

# Special Resolutions

MC/23/68

Date of meeting	19-20 October 2023
Contact name and details	Joanne Anderton, Conference Officer for Legal and Constitutional Practice <a href="mailto:lcp@methodistchurch.org.uk">lcp@methodistchurch.org.uk</a>
Action required	Decision
Resolutions	<p>68/1. The Council receives the report.</p> <p>68/2. In accordance with Standing Order 126(1)(c), the Council approves Special Resolution 42/5 of the 2023 Conference to amend Model Trust 26 by deleting the definition of 'memorandum of consent' in sub-paragraph (1) and deleting sub-paragraphs (3) and (4).</p> <p>68/3. In accordance with Standing Order 126(1)(c), the Council approves Special Resolution 57/5 of the 2023 Conference to amend the Model Trusts in relation to the new Connexional Council as set out in this report.</p> <p>68/4. The Council notes that the consultation for Special Resolution 35/7 of the 2023 Conference (to amend the Deed of Union in relation to the membership of the Conference) will be undertaken by the Law and Polity Committee rather than the Council, in accordance with Standing Order 126(1)(c).</p>

## Summary of content

Subject of aims	<ol style="list-style-type: none"> <li>To seek the Council's approval to the special resolutions to amend the Model Trusts which were referred to the Council by the 2023 Conference.</li> <li>To note that the consultation for Special Resolution 35/7 of the 2023 Conference (to amend the Deed of Union) will now be undertaken by the Law and Polity Committee rather than the Council, under Standing Order 126(1)(c).</li> </ol>
Main points	<ul style="list-style-type: none"> <li>Special Resolution 42/5 of the 2023 Conference proposes to amend Model Trust 26 to remove the need for a Memorandum of Consent on disposal of Methodist Church property.</li> <li>Special Resolution 57/5 of the 2023 Conference proposes amendments to the Model Trusts to provide for the new Connexional Council.</li> <li>The Conference referred both these special resolutions to the Council under Standing Order 126(1)(c). The Council is asked to consider the content of the resolutions and confirm its approval or disapproval to them.</li> <li>The 2023 Conference referred Special Resolution 35/7 (proposing amendments to the Deed of Union) to the Council for consultation, despite the resolution having been moved on the Council's behalf. The Council is asked to note that the Law and Polity Committee will undertake this consultation instead, as set down in Standing Order 126(1)(c).</li> </ul>

Background context and relevant documents	<ul style="list-style-type: none"> <li>• Conference Report 42 (2023), at Section E (pages 507-508): <a href="https://www.methodist.org.uk/media/29513/conf-23-pc-42-committee-on-methodist-law-and-polity-2.pdf">https://www.methodist.org.uk/media/29513/conf-23-pc-42-committee-on-methodist-law-and-polity-2.pdf</a></li> <li>• Conference report 57 (2023), at Section C (pages 608-621): <a href="https://www.methodist.org.uk/media/29528/conf-23-pc-57-oversight-and-trusteeship.pdf">https://www.methodist.org.uk/media/29528/conf-23-pc-57-oversight-and-trusteeship.pdf</a></li> <li>• Conference report 35 (2023): <a href="https://www.methodist.org.uk/media/29506/conf-23-pc-35-composition-of-the-conference.pdf">https://www.methodist.org.uk/media/29506/conf-23-pc-35-composition-of-the-conference.pdf</a></li> </ul>
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## Introduction

- 1 Under Standing Order 126, special resolutions of the Conference are required to be confirmed the following year after appropriate consultation before they can become effective. For the purpose of consultation, they are either referred to the Methodist Council (unless moved on the Council's behalf, in which case they are referred to the Law and Polity Committee – see Standing Order 126(1)(c)) or dealt with as provisional legislation under Standing Order 122 and submitted to the Synods and the Law and Polity Committee. The bodies consulted may approve or disapprove the special resolution but may not amend it.
- 2 Amendments to the Model Trusts require a special resolution and the 2023 Conference referred two such resolutions to the Methodist Council for consultation. The details of those special resolutions – 42/5 and 57/5 - are set out in the headed sections below. The Council is asked to consider both resolutions and to approve or disapprove them.
- 3 The proposed Model Trust amendments will also be submitted to the Channel Islands, Isle of Man, Scotland and Shetland Synods for consideration, as required by Standing Order 126(1)(a).
- 4 Amendments to the Deed of Union also require a special resolution, and the 2023 Conference referred one such resolution (35/7, proposing amendments to the Deed of Union in relation to the membership of the Conference) to the Council for consultation, despite the resolution having been moved on the Council's behalf. The Council is asked to note that the Law and Polity Committee will undertake this consultation instead, as set down in Standing Order 126(1)(c), and will report this to the 2024 Conference, together with the Committee's response.

