
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 1

Section 6.

ADAPTATION OF TRUSTS

PART I

TRUSTS FOR PLACES USED FOR RELIGIOUS WORSHIP

The premises shall be held upon the following trusts:—

- 1 The trustees shall permit the premises to be used for all or any of the following purposes and all proper ancillary purposes namely:—
 - (a) The public worship of God according to the principles and usages for the time being of the United Reformed Church;
 - (b) The instruction of children or adults; or
 - (c) The promotion of other charitable purposes not inconsistent with the principles and usages aforesaid;such use to be primarily by the members of the local church or any other church which may supersede it as a result of amalgamation or regrouping and to be directed by the Church Meeting acting with due regard for the recommendations of the Elders' Meeting and those other Councils of the United Reformed Church which exercise oversight of the local church.
- 2 The trustees may, if in their discretion they think fit, but not without the authority of a resolution of the Church Meeting and (except as to work on or in a building which does not substantially alter its character, appearance or value) not without the approval of the Synod of Scotland (which approval shall be sufficiently evidenced by a document signed by the Chairman or the Secretary for the time being of the Area Council and stating that such approval has been given), and subject to any statutory restrictions, do any of the following things from time to time:—
 - (a) Permit the buildings on the premises to be altered, enlarged, improved, rebuilt, supplemented or demolished;
 - (b) Raise money required for any of the last-mentioned purposes by mortgage or charge of or by granting a standard security over the whole or by sale of part of the premises;
 - (c) Sell or mortgage the whole or part of the premises and apply the money so obtained (as the Church Meeting shall direct) in or towards the acquisition of any interest in heritable property (subject or not to incumbrances) and the erection thereon of buildings such heritable property to be held upon the like trusts or for any other charitable purposes of the United Reformed Church;
 - (d) Dispose of the premises or any part thereof for development under a building lease or other arrangement including or not including provisions for the acquisition of any interest (to be held so far as may be on the trusts set forth in paragraph 1 hereof) in new church premises to be built as part

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

of the development and apply all money arising from any such disposal and not required for new premises for such charitable purposes connected with the work of the United Reformed Church as the Synod of Scotland acting with due regard for the needs of such work within the area of the Area Council shall by resolution appoint (or if so directed by the Synod of Scotland shall pay them to the Treasurer of the Synod of Scotland or of the Area Council to be dealt with in either case as part of the general funds of that Synod or Council as the case may be);

- (e) Let any part (not the whole) of the premises for any period from time to time permitted by law and pay the income arising from such letting to the local church as an addition to its general funds.

- 3 The trustees may, if in their discretion they think fit, with the authority of a resolution of the Church Meeting but without any approval of the Synod of Scotland and without creating any lease or tenancy authorise or permit any other person or persons, organisation or other body to use temporarily or occasionally or intermittently for any reputable purpose (but only when use under paragraph 1 hereof is not expected to be required) the whole or any part of the premises:

Provided that any such authority or permission may be granted without consideration or for such consideration as the trustees think fit and that any proceeds or income arising from such authority or permission shall be paid to the local church as an addition to its general funds.

- 4 The trustees shall not, except to the extent of funds supplied to them for that purpose, be responsible for the repair and upkeep of the premises.

- 5 If the Synod of Scotland on the recommendation of the Area Council made to it after consultation between representatives of that Council and the Church Meeting resolves that the use of the premises as aforesaid is or if continued would be no longer useful and that the premises ought to be disposed of the trustees shall sell or let the premises under the direction of the Synod of Scotland and shall apply the net proceeds of sale or letting in the manner prescribed by paragraph 2(d) hereof.

- 6 Any person acquiring from the trustees in good faith and for value an interest in, charge on or security over the premises or part thereof may accept without further inquiry a statement in the document transferring, creating or evidencing such interest, charge or security to the effect that the trustees are acting in exercise of the powers conferred on them by this deed and the interest, charge or security to which such document relates shall not be capable of being impugned on the ground that it was transferred or created without authority.

