

ELIZABETH II



1972 CHAPTER xviii

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:—

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

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

“ clerk ” means the clerk of the General Assembly;

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

“ 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;
- “ 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.

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.

Validity and evidence of Uniting Declaration.

(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.

1960 c. 58.

(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.

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.

Validity and evidence of certain resolutions.

(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 passing of this Act;

(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 forthwith after the appointment of the first clerk send to the clerk a copy of the certificate sent to the commissioners.

(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 unincor-
porated
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 the preceding subsection 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.

(b) Without prejudice to the provisions of section 28 (Admission of non-uniting churches and congregations) of this Act, the Session of a non-uniting congregation with the concurrence of a meeting of the congregation may apply to the High Court or to the commissioners for an order approving a change in

the doctrinal and administrative principles and usages referred to in the preceding paragraph (together with any consequential variation of any trust) and any such application shall be deemed to be an application by a charity for the establishment of a scheme for the administration of that charity.

(3) This section applies to—

- (a) the Congregational Church;
- (b) the Presbyterian Church;
- (c) the Assembly of the Congregational Church;
- (d) the General Assembly of the Presbyterian Church;
- (e) each Presbytery of the Presbyterian Church;
- (f) each unincorporated association named in the first column of Part II of the First Schedule to this Act which has passed a resolution of approval;
- (g) each uniting church;
- (h) each uniting congregation; and
- (i) every committee, council, court or other unincorporated association of or exclusively subsidiary or ancillary to any of the associations previously listed.

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, of the Congregational Union or of any association named either in Part I of the First Schedule to this Act or in the second column of Part II of that schedule, shall be read, construed and have effect as including a reference to or description of the United Reformed Church.

Powers of incorporated associations.

(2) On and from the date of formation section 4 of the Presbyterian Church of England Act 1960 shall have effect as if for the expression “Church” wherever it occurs, there were substituted a reference to the United Reformed Church.

1960 c. xxxii.

7.—(1) On and from the date of application the only members of an association to which this section applies shall be those persons who immediately before that date were the directors of that association or who have been appointed under the next subsection, and all other persons shall be deemed to have retired from membership immediately before that date.

Reduction of membership of certain incorporated associations.

(2) On and from the date of application the General Assembly shall have the sole power of appointing directors of any association to which this section applies but the General Assembly may delegate the exercise of that power to any person or body of persons.

(3) This section applies to the following incorporated associations:—

- (a) the Congregational Union;
- (b) any association named in Part I of the First Schedule to this Act which has passed a resolution of approval and which before the date of formation has not resolved in general meeting to alter, if the United Reformed Church is formed, the provisions of its Memorandum and Articles of Association so as to secure that any rights of membership of, or election to, or nomination for membership of that association given to or possessed by ministers or members of, or delegates from, any church are also given to or possessed by ministers, or members of or delegates from all local churches within the area of operation of such association;
- (c) any association named in Part I of the First Schedule to this Act which has passed a resolution of approval and which before the date of formation has resolved in general meeting to alter the provisions of its Memorandum and Articles of Association in the sense mentioned in the immediately preceding paragraph of this subsection but which fails to secure an effective alteration in conformity with that resolution within twelve months after the date of formation; and
- (d) any incorporated association named in the second column of Part II of the First Schedule to this Act if the corresponding unincorporated association named in relation thereto in the first column of that Part has passed a resolution of approval.

(4) In this section the expression—

“date of application” means in the case of an association described in paragraph (a), (b) or (d) of the preceding subsection, the date of formation, and in the case of an association described in paragraph (c) of that subsection, the date twelve months after the date of formation; and

“director” includes any person occupying the position of director by whatever name called and any person having or sharing in the management and control of the business or affairs of the association in question.

Lands held in trust for uniting churches and uniting congregations.

