;
- (d) a uniting congregation (whether alone or jointly with one or more other uniting congregations) and a congregation which is not a uniting congregation (whether alone or jointly with one or more other such congregations);
- (e) the minister or ministers of one or more uniting congregations and the minister or ministers of one or more congregations which are not uniting congregations; or
- (f) the members or any class of members of one or more uniting congregations and the members or any class of members of one or more congregations which are not uniting congregations.

(2) On and from the date of formation \* \* \* all property to which this section applies shall be managed by the same persons, and with the same powers, as if [this Act had not been extended to Jersey], and those persons shall permit the property or the benefit thereof to be used or enjoyed by or for the purposes of the various churches or congregations concerned or the minister or ministers thereof, and the members or any class or classes of the members thereof, in such manner as in the opinion of those persons will enable the property to be used and enjoyed as nearly as possible in the same manner as it was used and enjoyed immediately before the date of formation.

(3) In the preceding provisions of this section the expression “uniting church” does not include a uniting union church but such a church shall not be treated as a church which is not a uniting church.

### **Property held in trust for the Presbyterian Church**

**11.-(1)** Save as hereinafter provided, all property which immediately before the date of formation is held in trust for or for the purposes of or in connection with the Presbyterian Church or any court, committee, society, institution or charity exclusively subsidiary or ancillary to the Presbyterian Church shall on and from that date be held in trust for or (as the

case may be) for the purposes of or in connection with the United Reformed Church or the corresponding council, committee, society, institution or charity subsidiary or ancillary to the United Reformed Church but otherwise, so far as circumstances will permit, upon the same trusts and with and subject to the same powers and provisions as those upon which the property was held before the date of formation.

(2) Subsection (1) of this section shall not apply to property held in trust for or for the purposes of or in connection with the bodies specified in that subsection, being –

- (a) property comprising the Ministers and Widows and Orphans Pension Fund of the Presbyterian Church of England;
- (b) property to which \* \* \* section 9 (Other property held in trust for uniting churches and uniting congregations) or section 10 (Property held in trust for uniting and other churches or congregations) of this Act applies; or
- (c) property which immediately before the date of formation is held for or for the purposes of or in connection with or which is used by –
  - (i) a non-uniting congregation (whether alone or jointly with one or more other congregations which are not uniting congregations);
  - (ii) the minister or ministers of one or more congregations which are not uniting congregations but of which one or more is a non-uniting congregation; or
  - (iii) the members of any class of members of one or more congregations which are not uniting congregations but of which one or more is a non-uniting congregation.

#### **Property held in trust for the congregational denomination**

**12.-(1)** On and from the date of formation \* \* \*, all property to which this section applies shall be held so far as circumstances will permit upon the same trusts and with and subject to the same powers and provisions as those upon which the property was held before the date of formation but the purposes of such trusts and the powers and provisions thereof shall be hereby varied or extended so as to include purposes of the United Reformed Church corresponding to any purpose of the trust which was extant before the date of formation.

(2) If immediately before the date of formation any property to which this section applies was (in whomsoever vested) subject to the management of any association which is dissolved by section 5 (Dissolution of unincorporated bodies) of this Act, then \* \* \* the management of that property shall be exercised –

- (a) where the management was previously exercised by a uniting church, by the local church corresponding to that uniting church;
- (b) \* \* \* \* \*
- (c) in any other case, by such persons as the General Assembly shall appoint but the General Assembly may delegate the exercise of its powers under this paragraph to any person or body of persons.

(3) Subject to the provisions of the next following subsection this section applies to all property which immediately before the date of formation is held in trust for or for the purposes of or in connection with the congregational denomination, and in particular includes all property held in trust for or by or for the purposes of or in connection with [the Congregational Church, the Congregational Union and any incorporated or unincorporated council or association of congregational churches or of the congregational denomination].

(4) This section does not apply to –

- (a) property comprising the Congregational Ministers' Pension Fund, the Congregational Pastors' Superannuation Fund and the Congregational Pastors' Widows' Fund;
- (b) property to which \* \* \* section 9 (Other property held in trust for uniting churches and uniting congregations) or section 10 (Property held in trust for uniting and other churches or congregations) of this Act applies;
- (c) property which immediately before the date of formation is held for or for the purposes of or in connection with or is used by –
  - (i) a non-uniting church (whether alone or jointly with one or more other churches which are not uniting churches);
  - (ii) the minister or ministers of one or more churches which are not uniting churches but of which one or more is a non-uniting church;
  - (iii) the members or any class of members of one or more churches which are not uniting churches but of which one or more is a non-uniting church; or
  - (iv) a uniting union church (whether alone or jointly with one or more other churches); and
- (d) for the avoidance of doubt, property which immediately before the date of formation is held by Congregational Memorial Hall Trust Limited.

