

**THE
CONSTITUTIONAL PRACTICE
AND DISCIPLINE
OF THE METHODIST CHURCH**

VOLUME 1

Published by Order of The Methodist Conference

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British Library Cataloguing in Publication data
A catalogue record for this book is available
from the British Library

*Published by Order of The Methodist Conference
Seventh Edition prepared (at the direction of the Methodist Conference)
by the Law and Polity Committee of the Methodist Church
First published 1951
Second Edition 1953
Third Edition 1958
Third Edition with Appendix 1962
Fourth Edition 1964
Fifth Edition 1969
Sixth Edition 1974
Seventh Edition 1988
Electronic edition produced 2005
Short run print edition 2014
Short run print edition 2020
Electronic edition updated 2020*

ISBN 978-1-85852-389-7

Published by Methodist Publishing
on behalf of the Methodist Church in Great Britain,
registered charity no. 1132208
Methodist Church House, 25 Marylebone Road, London NW1 5JR
Tel: 020 7486 5502 Email: enquiries@methodistchurch.org.uk

PREFACE

Since 1974 Methodists have become familiar with what has come to be known as 'the black book'. The loose-leaf ring-book binding in which *Constitutional Practice and Discipline* was published was designed to make it easier to incorporate amendments by substituting sheets. The format was heavy and cumbersome, however, and it is hoped that the new style of presentation will be lighter and easier to use. Volume 1 contains the fixed texts: the Acts of Parliament and historic documents. Volume 2 comprises the material which Conference is empowered to amend, and this will be reissued annually in order to provide readers with an up to date version.

This division also helps to illustrate the legal framework within which the Methodist Church is governed. The authority under which the Conference acts is legally given by the 1976 Methodist Church Act. The next 'tier' of authority is given by the Model Trusts in the second Schedule of the Act and the Deed of Union. These derive their authority from the Act. They can be amended, but the process is deliberately protracted, to ensure that there is consultation and time for reflection. Thirdly there are the Standing Orders and guidelines adopted by the Conference, which are far more detailed and more easily changed, provided that they are within the limits prescribed by the Act, the Model Trusts and the Deed.

The existence of this large body of legislation illustrates one aspect of Methodism's understanding of the church. Each local church is a member of a larger body, subject to a common discipline and pattern of government, sharing in a wider life. The authority of Conference, legally given by Act of Parliament, has its theological basis in this understanding of the church as a 'connexion' of local churches, circuits and districts, expressing their fellowship in the Body of Christ by their constitutional ties.

The fact that most aspects of constitutional practice and discipline can be amended, and that such amendments occur so frequently is also significant. Changes reflect not only the need for administrative adjustment, but the conviction that the church must not stand still, but must move forward as the Spirit leads, and is always in need of reform.

These volumes have been prepared under the direction of the Law and Polity Committee, and the Committee is grateful, as always, especially to Mr John Hicks whose wide sympathies and attention to detail are so generously placed at the service of the Church.

BRIAN E. BECK
Secretary of the Conference

Westminster
1988

FOREWORD TO THE SIXTH EDITION (Abridged)

The second to fifth editions of this work were essentially consolidations of the annual amendments necessitated by the continuing legislation of the Conference. This sixth edition is, by contrast, in many respects a wholly new production. This is not the place in which to deal with the far-reaching alterations of content which are the work of the restructuring committees, but some of the changes of form and arrangement which have been made by the Law and Polity Committee call for comment.

[...]

Historically 'C.P.D.' derived from the Standing Orders printed annually in the *Minutes of Conference*, and in the arrangement of previous editions they were given pride of place. But Standing Orders are not self-authenticating. The authority to issue them is derivative, and it derives from the truly central constitutional document of the Methodist Church – the Deed of Union. The authority of the Uniting Conference of 1932 to promulgate the Deed of Union and the Model Trust Deed for Methodist property was in turn conferred, so far as the assistance of the law of the land was required, by the Methodist Church Union Act 1929. The relegation of the Act and the Deeds to the back of 'C.P.D.' as 'historic documents' has perhaps obscured this relationship, discouraged reference to them and fostered an impression that they are largely of antiquarian interest, without a living role in the constitution of the Church. In this edition the natural order – Act, Deeds, Standing Orders – is followed, and there are frequent cross-references between Standing Orders and the connected passages in the Deed of Union, which are often essential to a proper comprehension of the Standing Orders.

Within the Standing Orders themselves, in addition to the alterations of content already mentioned, some significant changes of arrangement have been made. Such of the old 'administrative regulations' as were of general legislative significance have been integrated into the main text. [...] The numbering system is intended to enable new and amended provisions to be inserted without disruption and it also ensures that the number of a Standing Order is of itself an indication of its topic – 510, for instance, must be in Part 5 (and so concern the Circuit) and in Section 51 (relating in particular to the Circuit Meeting).

The innovation which most requires the understanding and co-operation of users is the introduction of Part 0, containing general provisions, and in particular of Section 00, dealing with interpretation. While the Deed of Union has always contained an interpretation clause Standing Orders formerly did not, and although many of the expressions defined in the Deed were plainly used in the same sense in Standing Orders other key words were plainly not or, much worse, were employed without any consistency. In particular the word 'minister' sometimes seemed to include probationers, sometimes not and sometimes gave no clear guidance either way; it posed similar problems, too, in relation to supernumeraries and other categories.

In this edition Standing Orders adopt most of the definitions employed in the Deed of Union and also define a number of additional terms, and a determined effort has been made to apply those definitions consistently. The Law and Polity Committee urges all users, and even more vigorously all bodies bringing amendments to Standing Orders to the Conference, to make frequent reference to these definitions; most of them, in most contexts, express what is already the generally understood meaning in Methodism, but it is essential to be familiar with some of the key expressions, especially those relating to the ministry. [...]

1974

FOREWORD TO THE SEVENTH EDITION

The sixth edition of 1974 was, as its Foreword states, in many respects 'wholly new' in arrangement and content, as well as in the obtrusively apparent matter of format. The return in this edition to bound volumes, however, is not accompanied by any such upheaval in other respects. This essential continuity is exemplified in the Contents pages, where the substantially unaltered ordering of subject-matter into Books takes precedence over the new distribution of print between Volumes.

Since 1974 the Methodist Church Union Act 1929 and the Model Deed of 1932 have been replaced by the Methodist Church Act 1976 and its statutory Model Trusts. With that substitution the third paragraph of the 1974 Foreword still explains the main structure of this work, and it is now reinforced and amplified by the second paragraph of Mr Beck's Preface. The more detailed explanations in the fourth to sixth paragraphs of the 1974 Foreword also remain pertinent and the appeals there to readers are repeated.

The indices are the expert work of Dr John Vickers. The index in Volume 1 is to that Volume only; the index in Volume 2 is to the whole work and the publishers hope to have it revised annually.

JOHN HICKS

Chiswick
1988

FOREWORD TO THE ELECTRONIC VERSION OF VOLUME 1

Upon the return in 1988 to bound volumes of *Constitutional Practice and Discipline*, the division of the material into two volumes meant that Volume 1, containing texts which were generally fixed (the Acts of Parliament and historic documents), did not require to be regularly re-issued.

Inevitably, in the intervening period instances have arisen where emendation of this volume (the “blue book”) would be useful. The Law and Polity Committee has decided that, whilst a re-issue of the printed version is not appropriate at this point, it would be helpful to make the material in Volume 1 available (as is Volume 2) in electronic form. This will enable the use in this medium of the whole text of *Constitutional Practice and Discipline* and has also permitted the emendations referred to above to be made at least in this form.

This version therefore departs from the printed text in the following ways:

- Identified typographical errors (which were very few in number) have been corrected, on comparison where necessary with the official, Queen’s Printer’s copy of texts.
- In the rare instances where the actual legislation can be, and has been, amended, these amendments have been indicated in square brackets.
- The opportunity has been taken to update many of the editorial notes and cross-references to Volume 2.
- The Comparative Tables and Index at the back have been omitted. Persons researching the history of a particular provision are likely to have access to a library copy of this volume, whilst the usefulness of an index in this medium is limited.

The Preface and the earlier Forewords (somewhat further abridged) have been retained, because their value as a general introduction to Methodist constitutional practice and discipline remains unsurpassed.

Susan Howdle

Leeds
2005

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Sections 15 and 19 of the Methodist Church Act 1939 were formerly printed in this Book. Although they now appear with the rest of the 1939 Act in Book IVA (pp. 27-42) they continue to be important provisions of general application, which should be read in conjunction with the 1976 Act.

Methodist Church Act 1976

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This Act repealed the Methodist Church Union Act 1929 (printed in Book V of this work as an historic text) and replaced it as the principal general statute providing the foundation on which in law all the remainder of the constitutional structure of the Methodist Church is raised.

See also the note on the preceding page.

Methodist Church Act 1976

An Act to make further provision concerning the constitution, purposes, doctrinal standards and property of the Methodist Church in Great Britain, to vest in the Trustees for Methodist Church Purposes as custodian trustees all property held upon the trusts of the Model Deed of the Methodist Church and certain other property and to provide for such property to be held upon new model trusts, to declare the said new model trusts and provide for the adoption of such trusts in relation to other property of the Methodist Church; to repeal the Methodist Church Union Act 1929 and re enact with modifications some of the provisions thereof; and for purposes connected with the matters aforesaid.

[26th October 1976]

For the Methodist Church Union Act 1929 see Book V, Part 4 (p. 79).