- 7 (1) The statutory power of appointing new trustees shall be vested in the Church Meeting and shall be exercised by a resolution of the majority of those present and (being entitled to vote) voting at a meeting convened by notice stating the purpose of the meeting given at each service held on the two Sundays immediately preceding the meeting. The chairman shall have for this purpose if necessary a casting vote. If there is no Church Meeting in existence to exercise the power of appointing new trustees as aforesaid, the statutory power of appointing new trustees shall be vested in the trustees for the time being.

- (2) No individual person shall be eligible for appointment who is not on the membership roll of some local church (which need not be within the area of the same Area Council as the local church).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Any trustee who ceases to have the qualification last mentioned shall be deemed to be unfit to act in the trust.
 - (4) Any trustee who wishes to be discharged from the trust may be discharged therefrom, without any appointment of a new trustee, by such a resolution as is mentioned in sub-paragraph (1) of this paragraph.
 - (5) The number of trustees shall so far as practicable be kept up to four.
- 8 If in the opinion of the Church Meeting evidenced by a resolution passed by a majority of not less than three-fourths of the persons present and (being entitled to vote) voting at a meeting specially convened for the purpose of considering such resolution, any amendment of any of the foregoing provisions with or without any amendment previously made shall be desirable and such resolution (in which the foregoing provisions with any amendment previously made may be referred to as “the statutory scheduled provisions”) shall be sanctioned by the Synod of Scotland and the General Assembly and a memorandum thereof and of its sanction signed by the Assembly Moderator and dated shall be endorsed on or annexed to the trust deed then as from the date of the said memorandum the foregoing provisions with any previous amendment shall be read as if the amendment or amendments specified in the resolution were embodied therein:

Provided that no amendment shall be made to that part of paragraph 1 hereof which ends with the words “principles and usages aforesaid” nor shall any amendment deprive the trustees of the discretion conferred on them by paragraph 2 hereof in relation to any matter therein mentioned.

PART II

TRUSTS FOR MINISTERS' RESIDENCES AND OTHER CHURCH WORKERS' RESIDENCES

The premises shall be held upon the following trusts:—

- 1 The trustees shall permit the premises to be used for such charitable purposes in connection with the United Reformed Church (including their use as a residence for the minister or any caretaker or other church worker or employee of the local church and also including their use for any religious or other charitable purposes not inconsistent with the principles and usages of that church) as the Church Meeting acting with due regard for the recommendations of the Elders' Meeting and those other Councils of the United Reformed Church which exercise oversight of the local church shall from time to time direct.
- 2 The trustees may, if in their discretion they think fit, but not without the authority of a resolution of the Church Meeting and (except as to work on or in a building which does not substantially alter its character, appearance or value) not without the approval of the Synod of Scotland (which approval shall be sufficiently evidenced by a document signed by the Chairman or the Secretary for the time being of the Area Council and stating that such approval has been given), and subject to any statutory restrictions, do any of the following things from time to time:—
 - (a) Permit the buildings on the premises to be altered, enlarged, improved, rebuilt, supplemented or demolished;
 - (b) Raise money required for any of the last-mentioned purposes by mortgage or charge of or by granting a standard security over the whole or by sale of part of the premises;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (c) Sell or mortgage the whole or part of the premises and apply the money so obtained (as the Church Meeting shall direct) in or towards the acquisition of any interest in heritable property (subject or not to incumbrances) and the erection thereon of buildings such heritable property to be held upon the like trusts or for any other charitable purposes of the United Reformed Church;
- (d) Dispose of the premises or any part thereof for development under a building lease or other arrangement including or not including provisions for the acquisition of any interest (to be held so far as may be on the trusts set forth in paragraph 1 hereof) in new premises to be built as part of the development and apply all money arising from any such disposal and not required for new premises for such charitable purposes connected with the work of the United Reformed Church as the Synod of Scotland acting with due regard for the needs of such work within the area of the Area Council shall by resolution appoint (or if so directed by the Synod of Scotland shall pay them to the Treasurer of the Synod of Scotland or of the Area Council to be dealt with in either case as part of the general funds of that Synod or Council, as the case may be);
- (e) Let the premises or any part thereof for any period from time to time permitted by law and pay the income arising from such letting to the local church as an addition to its general funds.