8.—(1) All land which immediately before the date of formation is held in trust for or for the purposes of or in connection with a uniting church (whether alone or jointly with one or more other uniting churches or uniting congregations) or a uniting congregation (whether alone or jointly with one or more other uniting congregations) shall on and from that date, and in accordance with the following provisions of this section, be held in trust for or (as

the case may be) for equivalent purposes of or in connection with the local church corresponding to the uniting church or uniting congregation in question.

(2) (a) The trust deed of any land to which subsection (1) of this section applies being either land held in trust for use as a church, chapel, church hall, mission hall, preaching station, Sunday school or other place of religious worship or land held in trust for use as a manse or place of residence of a minister, lay worker or caretaker shall on and from the date of formation have effect as if the provisions contained either in Part I or (as the case may be) in Part II of the Second Schedule to this Act were substituted for the operative provisions previously contained in that deed and the references in either part of the said schedule to "the trustees" and "the premises" shall be construed (notwithstanding any definition in the deed) as references to the trustee or trustees for the time being of the deed and to the land and, where appropriate, the buildings, to which the deed relates, and references to "the local church" shall be construed as references to the local church corresponding to the uniting church or uniting congregation to which the deed relates.

(b) In any case where under paragraph (a) of this subsection the provisions of both Part I and Part II of the Second Schedule to this Act would or might (but for this paragraph) be substituted as therein provided, the provisions of Part I only of that schedule shall be so substituted.

(c) In any case where the property subject to any trust referred to in paragraph (a) of this subsection comprises, in addition to land, any capital money, investments or other property, paragraph (a) of this subsection shall apply to all the property so comprised.

(d) Every agreement with a minister of a uniting church or a minister of a uniting congregation which is in force at the date of formation and which relates to the occupation of a manse or place of residence of a minister shall on and from that date have effect as if references therein (whether express or implied) to that church or congregation and to the provisions of any trust deed were references to the corresponding local church and the provisions of that deed as affected by the preceding provisions of this subsection.

(3) The trust deed of any land to which subsection (1) of this section applies not being a trust deed to which the last foregoing subsection applies shall on and from the date of formation have effect as if words referring to a local church were substituted for any words therein referring to or describing a church of the congregational denomination or a congregation of the Presbyterian Church as the case may be.

(4) The foregoing provisions of this section shall operate in relation to any scheme legally established and affecting land to which subsection (1) of this section applies as if the scheme were a trust deed and as if paragraph 8 in both parts of the said Second Schedule were omitted.

(5) The commissioners shall have power to modify or supersede the trusts imported by the last preceding subsection into any such scheme as is therein mentioned including any modified or new trusts since incorporated, whether the scheme was established by the commissioners or by the High Court.

(6) In the preceding provisions of this section the expression "uniting church" does not include a uniting union church.

Other
property
held in trust
for uniting
churches and
uniting
congregations.

9.—(1) All property (other than property to which the preceding section of this Act applies) 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) In the preceding provisions of this section the expression "uniting church" does not include a uniting union church.

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 and until the coming into force of a scheme made in relation thereto under section 13 (Schemes as to property to which sections 10 and 12 apply) of this Act 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 passed, 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.

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

Property held in trust for the Presbyterian Church.

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 8 (Lands held in trust for uniting churches and uniting congregations), 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 or 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 and until the coming into force of a scheme in relation thereto made under section 13 (Schemes as to property to which sections 10 and 12 apply) of this Act, 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, until

the coming into force of a scheme in relation thereto made under the said section 13, 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) where the management was previously exercised by an association named in the first column of Part II of the First Schedule to this Act and there is a corresponding incorporated association named in relation thereto in the second column of the said Part II, by that corresponding association; and
- (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—

- (a) the Congregational Church;
- (b) the Congregational Union;
- (c) any association named in the First Schedule to this Act;
- (d) Cardiff and District Congregational Board (Incorporated);
- (e) Leeds Congregational Council (Incorporated);
- (f) Manchester and District Congregational Board (Incorporated);
- (g) Sheffield Congregational Association (Incorporated); and
- (h) any other 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 8 (Lands held in trust for uniting churches and uniting congregations), 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.