WHEREAS under and by virtue of the enactments in that behalf contained in the Methodist Church Union Act 1929 (hereinafter referred to as 'the Act of 1929') and a deed of union executed in pursuance thereof on the 20th September 1932 (hereinafter referred to as 'the date of union') the Wesleyan Methodist Church, the Primitive Methodist Church and the United Methodist Church became as from the date of union a united church or denomination under the name of the Methodist Church:

And whereas pursuant to the powers contained in section 8 (Power of Uniting Conference to adopt Deed of Union) of the Act of 1929 the Conference of the Methodist Church has from time to time subsequent to the date of the union amended the said deed of union (hereinafter as so amended referred to as 'the Deed of Union');

And whereas the constitution and doctrinal standards of the Methodist Church are declared and defined in the Deed of Union and under and by virtue of the proviso to subsection (2) of the said section 8 (and of clause 31(a) of the Deed of Union) the Conference of the Methodist Church has no power to alter or vary in any manner whatsoever the clauses contained in the Deed of Union which define the said doctrinal standards:

And whereas pursuant to the powers contained in section 14 (Power to adopt new model deed) of the Act of 1929 a model trust deed (hereinafter referred to as 'the Model Deed') dated 15 December, 1932, was adopted and certain property of the Methodist Church is held respectively upon the trusts of that deed as from time to time altered pursuant to the powers contained in section 15 (Power to alter new model deed) of the Act of 1929 upon trusts of numerous deeds executed after the 15th December, 1932, incorporating the trusts of the Model Deed and upon the trusts of one or other of the three earlier model trust deeds which are referred to in the Preamble to the Act of 1929 (all the aforesaid deeds immediately hereinbefore recited being hereafter together referred to as 'the model deeds');

And whereas under and by virtue of the enactments in that behalf contained in the Methodist Church Act 1939 a single body of trustees was constituted and incorporated under the name and style of the Trustees for Methodist Church Purposes

Methodist Church Act 1976

(hereinafter referred to as 'the Board') and empowered to receive and hold as trustees or as custodian trustees (and so that section 4 of the Public Trustee Act 1906 should apply to the Board as if the Board were entitled by rules made under that Act to act as custodian trustees) all real, leasehold and other personal estate which should from time to time be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts, intents or purposes connected with the Methodist Church or any of its connexional or local organisations or further and otherwise as by the said Act of 1939 provided:

And whereas under and by virtue of the enactments in that behalf contained in the Methodist Church Funds Act 1960 better provision was made for the investment of certain funds (including any funds for the time being held upon the trusts of the model deeds) of or connected with the work of the Methodist Church:

And whereas the Sharing of Church Buildings Act 1969, which applies to the Methodist Church, makes provision for the sharing and using of church buildings in England and Wales by different churches in manner inconsistent with the trusts of the model deeds relating to the doctrinal standards of the Methodist Church:

And whereas under and by virtue of subsection (4) of section 15 (Power to alter new model deed) of the Act of 1929 (and of clause 32 of the Deed of Union) the Conference of the Methodist Church has no power to alter or vary in the Model Deed the clause therein contained relating to the doctrinal standards of the Methodist Church:

And whereas no provision was made in the Act of 1929 for the definition of the purposes of the Methodist Church and it is expedient in the circumstances now prevailing that such provision as is made in this Act should be made for the definition of such purposes:

And whereas it is expedient that the Conference of the Methodist Church should be empowered to alter any provision of the Deed of Union including any such provision relating to the doctrinal standards of the Methodist Church:

And whereas by reason of the changes in the structure of the organisation and government of the Methodist Church and of the desirability of central vesting of the property held upon the trusts of the model deeds it is expedient that provision should be made by this Act for the discharge of the existing trustees of the said property, for the vesting of the said property in the Board as custodian trustees and for the managing trustees of the said property to be such person or persons to be ascertained in the manner provided by this Act.

And whereas for the better administration of the property mentioned in the foregoing recital it is expedient that this Act should provide that the said trusts affecting such property should be determined and that all such property be held upon model trusts provided for by this Act:

And whereas it is expedient to provide for the adoption of the said model trusts in relation to certain other property of the Methodist Church:

Methodist Church Act 1976

And whereas numerous enactments contained in the Act of 1929 are spent and it is expedient that the Act should be repealed and that some of its provisions should be re-enacted with modifications as provided by this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted: 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 Short title and commencement. (1) This Act may be cited as the Methodist Church Act 1976 and, subject to subsection (2) of this section, shall come into operation on the appointed day.

(2) This section, and any provisions of Schedule 2 to this Act which confer any power upon the Conference to make or (as construed in accordance with subsection (3) of section 32 of the Interpretation Act 1889) to revoke or vary Standing Orders, shall come into operation on the passing of this Act; but no Standing Orders shall be made under this Act so as to come into operation before the appointed day.

(3) (a) In this section 'the appointed day' means such day as may be fixed by a written declaration of the President for the time being of the Conference subject to and in accordance with the provisions of this subsection.

(b) The President for the time being of the Conference shall cause to be published in the 'Methodist Recorder' newspaper notice of the making of a written declaration under paragraph (a) of this subsection and of the day fixed thereby.

(c) A copy of the said newspaper containing the said notice shall be evidence of the publication of the notice and of the date of the publication.

By written declaration under this subsection, of which notice was published in the *Methodist Recorder* on the 25th November 1976, the 16th April 1977 was fixed as the appointed day.

(4) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the appointed day and any reference to the date of the commencement of this Act is a reference to that date; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsection (2) of this section shall be disregarded for the purpose of construing that reference in accordance with section 36 of the Interpretation Act 1889 (which relates to the meaning of 'commencement' with reference to an Act).

2 Interpretation. (1) In this Act, unless the subject or context otherwise requires – 'acceptance by the Board' means, in relation to any vesting declaration in favour of or transfer of property to or assent in favour of the Board

Methodist Church Act 1976

pursuant to any provision of this Act, the acceptance by the Board of such vesting declaration, transfer or assent signified in writing under the common seal of the Board in accordance with section 13 (As to seal) of the Act of 1939;

‘the Act of 1929’ means the Methodist Church Union Act 1929;

See Book V, Part 4 (p. 79).

‘the Act of 1939’ means the Methodist Church Act 1939;

See Book IV, Part 1 (p. 27)

‘the Act of 1960’ means the Methodist Church Funds Act 1960;

See Book IV, Part 2 (p. 43)

‘the Act of 1969’ means the Sharing of Church Buildings Act 1969;

‘appropriate consultation’ means such consultation with such local or other body or person as the Conference may by provision in the Deed of Union or by Standing Order thereunder or otherwise prescribe;

‘the Board’ means the Trustees for Methodist Church Purposes constituted under and by virtue of the Act of 1939;

‘the Charities Act’ means the Charities Act 1960;

‘church property’ means any property for the time being belonging to or held in trust for or for the purposes of the Methodist Church, or any connexional or local organisation of the Methodist Church, or any society institution or charity being a society institution or charity subsidiary or ancillary to the Methodist Church;

‘the Commissioners’ means the Charity Commissioners for England and Wales;

‘the Conference’ means the Conference of the Methodist Church constituted under and by virtue of the Act of 1929 and the Deed of Union and includes the governing body from time to time of the Methodist Church;

‘the date of union’ means the 20th September 1932;

‘the Deed of Union’ means the deed of union executed in pursuance of the Act of 1929 on the date of union, as from time to time amended before the commencement of this Act;

See Vol. 2, Book II, Part 1.

‘deferred special resolution’ means a resolution of the Conference passed in one year by a special majority and, after full consultation down to and including Local Church level, confirmed in the second following year by a special majority;

For the consultation prescribed by Standing Orders see S.O. 126(2)-(7) (Vol. 2, Book III, Part 1).

‘doctrinal standards’ means the doctrinal standards of the Methodist Church as declared and defined for the time being in the Deed of Union;

See cl. 4 of the Deed (Vol. 2, Book II, Part 1).

Methodist Church Act 1976

'existing church property' means any property which was church property immediately before the commencement of this Act;

'existing Circuit Advance Fund' means any property which immediately before the commencement of this Act comprised a Circuit Advance Fund constituted pursuant to the Standing Orders relating to Circuit Advance Funds from time to time in force before the commencement of this Act;

'land' includes any estate, interest or right, in over or under land or any building thereon together with all fixtures, fittings, rights, easements, appurtenances and privileges whatsoever relating thereto respectively or enjoyed and held therewith but not an undivided share in land;

'Local Church' shall have the meaning assigned to that expression for the time being by paragraph 1 of Part I of Schedule 2 to this Act;

See the Model Trusts (Vol. 2, Book II, Part 2).

'the Methodist Church' means the United Church or denomination formed under the provisions of the Act of 1929;

'Ministerial Session' means the Ministerial Session of the Conference constituted and continuing under and by virtue of the Act of 1929 and the Deed of Union;

'model deed' means any deed mentioned in Part I and any deed affected by either of the Orders mentioned in Part II of Schedule 1 to this Act;

'model deed property' means any church property which was held immediately before the commencement of this Act upon the trusts and with and subject to the powers and provisions of a model deed (other than a model deed which, by virtue of subsection (1) of section 2 of the Act of 1969, includes the purposes and provisions of a sharing agreement made under that Act), and includes any existing Circuit Advance Fund;

'model trusts' means the trusts for the time being contained in Part III of Schedule 2 to this Act;

See Vol. 2, Book II, Part 2.

'model trust property' means any model deed property and any other property which shall after the commencement of this Act be held upon the model trusts;

'the model trust vesting provisions' has the meaning assigned thereto by section 9 (Model trust vesting provisions) of this Act;

'property' includes real and personal property, and any estate share and interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest, whether in possession or not;

'the Property Division' means the Property Division or other the Connexional organisation for the time being constituted under the Deed of Union and Standing Orders and authorised by the Conference to act generally on behalf of the Conference in relation to property affairs;

Methodist Church Act 1976

'Representative Session' means the Representative Session of the Conference constituted and continuing under the Act of 1929 and the Deed of Union;

'the Secretary' means the Secretary of the Conference;

'special majority' means, in relation to any resolution passed or confirmed at any session or meeting of the Conference, the votes in favour of such resolution of not less than three-quarters of the members of such session or meeting present and voting;

'special resolution' means a resolution of the Conference passed in one year by a special majority and, after appropriate consultation, confirmed in the next following year by a special majority;

For the consultation prescribed see S.O. 126(1) (Vol. 2, Book III, Part 1).

'Standing Orders' means the Standing Orders made by the Conference from time to time by virtue of the powers in that behalf contained in this Act and in the Deed of Union;

'trust instrument' means any trust deed, will or other instrument or authority by which the administration of any property is regulated;

'the uniting churches' means the Wesleyan Methodist Church, the Primitive Methodist Church and the United Methodist Church;

'vesting declaration' means a written declaration executed by the Board pursuant to subsection (2) of section 10 (Power to adopt model trusts) of this Act or by any trustees pursuant to subsection (3) of the said section 10;

'will' includes a codicil and any other testamentary writing.

(2) Except so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

3 Constitution and doctrine. (1) Subject to the following provisions of this section and to section 4 (Purposes), section 5 (Amendment of the Deed of Union) and section 6 (Power to unite with other churches) of this Act, the constitution of the Methodist Church and the doctrinal standards shall be as declared and defined in the Deed of Union:

Provided that in the event of any conflict between any provision of this Act and any provision of the Deed of Union the provision of this Act shall prevail.

(2) The Conference shall be the final authority within the Methodist Church with regard to all questions concerning the interpretation of its doctrines.

4 Purposes. The purposes of the Methodist Church are and shall be deemed to have been since the date of union the advancement of –

- (a) the Christian faith in accordance with the doctrinal standards and the discipline of the Methodist Church;

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- (b) any charitable purpose for the time being of any connexional, district, circuit, local or other organisation of the Methodist Church;
- (c) any charitable purpose for the time being of any society or institution being a society or institution subsidiary or ancillary to the Methodist Church;
- (d) any purpose for the time being of any charity being a charity subsidiary or ancillary to the Methodist Church.

5 Amendment of the Deed of Union. (1) Notwithstanding any provision of the Deed of Union to the contrary, the Conference may amend the Deed of Union by such variation or revocation of any provision thereof or by such addition of any new provision thereto as the Conference may from time to time consider to be expedient.

(2) Subject to the provision of the next following subsection, the Conference shall make any amendment of the Deed of Union by deferred special resolution if the doctrinal standards are thereby affected but otherwise by special resolution.