13. \* \* \* \* \*

14. \* \* \* \* \*

15. \* \* \* \* \*

#### **Gifts which are to take effect as gifts to the United Reformed Church**

**16.-(1)** Any provision contained in any settlement, trust deed, deed of covenant, will or codicil coming into operation on or after the date of formation and being a provision in favour of or directed to be administered by any association dissolved by section 5 (Dissolution of unincorporated bodies) of this Act, shall have effect as a provision in favour of or to be administered by the corresponding association of the United Reformed Church but upon, with and subject to such trusts, powers and provisions as are by such settlement, will or codicil expressed concerning the same:

Provided that if in any such case a person or class of persons or a society, institution, charity or fund standing in any relation to any dissolved association is an object named in the provision, the object of such provision shall be a person or a class of persons or a society, institution, charity or fund standing in a similar relation to the United Reformed Church generally.

(2) In any case to which the preceding subsection applies the receipt for a gift or bequest of a treasurer appointed by the General Assembly, of the clerk or of the treasurer or secretary of the corresponding association referred to in that subsection shall be an effectual discharge to the trustees or personal representatives concerned and shall exonerate them from being concerned to see to the destination or application of the gift or bequest and from being answerable for the misapplication or non-application thereof.

(3) In any case where a provision which is referred to in subsection (1) of this section is a provision wholly or partly for the benefit or use of a non-uniting church, or a non-uniting congregation, or any members or class of members thereof, the said subsection shall have effect so that on and after the date of formation the provision shall be to the same extent as before a provision for the benefit or use of the same non-uniting church, non-uniting congregation, or members or class of members thereof, and the property affected by that provision shall be dealt with accordingly under the preceding provisions of this Act.

#### **Power to make grants, etc., to the United Reformed Church**

**17.** The power of any person under any enactment or document to make grants to or to lend property to or to provide benefits for any association dissolved by section 5 (Dissolution of unincorporated bodies) of this Act, or to or for any minister, officer, members or class of members of such an association, or to or for any child, widow or other dependant of such a minister, officer or member shall on and from the date of formation be exercisable in favour of (as the case may be) an association, minister, officer, members or class of members of the United Reformed Church or the children, widows or other dependants of such a minister, officer or member.

#### **Powers vested in dissolved associations**

**18.-(1)** Where immediately before the date of formation any power with respect to any trust or any power of nomination is or is to be vested in any association dissolved by section 5 (Dissolution of unincorporated bodies) of this Act or in any minister or officer of either the congregational denomination or the Presbyterian Church, in either case in the capacity of such minister or officer, then on and from that date any such power shall (in the case of a power previously vested or to be vested in an association) vest in such person or body of persons as the General Assembly shall from time to time appoint and (in the case of a power previously vested or to be vested in a minister or officer) in the holder of the corresponding ministry or office of the United Reformed Church:

Provided that this section shall not apply where the minister or officer concerned is a minister or officer of a non-uniting church or non-uniting congregation or of an unincorporated association to which the said section 5 does not apply or where the trust relates exclusively to a non-uniting church, a non-uniting congregation or the members or any class of members of such a church or congregation.

(2) The General Assembly may delegate the exercise of its powers under the foregoing subsection to any person or body of persons.

19. \* \* \* \* \*

### **Preservation of existing trusteeships**

20.-(1) Subject to the express provisions hereof, nothing in this Act shall operate to divest any trustee (including any custodian trustee) of any property vested in him immediately before the date of formation.

(2) Where in any document it is provided that the trustees of any trust shall be members of a body to which section 5 (Dissolution of unincorporated bodies) of this Act applies such document shall on and after the date of formation be read and have effect as if the reference to membership of that body included a reference to membership of the United Reformed Church.

(3) \* \* \* \* \*

### **Covenants restricting use of land**

21. On and from the date of formation any words referring to or describing whether expressly or by implication the Presbyterian Church or the congregational denomination, being words which immediately before that day were contained in any restriction as to the user of land or the building thereon, shall be read, construed and have effect as including a reference to or description of the United Reformed Church and (where the words referred to or described the Presbyterian Church) any non-uniting congregation.

22. \* \* \* \* \*

### **Application of Places of Worship Registration Act 1855 and Marriage Act 1949**

23.-(1) \* \* \* \* \*

(2) Every building \* \* \* which has been registered for the solemnisation of marriage therein under [Articles 38 and 39 of the Loi (1842) sur l'Etat Civil as amended<sup>5</sup>] and of which the registration has not before the date of formation been cancelled shall on and from that date be deemed for the purpose of [the said Law] to have been registered on behalf of a congregation of the United Reformed Church for the solemnisation of marriages therein.