Schemes as to property to which sections 10 and 12 apply.

13.—(1) So soon as may be after the date of formation the trustees of any property to which section 10 (Property held in trust for uniting and other churches or congregations) of this Act applies, in regard to that property, and persons appointed for the purpose by the General Assembly, in regard to any property to which section 12 (Property held in trust for the congregational denomination) of this Act applies, shall apply to the commissioners for an exercise of the commissioners' powers under the following provisions of this section.

(2) The commissioners shall under and by virtue of this section and after consultation with the applicants have power by order—

- (a) in the case of an application in regard to property to which the said section 10 applies, to allocate or make provision for the allocation of that property in such proportions as appear to the commissioners to be fair and equitable and if they think fit to make provision for the sale of such property or any part thereof and for such allocation to be made wholly or partly out of the net proceeds of sale thereof;
- (b) in the case of an application in regard to property to which the said section 12 applies, to allocate or make provision for the allocation of that property between the United Reformed Church and the non-uniting churches in such proportions as appear to the commissioners to be fair and equitable and if they

think fit to make provision for the sale of such property or any part thereof and for such allocation to be made wholly or partly out of the net proceeds of sale thereof;

- (c) in any case, to establish schemes for the administration of property so allocated and specifying the purposes for which it is to be held; and
- (d) in any case, to vest property so allocated in trustees appointed under or in accordance with such schemes.

(3) Section 18 (except subsections (1) to (7) inclusive, (9), (11) and (13)), section 21 (except subsections (2), (3), (5) and (8)) and section 40 (except subsection (5)) of the Charities Act 1960 1960 c. 58. shall apply in regard to orders made under subsection (2) of this section as they apply to orders of the commissioners made under that Act.

(4) Subject to the application of the provisions of section 18 (10) of the Charities Act 1960 an allocation of property made by the commissioners under subsection (2) of this section shall not be questioned on any ground in any court or proceeding whatsoever.

(5) The transfer of an interest in land by virtue of an order made under subsection (2) of this section shall not—

- (a) constitute a purchase or creation of that interest for the purposes of section 30 (2) of the Landlord and Tenant Act 1954 (which restricts a landlord's right to oppose an application for a new tenancy of business premises in certain cases); or 1954 c. 56.
- (b) constitute an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provision relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest.

(6) If within nine months after the date of formation an application has not been made to the commissioners in regard to any property to which either section 10 (Property held in trust for uniting and other churches or congregations) or section 12 (Property held in trust for the congregational denomination) of this Act applies, then the commissioners may at any time thereafter exercise their powers under subsection (2) of this section in regard to that property notwithstanding that there has been no application in regard thereto and the said subsection shall apply as if for the reference to consultation with the applicants there were substituted a reference to consultation with such persons (if any) as the commissioners think fit.

Schemes as to property held for uniting union churches.

14.—(1) So soon as may be after the date of formation the trustees of any property to which this section applies shall apply to the commissioners for such exercise (if any) of the commissioners' powers under the following provisions of this section as is appropriate in consequence of the uniting union church or churches in question becoming a uniting church or churches.

(2) The commissioners shall under and by virtue of this section and after consultation with the applicants, the Baptist Union of Great Britain and Ireland and the United Reformed Church have power by order to—

- (a) vary the terms of any trust of any property to which this section applies;
- (b) allocate or make provision for the allocation of any property to which this section applies in such proportions as appear to the commissioners to be fair and equitable, and to make provision for the sale of such property or any part thereof and for such allocation to be made wholly or partly out of the net proceeds of sale thereof;
- (c) establish schemes for the administration of property so allocated and specifying the purposes for which it is to be held; and
- (d) vest property so allocated in trustees appointed under or in accordance with the schemes.

(3) (a) Subsections (3) to (5) inclusive of section 13 (Schemes as to property to which sections 10 and 12 apply) of this Act shall apply to orders made under the preceding subsection as they apply to orders made under subsection (2) of that section.