(3) So long as the Conference shall consist of both the Representative and Ministerial Sessions the Conference shall make any amendment of the Deed of Union by the special resolution of both the Representative and Ministerial Sessions if such amendment shall affect the continuance as a separate body of the Ministerial Session as provided by the Deed of Union, or shall affect the definition, by virtue of that Deed, of the relative duties and privileges of the Representative and Ministerial Sessions respectively.

(4) After any amendment of the Deed of Union any reference to that Deed in this Act or in any written instrument, whenever executed, shall be deemed to be a reference to the Deed of Union as so amended.

6 Power to unite with other churches. (1) In this section –

‘body’ means, in relation to the Methodist Church or any other church, any part thereof or any local or other body thereof or subsidiary or ancillary thereto;

‘other church’ means, in relation to the Methodist Church, any other Christian Church or organisation whether or not the doctrines of such church or organisation differ from the doctrinal standards of the Methodist Church.

(2) Notwithstanding the provisions of section 4 (Purposes) of this Act, the Conference may:

- (a) do or procure the doing of any act or thing leading up to or incidental to the negotiation or preparation of the terms and conditions of any scheme or arrangement for the unification or amalgamation or association of the Methodist Church or any body thereof with any other church or any body thereof respectively;
- (b) approve the terms and conditions of such scheme or arrangement by special resolution;

Methodist Church Act 1976

- (c) promote any legislation and do or procure the doing of any other act or thing that may be necessary to give effect to and carry out any approved scheme or arrangement approved by the Conference pursuant to the foregoing paragraph.

7 Existing church property. After the commencement of this Act all existing church property shall, subject to the provisions of this Act, continue to be held subject to the subsisting trusts powers and provisions contained in any trust instrument relating to any such property, but subject and without prejudice to any mortgage, charge, incumbrance, lien, bond, lease or agreement affecting the same.

8 Future trusts for benefit of uniting churches. (1) Subject to section 14 (Future model deed trusts) and section 15 (Gifts to Local Churches or Circuits) of this Act, if any property shall after the commencement of this Act become subject to any trust for or on behalf of or in connection with or for any of the purposes of any of the uniting churches or any part of any such churches or for or on behalf of any society institution or charity subsidiary or ancillary to any of the said churches, then, instead of the said trusts, such property shall be held in trust for or for the purposes of the Methodist Church or for or for the purposes of the corresponding society, institution or charity subsidiary or ancillary to the Methodist Church and in other respects and so far as circumstances permit upon the trusts and with and subject to the powers and provisions contained in the trust instrument otherwise affecting the said property but subject and without prejudice to any mortgage, charge, incumbrance, lien, bond, lease or agreement affecting the same:

Provided that —

- (a) any power conferred by such trust instrument upon any officer or body of or connected with any of the uniting churches shall be deemed to have been conferred upon and shall be exercisable by the Conference or any committee of the Conference or any body of or connected with the Methodist Church or any officer the eof to whom the Conference may delegate the same; and
- (b) if a person or a class of persons or a society, institution, charity or fund standing in any relation to any of the uniting churches shall be an object named or designated in a disposition in such trust instrument, then the object of such disposition shall be the person or the class of persons or the society, institution, charity or fund standing in a similar relation to the Methodist Church generally.

(2) If any person shall hold any property upon any trust to which the foregoing subsection applies he may pay or transfer the same to the Secretary who shall hold the same upon such trusts as aforesaid and whose receipt shall be an effectual discharge to such person for all purposes.

9 Model trust vesting provisions. (1) In the following provisions of this section (in this Act referred to as ‘the model trust vesting provisions’) –

Methodist Church Act 1976

'incumbrance' includes any mortgage, charge, tenancy, lien or liability;

'outstanding relevant property' means such relevant property as shall not be vested in the Board immediately before the relevant date;

'relevant date' means, in relation to model deed property, the date of the commencement of this Act and, in relation to any other relevant property, the date upon which the model trust vesting provisions shall become applicable to such property;

'relevant property' means, any model deed property, and includes any other property to which the model trust vesting provisions may be applied after the commencement of this Act by virtue of the execution or acceptance by the Board of a vesting declaration pursuant to section 10 (Power to adopt model trusts) of this Act or by virtue of the operation of section 16 (Termination of sharing agreements) of this Act.

(2) On the relevant date all outstanding relevant property (including the right to all income thereof thereafter paid or payable and whether or not accruing in respect of any period of time before the relevant date) shall, by virtue of this Act and without further assurance, be transferred to and vested in the Board in place and to the exclusion of all persons who are then the trustees of such property, and the Board shall hold all relevant property as custodian trustees upon the model trusts and freed and discharged from all trusts powers and provisions affecting such property before the relevant date but subject to any incumbrance affecting the same.

(3) Whenever the model trusts shall be applied to any property under any provisions of this Act, such of the appropriate persons ascertained in accordance with the provisions of Part II of Schedule 2 to this Act as shall have attained full age shall be the managing trustees of such property and, subject to the provisions of this Act, the Board shall be deemed to have received such property as custodian trustees pursuant to section 10 (Board to have power to receive and hold property upon trusts) of the Act of 1939.

For Schedule 2 see the Model Trusts (Vol. 2, Book II, Part 2). In Great Britain persons of 18 years and over are of full age.

(4) Notwithstanding the provisions of paragraph (c) of subsection (2) of section 4 of the Public Trustee Act 1906, the Board may permit the documents of title relating to any land which is model trust property to be in the possession of or under the control of the managing trustees of such property without thereby incurring any liability.

By resolution dated 27th April 1977 the Board in exercise of its powers under this subsection gave general permission for the documents of title of all land in Great Britain which is model trust property to be in the possession and under the control of the managing trustees, with certain exceptions.

(5) The Conference may by Standing Order regulate the care and place of custody of any documents of title in the possession of or under the control of any managing trustees pursuant to the foregoing subsection.

See S.O. 903 (Vol. 2, Book III, Part 9).

(6) Notwithstanding the provisions of subsection (3) of this section, paragraph (e) of subsection (2) of section 4 of the said Act of 1906 shall have effect in relation to any

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model trust property which immediately before the relevant date was property consisting of money credited by any bank to any account with such bank of any trustee or trustees of such money, as if on the relevant date such money had been dividends and other income derived from model trust property, and as if immediately after the relevant date the Board had allowed such money to be paid, pursuant to the said provision of the said Act of 1906, into such bank to the credit of the managing trustees thereof in accordance with their direction in that behalf.

The effect of this subsection is to enable managing trustees of model trust property to take over model trust money held in a bank account at the vesting date.

By resolution dated 27th April 1977 the Board in exercise of its powers under s.4(2)(e) of the 1906 Act permitted and directed all income of model trust property in Great Britain to be received by the managing trustees and paid into a bank to their credit, subject to certain conditions.

(7) Section 19 of the Act of 1939 (which empowers the Conference to remove any trustee of certain church property) shall not apply to any managing trustee of any model trust property.

See p. 27.

(8) (a) In this subsection –

‘the court’ means the High Court and, within the limits of its jurisdiction, any other Court in England or Wales having a jurisdiction in respect of charities concurrent (within any limit of area or amount) with that of the High Court, and includes any judge or officer of the court exercising the jurisdiction of the court;

‘land’ means land in England or Wales or any interest in such land.

(b) Where any land is model trust property and is vested in the Board as custodian trustees upon the model trusts, the managing trustees of such land shall have power in the name and on behalf of the Board to execute and do all assurances and things which such managing trustees could properly require the Board to execute or do –

(i) for carrying out any transaction affecting the land which is authorised by order of the court or of the Commissioners or in respect of which, where the land belongs to a charity excepted by order or regulation from the provisions of section 29 of the Charities Act, the Board have signified their written concurrence; or

(ii) for granting any lease for a term ending not more than twenty-two years after it is granted, not being a lease granted wholly or partly in consideration of a fine, or for accepting the surrender of a lease.

(c) Where any land is model trust property and is vested in the Board as custodian trustees upon the model trusts, the managing trustees of such land shall have the like power to make obligations entered into by them binding on the land as if it were vested in them; and any covenant, agreement or condition which is enforceable by or against the Board by reason of the land being vested in the Board shall be enforceable by or against the managing trustees as if the land or interest were vested in them.

(d) Paragraphs (b) and (c) of this subsection shall not authorise any managing trustee to impose any personal liability of the Board save in respect

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of a transaction to which the Board shall have signified their written concurrence pursuant to sub-paragraph (i) of paragraph (b) of this subsection.

(9) The Act of 1960 shall apply to any fund which is model trust property as if, for the purposes of paragraph (a) of subsection (1) and subsection (3) of section 3 (Funds to which Act applies) of that Act, such fund were held upon the trusts of a model trust deed and had been constituted before the commencement of that Act.

See p. 43.

10 Power to adopt model trusts. (1) In this section ‘church property’ means any church property except model trust property.

(2) If the Commissioners shall have given their prior consent to such action it shall be lawful for the Board, in the case of any church property held by the Board as trustees (other than as custodian trustees), to execute a written declaration under the common seal of the Board, adopting the model trusts in relation to such property or any part thereof described in such declaration and thereupon the model trust vesting provisions shall apply to the property so described.

(3) If the Commissioners shall have given their prior consent to such action it shall be lawful for the trustees or a majority of trustees of any church property (not being property to which the foregoing subsection applies), or for the managing trustees or a majority of such trustees if such property is held by the Board as custodian trustees, to transmit to the Board a written declaration executed by them under seal adopting the model trusts in relation to such property or any part thereof described in such declaration and upon the acceptance by the Board of such declaration the model trust vesting provisions shall apply to the property so described.

11 Responsibility for existing liabilities. (1) In this section –

‘existing relevant trust liability’ means any relevant trust liability which shall not have been discharged before the model trust date;

‘former trustees’ means, in relation to relevant church property, the persons and the personal representatives of deceased persons who were the trustees thereof at any time before the model trust date;

‘model trust date’ means, in relation to model deed property, the date of the commencement of this Act and, in relation to any other relevant church property, the date upon which the model trust vesting provisions shall be applied thereto pursuant to section 10 (Power to adopt model trusts) of this Act;

‘new trustees’ means, in relation to relevant church property, the Board as custodian trustees thereof and the managing trustees thereof for the time being ascertained in accordance with subsection (3) of section 9 (Model trust vesting provisions) of this Act;

‘relevant church property’ means any model deed property and any church property to which the model trust vesting provisions shall be applied

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pursuant to the said section 10 and includes the property from time to time representing such property as model trust property after the model trust date;

‘relevant right of indemnity’ means, in relation to any relevant church property, any statutory or other right of the former trustees or any of them to be indemnified out of such property in respect of any relevant trust liability or in respect of any expense and includes any lien or charge, whether express or implied, securing any such right of indemnity;

‘relevant trusts’ means, in relation to any relevant church property, the trusts, powers and provisions contained in any model deed or any other trust instrument applicable to such property before the model trust date;

‘relevant trust liability’ means, in relation to the former trustees of any relevant church property, any liability (including a personal liability) properly incurred before the model trust date by the former trustees or any of them in or about the execution of the relevant trusts.