(3) \* \* \* \* \*

(4) The clerk shall as soon as may be after the date of formation transmit to [l'Enregistreur Surintendant] a list of all the buildings \* \* \* to which subsection (2) of this section applies.

### **Sharing of church buildings**

24.-(1) [On and from the date of the extension of this Act to Jersey the Sharing of Church Buildings (Jersey) Law 1973<sup>6</sup> shall have effect as if the United Reformed Church were named in the Schedule to that Law] in substitution for the Presbyterian Church of England and as if the appropriate authority named in relation thereto were the Synod of the province of the United Reformed Church in which the church building or buildings is or are or will be situated.

<sup>5</sup> Recueil des Lois, Tomes I-III, pages 105 and 106.

<sup>6</sup> Recueil des Lois, Volume 1973-1974, page 125.

(2) Nothing in this Act shall affect the validity of anything done before the date of formation under or in pursuance of [the said Law], but anything done thereunder by or for a uniting church or the Presbyterian Church shall as from that date have effect as if done by the United Reformed Church and as if the appropriate authority were a Provincial Synod of the United Reformed Church.

### **Actions, etc., by or against the United Reformed Church**

**25.-(1)** All actions, arbitrations and proceedings by or against the United Reformed Church shall be commenced, raised, carried on or defended for and on behalf of the United Reformed Church in the names of the Moderator and clerk, and the death, resignation, removal or incapacity of the Moderator or clerk shall not abate or prejudicially affect any action, arbitration or other proceeding conducted in accordance with the provisions of this section.

(2) Any affidavit, statutory or other declaration or any answer or other similar document required from or by the United Reformed Church may be made and verified by the Moderator or the clerk for and on behalf of the United Reformed Church.

### **Pending representative actions, etc.**

**26.-(1)** Any action, arbitration or proceeding which shall on the date of formation be pending by or against representatives of any association dissolved by section 5 (Dissolution of unincorporated bodies) of this Act shall not abate or be discontinued or be in any way prejudicially affected by reason of the provisions of this Act or of anything empowered to be done thereunder, but the same may be prosecuted and continued as if this Act had not been passed.

(2) Any cause of action, arbitration or proceeding which shall on the date of formation be existing against or in favour of persons representative of any association dissolved by the said section 5 shall not be prejudicially affected by reason of the provisions of this Act or of anything empowered to be done thereunder, but the same may be enforced against or by such representative persons as shall be nominated for the purpose by the Moderator as and when it might have been enforced if this Act had not been [extended to Jersey].

### **Indemnities**

**27.-(1)** 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 date of formation whether as party to any action, arbitration or proceeding, as trustee or in any other capacity whatsoever.

(2) The Moderator and clerk in respect of any action which shall have been commenced, raised, carried on or defended in their names for and on behalf of the United Reformed Church and every person nominated by the Moderator under subsection (2) of section 26 (Pending representative actions, etc.) of this Act shall be reimbursed and fully indemnified out of the funds of the United Reformed Church or the funds of the association of the United Reformed Church corresponding to the association dissolved by section 5 (Dissolution of unincorporated bodies) of this Act (as the case may be) for all loss, damages, costs and expenses which he may sustain or be put to by reason or in consequence of such action or of the action to which the nomination related (as the case may be).

### **Admission of non-uniting churches and congregations**

**28.-(1)** A non-uniting church or non-uniting congregation may if so authorised by not less than three-fourths of those present and voting at a meeting of the members thereof specially convened for the purpose apply to join the United Reformed Church and shall be admitted thereto if the General Assembly so resolves by not less than three-fourths of the members thereof present and voting.

(2) Any admission under the preceding subsection shall occur on such day as the Moderator shall appoint.

(3) On and from any day of admission appointed under the preceding subsection the provisions of this Act shall apply as if the day of admission was the date of formation and as if the church or congregation were a uniting church or a uniting congregation.

(4) \* \* \* \* \*

### **Arbitration**

**29.** Any question arising under this Act as to what corresponds to any association, charity, class of members, committee, court, institution, members, minister, ministry, office, officer, purpose, society, uniting church, or uniting congregation shall be determined by a single arbitrator appointed by the President of The [Jersey] Law Society and the award of such an arbitrator shall be final and conclusive for all purposes:

Provided that neither the President nor The [Jersey] Law Society shall be under any liability with regard to the payment of the arbitrator's fees and the costs of the arbitration.