(b) Subsection (6) of the said section shall apply in regard to any property to which this section applies as it applies in regard to property to which either section 10 or section 12 of this Act applies.

(4) This section applies to property which immediately before the date of formation is held in trust for or for the purposes of or in connection with one or more of the following:—

- (i) a uniting union church (whether alone or jointly with one or more other uniting union churches);
- (ii) the minister or ministers of one or more uniting union churches;
- (iii) the members or any class of members of one or more uniting union churches;

- (iv) a uniting union church (whether alone or jointly with one or more other uniting union churches) and a church which is not a uniting union church (whether alone or jointly with one or more other such churches);
- (v) the minister or ministers of one or more uniting union churches and the minister or ministers of one or more churches which are not uniting union churches;
- (vi) the members or any class of members of one or more uniting union churches and the members or any class of members of one or more churches which are not uniting union churches; and
- (vii) the congregational denomination being property which immediately before the date of formation is used by a uniting union church.

15.—(1) Without prejudice to the provisions of subsection (2) (b) of section 5 (Dissolution of unincorporated bodies) and section 28 (Admission of non-uniting churches and congregations) of this Act, on and from the date of formation and unless and until an order is made in regard thereto under subsection (3) of this section any property to which this section applies shall be held upon the same trusts and with and subject to the same powers and provisions as those upon which that property was held before the date of formation:

Property held for non-uniting churches and congregations.

Provided that the terms of any trust affecting property which is referred to in subsection (2) (c) of section 11 (Property held in trust for the Presbyterian Church) of this Act shall apply subject to those variations which are consequential upon any modifications such as are referred to in subsection (2) (a) of the said section 5 of this Act.

(2) The Attorney-General or any person interested in the trusts of any property to which this section applies may apply to the commissioners for an exercise of the commissioners' powers under the following subsection.

(3) The commissioners shall under and by virtue of this section and after consultation with such persons (if any) as they think fit have power by order to—

- (a) vary the terms of any trust of any property to which this section applies;
- (b) establish a scheme for the administration of the property specifying the purposes for which at any time it is to be held which, in the case of property which is referred to in subsection (4) (c) (i) to (iii) of section 12 (Property held in trust for the congregational denomination) of this Act and whilst there are persons organised according

to the principles and usages of the congregational denomination, shall not include any purpose of the United Reformed Church; and

(c) vest the property in trustees appointed under and in accordance with the scheme.

(4) Subsections (3) to (5) inclusive of section 13 (Schemes as to property to which sections 10 and 12 apply) of this Act shall apply to orders made under the preceding subsection as they apply to orders made under subsection (2) of that section.

(5) This section applies to any property which is referred to in subsection (2) (c) of the said section 11 or subsection (4) (c) (i) to (iii) of the said section 12 of this Act.

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.

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.

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

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:

Powers vested in dissolved associations.

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.—(1) Notwithstanding anything to the contrary contained in any trust deed relating to church lands a trust corporation may be appointed to be and may act (either alone or jointly with others) as trustee of such trusts as if such trust corporation were an individual having the qualifications prescribed by such trust deed and in such case any provision relating to the number of trustees to be appointed shall have no application.

Appointment of trust corporations.

(2) When a trust corporation has been appointed a trustee of any trust then so long as such trust corporation remains such trustee any provision in the trust deed relating to the number of trustees shall not operate.

(3) A trust corporation appointed to be a trustee of any trust relating to church lands shall be entitled to charge and be paid for

its services as trustee if and so far as it can do whilst remaining trust corporation.

(4) In this section the expression—

“ church lands ” means churches, chapels, church halls, mission halls, preaching stations, Sunday schools, manse, places of residence of ministers, lay workers and caretakers and other lands and buildings which are used, occupied or enjoyed for or in connection with all or any of the following 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;

(c) a residence for a minister or lay worker of the United Reformed Church or for a caretaker of any of the aforesaid premises;

“ trust corporation ” means any trust corporation which is duly authorised by the Lord Chancellor to act as a trust corporation under section 3 of the Law of Property (Amendment) Act 1926 and which is approved by the General Assembly.