(2) On the model trust date all existing relevant trust liabilities of the former trustees of any relevant church property shall be transferred, by virtue of this Act, to the new trustees of such relevant church property who shall, subject to the next following subsection, be under a duty to discharge all such liabilities on and after the model trust date in exoneration of the former trustees.

(3) Nothing in the last foregoing subsection shall prejudice the right of any person to enforce any existing relevant trust liability against the former trustees or any of them after the model trust date.

(4) Any new trustee who shall discharge or be required to discharge any existing relevant trust liability after the model trust date pursuant to subsection (2) of this section shall be subrogated to and entitled to the benefit of any relevant right of indemnity of any former trustee in respect of such liability.

(5) Any former trustee who shall discharge or be required to discharge any existing relevant trust liability after the model trust date by reason of such liability being enforced against him by any person entitled in that behalf may exercise, in respect of such liability, any relevant right of indemnity out of the relevant church property.

(6) Nothing in the foregoing provisions of this section and nothing done thereunder shall deprive any former trustee of any relevant church property of the benefit of any relevant right of indemnity in respect of any relevant trust liability discharged by him before the trust date.

(7) To the extent only that the benefit of any relevant right of indemnity out of any relevant church property shall not afford full reimbursement or indemnity to –

- (a) any new or former trustee who shall after the model trust date discharge or be required to discharge any existing relevant trust liability in accordance with subsections (2) or (3) of this section; or

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(b) any former trustee who shall have discharged any relevant trust liability before the model trust date;

in respect of all such loss, damages, costs and expenses thereby sustained or incurred by him, such new or former trustee shall be fully reimbursed or indemnified out of the general funds of the Methodist Church.

12 Future model trust settlements. (1) Subject to section 15 (Gifts to Local Churches or Circuits) of this Act, any settlement (hereinafter in this section referred to as 'a model trust settlement') of any property upon the model trusts shall be effected in accordance with the following provisions of this section.

(2) In this section 'declaration of preference' means, in relation to a model trust settlement, a written declaration by the settlor in such settlement expressing (whether in precatory or mandatory terms) the settlor's preference or desire for the application of any property subject to such settlement or of any part of such property for any one or more of the purposes for which model trust property may from time to time be held under the model trusts.

(3) A model trust settlement of any property, otherwise than by will, shall be effected by the settlor doing and executing all such acts documents and things as may be necessary and expedient to complete the transfer of such property and of every estate or interest of the settlor therein to the Board upon the model trusts (with or without a declaration of preference) and upon the acceptance by the Board of such transfer the model trust vesting provisions shall apply to such property as if the same had been transferred to and vested in the Board under subsection (2) of section 9 (Model trust vesting provisions) of this Act.

(4) A model trust settlement of any property by will shall be effected by the settlor devising or bequeathing such property to the Board upon the model trusts (with or without a declaration of preference) and his personal representatives shall, in due course of administration, assent to the vesting of such property in the Board and do and execute all such other acts documents and things as may be necessary and expedient to complete the transfer thereof and of every estate or interest of the settlor therein to the Board upon the model trusts and upon the acceptance by the Board of any such assent or transfer the model trust vesting provisions shall apply to the property thereby affected as if the same had been transferred to and vested in the Board under subsection (2) of the said section 9.

(5) A declaration of preference shall not create any trust and shall have such effect only as shall for the time being be provided in Schedule 2 to this Act.

See paras. 3(3) and 22 of the Model Trusts (Vol. 2, Book II, Part 2).

13 Future model trust property to be held by the Board. (1) If, notwithstanding the provisions of section 12 (Future model trust settlements) of this Act, any trust instrument made after the commencement of this Act shall purport to direct any property to be held by any trustee, other than the Board, upon the model trusts, the following provisions of this section shall apply.

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(2) In the case of any trust instrument other than a will, the trustees named in the trust instrument, or any other trustee or trustees from time to time of the said property, shall upon the completion of the transfer of all such property and of every estate or interest therein to them, transfer the same to the Board upon the model trusts and, upon the acceptance by the Board of such transfer the model trust vesting provisions shall apply to the property so transferred as if the same had been transferred to and vested in the Board under subsection (2) of section 9 (Model trust vesting provisions) of this Act.

(3) In the case of any trust instrument being a will, the provisions of subsection (4) of the said section 12 shall apply as if the property subject to such trust instrument had been bequeathed or devised thereunder to the Board on the model trusts.

14 Future model deed trusts. Subject to section 15 (Gifts to Local Churches and Circuits) of this Act, if any provision of any trust instrument (whenever executed) shall come into operation after the commencement of this Act and shall incorporate or adopt in relation to any property subject to such trust instrument the trusts of any model deed, then such provision shall be construed and have effect as if the same were expressed to incorporate or adopt the model trusts in relation to such property and the provisions of the foregoing section shall apply to such trust instrument as if the same contained a direction that such property should be held upon the model trusts by trustees other than the Board.

15 Gifts to Local Churches or Circuits. (1) In this section the expression 'Circuit' shall have the meaning assigned to that expression for the time being by paragraph 1 of Part I of Schedule 2 to this Act.

See Model Trusts (Vol. 2, Book II, Part 2).

(2) If any will (whenever executed) coming into operation after the commencement of this Act shall contain a devise or bequest giving, or having effect by virtue of section 8 (Future trusts for benefit of uniting churches) of this Act as if it were expressed to give, any property to any Local Church or Circuit or to the trustees or managing trustees of any Local Church or Circuit without any express declaration of trust affecting such property, then such will shall have effect in all respects as if such devise or bequest had been made to the Board after the commencement of this Act upon the model trusts in accordance with subsection (4) of section 12 (Future model trust settlements) of this Act, and such devise or bequest shall be deemed to contain a declaration of preference, made pursuant to the said subsection (4), for the application of such property for the purposes of the Local Church or Circuit referred to in such devise or bequest.

16 Termination of sharing agreements. If, on the termination of a sharing agreement made before the commencement of this Act pursuant to the provisions of the Act of 1969 for the sharing of any land, being a church building held immediately before the date of such agreement upon the trusts of any model deed, such land should –

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- (a) by virtue of subsection (2) of section 9 of the Act of 1969, be held by the trustees thereof upon the trusts of such model deed; or
- (b) by virtue of subsection (3) of the said section 9, vest without any conveyance or other assurance in such of the trustees in whom such church building is vested as represent the Methodist Church, or should remain in a custodian trustee to be managed by such of its managing trustees as represent that Church, and should be held and managed on the trusts of such model deed;

then, notwithstanding the said provisions of the said section 9, the model trust vesting provisions shall apply to such land on the termination of such sharing agreement.

17 Supplementary provisions regarding transfer. (1) In this section the expressions 'existing relevant trust liability', 'model trust date', 'new trustees' and 'relevant church property' have the same meaning as in section 11 (Responsibility for existing liabilities) of this Act.

(2) No vesting of relevant church property in the Board as custodian trustees upon the model trusts effected on the model trust date by virtue of or pursuant to any provision of section 9 (Model trusts vesting provisions) or 10 (Power to adopt model trusts) of this Act and no transfer of any existing relevant trust liability to the new trustees of such property on the model trust date by virtue of subsection (2) of the said section 11 shall –

- (a) operate as a breach of covenant or condition against alienation;
- (b) give rise to any forfeiture; or
- (c) invalidate or discharge any contract or security.

(3) Whenever by the operation of any vesting or transfer mentioned in the last foregoing subsection any right, liability or obligation becomes, on the model trust date, a right, liability or obligation of the new trustees of any relevant church property or any one or more of them, then, subject to subsections (3), (5) and (6) of the said section 11, such new trustees and all other persons shall, on and after the model trust date, have the same rights, powers and remedies and in particular the same rights and powers as to taking or resisting legal proceedings or making or resisting applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as if it had at all times been a right, liability or obligation of the new trustees; and any legal proceedings or applications to any authority by or against any other person and pending immediately before the model trust date may, in so far as they relate to such relevant church property or to any such right, liability or obligation, be continued by or against the new trustees.

18 Securities. (1) In this section – 'Central Board' has the same meaning as in the Act of 1960;

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'model trust certificate' means a certificate under the hand of the General Secretary of the Property Division certifying that the securities therein identified were vested in the Board on the model trust date therein specified;

'model trust date' means, in relation to model deed property, the date of the commencement of this Act and, in relation to any other relevant church property, the date upon which the model trust vesting provisions shall be applied thereto pursuant to section 10 (Power to adopt model trusts) of this Act;

'relevant church property' means any model deed property and any church property to which the model trust vesting provisions shall be applied pursuant to the said section 10;

'securities' means shares, stock, debentures, debenture stock, loan stock, bonds, units of a unit trust scheme or other shares of the investments subject to the trusts of such a scheme and other securities of any description.

(2) On the model trust date the Act of 1969 shall have effect –

(a) in relation to any relevant church property consisting immediately before the model trust date of shares in any investment fund constituted under the Act of 1960, as if the Central Board had received notice on the model trust date that the Board had become absolutely entitled to such shares; and

(b) in relation to any relevant church property consisting immediately before the model trust date of money deposited in any deposit fund constituted under the Act of 1960, as if such money had been deposited in such deposit fund by the Board on the model trust date.

As to (a), see paras. 6(2) and 15 of the First Schedule to the Act of 1960 (pp. 50-58).

(3) Where by any enactment or instrument the transfer of any securities is required to be effected or recorded by means of entries in a register then, if –

(a) a model trust certificate is produced to the person who is authorised or required to keep the register; and

(b) it appears to that person that any of the securities so identified are included in the register kept by him;

he shall, notwithstanding anything in section 75 or 117 of the Companies Act 1948 or any other enactment or instrument regulating the keeping of the register, make such entries as may be necessary to give effect to the vesting referred to in the model trust certificate in all respects as if such certificate were a proper instrument of transfer to the Board on the model trust date of the securities therein identified.

(4) A document which purports to be a model trust certificate shall be taken to be such a certificate unless the contrary is proved.

(5) Nothing done for the purposes of or in pursuance of subsection (3) of this section shall be taken to affect any person with notice of any trust or to impose on any person a duty to inquire into any matter.

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19 Annuitant, superannuation and other funds. (1) In this section –

‘continuing uniting church fund’ means any annuitant, superannuation or beneficent fund generally or specifically referred to in subsection (1) of section 19 of the Act of 1929 which was existing immediately before the commencement of this Act;

‘Methodist Church fund’, means any other superannuation or beneficent fund of or in connection with the Methodist Church which was existing immediately before, or which may be established after, the commencement of this Act;

‘trustees’ means, in relation to any fund referred to in this section, the trustees for the time being of or other the persons having for the time being the legal control of or power of disposition over such fund.

For s. 19(1) of the 1929 Act see p. 79.

(2) Subject to the provisions of the next following subsections, the trustees of a continuing uniting church fund shall on and after the commencement of this Act continue to hold and apply such fund or permit the same to be applied in accordance with the trusts and for the benefit of the members and other persons in accordance with which and for the benefit of whom such fund was held and applicable immediately before the commencement of this Act.

