ELIZABETH II

1981 CHAPTER xxiv

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

[27th July 1981]

WHEREAS—

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

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

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

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

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

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

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

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

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

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

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

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

(13) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

Interpretation. **2.** In this Act, unless the subject or context otherwise requires—

" Act of 1951 " means the Baptist and Congregational Trusts
1951 c. xvii. Act 1951;

" Act of 1972 " means the United Reformed Church Act 1972; 1972 c. xviii.

" Association " means the Re-formed Association of Churches of Christ in Great Britain and Ireland;

" Churches of Christ " means the member churches of the Association whose names appear as such churches on the list of member churches as it stood on 1st April 1980;

" clerk " means the clerk of the General Assembly;

" commissioners " means the Charity Commissioners for England and Wales;

" date of unification " means the date on which is passed the Unifying Declaration;

" dissolved association " means an association dissolved by section 5 (Dissolution of unincorporated associations) of this Act;

" General Assembly " means the General Assembly of the United Reformed Church;

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

" local church " means a local church of the United Reformed Church;

" Moderator " means the Moderator of the General Assembly;

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

" Proposals for Unification " means the Proposals for Unification approved by resolution of the General Assembly on 9th May 1980 and by resolution of the Annual Conference of the Association passed on 26th July 1980;

" Unifying Assembly " means the General Assembly and the Annual Conference of the Association meeting together in accordance with the Proposals for Unification;

" Unifying Declaration " means the declaration which under the Proposals for Unification effects the unification of the Association with the United Reformed Church thenceforth to be known as the United Reformed Church in the United Kingdom;

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

" uniting church " means any one of the Churches of Christ which shall have passed a resolution for unification under and in accordance with the Proposals for Unification.

Validity and evidence of Unifying Declaration.

3.—(1) The declaration by the president of the Unifying Assembly at that Assembly that the Unifying Declaration has been passed in accordance with the Proposals for Unification 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 Proposals, and the date, validity and effectiveness of the Unifying Declaration shall not thereafter be questioned on any ground in any court or proceeding whatsoever.

(2) (*a*) The president of the Unifying Assembly forthwith after the passage of the Unifying Declaration shall certify his declaration of that event and the date thereof, and shall send the certificate together with a copy of the Proposals for Unification 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 Proposals for Unification 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 Proposals for Unification; and a document purporting to be such a copy shall be received without proof of the position or handwriting of the person authenticating it.

Validity and evidence of certain resolutions.

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

(2) Subsection (2) of section 3 (Validity and evidence of Unifying Declaration) of this Act shall apply in regard to resolutions for unification passed by Churches of Christ in England and Wales, 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 Unifying Assembly there were substituted a reference to the person presiding over the meeting at which the

resolution for unification 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 words "passage of the Unifying Declaration" there were substituted the words "passing of this Act";

(iii) for the expression "that event" there were substituted the words "the passing of the resolution";

(iv) the reference to the Proposals for Unification were omitted;

(*b*) paragraph (*b*) of the said subsection shall have effect as if the reference to the Proposals for Unification were omitted.

(3) The person who sends to the commissioners a certificate of the passage of a resolution for unification or (in the event of his death or inability or unwillingness to act) another person present at the meeting in question, shall forthwith send to the clerk a copy of the certificate sent to the commissioners.

(4) In this section a "resolution for unification" means a resolution which is referred to in the definition of "uniting church" in section 2 (Interpretation) of this Act.

Dissolution of unincorporated associations.

5.—(1) On the date of unification every association to which this section applies shall be dissolved and all offices held in or in connexion with each such association shall be extinguished.

(2) This section applies to—

(*a*) the Association;

(*b*) the Annual Conference of the Association;

(*c*) each uniting church; and

(*d*) every committee council or other unincorporated association of or exclusively subsidiary or ancillary to any of the associations previously listed.

Lands held in trust for uniting churches.