1926 c. 11.

Preservation
of existing
trusteeships.

20.—(1) Subject to the express provisions hereof, nothing in this Act shall operate to divest any trustee (including any custodial 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) Where any property is property which is referred to in subsection (2) (c) of section 11 (Property held in trust for the Presbyterian Church) or subsection (4) (c) (i) to (iii) of section 12 (Property held in trust for the congregational denomination) of this Act, then for the purposes of section 35 of the Charities Act 1960, the trust on which the property is held shall be deemed to be the trusts of a charity whereunder trustees of property held for the purposes of the charity may be appointed or discharged by resolution of a meeting of the members of the charity and the members of the charity shall be deemed as the case may require to be the members of the non-uniting church or churches, congregation or congregations in question.

1960 c. 58.

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.—(1) In this section—

Pension schemes.

“existing pension scheme” means each of the following:—

Ministers and Widows and Orphans Pension Fund of the Presbyterian Church of England;

Congregational Ministers’ Pension Fund;

“authorised scheme” means any pension scheme or any provident fund established by the United Reformed Church or any existing pension scheme.

(2) An existing pension scheme may as from the date of formation be amalgamated either wholly or in part with any authorised scheme or partly with one authorised scheme and partly with another such scheme in such manner and upon such terms as may be approved by the trustees of the schemes involved in the amalgamation by—

- (a) the admission to participation in an authorised scheme of such of the members or pensioners of or other persons to or in respect of whom benefits or allowances are on the date of formation payable from the existing pension scheme who consent to such admission;
- (b) the transfer to the trustees of such authorised scheme of such part or parts of the assets of the existing pension scheme as are certified by a practising actuary to be appropriate; and
- (c) the assumption by the authorised scheme of liability for the benefits and allowances payable or prospectively payable out of the funds of the existing pension scheme in respect of which members, pensioners and other persons are admitted to participate in the authorised scheme or for substituted benefits and allowances certified by a practising actuary to be not less advantageous than those payable or prospectively payable as aforesaid.

(3) The trustees of an existing pension scheme may make such arrangements, execute such deeds and documents and do all such things as may be requisite or desirable for the purpose of giving effect to any such amalgamation as aforesaid, but so that no amendment of any instrument affecting such scheme shall be made except in accordance with the provisions of that instrument.

(4) For the purpose of any provision contained in any instrument affecting an existing pension scheme which has the effect of prohibiting or invalidating amendments of such instrument which would vary or conflict with the main objects or purposes of the scheme, any such admission, transfer of assets or assumption of liability as is referred to in subsection (2) of this section, whether effected in pursuance of the powers conferred by this section or otherwise, shall be deemed to be one of the main objects or purposes of such existing pension scheme.

(5) The rule of law relating to perpetuities shall not apply to the trusts of any authorised scheme.

(6) A consent given on behalf of an infant by his parent or guardian to any such admission as is referred to in subsection (2) (a) of this section or to any amendment of any instrument affecting an existing pension scheme shall be deemed to be an effective consent by that infant.

Application of
Places of
Worship
Registration
Act 1855 and
Marriage
Act 1949.
1855 c. 81.

23.—(1) Every building which under the Places of Worship Registration Act 1855 or any Act repealed by that Act has been certified and recorded as a place of meeting for religious worship on behalf of a uniting church or a uniting congregation and of which the record of certification has not before the date of formation been cancelled shall on and from that date be deemed to be certified and recorded as a place of religious worship on behalf of a congregation or assembly of persons of the United Reformed Church.

1949 c. 76.

(2) Every building to which the preceding subsection applies which has been registered for the solemnisation of marriage therein under Part III of the Marriage Act 1949 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 Act to have been registered on behalf of a congregation of the United Reformed Church for the solemnisation of marriages therein.