(3)(a) Subject to paragraph (b) of this subsection, it shall be lawful for the trustees of a continuing uniting church fund to enter into and carry into effect, upon such terms and conditions and in such manner generally as they may think proper and as may be approved by the Conference, any agreement or arrangement for the amalgamation of such fund with and the transfer thereof to the trustees of any Methodist Church fund and from and after such transfer as aforesaid the trustees of such continuing uniting church fund shall, by virtue of this Act, be released and discharged from all claims, demands, actions and proceedings in respect of such continuing uniting church fund and the trusts thereof or in respect of any sale, investment or transposition of investment, payment, other dealing or anything done or omitted by them in respect thereof or otherwise however in relation thereto.

(b) Paragraph (a) of this subsection shall not operate to release or discharge any trustee from any claim, demand, action or proceeding unless he has acted honestly and reasonably.

(4) It shall be lawful, with the approval of the Conference, for any two or more continuing uniting church funds to be amalgamated with each other and for any one or more of such funds to be amalgamated with any new fund that may be established with similar objects.

20 Indemnities. 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 commencement of this Act whether as party to any action, arbitration or proceeding, as trustee or in any other capacity whatsoever.

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21 Legal proceedings. (1) Any action, arbitration and proceeding of any description by or against the Methodist Church may be brought or defended (or carried on if pending at the commencement of this Act) for and on behalf of the Methodist Church in the name of 'the President of the Methodist Conference' by that description (without naming the holder for the time being of that office) and the death or incapacity of the President for the time being of the Conference or the expiration of his term of office or any act or thing done or suffered by him shall not abate or affect such action, arbitration or proceeding.

(2) Any writ, notice or other process in any such action, arbitration or proceeding shall be sufficiently served on the Methodist Church if served personally on the Secretary for the time being of the Conference or delivered at the office of the Conference.

(3) Any affidavit, statutory or other declaration or any answer or other similar document required from or by the Methodist Church may be made and verified by the President, Vice-President or Secretary for the time being of the Conference for and on behalf of the Methodist Church.

(4) Every President, Vice-President and Secretary of the Conference shall be reimbursed and fully indemnified out of the connexional funds of the Methodist Church against all loss, damages, costs and expenses which he may sustain or incur by reason or in consequence of any action, arbitration or proceeding brought, defended or carried on, process served or document made pursuant to this section.

22 Copies of certain documents to be evidence. (1) Any document purporting to be a copy of the Deed of Union and being or purporting to be signed by the President, Vice-President or Secretary of the Conference and dated shall for all purposes be sufficient evidence of the terms of the Deed of Union at the purported date of such purported copy, unless some variation between it and the original document shall be proved.

See also s. 15 of the 1939 Act (p. 27).

(2) Any document purporting to be a copy of a vesting declaration, or purporting to be a copy of a transfer of property to or of a written assent in favour of the Board pursuant to section 12 (Future model trust settlements), section 13 (Future model trust property to be held by the Board) or section 14 (Future model deed trusts) of this Act and purporting to be executed, or to be endorsed as accepted, by the Board on a specified date and sealed with the common seal of the Board shall –

- (a) be sufficient evidence for all purposes of the original vesting declaration, transfer or assent, unless some variation between such copy and the original vesting declaration, transfer or assent shall be proved; and
- (b) subject to the foregoing paragraph of this subsection, be sufficient evidence for all purposes of the acceptance by the Board, where appropriate, of such original vesting declaration, transfer or assent

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on the date specified in such purpo ted copy thereof, unless the contrary be proved.

23 Construction of the word 'conference'. Whenever in any Act, order, letters patent, decree, scheme, deed, will, memorandum and articles of association or other instrument the expression 'conference' occurs as applicable to the annual conference or assembly of any of the uniting churches it shall, except in so far as the context otherwise requires, be construed to mean the Conference.

24 Construction of references to abolished bodies and offices. (1) In this section –

'body' means any body of or connected with the Methodist Church and includes the Conference;

'office' means any office of or connected with the Methodist Church;

'abolished body or office' includes any former body or office and any other body or office which the Conference may abolish after the commencement of this Act;

'former body or office' means any body or office which the Conference shall have abolished before the commencement of this Act.

(2) The Conference may declare that any body or office shall correspond to any abolished body or office respectively to the extent of all or any one or more of the functions of or assets held by or for such abolished body or the holder of such abolished office, and the upon any reference in this or any other Act or in any order, letters patent, decree, scheme, deed, will, memorandum and articles of association or other instrument, to such abolished body or office or to the holder of such abolished office (including any reference required to be construed as such reference under and by virtue of any former provision of section 12 (Church lands to be held in trust for Methodist Church), section 13 (As to construction of word 'conference'), section 18 (Personal property of uniting Churches to be held in trust for Methodist Church) or section 20 (Gifts to uniting Churches to take effect in favour of Methodist Church) of the Act of 1929 or of any provision of section 8 (Future trusts for benefit of uniting churches) or section 23 (Construction of the word 'conference') of this Act or any delegation pursuant to any such provision or former provision) shall, to the extent that such declaration permits, be construed and have effect as a reference to the body or office respectively corresponding to such abolished body or office or to the holder of the office corresponding to such abolished office.

For ss. 12, 13, 18 and 20 of the 1929 Act see pp. 88-89, 91, 92 respectively. The Conference of 1978 exercised the power conferred by this sub-section in relation to a number of Departments, connexional committees and other bodies or offices abolished before the commencement of the Act. In 1996 the Conference, in the process of connexional re-structuring, again exercised the power in relation to various abolished bodies, including Divisions and Divisional Boards, and offices.

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(3) The Conference may procure that any declaration by the Conference pursuant to the last foregoing subsection may at any time and from time to time be embodied in a deed poll under the hand and seal of the President of the Conference or of such other officer thereof as the Conference may from time to time designate in that behalf and the Conference shall procure that any such deed poll shall, within three months after execution, be sent to the office of the Commissioners for the purpose of being enrolled in the books of the Commissioners pursuant to section 25 of the Charities Act.

25 Saving for liabilities. Subject to section 11 (Responsibility for existing liabilities) and subsection (3) of section 17 (Supplementary provisions regarding transfer) of this Act, nothing in this Act and nothing done in the exercise of any power 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.

26 Powers and exceptions in relation to charities. Nothing in this Act shall affect –

- (a) any power or jurisdiction of Her Majesty, any court, the Commissioners or any other person to alter the trusts of any charity and, subject to the provisions of the Charities Act, the Commissioners may deal with, modify or vary any of the provisions of this Act relating to or affecting any charity by a scheme (notwithstanding that such charity may already be affected by a scheme) made in the exercise of their jurisdiction under the Charities Act, but as if such provisions of this Act had been contained in a scheme of the Commissioners;
- (b) any exception from the operation of the Charities Act conferred by or pursuant to any provision of that Act.

27 Amendment of the Act of 1939. In section 13 of the Act of 1939 (which regulates the custody and manner of affixing the common seal of the Board) for the word ‘three’ there shall be substituted the word ‘two’.

See p. 27.

28 Repeal. The enactment specified in Schedule 3 to this Act is hereby repealed to the extent specified in the third column of that Schedule:

Provided that the said enactment shall continue to extend to the Channel Islands and the Isle of Man until otherwise provided by an Order in Council under section 30 (Application to Channel Islands and Isle of Man) of this Act.

29 Extent. (1) This Act shall not extend to Northern Ireland.

(2) This Act shall extend to Scotland and in the application thereof to Scotland the following provisions shall have effect –

- (a) In the definition of ‘property’ in subsection (1) of section 2 (Interpretation) of this Act, for the words ‘real and personal property’ there shall be substituted the words ‘heritable and movable property’ and for the words ‘real or personal’ there shall be substituted the words ‘heritable or movable’;

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- (b) At the end of section 9 (Model trust vesting provisions) of this Act, there shall be inserted the following subsection:

'(10) For the avoidance of doubt it is hereby declared that if any instrument relating to any model trust property shall be required to be executed by the Board, then the application of the common seal of the Board in accordance with section 13 of the Act of 1939 (which regulates the custody and manner of affixing the common seal of the Board) shall be sufficient execution of such instrument.';

- (c) In subsection (3) of section 10 (Power to adopt model trusts) of this Act, the words 'If the Commissioners shall have given their prior consent to such action' shall be omitted;
- (d) In subsection (3) of the said section 10, the words 'under seal' shall be omitted;
- (e) In subsection (3) of section 24 (Construction of references to abolished bodies and offices) of this Act, the words from 'behalf' to the end of the subsection shall be omitted;
- (f) At the end of paragraph 16 of Schedule 2 to this Act, there shall be inserted the following sub-paragraph:

'(n) so far as circumstances permit, exercise the same powers in the same manner and to the same effect as the powers relating to the manner of executing instruments conferred upon charity trustees by [section 82 of the Charities Act 1993].';

The reference to the 1993 Act was substituted, for the reference to section 34 of the Charities Act (1960), in 2001.

- (g) In sub-paragraph (2)(c) of paragraph 26 of Schedule 2 to this Act, there shall be inserted after the word 'Act' the words 'or pursuant to sub-paragraph (n) of paragraph 16 of this Schedule';
- (h) In sub-paragraph (5) of paragraph 27 of Schedule 2 to this Act, the words from 'being' where that word first occurs to the end of the sub-paragraph shall be omitted;
- (i) In the construction of this Act the expression 'mortgage' includes a floating charge or any instrument containing a floating charge, a standard security, an assignation or disposition ex facie absolute and any agreement qualifying the same, a bond and disposition or assignation in security, a cash credit bond and disposition or assignation in security, an assignation in security and any real right or burden of whatever kind in the nature of Security.

30 Application to Channel Islands and Isle of Man. (1) Her Majesty may by Order in Council make provision for extending this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands or the Isle of Man.

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By the Methodist Church Act 1976 (Isle of Man) Order 1982 (S.I. 1982 No. 1670) the Act was extended to the Isle of Man, with modifications, as from 1st January 1983.

By the Methodist Church Act 1976 (Jersey) Order 1986 (S.I. 1986 No. 1164) the Act was extended to the Bailiwick of Jersey, with modifications, as from 1st September 1986.

By the Methodist Church Act 1976 (Guernsey) Order 1987 (S.I. 1987 No. 1279) the Act was extended to the Bailiwick of Guernsey, with modifications, as from the date on which the Order was registered in the records of the Island of Guernsey, which occurred on 5th October 1987.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

31 Costs of Act. All costs, charges and expenses preliminary to, and of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by and out of the general funds of the Methodist Church.