6.—(1) All land which immediately before the date of unification is held in trust for or for the purposes of or in connexion with a uniting church, 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 connexion with the local church corresponding to the uniting church 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 unification have effect as if the provisions contained either in Part I or (as the case may be) in Part II of Schedule 2 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 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 Schedule 2 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 which is in force at the date of unification 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 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 unification have effect as if words referring to a local church were substituted for any words therein referring to or describing a church of the Churches of Christ.

(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 Schedule were omitted.

(5) The commissioners shall under and by virtue of this section have power by order 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.

Other property held in trust for uniting churches.

7. All property (other than property to which the preceding section of this Act applies) which immediately before the date of unification is held in trust for or for the purposes of or in connexion with—

(*a*) a uniting church;

(*b*) the minister or ministers of a uniting church; or

(*c*) the members of or any class of members of a uniting church;

shall on and from that date be held in trust for or (as the case may be) for equivalent purposes of or in connexion with the local church, the minister or ministers of the local church, or the members or class of members of the local church corresponding to the uniting church for which or for the purposes of or in connexion with 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 unification.

Gifts which are to take effect as gifts to United Reformed Church.

8.—(1) Any provision contained in any settlement, trust deed, deed of covenant, will or codicil coming into operation on or after the date of unification and being a provision in favour of or directed to be administered by any dissolved association, 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.

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

9. 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 dissolved association, 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 unification be exercisable in favour of (as the case may be) an association, minister, officer, members or class of members of the United Reformed Church or the children, widows or other dependants of such a minister, officer or member.

Powers vested in dissolved associations.

10.—(1) Where immediately before the date of unification any power with respect to any trust or any power of nomination is or is to be vested in any dissolved association, or in any minister or officer of a dissolved association, in the capacity of such minister or officer, then on and from that date any such power shall (in the case of a power previously vested or to be vested in an association) vest in such person or body of persons as the General Assembly shall from time to time appoint and (in the case of a power previously vested or to be vested in a minister or officer) in the holder of the corresponding ministry or office of the United Reformed Church:

Provided that this section shall not apply where the trust relates exclusively to a church other than a uniting church which immediately prior to the dissolution on 31st March 1980 of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof or to the members or any class of members of such a church.

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

Preservation of existing trusteeships.

11.—(1) Subject to the provisions of this Act, nothing in this Act shall operate to divest any trustee (including any custodian trustee) of any property vested in him immediately before the date of unification.

(2) Where in any document it is provided that the trustees of any trust shall be members of a dissolved association such document shall on and after the date of unification be read and

have effect as if the reference to membership of that association included a reference to membership of the United Reformed Church.

(3) Where any property is property which immediately before the date of unification is held for or for the purposes of or in connexion with or is used by—

(*a*) a church other than a uniting church which immediately prior to the dissolution on 31st March 1980 of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof;

(*b*) the minister or ministers of a church other than a uniting church which immediately prior to the dissolution on 31st March 1980 of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof; or

(*c*) the members or any class of members of any such church;

then for the purposes of section 35 of the Charities Act 1960 the trusts 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 church in question. 1960 c. 58.

Covenants restricting use of land.

12. On and from the date of unification any words referring to or describing whether expressly or by implication the Churches of Christ 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.

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

13.—(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 and of which the record of certification has not before the date of unification 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.

(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 unification been cancelled shall on and from that date be deemed for the purposes of the said Act 1949 c. 76.

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 unification an authorised person within the meaning of section 43 (2) of the Marriage Act 1949.

1949 c. 76.

(4) The clerk shall as soon as may be after the date of unification 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.

Sharing of church buildings. 1969 c. 38.

14. Nothing in this Act shall affect the validity of anything done before the date of unification under or in pursuance of the Sharing of Church Buildings Act 1969 but anything done thereunder by or for a uniting 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.

Pending representative actions, etc.

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

(2) Any cause of action, arbitration or proceeding which shall on the date of unification be existing against or in favour of persons representative of any dissolved association 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.

16. 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 unification whether as party to any action, arbitration or proceeding as trustee or in any other capacity whatsoever.

Admission of other churches.

17.—(1) Any church which immediately prior to the dissolution on 31st March 1980 of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof,

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 be unified with 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 the 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 unification and as if the church were a uniting church.

Amendment of Act of 1972.

