

## Section D: The United Reformed Church Acts 1972, 1981 and 2000

1. United Reformed Church Acts 1972, 1981 and 2000. As in previous edition of the Manual, the only parts of the Acts to be reproduced here are the Trusts for places used for religious worship and the trusts for ministers' residences and other church workers' residences. These are set out in the schedules to the Acts and for convenience here are referred to as 'The Scheduled Trust Properties'.
2. The trusts related to the Scheduled Trust Properties in Scotland are contained in schedule 1 to the 2000 Act and the trusts relating to all the other Scheduled Trust Properties are contained in schedule 2 to either the 1972 Act or the 1981 Act, although this latter distinction is immaterial since the two are identical.
3. Both the 1981 Act and the 2000 Act made minor changes to the earlier trusts and these have all been incorporated in the text now printed.
4. The Scottish trusts contained in the 2000 Act do not differ substantially from the other trusts and in order to save space the Scottish variations are shown in square brackets in the text.
5. In relation to Scheduled Trust Properties in Wales, the expression 'Provincial Synod' refers to the National Synod of Wales.
6. Copies of the Acts may be obtained from the General Secretary.
7. Copies are also held in each synod office.

### **The scheduled Trust**

*[Please read the notes above before studying the text printed below.]*

#### **Part I**

#### **Trust 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 Provincial Synod [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 District [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 other freehold or leasehold land [any interest in heritable property] (subject or not to incumbrances) and the erection thereon of buildings such land [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 a freehold or leasehold interest [any interest] (to be held so far as may be on the trusts set forth in paragraph 1 hereof) of [in] 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 as the Provincial Synod [Synod of Scotland] acting with due regard for the needs of such work within the district [area] of the District [Area] Council shall by resolution appoint (or if so directed by the Provincial Synod [Synod of Scotland] shall pay them to the Treasurer of the Provincial Synod [Synod of Scotland] or of the District [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 not exceeding twenty eight years [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 Provincial Synod [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 Provincial Synod [Synod of Scotland] on the recommendation of the District [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 Provincial Synod [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 [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 or charge [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 or charge [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 district [area] of the same District [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 subparagraph (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 Provincial Synod [Synod of Scotland] and the General Assembly and a memorandum thereof and of its sanction signed by the Moderator of the General Assembly [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 Provincial Synod [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 District [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 other freehold or leasehold land [any interest in heritable property] (subject or not to incumbrances) and the erection thereon of buildings such land [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 a freehold or leasehold interest [any interest] (to be held so far as may be on the trusts set forth in paragraph 1 hereof) of [in] 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 as the Provincial Synod [Synod of Scotland] acting with due regard for the needs of such work within the district [area] of the District [Area] Council shall by resolution appoint (or if so directed by the Provincial Synod [Synod of Scotland] shall pay them to the Treasurer of the Provincial Synod [Synod of Scotland] or of the District [Area] Council to be dealt with in either case as part of the general funds of that synod or council as the case maybe);
  - (e) Let the premises or any part thereof for any period not exceeding twenty eight years [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 Provincial Synod [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 Provincial Synod [Synod of Scotland] on the recommendation of the District [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 Provincial Synod [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 [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 or charge [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 or charge [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 district [area] of the same District [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 subparagraph (1) of this paragraph.(5) The number of trustees shall so far as practicable be kept up to four.