(3) Nothing in this Act shall operate to disqualify any person who in relation to a building to which the preceding subsection applies is immediately before the date of formation an authorised person within the meaning of section 43 (2) of the said Act.

(4) The clerk shall as soon as may be after the date of formation transmit to the Registrar General of Births, Deaths and Marriages in England and Wales a list of all the buildings to which subsection (1) of this section applies and shall indicate on that list which of those buildings are buildings to which subsection (2) of this section applies.

24.—(1) On and from the date of formation the Sharing of Church Buildings Act 1969 shall have effect as if the United Reformed Church were named in the first column of Schedule 2 to that Act 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.

Sharing of church buildings. 1969 c. 38.

(2) Nothing in this Act shall affect the validity of anything done before the date of formation under or in pursuance of the said Act, 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.

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.

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

(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.

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.

Pending representative actions, etc.

(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 passed.

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) After the admission of a non-uniting church under subsection (1) of this section the Moderator may if he thinks fit apply to the commissioners for a consequential alteration of any allocation, scheme or order made under subsection (2) of section 13 (Schemes as to property to which sections 10 and 12 apply) of this Act and the commissioners shall in regard to such application have the like powers as those conferred by that section and subsections (2) to (5) inclusive thereof shall apply accordingly.

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 Law Society and the award of such an arbitrator shall be final and conclusive for all purposes:

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

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 for charges, etc.

31. Nothing in this Act shall affect any power of Her Majesty, the court, the commissioners or any other person to alter the trusts of any charity. Saving of powers in regard to charities.

32. Section 2 (except the definition of "the Trust") and sections 3 and 5 of the Presbyterian Church of England Act 1960 are hereby repealed as from the date of formation. Repeals. 1960 c. xxxii.

33. Her Majesty may by Order in Council provide that all or any of the provisions of this Act shall extend— Application to Channel Islands and Isle of Man.

(a) to any of the Channel Islands;

(b) to the Isle of Man;

with such exceptions, adaptations and modifications (if any) as may be specified in the Order.

34. All the costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid as to two-thirds by the Congregational Church and as to one-third by the Presbyterian Church. Costs of Act.

SCHEDULES

SCHEDULE 1

CONGREGATIONAL ASSOCIATIONS

PART I

INCORPORATED ASSOCIATIONS HAVING NO CORRESPONDING
UNINCORPORATED ASSOCIATION

- The Cambridgeshire and Huntingdonshire Congregational Union (Incorporated).
 The Lancashire Congregational Union (Incorporated).
 The Leicestershire and Rutland Congregational Union (Incorporated).
 The Lincolnshire Congregational Union (Incorporated).
 The Nottinghamshire Congregational Union (Incorporated).
 The Yorkshire Congregational Union and Home Missionary Society (Incorporated).

PART II

UNINCORPORATED ASSOCIATIONS AND CORRESPONDING
INCORPORATED ASSOCIATIONS

Unincorporated association	Corresponding incorporated association (if any)
The Berks South Oxon and South Bucks Congregational Union	The Berks South Oxon and South Bucks Congregational Union (Incorporated)
The North Bucks and District Congregational Union	—
The Cheshire Congregational Union	The Cheshire Congregational Union (Incorporated)
The Derbyshire Congregational Union	—
The Devon and Cornwall Congregational Union	The Devon and Cornwall Congregational Union (Incorporated)
The Dorset Congregational Association	The Dorset Congregational Association (Incorporated)
The Durham and Northumberland Congregational Union	The Durham and Northumberland Congregational Union (Incorporated)
The Essex Congregational Union	The Essex Incorporated Congregational Union
The Gloucestershire Congregational Union	The Congregational Union of Gloucestershire and Herefordshire (Incorporated)
The Hampshire Congregational Union	The Hampshire Congregational Union (Incorporated)
The Hertfordshire Congregational Union	The Hertfordshire Congregational Union (Incorporated)

SCH. 1
—cont.