18. The provisions of the Act of 1972 specified in Schedule 1 to this Act shall have effect subject to the amendments set out in the said Schedule.

Adaptation of trusts.

19. For the purpose of section 8 (2) (*a*) of the Act of 1972 (which relates to land held in trust for religious worship and other purposes) or any document which purports to refer to the adaptation of trusts scheduled to that Act, references to Parts I and II of Schedule 2 to that Act shall be deemed to be references to the said Schedule 2 as amended by this Act.

Exemption of trust corporations. *1960 c. 58.*

20. A charity for the advancement of religion shall be excepted from the provisions of section 29 of the Charities Act 1960, as regards any mortgage, charge, sale, lease or other disposal of land, if—

(*a*) the land is held by any of the bodies named in Schedule 3 to this Act (whether alone or jointly with another person or persons) as a duly constituted trustee or custodian trustee of the land; and

(*b*) during the period of three years immediately preceding the transaction, or, where the land was acquired during that period, since the land was acquired by or for the charity, the land has not been used otherwise than as one or more of the following:—

(i) a place of worship;

(ii) a burial ground;

(iii) a Sunday school;

(iv) a church hall;

(v) a residence for a minister of religion;

(vi) a residence for a caretaker of a place or places listed above;

(vii) the curtilage of a place or places listed above.

Seceding churches.

21.—(1) In any case where the General Assembly passes, or before the commencement of this Act has passed, a resolution permitting—

(*a*) a local church which immediately prior to the date of formation as defined in the Act of 1972 was a uniting church as defined in the said Act; or

(*b*) a local church which after the date of formation as defined in the Act of 1972 was admitted to the United Reformed Church in pursuance of section 28 of the said Act; or

(*c*) a local church which immediately before the date of unification was a uniting church as defined in this Act; or

(*d*) a church, not being a uniting church, which immediately prior to the dissolution of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof and was admitted to the United Reformed Church in pursuance of section 17 of this Act; or

(*e*) a church being a daughter church or a former mission station of any such local church as is referred to in paragraph (*a*) above;

to secede from the United Reformed Church, then, subject to the provisions of this section, as from the date of such resolution, or the date of the passing of this Act, whichever is the later—

(i) the property of any such church as is referred to in paragraph (*a*) above shall be held upon the same trusts and for the same purposes as it was held immediately before 5th October 1972;

(ii) the property of any such church as is referred to in paragraph (*b*) above shall be held upon the same trusts and for the same purposes as it was held immediately before the date of its admission in pursuance of section 28 of the Act of 1972;

(iii) the property of any such church as is referred to in paragraph (*c*) above shall be held upon the same trusts and for the same purposes as it was held immediately before the date of unification;

(iv) the property of any such church as is referred to in paragraph (*d*) above shall be held upon the same trusts and for the same purposes as it was held immediately before the date of its admission in pursuance of section 17 of this Act;

(v) the property of any such church as is referred to in paragraph (*e*) above shall be held for the benefit of such church upon the Congregational Model Trusts (General) or the Congregational Model Manse Trusts, as the case may be, as defined in the Act of 1951:

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

(2) In any case where the General Assembly passes, or before the commencement of this Act has passed, a resolution permitting a local church which immediately prior to the said date of formation was a uniting congregation as defined in the Act of 1972 to secede from the United Reformed Church, the provisions of section 5 (2) and section 15 of the said Act shall apply to the church and its property as though the church were a non-uniting congregation within the meaning of that Act and as if for references therein to the Session with the concurrence of a meeting there were references to a meeting of the congregation.

(3) Nothing in this section shall be in derogation of the power of the Charity Commissioners to make schemes under the Charities Act 1960. 1960 c. 58.

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

Saving for certain trust funds.