3 The trustees may, if in their discretion they think fit, with the authority of a resolution of the Church Meeting but without any approval of the Synod of Scotland and without creating any lease or tenancy authorise or permit any other person or persons, organisation or other body to use temporarily or occasionally or intermittently for any reputable purpose (but only when use under paragraph 1 hereof is not expected to be required) the whole or any part of the premises:

Provided that any such authority or permission may be granted without consideration or for such consideration as the trustees think fit and that any proceeds or income arising from such authority or permission shall be paid to the local church as an addition to its general funds.

4 The trustees shall not, except to the extent of funds supplied to them for that purpose, be responsible for the repair and upkeep of the premises.

5 If the Synod of Scotland on the recommendation of the Area Council made to it after consultation between representatives of that Council and the Church Meeting resolves that the use of the premises as aforesaid is or if continued would be no longer useful and that the premises ought to be disposed of the trustees shall sell or let the premises under the direction of the Synod of Scotland and shall apply the net proceeds of sale or letting in the manner prescribed by paragraph 2 (d) hereof.

6 Any person acquiring from the trustees in good faith and for value an interest in, charge on or security over the premises or part thereof may accept without further inquiry a statement in the document transferring, creating or evidencing such interest, charge or security to the effect that the trustees are acting in exercise of the powers conferred on them by this deed and the interest, charge or security to which such document relates shall not be capable of being impugned on the ground that it was transferred or created without authority.

7 (1) The statutory power of appointing new trustees shall be vested in the Church Meeting and shall be exercised by a resolution of the majority of those present and (being entitled to vote) voting at a meeting convened by notice stating the purpose of the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

meeting given at each service held on the two Sundays immediately preceding the meeting. The chairman shall have for this purpose if necessary a casting vote. If there is no church meeting in existence to exercise the power of appointing new trustees as aforesaid, the statutory power of appointing new trustees shall be vested in the trustees for the time being.

- (2) No individual person shall be eligible for appointment who is not on the membership roll of some local church (which need not be within the area of the same Area Council as the local church).
- (3) Any trustee who ceases to have the qualification last mentioned shall be deemed to be unfit to act in the trust.
- (4) Any trustee who wishes to be discharged from the trust may be discharged therefrom, without any appointment of a new trustee, by such a resolution as is mentioned in sub-paragraph (1) of this paragraph.
- (5) The number of trustees shall so far as practicable be kept up to four.

8 If in the opinion of the Church Meeting evidenced by a resolution passed by a majority of not less than three-fourths of the persons present and (being entitled to vote) voting at a meeting specially convened for the purpose of considering such resolution, any amendment of any of the foregoing provisions with or without any amendment previously made shall be desirable and such resolution (in which the foregoing provisions with any amendment previously made may be referred to as “the statutory scheduled provisions”) shall be sanctioned by the Synod of Scotland and the General Assembly and a memorandum thereof and of its sanction signed by the Assembly Moderator and dated shall be endorsed on or annexed to the trust deed then as from the date of the said memorandum the foregoing provisions with any previous amendment shall be read as if the amendment or amendments specified in the resolution were embodied therein:

Provided that no amendment shall authorise the use of the premises for any purpose not being charitable and connected with the United Reformed Church nor shall any amendment deprive the trustees of the discretion conferred on them by paragraph 2 hereof in relation to any matter therein mentioned.

SCHEDULE 2

Section 23.

CHURCHES WHOSE PROPERTY IS DISCLAIMED BY THE UNITED REFORMED CHURCH

Bellshill Congregational Church, Bellshill.

Cathcart Congregational Church, Glasgow.

Lloyd Morris Congregational Church, Castlemilk, Glasgow.

Partick Congregational Church, Glasgow.

Radnor Park Congregational Church, Clydebank.