SCHEDULES

SCHEDULE 1

DEEDS AND ORDERS REFERRED TO IN DEFINITION OF MODEL

DEED

(Section 2)

PART I

DEEDS

1. The Wesleyan Methodist Chapel Model Deed dated the 3rd July, 1832, and made between John Sutcliffe and others.
2. The United Methodist Free Churches (formerly Wesleyan Methodist Association) Model Deed dated the 27th January, 1842, and made between Robert Eckett and others.
3. The Methodist New Connexion Model Deed dated the 29th December, 1846, and made between Thomas W. Scarf and others.
4. The Bible Christian Model Deed dated the 31st December, 1863, and made between James Hinks and others.
5. The Model Chapel Trust Deed of the Primitive Methodist Connexion dated the 24th March, 1864, and made between the Reverend Richard Davies and others.
6. The United Methodist Free Churches Reference Deed dated the 1st November, 1865, and made between Matthew Baxter and others.
7. The Model Deed of the United Methodist Church dated the 22nd April, 1908, and made between Henry Arthur Clowes and others.

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8. The Model Deed of the Methodist Church dated the 15th December, 1932, and made between His late Majesty King George V and others.

PART II ORDERS

9. An order sealed on the 2nd September, 1971, and made by the Commissioners under subsection (4) of section 29 of the Charities Act in relation to certain charities known as Methodist District Chairmen's Houses and founded by or comprised in the Trust Deeds particulars whereof are set out in the Schedule to the said order.

10. An order sealed on the 2nd September, 1971, and made by the Commissioners under subsection (4) of section 29 of the Charities Act in relation to certain charities known as Methodist International Houses and founded by or comprised in the Trust Deeds particulars whereof are set out in the Schedule to the said order.

[Schedule 2 is printed as Book II, Part 2, in Volume 2]

SCHEDULE 3 ENACTMENT REPEALED (Section 28)

Chapter	Short Title	Extent of repeal
1929 c. lix	The Methodist Church Union Act 1929	The whole Act

**BOOK IV OTHER LEGISLATION AND
CONSTITUTIONAL DOCUMENTS**

A. OTHER STATUTES

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The main purpose of this Act was to constitute the Trustees for Methodist Church Purposes. This incorporated board exists for the purpose of holding legacies, endowments, and accumulated funds for and on behalf of local trustees of the Methodist Church. As it is also a trust corporation under the Law of Property Act 1925 the board can hold freehold and leasehold property as well as stocks and shares.

Under the Methodist Church Act 1976 (Book I, Part 1, p. 2) the board is the custodian trustee of all model trust property except in the Channel Islands and the Isle of Man, where there are other custodian trustees (see Vol. 2, Book III, S.O. 006(3)(b)).

An act to constitute and incorporate the trustees for Methodist Church Purposes and to vest in them the properties formerly vested in the trustees for Wesleyan Methodist Chapel Purposes (Registered) or in the trustees for United Methodist Church Purposes Registered and for other purposes.

[25th May 1939]

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WHEREAS by a resolution of the conference of the Wesleyan Methodist Church passed at its annual session in the year eighteen hundred and sixty-six a board of trustees was constituted called 'the Trustees for Wesleyan Methodist Chapel Purposes' and in pursuance of another resolution of the said conference a deed (being the deed next hereinafter recited) was executed declaring the trusts of funds given or bequeathed to the Trustees for Wesleyan Methodist Chapel Purposes:

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend William Arthur and five others who were then the Trustees for Wesleyan Methodist Chapel Purposes dated the fourth day of October eighteen hundred and sixty-six (hereinafter referred to as 'the Trust Deed of 1866') it was declared that the said William Arthur and the said five others and all and every other the trustees and trustee for the time being acting in the execution of the trusts of those presents should stand possessed of all donations and bequests which should from time to time thereafter be made to them for the benefit of any of the funds which then were or thereafter might be constituted by or under the authority or with the consent of the said conference for the purpose of promoting the acquisition and erection of or the relief of or generally for the benefit of or in connection with chapels lands buildings and hereditaments settled or to be settled upon the trusts therein mentioned or other like trusts and of all donations and bequests which should from time to time thereafter be made to them for the benefit of or in connection with some particular property settled upon such or the like trusts as aforesaid upon the trusts and for the intents and purposes and with under and subject to the powers provisoes and declarations hereinafter declared and contained of and concerning the same:

And whereas in pursuance of a resolution of the said conference passed at its annual session in the year nineteen hundred and ten a deed (being the deed next hereinafter recited) was executed extending the objects and powers of the Trust Deed of 1866:

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend Henry John Pope the Reverend John Hornabrook and the Reverend Marshall Hartley and John Lees Barker William Middlebrook and Thomas Cole who then were the Trustees for Wesleyan Methodist Chapel Purposes dated the seventh day of October nineteen hundred and ten (hereinafter referred to as 'the Trust Deed of 1910') the said Henry John Pope John Hornabrook Marshall Hartley John Lees Barker William Middlebrook and Thomas Cole declared that they and all and every other the trustees or trustee for the time being acting in the execution of the trusts of the Trust Deed of 1866 or of those presents should stand seised and possessed of all real leasehold and personal estate which should from time to time thereafter be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the church or society of the people called Methodists and associated with the said conference or any of its synods circuits missions or other connexional or local organisations whether immediately connected with chapels or not upon the trusts and for the intents and purposes and with under and subject to

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the powers provisoes and declarations thereafter declared and contained of and concerning the same:

And whereas by an order of the Board of Charity Commissioners for England and Wales dated the fourth day of July nineteen hundred and eleven and made in the matter of the charity for Wesleyan Methodist Chapel Purposes and in the matter of the Charitable Trustees Incorporation Act 1872 and in the matter of the Charitable Trusts Acts 1853 to 1894 the said board granted a certificate of incorporation of the trustees of the said charity by the name of 'the Trustees for Wesleyan Methodist Chapel Purposes (Registered)':

And whereas by a resolution of the conference of the United Methodist Church passed at its annual session in the year nineteen hundred and fourteen a board of trustees was constituted called 'the Trustees for the United Methodist Church Purposes' and in pursuance of another resolution of the said conference a deed (being the deed next hereinafter recited) was executed declaring the trusts of real leasehold and personal estate given devised or bequeathed to the Trustees for United Methodist Church Purposes:

And whereas by a deed poll of declaration of trust under the hands and seals of the Reverend Ebenezer Darrel Cornish the Reverend George Parker the Reverend John Luke the Reverend Bruce Whiteley Rose and Joseph Briggs Thomas Hulbert William Simmonds Skelton and James Ernest Le Huray (who then were the Trustees for United Methodist Church Purposes) dated the ninth day of September nineteen hundred and fourteen (hereinafter referred to as 'the Trust Deed of 1914') the said Ebenezer Darrel Cornish George Parker John Luke Bruce Whiteley Rose Joseph Briggs Thomas Hulbert William Simmonds Skelton and James Ernest Le Huray declared that they and all and every other the trustees and trustee for the time being acting in the execution of the trusts of those presents should stand seised and possessed of all real and leasehold estate in Great Britain and of all personal estate other than leasehold estate whether in Great Britain or elsewhere which should from time to time thereafter be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the United Methodist Church or any of its circuits districts missions or other connexional or local organisations whether immediately connected with church lands as therein defined or not or upon or for any trusts intents or purposes connected with any of its chapels Sunday schools day schools or ministers' houses or upon or for any trusts intents or purposes connected with any society institution or charity subsidiary or ancillary to the United Methodist Church upon the trusts and for the intents and purposes and with under and subject to the powers provisoes and declarations thereafter declared and contained of and concerning the same:

And whereas by an order of the said Board of Charity Commissioners dated the ninth day of March nineteen hundred and fifteen and made in the matter of the charity for United Methodist Church Purposes and in the matter of the Charitable Trustees Incorporation Act 1872 and in the matter of the Charitable Trust Acts 1853 to 1914 the

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said board granted a certificate of incorporation of the trustees of the said charity by the name of 'the Trustees for United Methodist Church Purposes Registered':

And whereas under and by virtue of the enactments in that behalf contained in the Methodist Church Union Act 1929 (hereinafter referred to as 'the Act of 1929') and a deed of union executed in pursuance thereof the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church became as from the twentieth day of September nineteen hundred and thirty-two (hereinafter referred to as 'the date of union') and are united in and form one united church or denomination under the name of 'the Methodist Church' and as from the date of union all church lands (in the Act of 1929 defined) of the said churches or denominations became and now are held in trust for or for the purposes of the Methodist Church or for or for the purposes of the society institution or charity subsidiary or ancillary to the Methodist Church corresponding to any society institution or charity subsidiary or ancillary to any of the said churches or denominations upon the trusts and with and subject to the powers and provisions in the Act of 1929 mentioned and all personal or moveable property (other than chattels real which were included in the said church lands or certain annuitant superannuation and other funds specified in section 19 of the Act of 1929) at the date of union belonging to or held in trust for or on behalf of or in connection with or for any of the purposes of the said churches or denominations respectively or for the purposes of any society institution or charity subsidiary or ancillary to any of the said churches or denominations have as from that date been deemed to belong to or to be held in trust for or for the purposes of the Methodist Church or the corresponding society institution or charity subsidiary or ancillary to the Methodist Church nevertheless in other respects upon the same trusts and with and subject to the same powers and provisions as those upon with and subject to which the same were previously held so far as circumstances would permit:

And whereas it is expedient that a single body of trustees should be constituted and incorporated with perpetual succession and a common seal and be declared entitled to hold real leasehold and other personal estate of every kind and should also be empowered to act as trustees or as custodian trustees of any real leasehold or other personal estate given devised or bequeathed for or for the purposes of the Methodist Church or for or for the purpose of some society institution or charity subsidiary or ancillary to the Methodist Church and that the real leasehold and other personal estate now held by the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and the Trustees for United Methodist Church Purposes Registered should be vested in such body as incorporated by this Act:

And whereas certain charities namely certain orphanages situate at Alresford in the county of Southampton and Harrogate in the county of York are charities which were formerly subsidiary or ancillary to the Primitive Methodist Church but since the date of union have been and now are subsidiary or ancillary to the Methodist Church:

And whereas under and by virtue of seven several indentures of settlement the first being dated the twenty-third day of July eighteen hundred and ninetyone and made

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between Joel Smith of the one part and John Coward Samuel Terry James Smith and the Reverend William Edward Crombie of the other part the second being dated the twenty-second day of August eighteen hundred and ninety-two and made between George Hawkins of the one part and the said John Coward Samuel Terry James Smith and the said William Edward Crombie of the other part the third being dated the twenty-second day of September eighteen hundred and ninety-three and made between the said Joel Smith of the one part and the said John Coward Samuel Terry James Smith and William Edward Crombie of the other part the fourth being dated the twenty-sixth day of October nineteen hundred and nine and made between Elizabeth Curtis of the one part and the said John Coward and Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippendale and the Reve end Joseph Thomas Barkby of the other part the fifth being dated the twenty-four th day of January nineteen hundred and ten and made between Mary Smith of the one part and the said John Coward Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippendale an Joseph Thomas Barkby of the other part the sixth being dated the twenty-fifth day o January nineteen hundred and twenty-nine and made between Joseph Amos of the first pa t Jane Amos of the second part and the said Frederick Caesar Linfield Amo Chippendale and Joseph Thomas Barkby and Arthur Llewellyn Whittaker Frank Wheeler Robinson and William Matthew Burton of the third part and the seventh being dated the eighteenth day of March nineteen hundred and eleven and made between Thomas Robinson of the one part and the said John Coward Samuel Terry Levi Lapper Morse Frederick Caesar Linfield Amos Chippendale and Joseph Thomas Barkby of the othe part (hereinafter referred to as 'the orphanages settlements') certain trust funds and property are settled subject to certain life and other interests which (except as to those created by the said settlements dated the twenty-fourth day of January nineteen hundred and ten and the twenty-fifth day of Janua y nineteen hundred and twenty-nine) have now determined upon trusts in some cases for the benefit of the said orphanag at Alresford and in other cases for the benefit of both of the said orphanages bu subject in every case to provisions for disposing of the said funds if the said orphanage at Alresford of the said orphanages (as the case may be) should at any time be closed or ceased or exist:

And whereas by an indenture dated the twenty-first day of April nineteen hundred and twenty and made between Charles Riley Maynard of the one part and the said Amos Chippendale Samuel Terry Frederick Caesar Linfield Thomas Robinson and Josep Thomas Barkby (hereinafter referred to as 'the scholarship trustees') of the other part a sum of two thousand pounds five per centum war loan which had been transfe red to the scholarship trustees was settled upon trusts for the purpose of benefiting a orphan or fatherless boy from the said orphanages upon the terms therein set forth such gift being known as the Cephaz Maynard Memorial Scholarship:

And whereas the charity known as the National Children's Home and Orphanage is a charity subsidiary or ancillary to the Methodist Church and the property belonging to the said charity is vested in 'the Trustees of the National Children's Home and Orphanage

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Registered' a body of trustees duly incorporated under the Charitable Trustees Incorporation Act 1872 and an order of the said Charity Commissioners made on the fourteenth day of March nineteen hundred and thirty-three and by a previous order of the said Charity Commissioners dated the eighteenth day of October nineteen hundred and thirty-two a scheme was established clause 14 of which provided that any property thereafter acquired by the charity with respect to which trusts shall be prescribed and be subsisting at the date of the acquisition thereof by the said charity shall be held upon those trusts:

And whereas it is expedient that the said orphanages situate at Alresford and Harrogate aforesaid and all the property thereof respectively and the trust funds and property comprised in or subject to the trusts of any of the orphanages settlements and also the said sum of two thousand pounds five per centum war loan so transferred to the scholarship trustees as aforesaid or the investments for the time being representing the same should be transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and be held by the said trustees upon the subsisting trusts concerning the same:

And whereas the charity known as the Wesleyan Methodist Connexional Funds is a charity which was formerly subsidiary or ancillary to the Wesleyan Methodist Church but since the date of union has been and is now subsidiary or ancillary to the Methodist Church and the property belonging to the said charity is vested in 'the Trustees for the Wesleyan Methodist Connexional Funds (Registered)' a body of trustees duly incorporated under the Charitable Trustees Incorporation Act 1872 and an order of the said Charity Commissioners made on the twenty-third day of June nineteen hundred and twenty-five

And whereas it is expedient that the name of the said body of trustees be changed from 'the Trustees for the Wesleyan Methodist Connexional Funds (Registered)' to 'the Trustees for the Methodist Connexional Funds (Registered)':

And whereas it is expedient that to the extent hereinafter mentioned the conference should be empowered upon receiving such request in that behalf as is hereinafter mentioned to remove from office trustees and to appoint other trustees in their place:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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 King'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 (that is to say):

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1 Short title and commencement. This Act may be cited as the Methodist Church Act 1939 and shall come into operation on the first day of September nineteen hundred and thirty-nine.

2 Interpretation. In this Act unless there be something in the subject or context repugnant to such construction –

‘the Methodist Church’ means the united church or denomination formed under the provisions of the Methodist Church Union Act 1929;

‘the conference’ means the annual conference of the Methodist Church;

‘the Board’ means the Trustees for Methodist Church Purposes incorporated by this Act; ‘the secretary’ means the secretary for the time being of the conference;

‘the Trust Deed of 1866’ means the deed poll of declaration of trust dated the fourth day of October eighteen hundred and sixty-six;

‘the Trust Deed of 1910’ means the deed poll of declaration of trust dated the seventh day of October nineteen hundred and ten; ‘the Trust Deed of 1914’ means the deed poll of declaration of trust dated the ninth day of September nineteen hundred and fourteen.

‘the new trust deed’ means the deed of declaration of trust which the conference is empowered to settle and adopt by the section of this Act of which the marginal note is ‘Power to adopt new trust deed’.

3 Incorporation of Board. (1) For the purposes of this Act a Board shall be constituted and appointed as by this Act provided.

(2) The Board shall be a body corporate under the name and style of the Trustees for Methodist Church Purposes with perpetual succession and a common seal and with power without licence in mortmain to acquire and hold real leasehold and other personal estate of every kind and by instruments under their common seal to convey exchange assign and demise any present or future real leasehold or other personal estate held by them and the Board may sue and be sued under that name: Provided that the Board shall not purchase or borrow money for the purchase of land unless the land is required for actual occupation immediate or future for any of the purposes of or in connection with the Methodist Church or of any of its synods circuits missions or other connexional or local organisations whether immediately connected with chapels or not or of its Sunday schools or ministers’ houses or of any society institution or charity subsidiary or ancillary to the Methodist Church and not as an investment.

(3) The said powers shall be exerciseable subject to such consents or orders (if any) being obtained as would if this Act had not been passed have been requisite if the transaction were being effected under an express power conferred by an instrument creating a trust.

(4) It shall be lawful for the conference at any time and from time to time by resolution passed by the votes of not less than three fourths of the members of the conference present and voting upon such resolution to change the name of the Board and any such change of name shall not affect any rights or obligations

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of the Board or render defective any legal proceedings by or against the Board and any legal proceedings that might have been continued or commenced against it by its former names may be continued or commenced against it by its new name.

4 Constitution of Board and first members (1) Subject to the provisions of this Act the Board shall consist of such number of persons as the conference shall from time to time think fit provided that such numbers shall be an even number and not less than six.

(2) Each member of the Board shall be a member of the Methodist Church and subject to the provisions of this Act with respect to avoidance and determination of office shall hold office for life.

(3) The Board shall consist of ministers and laymen in equal numbers.

(4) The first members of the Board shall be the persons appointed by the conference at any time after the passing of this Act to be such members and may be as many (being an even number and not less than six) as the conference shall think fit and a statement in writing under the hand of the secretary shall be conclusive evidence as to who are the first members of the Board. The conference may from time to time increase the number of the members of the Board by appointing such additional members as the conference thinks fit but so that the Board shall always consist of ministers and laymen in equal numbers.

5 Appointment of new members. If a member of the Board shall – (a) die; or (b) become bankrupt; or (c) make an assignment for the benefit of his creditors; or (d) refuse or be unfit to act or be incapable of acting as a member of the Board; or (e) reside for twelve months out of the United Kingdom; or

(f) cease to be a member of the Methodist Church; or (g) by notice in writing sent or delivered to the secretary state his desire to resign from the Board; the place of such member of the Board shall become vacant and the conference may appoint another person nominated by the remaining members of the Board or a majority of them to fill the vacancy:

Provided that –

- (i) if the remaining members of the Board or a majority of them shall fail to nominate a new member of the Board within a period of six months after the occurrence of a vacancy the conference may both nominate and appoint another person to fill the vacancy;
- (ii) whether the remaining members of the Board or a majority of them nominate a new member of the Board or not the conference shall not be bound to fill any vacancy unless the conference thinks fit so to do so long as the number of the members of the Board does not fall below six and the equality of the number of ministers and laymen is maintained;
- (iii) the place of a minister shall only be taken by another minister and the place of a lay member of the Board shall only be taken by another lay member;

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- (iv) the proceedings of the Board shall not be invalidated by any vacancy in their number.

6 Dissolution of former trustees and transfer of property to Board. As on and from the commencement of this Act the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and the Trustees for United Methodist Church Purposes Registered shall be by virtue of this Act dissolved and cease to exist and all the real leasehold and other personal estate of every kind including things in action which is subject to the trusts of the Trust Deed of 1866 the Trust Deed of 1910 or the Trust Deed of 1914 or which immediately before the commencement of this Act was vested in or in the custody or control of and all rights and privileges then vested in the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered whether as trustees or as custodian trustees shall be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the Board subject to the trusts directions and powers referred to or contained in this Act.

7 Transfer of liabilities. On the commencement of this Act all debts and liabilities of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) and of the Trustees for United Methodist Church Purposes Registered shall by virtue of this Act be transferred and attached to the Board and shall thereafter be discharged and satisfied by the Board.

8 Saving for agreements deeds actions etc. All agreements awards contracts deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the commencement of this Act were existing or pending in favour of or against the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered shall continue and may be carried into effect enforced and prosecuted by or in favour of or against the Board to the same extent and in like manner as if the Board instead of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered (as the case may be) had been party to or interested in the same respectively.

9 Trustees' indemnity preserved. Nothing in this Act contained shall deprive any trustee of any real leasehold or other personal estate referred to in the section of this Act of which the marginal note is 'Dissolution of former trustees and transfer of property to Board' of any rights to which but for this Act he would be entitled to be indemnified out of such real leasehold or other personal estate in respect of any mortgage charge incumbrance lien bond and disposition in security or obligation in respect of which he shall have become personally liable.

10 Board to have power to receive and hold property upon trusts. The Board may receive and hold as trustees or as custodian trustees (and so that section 4

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of the Public Trustee Act 1906 shall apply to the Board as if the Board were entitled by rules made under that Act to act as custodian trustees) all real leasehold and other personal estate which shall from time to time be given devised or bequeathed or lawfully assured or transferred to them upon or for any trusts intents or purposes connected with the Methodist Church or any of its synods circuits districts missions or other connexional or local organisations whether immediately connected with chapels or not or upon or for any trusts intents or purposes connected with any of its Sunday schools day schools or ministers' houses or upon or for any trusts intents or purposes connected with any society institution or charity subsidiary or ancillary to the Methodist Church other than any real leasehold or other personal estate which immediately before the commencement of this Act was vested or by this Act becomes vested or may hereafter become vested in the Trustees of the National Children's Home and Orphanage Registered.

11 Power to adopt new trust deed. (1) It shall be lawful for the conference by resolution passed by the votes of not less than three fourths of the members of the conference present and voting upon such resolution to settle and adopt a new trust deed declaring the trusts of the real leasehold and other personal estate which is transferred to and vested in the Board by virtue of the section of this Act of which the marginal note is 'Dissolution of former trustees and transfer of property to Board', or which the Board may receive and hold as trustees or as custodian trustees by virtue of the section of this Act of which the marginal note is 'Board to have power to receive and hold property upon trusts'.

(2) The new trust deed shall contain all such provisions as in the judgement of the conference may be necessary or desirable Provided that the new trust deed shall contain a clause providing that with respect to any real leasehold or other personal estate as to or upon which any trust charge or obligation has been or shall be created or imposed by the donors or testators thereof or which shall at the time of the assurance or transfer affect the same respectively the Board shall hold the same upon and subject to the trust charge or obligation so created or imposed as to or upon or affecting the same respectively.