22.—(1) In any case in which, following the closure of a church to which this section applies, the property of such church is sold and the proceeds of sale are to be applied in furtherance of the objects of the charity known as the Chapel Building Fund held in connexion with the former Annual Conference of Churches of Christ, then notwithstanding the provisions of the scheme made by the Commissioners dated 11th July 1980 and entitled "In the matter of the Charity known as the Chapel Building Fund held in connection with the Annual Conference of Churches of Christ; and in the matter of the Charities Act 1960", the trustee of the said charity shall apply the clear income of and at its discretion the whole or part of such proceeds of sale in furthering the religious and charitable work of churches to which this section applies and to no other churches:

Provided that when making such application the trustee shall so far as possible have regard to the proportions in which assets of the former Annual Conference of Churches of Christ upon its dissolution were distributed among the member churches thereof which are also churches to which this section applies.

(2) This section applies to any church other than a uniting church which immediately prior to the dissolution on 31st March 1980 of the Association of Churches of Christ in Great Britain and Ireland was a member church thereof.

Amendment of Baptist and Congregational Trusts Act 1951.
1951 c. xvii.

23.—(1) As from the passing of this Act—

(*a*) (i) the Second Part of the Schedule to the Act of 1951 shall be read and have effect as if at the end thereof there were added the words "The Congregational Federation Limited"; and

(ii) in the application of the Act of 1951 to church lands of which The Congregational Federation Limited is a trustee the expression "recognised denominational society" shall mean a church which is duly recognised by the unincorporated association of persons known as the Congregational Federation by writing under the hand of the secretary of such association;

(*b*) The Congregational Model Trusts (General) and The Congregational Model Manse Trusts as defined in the Act of 1951 shall, when applied to church lands of which The Congregational Federation Limited is a trustee, be read and have effect as if in place of references therein to bodies dissolved by section 5 of the Act of 1972 there were substituted references to the said Congregational Federation acting in consultation with its appropriate area committee.

(2) Notwithstanding anything in section 5 (Power to amend model trusts) of the Act of 1951 the said Congregational Federation shall have power, in respect of the trusts of which The Congregational Federation Limited is a trustee, to amend the said Congregational Model Trusts (General) and the said Congregational Model Manse Trusts, and the provisions of the said section 5 shall with any necessary adaptations and modifications apply and have effect accordingly.

Arbitration.

24. Any question arising under this Act as to what corresponds to any association, charity, class of members, committee, court, institution, members, minister, ministry, office, officer, purpose, society, or uniting church, 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 fee and the costs of the arbitration.

Change of name.

25. On the date of the passing of this Act the name of URC (P) Trust Limited shall be changed to the United Reformed Church Trust and within one month thereafter a copy of this Act printed

by the Queen's Printer shall be sent to the registrar of companies in England who shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the change of name.

Transfer of trust company property.

26.—(1) On the expiration of one month beginning on the day on which this Act is passed (hereinafter referred to as the "date of transfer") all property vested in URC (C) Trust Limited (hereinafter referred to as the "transferor company") and whether held beneficially or as trustee shall by virtue of this Act be transferred to and vest in the United Reformed Church Trust (hereinafter referred to as the "transferee company") and shall be held upon the same trusts and for the same purposes as it was held immediately before the date of transfer.

(2) Any provision contained in any settlement, trust deed, deed of covenant, will or codicil coming into operation on or after the date of transfer and being a provision in favour of or directed to be administered by the transferor company shall have effect as a provision in favour of or to be administered by the transferee company but upon, with and subject to such trusts, powers and provisions as are by such settlement, will or codicil expressed concerning the same.

(3) The production of a copy of this Act printed by the Queen's Printer shall on and after the date of transfer be conclusive evidence in all courts and proceedings of the transfer of the property of the transferor company to the transferee company and of its vesting in the said company.

(4) For the avoidance of doubt it is hereby declared that the transfer of an interest in land under and by virtue of this Act shall not constitute either—

(*a*) 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*) 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.

Saving of contracts, etc.

27. All contracts, agreements, conveyances, deeds, leases, licences and other instruments or undertakings entered into by or made with or addressed to the transferor company (whether alone or with any other person) before and in force on the date of transfer shall as from that day be binding and of full force and effect in

every respect against or in favour of the transferee company as fully and effectually as if, instead of the transferor company, the transferee company had been a party thereto or bound thereby or entitled to the benefit thereof.