## Special Resolution 42/5 to amend Model Trust 26

- 5 Model Trust 26 is designed to protect a purchaser for value of a legal interest in Model Trust property – usually a sale or lease – and permits a Memorandum of Consent to be signed by the connexional Property Secretary or other person so authorised by the Methodist Council for every transaction, thereby providing assurance to purchasers of Model Trust property that the managing trustees have the power to enter into the transaction.
- 6 Modern-day legislation governing disposals of charity land means there is no longer any need for the additional assurance of a Memorandum of Consent. In practice, preparing and signing a Memorandum of Consent for every sale, lease, etc of Model Trust property is burdensome and time-consuming, amounting to the production of several hundred documents each year.
- 7 By Special Resolution 42/5, the 2023 Conference agreed to amend Model Trust 26 by deleting the definition of 'memorandum of consent' in sub-paragraph (1) and deleting sub-paragraphs (3) and (4).
- 8 The Council is invited to approve the special resolution.
- 9 The Council's decision will be reported to the 2024 Conference for confirmation.

## Special Resolution 57/5 to amend the Model Trusts in relation to the Connexional Council

- 10 With the proposed new relationship of the Conference to the Connexional Council as the trustee body with effect from 1 September 2024, as well as the replacement for the Methodist Council,

amendments are needed to the Model Trusts to deal with: (A) the creation of the Connexional Council; and (B) the continuing powers of the Conference in relation to the Model Trusts, with particular reference to Conference and Connexional Property. A full explanation is set out in Section C of [Conference Report 57 \(2023\): Oversight and Trusteeship](#).

- 11 By Special Resolution 57/5, the 2023 Conference agreed to amend the Model Trusts as set out in sections (A) and (B) below. Note: the amendments below differ slightly from those set out in the original Conference Agenda report, due to corrections made in the Conference Order paper.
- 12 The Council is invited to approve the special resolution.
- 13 The Council's decision will be reported to the 2024 Conference for confirmation.

## Proposed Model Trust amendments:

### (A). Connexional Council

**1 Interpretation** In this Schedule [*i.e. the Model Trusts*], unless the subject or context otherwise requires –

~~‘Methodist Council’~~ **‘Connexional Council’** means the body of persons of that name for the time being constituted by the Conference under the Deed of Union and Standing Orders for the despatch of connexional business in relation to (inter alia) property affairs or other the body of persons constituted for the time being under Standing Orders to discharge the responsibilities of the Property Division, and includes, where appropriate, any person or persons **or other body of persons** to whom any functions of such body under any provision of this Schedule may have been delegated by such body in accordance with any Standing Order made pursuant to paragraph 11 of this Schedule, and ‘board of the Property Division’ has the same meaning;

Replace “Methodist Council” by “Connexional Council” in the following instances:

- 3(2)(a)
- 3(3)
- 4(1)
- 5(2)
- 6(1)
- 6(2)
- 8(3)
- 11 (title and text)
- 11A
- 18(1)
- 19(2)
- 19(3)
- 21A(c)
- 26(1)

### (B). Connexional and Conference property

#### 1. Interpretation

‘Conference trustees’ means, in relation to any Conference property or any part of such property, the persons or body of persons, being members of the Church, annually appointed by the ~~Conference~~ **Connexional Council** to be the managing trustees of such property or part property;

‘Connexional Trustees’ means, in relation to any Connexional property or any part of such property, ~~the person or persons for the time being constituting, in accordance with Standing Orders, the Connexional Trustees for that property or part property;~~ **the Connexional Council**

#### \*\*\*RESOLUTIONS

**68/1. The Council receives the report.**

**68/2. In accordance with Standing Order 126(1)(c), the Council approves Special Resolution 42/5 of the 2023 Conference to amend Model Trust 26 by deleting the definition of ‘memorandum of consent’ in sub-paragraph (1) and deleting sub-paragraphs (3) and (4).**

- 68/3. In accordance with Standing Order 126(1)(c), the Council approves Special Resolution 57/5 of the 2023 Conference to amend the Model Trusts in relation to the new Connexional Council as set out in this report.**
- 68/4. The Council notes that the consultation for Special Resolution 35/7 of the 2023 Conference (to amend the Deed of Union in relation to the membership of the Conference) will be undertaken by the Law and Polity Committee rather than the Council, in accordance with Standing Order 126(1)(c).**