### **Saving for charges, etc**

**30.** Nothing in this Act and nothing done in the exercise of powers 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.

### **Saving of powers in regard to charities**

**31.** Nothing in this Act shall affect any power of Her Majesty, the court, \* \* \* or any other person to alter the trusts of any charity [nor shall be taken as being in derogation of the Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations, as amended<sup>7</sup>].

**32.** \* \* \* \* \*

**33.** \* \* \* \* \*

**34.** \* \* \* \* \*

## *SCHEDULES*

### *SCHEDULE 1*

\* \* \* \* \*

<sup>7</sup> Recueil des Lois, Tomes I-III, page 258, Volume 1992–1993, page 99 and Volume 1996–1997, page 681.

*Jersey Order in Council 10/1998*

*United Reformed Church Acts 1972 and 1981 (Jersey)  
Order 1998*

*SCHEDULE 2*

\* \* \* \* \*



**UNITED REFORMED CHURCH ACT 1981****1981 CHAPTER 24***ARRANGEMENT OF SECTIONS*

## Section

1. Short title.
2. Interpretation.
3. \* \* \* \* \*
4. \* \* \* \* \*
5. \* \* \* \* \*
6. \* \* \* \* \*
7. \* \* \* \* \*
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18. \* \* \* \* \*
19. \* \* \* \* \*
20. \* \* \* \* \*
21. Seceding churches.
22. \* \* \* \* \*
23. \* \* \* \* \*
24. Arbitration.
25. \* \* \* \* \*
26. \* \* \* \* \*
27. \* \* \* \* \*
28. Saving for charges, etc.
29. Saving of powers in regard to charities.
30. \* \* \* \* \*
31. \* \* \* \* \*
32. \* \* \* \* \*

*SCHEDULES:*

- Schedule 1 – \* \* \* \* \*
- Schedule 2 – \* \* \* \* \*
- Schedule 3 – \* \* \* \* \*

**ELIZABETH II****1981 CHAPTER 24**

**AN ACT** to make provision as to property held on behalf of the Re-formed Association of Churches of Christ in Great Britain and Ireland and its member churches, and for other purposes incidental to or consequential upon the unification of the Re-formed Association of Churches of Christ in Great Britain and Ireland with the United Reformed Church in England and Wales; and to amend in certain respects the United Reformed Church Act 1972, the Baptist and Congregational Trusts Act 1951 and other enactments.

[27th July 1981]

**WHEREAS –**

(1) The United Reformed Church in England and Wales (hereinafter called “the United Reformed Church”) was formed by a Uniting Declaration passed on 5th October 1972 in pursuance of the Scheme of Union approved by the Assembly of the then Congregational Church in England and Wales on 11th May 1971 and by the General Assembly of the then Presbyterian Church of England on the same day:

(2) The Re-formed Association of Churches of Christ in Great Britain and Ireland (hereinafter called “the Association”) consists of local autonomous member churches who share the general convictions and aims of the Association:

(3) Since 1972 representatives of the United Reformed Church and of Churches of Christ have held discussions which have culminated in the Proposals for Unification (hereinafter called “the Proposals”) which were approved by the General Assembly of the United Reformed Church on 9th May 1980, and by the Annual Conference of the Association on 26th July 1980:

(4) The Proposals provide for the unification of the Association with the United Reformed Church:

(5) All the member churches of the Association have accepted the Proposals by resolutions passed on or before 19th July 1980:

(6) Such unification must involve the variation of trusts of property held for or for the purpose of (amongst other bodies) the Association and local member Churches of Christ:

(7) It is expedient that the variation of trusts for which provision is made in this Act should be made if such unification takes place:

(8) It is expedient that certain provisions of the United Reformed Church Act 1972 should be amended as in this Act provided:

(9) It is expedient that provision should be made with respect to the property of seceding churches:

(10) It is expedient that powers should be conferred on the unincorporated association of churches and persons known as the Congregational Federation with respect to the amendment of certain trusts:

(11) It is expedient that provision should be made for the assets of URC (C) Trust Limited to be transferred to URC (P) Trust Limited and that a change of name be authorised:

(12) It is further expedient that the other provisions of this Act (being provisions incidental to and consequential upon such unification) should be enacted:

(13) 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 this present Parliament assembled, and by the authority of the same, as follows<sup>8</sup> –

### **Short title**

1. This Act may be cited as the United Reformed Church Act 1981.

### **Interpretation**

2. In this Act, unless the subject or context otherwise requires –

“Act of 1951” means the Baptist and Congregational Trusts Act 1951;

“Act of 1972” means the United Reformed Church Act 1972 [as extended to Jersey by the United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998];

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

“General Assembly” means the General Assembly of the United Reformed Church;

“land” includes any estate, interest or right in, over or under land and heritable property;

“local church” means a local church of the United Reformed Church;

<sup>8</sup> Deletions and words in square brackets indicate adaptations and modifications made by the United Reformed Church Acts 1972 and 1981 (Jersey) Order 1998.