Saving for charges, etc.

28. Nothing in this Act and nothing done in the exercise of powers thereby conferred shall relieve any property or any person from any liability or responsibility to which they would otherwise be subject in respect of any mortgage, charge, incumbrance, lien, bond or obligation.

Saving of powers in regard to charities.

29. Nothing in this Act shall affect any power of Her Majesty, the court, the commissioners or any other person to alter the trusts of any charity.

Application to Scotland.

30. This Act shall extend to Scotland and in the application thereof to Scotland the expression " mortgage " means a standard security and the expression " will " includes a trust disposition and settlement.

Application to Channel Islands and Isle of Man.

31. Her Majesty may by Order in Council provide that all or any of the provisions of this Act shall extend—

(*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.

Costs of Act.

32. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid as to half by the United Reformed Church and as to half by the Association.

SCHEDULES

SCHEDULE 1

Section 18.

AMENDMENT OF ACT OF 1972

1. In section 19 (at the end of the definition of " church lands ") there shall be inserted the words " and shall include church lands and property which have ceased to be used for the purposes aforesaid and the proceeds of sale of such lands and property.".

2. In Schedule 2, Parts I and II—

(*a*) in paragraph 2, after the word " Chairman " there shall be inserted the words " or the Secretary ";

(*b*) in paragraph 2 (*c*) the words " within the area of the Provincial Synod " shall be omitted;

(*c*) in paragraph 2 (*d*) the words " within the province " shall be omitted and in place of the words from " Treasurer " to the end there shall be inserted the words " of the Provincial Synod or of the District Council to be dealt with in either case as part of the general funds of that Synod or Council as the case may be "; and

(*d*) in paragraph 7 (1) at the end there shall be added the words " 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.".

Section 6.

SCHEDULE 2

ADAPTATION OF TRUSTS

PART I

TRUSTS FOR PLACES USED FOR RELIGIOUS WORSHIP

The premises shall be held upon the following trusts:—

1. The trustees shall permit the premises to be used for all or any of the following purposes and all proper ancillary purposes namely:—

(*a*) The public worship of God according to the principles and usages for the time being of the United Reformed Church;

(*b*) The instruction of children or adults; or

(*c*) The promotion of other charitable purposes not inconsistent with the principles and usages aforesaid, such use to be primarily by the members of the local church or any other church which may supersede it as a result of amalgamation or regrouping and to be directed by the Church Meeting acting with due regard for the recommendations of the Elders' Meeting and those other Councils of the United Reformed Church which exercise oversight of the local church.

2. The trustees may, if in their discretion they think fit, but not without the authority of a resolution of the Church Meeting and (except as to work on or in a building which does not substantially alter its character, appearance or value) not without the approval of the Provincial Synod (which approval shall be sufficiently evidenced by a document signed by the Chairman or the Secretary 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;

(*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

SCH. 2 —*cont.*

charitable purposes connected with the work of the United Reformed Church 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 Provincial Synod or of the District 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 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 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 (being entitled to vote) voting at a meeting convened by notice stating the purpose of the meeting given

SCH. 2 —*cont.*

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 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 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 connexion 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.

SCH. 2 —*cont.*

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 or the Secretary 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;

(*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 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 Provincial Synod or of the District Council to be dealt with in either case as part of the general funds of that Synod or Council, as the case may be);

(*e*) Let the premises or any part thereof for any period 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

SCH. 2 —*cont.*

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 (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 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 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:

SCH. 2 —*cont.*

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

SCHEDULE 3

Section 20.

UNITED REFORMED CHURCH TRUST CORPORATIONS

The United Reformed Church (West Midlands) Trust Limited.
The United Reformed Church (South Western Synod) Incorporated.
The United Reformed Church (Southern Province) Trust Limited.
The United Reformed Church (East Midlands Province) Incorporated.
The United Reformed Church (Wessex) Trust Limited.
The United Reformed Church (Yorkshire Province) Trust Limited.
The United Reformed Church (North Western Province) Trust Limited.
The United Reformed Church (Mersey Province) Trust Limited.

The Congregational Federation Limited.

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