Unincorporated association	Corresponding incorporated association (if any)
The Kent Congregational Association	The Kent Congregational Association (Incorporated)
The London Congregational Union	The London Congregational Union (Incorporated)
The Norfolk Congregational Union	The Norfolk Congregational Union (Incorporated)
The Northamptonshire Association of Congregational Churches	The Northamptonshire Association of Congregational Churches (Incorporated)
The Shropshire Congregational Union	The Shropshire Congregational Union (Incorporated)
The Somerset Congregational Union	The Somerset Incorporated Congregational Union
The Staffordshire Congregational Union	The Staffordshire Congregational Union (Incorporated)
The Suffolk Congregational Union	The Suffolk Congregational Union (Incorporated)
The Surrey Congregational Union	The Surrey Congregational Union (Incorporated)
The Sussex Congregational Union and Home Missionary Society	The Sussex Congregational Union (Incorporated)
The Warwickshire Congregational Union	The Warwickshire Congregational Union (Incorporated)
The Wilts and East Somerset Congregational Union	The Wilts and East Somerset Congregational Union (Incorporated)
The Worcestershire Union of Congregational Churches	—
The Congregational Union in North Wales	English Congregational Union of North Wales (Incorporated)
The Congregational Church in South Wales and Monmouthshire	The Monmouthshire Congregational Trust and The South Wales Congregational Trust.

SCHEDULE 2

Section 8.

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;

SCH. 2
—cont.

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 Provincial Synod (which approval shall be sufficiently evidenced by a document signed by the Chairman for the time being of the District 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 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 other freehold or leasehold land (subject or not to incumbrances) and the erection thereon of buildings such land to be held upon the like trusts or for any other charitable purposes of the United Reformed Church within the area of the Provincial Synod;
- (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 a freehold or leasehold interest (to be held so far as may be on the trusts set forth in paragraph 1 hereof) of new church 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 within the province as the Provincial Synod acting with due regard for the needs of such work within the district of the District Council shall by resolution appoint (or if so directed by the Provincial Synod shall pay them to the Treasurer of the District Council to be dealt with as part of the general funds of that council);
- (e) Let any part (not the whole) of the premises for any period not exceeding twenty-eight years 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 Provincial Synod 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:

SCH. 2
—cont.

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 Provincial Synod on the recommendation of the District 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 Provincial Synod 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 or charge on the premises or part thereof may accept without further inquiry a statement in the document transferring, creating or evidencing such interest or charge to the effect that the trustees are acting in exercise of the powers conferred on them by this deed and the interest or charge 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 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.

(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 district of the same District 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

SCH. 2
—cont.

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 Provincial Synod and the General Assembly and a memorandum thereof and of its sanction signed by the Moderator of the General Assembly 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 Provincial Synod (which approval shall be sufficiently evidenced by a document signed by the Chairman for the time being of the District 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 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 other freehold or leasehold land (subject or not to incumbrances) and the erection thereon

of buildings such land to be held upon the like trusts or for any other charitable purposes of the United Reformed Church within the area of the Provincial Synod;

SCH. 2
—cont.

- (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 a freehold or leasehold interest (to be held so far as may be on the trusts set forth in paragraph 1 hereof) of 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 within the province as the Provincial Synod acting with due regard for the needs of such work within the district of the District Council shall by resolution appoint (or if so directed by the Provincial Synod shall pay them to the Treasurer of the District Council to be dealt with as part of the general funds of that council);
- (e) Let the premises or any part thereof for any period not exceeding twenty-eight years 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 Provincial Synod 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 Provincial Synod on the recommendation of the District 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 Provincial Synod 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 or charge on the premises or part thereof may accept without further inquiry a statement in the document transferring, creating or evidencing such interest or charge to the effect that the trustees are acting in exercise of the powers conferred on them by

SCH. 2
—cont.

this deed and the interest or charge 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 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.

(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 district of the same District 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 hereof 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 Provincial Synod and the General Assembly and a memorandum thereof and of its sanction signed by the Moderator of the General Assembly 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.

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United Reformed Church Act 1972

CHAPTER xviii

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