\* \* \* \* \*

“property” means property of every description wheresoever situate and includes property held on trust and securities, rights and powers of every description;

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

“United Reformed Church” means the church or denomination as defined in section 2 (Interpretation) of the Act of 1972;

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**Seceding churches**

**21.-(1)** In any case where the General Assembly passes, or before the [date of extension of this section to Jersey] has passed, a resolution permitting –

- (a) a local church which immediately prior to the date of [the extension of the Act of 1972 to Jersey] was a uniting church as defined in the said Act; or
- (b) a local church which after the date of [the extension of the Act of 1972 to Jersey] was admitted to the United Reformed Church in pursuance of section 28 of the said Act; or
- (c) \* \* \* \* \*
- (d) \* \* \* \* \*
- (e) a church being a daughter church or a former mission station of any such local church as is referred to in paragraph (a) above;

to secede from the United Reformed Church, then, subject to the provisions of this section, as from the date of such resolution, or the date of the [extension of this section to Jersey], whichever is the later –

- (i) the property of any such church as is referred to in paragraph (a) above shall be held upon the same trusts and for the same purposes as it was held immediately before [the date of the extension of the Act of 1972 to Jersey];
- (ii) the property of any such church as is referred to in paragraph (b) above shall be held upon the same trusts and for the same purposes as it was held immediately before the date of its admission in pursuance of section 28 of the Act of 1972;
- (iii) \* \* \* \* \*
- (iv) \* \* \* \* \*
- (v) the property of any such church as is referred to in paragraph (e) above shall be held for the benefit of such church upon the Congregational Model Trusts (General) or the Congregational Model Manse Trusts, as the case may be, as defined in the Act of 1951:

Provided that in any such case for references in such trusts to bodies dissolved by section 5 of the Act of 1972 there were substituted references to the trustees for the time being of such daughter church or former mission station.

(2) In any case where the General Assembly passes, or before the [date of extension of this section to Jersey] has passed, a resolution permitting a local church which immediately prior to the [date of extension of the Act of 1972 to Jersey] was a uniting congregation as defined in the Act of 1972 to secede from the United Reformed Church, the provisions of section 5(2) \* \* \* of the said Act shall apply to the church and its property as though the church were a non-uniting congregation within the meaning of that Act and as if for references therein to the Session with the concurrence of a meeting there were references to a meeting of the congregation.

(3) \* \* \* \* \*

(4) For the purposes of this section “property” means in relation to any such church as is referred to in subsection (1) of this section, property held in trust for or for the purposes of or in connection with any such church.

22. \* \* \* \* \*

23. \* \* \* \* \*

### **Arbitration**

24. Any question arising under this Act as to what corresponds to any association, charity, class of members, committee, court, institution, members, minister, ministry, office, officer, purpose, [or society], shall be determined by a single arbitrator appointed by the President of The [Jersey] Law Society and the award of such an arbitrator shall be final and conclusive for all purposes:

Provided that neither the President nor The [Jersey] Law Society shall be under any liability with regard to the payment of the arbitrator’s fee and the costs of the arbitration.

25. \* \* \* \* \*

26. \* \* \* \* \*

27. \* \* \* \* \*

### **Saving for charges, etc**

28. Nothing in this Act and nothing done in the exercise of powers 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.

### **Saving of powers in regard to charities**

29. Nothing in this Act shall affect any power of Her Majesty, the court, \* \* \* or any other person to alter the trusts of any charity [nor shall be taken as being derogation of the Loi (1862) sur les teneures en fidéicommis et l’incorporation d’associations, as amended<sup>9</sup>].

30. \* \* \* \* \*

31. \* \* \* \* \*

32. \* \* \* \* \*

## *SCHEDULES*

### *SCHEDULE 1*

\* \* \* \* \*

<sup>9</sup> Recueil des Lois, Tomes I–III, page 258, Volume 1992–1993, page 99 and Volume 1996–1997, page 681.

*Jersey Order in Council 10/1998*

*United Reformed Church Acts 1972 and 1981 (Jersey)  
Order 1998*

*SCHEDULE 2*

\* \* \* \* \*

*SCHEDULE 3*

\* \* \* \* \*