(3) The new trust deed when the same has been adopted by such resolution of the conference as aforesaid shall as soon as practicable be duly executed by the Board and the same shall within three months thereafter be sent to the office of the said Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

(4) Until the execution of the new trust deed the Board shall hold all the said real leasehold and other personal estate so transferred to and vested in or received and held by the Board as aforesaid subject to the trusts affecting the same at the date when the same is so transferred to and vested in or received by the Board.

12 Power to alter new trust deed. (1) At any time after the execution of the new trust deed and from time to time it shall be lawful for the conference by resolution

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passed in one year by the votes of not less than three fourths of the members of the conference of that year present and voting upon such resolution and confirmed in the next subsequent year by a resolution of the conference of that year similarly passed to alter amend or repeal any of the provisions of the new trust deed and to adopt any new provisions with respect to any matters to which the new trust deed relates subject and except as provided by subsection (4) of this section.

(2) Every such alteration amendment repeal and new provision as aforesaid shall have effect and be binding on the Board and the Methodist Church as from the date of the confirmatory resolutions in this section mentioned and thereafter the new trust deed and the trusts and provisions therein contained shall be construed and take effect as modified or added to by such alteration amendment repeal or new provision as aforesaid and reference in any document (whether executed before or after the said date) to the new trust deed shall be construed and take effect as reference to the new trust deed as modified or added to by such alteration amendment repeal or new provision.

(3) Any such alteration amendment repeal or new provision may at any time and from time to time if the conference shall so determine be embodied in a deed poll to be executed by the Board and any such deed poll shall within three months after execution be sent to the office of the said Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

(4) The conference shall not have any power to alter or vary in the new trust deed the clause therein contained which provides that with respect to any real leasehold or other personal estate as to or upon which any trust charge or obligation has been or shall be created or imposed by the donors or testators thereof or which shall at the time of the assurance or transfer affect the same respectively the Board shall hold the same upon and subject to the trust charge or obligation so created or imposed as to or upon or affecting the same respectively.

13 As to seal. The common seal of the Board shall be kept by such person or persons as the Board by resolution or by a memorandum under the hands of all the members thereof shall from time to time appoint and shall not be affixed to an instrument except with the sanction of at least [two] members of the Board testified by their signatures to a statement expressing such sanction written on the instrument to which the seal is affixed but it shall not be necessarily for the members so testifying their sanction to be present at the affixing of the seal

The amendment in square brackets was made by s.27 of the Methodist Church Act 1976 (p. 22).

14 Construction of bequests in favour of former trustees. Any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of

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the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered shall on and after the commencement of this Act be read and have effect as if the Board were therein named instead of the Trustees for Wesleyan Methodist Chapel Purposes (Registered) or the Trustees for United Methodist Church Purposes Registered as the case may be.

15 Evidence of resolution. Any document purporting to be a copy of any resolution passed by the conference such document being or purporting to be signed by the secretary shall be conclusive evidence that such resolution was duly passed by the conference and a letter signed or purporting to be signed by the secretary declaring that such resolution has been passed by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

'The secretary' means the Secretary of the Conference (see s. 2 of the Act, p. 33). Note that this section is of general application and supplements the provisions of s. 22 of the 1976 Act (p. 20).

16 Indemnity to Board and members thereof. No member of the Board shall by being party to or executing as such member any contract or other instrument or otherwise lawfully executing any of the powers given to the Board by this Act or the new trust deed be subject to be sued or prosecuted by any person whomsoever nor shall the bodies goods or lands of any such members be liable to execution of any legal process by reason of any contract or other instrument so entered into signed or executed by the Board or any of the members thereof or by reason of any other lawful act done by the Board or any of the members thereof in the execution of any of their or his powers as such Board or member as aforesaid and the said members their executors and administrators shall be indemnified out of any trust property for the time being vested in the Board for all payments made or liabilities incurred in respect of any acts done by them in connection with such property or the trusts affecting the same and for all losses costs and damages which they may incur in the execution of this Act as regards such property or the trusts affecting the same and the Board may apply such property for the purposes of such indemnity.

17 Orphanages at Alresford and Harrogate to vest in Trustees of the National Children's Home and Orphanage Registered. (1) Upon the commencement of this Act the orphanages of the Methodist Church situate at Alresford and Harrogate and all real and personal property of every kind including things in action belonging either at law or in equity to either of the said orphanages and also the trust funds and property comprised in or subject to the trusts of any of the orphanages settlements and also the sum of two thousand pounds five per centum war loan transferred to the scholarship trustees and settled by the said indenture of the twenty-first day of April nineteen hundred and twenty upon trusts for the purpose of benefiting an orphan or fatherless boy from said orphanages as hereinbefore recited or the investments for the time being

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representing the same shall be by virtue of this Act without any conveyance transfer or other instrument transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and shall be held by them upon the trusts affecting the same respectively at the date of the commencement of this Act and the Trustees of the National Children's Home and Orphanage Registered shall be the trustees of the orphanages settlements and the said indenture of the twenty-first day of April nineteen hundred and twenty in the place of the persons who immediately before the commencement of this Act were the trustees thereof respectively and any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of either of the said orphanages shall on and after the commencement of this Act be read and have effect as if the Trustees of the National Children's Home and Orphanage Registered were therein named instead of such orphanage.

(2) The persons who were at any time before the commencement of this Act trustees or the personal representatives of deceased trustees of the said orphanages respectively or of any of the orphanages settlements or the said indenture of the twenty-first day of April nineteen hundred and twenty shall as from the commencement of this Act stand absolutely released and for ever discharged from all the trust property formerly vested in them respectively which by this Act is transferred to and vested in the Trustees of the National Children's Home and Orphanage Registered and from all actions proceedings claims and demands in relation thereto and such trustees and personal representatives and their respective estates shall be indemnified out of such trust property so formerly vested in them respectively or the property for the time being representing the same for all payments made or liabilities incurred in respect of any acts done by them respectively in connection with such property or the trusts affecting the same and for all losses costs and damages which they may have incurred as regards such property or the trusts affecting the same and the Trustees of the National Children's Home and Orphanage Registered shall apply such property for the purpose of such indemnity.

18 Change of name of Trustees for Wesleyan Methodist Connexional Funds (Registered). As on and from the commencement of this Act the name of the Trustees for the Wesleyan Methodist Connexional Funds (Registered) shall be by virtue of this Act changed to 'the Trustees for the Methodist Connexional Funds (Registered)'. The said change of name shall not affect any rights or obligations of the said trustees or render defective any legal proceedings by or against them and any legal proceedings that might have been continued or commenced against them by their former name may be continued or commenced against them by their new name. Any will deed or other document whether made or executed before or after the commencement of this Act (including any will made before the commencement of this Act by a testator living at the date of such commencement) which contains any bequest gift or trust in favour of the Trustees for the Wesleyan Methodist Connexional Funds (Registered) shall on and

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after the commencement of this Act be read and have effect as if the Trustees for the Methodist Connexional Funds (Registered) were therein named instead of the Trustees for the Wesleyan Methodist Connexional Funds (Registered).

19 Power for Methodist conference to remove any trustee. (1) Subject to the provisions of subsection (5) of this section if the trustees for the time being of any property held upon trusts for the use and benefit of the Methodist Church or any society institution or charity subsidiary or ancillary to the Methodist Church shall at any time by resolution passed by the votes of a majority of such trustees present and voting upon such resolution at a duly constituted meeting of such trustees or by a memorandum in writing signed by a majority of such trustees request the conference to remove any trustee of such property the conference may if it thinks fit so to do remove such trustee and may if it thinks fit so to do itself appoint some other person to be a trustee in the place of the trustee so removed but so nevertheless that to supply any vacancy occasioned by the removal of any trustee another person who shall be qualified by the trustees affecting such property to be a trustee thereof shall be appointed. If the conference shall not itself appoint some other person to be trustee in the place of the trustee so removed within a period of one month after his removal the person or persons empowered by the trusts affecting such property to appoint new trustees thereof may appoint some other person to be a trustee in the place of the trustee so removed.

Subject to sub-section (5) below and the second note to that sub-section this section is of general application to trustees of Methodist property.

(2) Every such request shall in the first instance be sent by such trustees to the committee known as the general chapel committee and it shall be the duty of such committee as soon as may be to consider such request and to forward the same with its comments thereon (if any) to the secretary.

As to the meaning of 'the secretary' see the note to s. 15 above.

By virtue of a declaration of the Conference of 1978 under s. 24(2) of the 1976 Act (p. 21) the reference to the general chapel committee was to be construed and have effect as a reference to the Property Division. By virtue of a similar declaration in 1996 a reference to the Property Division is to be construed and have effect as a reference to the Methodist Council.

(3) Any document purporting to be a copy of any such resolution as in this section is mentioned such document being or purporting to be signed by the chairman of the meeting convened for the purpose of passing such resolution shall be conclusive evidence that such resolution was duly passed by the votes of a majority of such trustees present and voting upon such resolution at a duly constituted meeting of such trustees present and voting upon such resolution at a duly constituted meeting of such trustees and any document purporting to be such a memorandum in writing as in this section is mentioned such document being or purporting to be signed by a majority of such trustees shall be conclusive evidence that such a memorandum was in fact signed by a majority of such trustees.

(4) Forthwith upon the removal of any trustee of any property and the appointment of some other person to be a trustee in his place under the provisions of this section all such property shall be by virtue of this Act without any conveyance transfer or

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other instrument transferred to and vested in the continuing trustees of such property and such new trustee so appointed as joint tenants and for the purposes of the trusts affecting the same for the estate and interest therein formerly vested in such continuing trustees and the trustee so removed and until the appointment of such new trustee all such property shall likewise be so transferred to and vested in the said continuing trustees alone and thereupon the trustee so removed shall stand absolutely released and for ever discharged from all the said property and from all actions proceedings claims and demands in relation thereto and such removed trustee and his executors and administrators shall be indemnified out of such property or the property for the time being representing the same for all payments made or liabilities incurred in respect of any acts done by such removed trustee or other the trustees of such property in connection with such property or the trusts affecting the same and for all losses costs and damages which he or they may have incurred as regards such property or the trusts affecting the same and the said continuing trustees and new trustee if any shall apply such property for the purpose of such indemnity.

(5) This section shall not apply to the Board or to the Trustees of the National Children's Home and Orphanage Registered or to the Trustees for the Methodist Connexional Funds (Registered) or to any member thereof respectively as such member.

'The Board' means the Trustees for Methodist Church Purposes (see s. 2 of the Act, p. 33). This section does not apply to managing trustees of model trust property (s. 9(7) of the 1976 Act, Vol. 1, p. 12).

20 Schemes. Nothing in this Act shall take away abridge or affect any power or jurisdiction of the Board of Charity Commissioners for England and Wales or Board of Education who may deal with modify or vary any of the provisions of this Act relating to or affecting any charity (educational or otherwise as the case may be) whether already dealt with by a scheme of the said Charity Commissioners or Board of Education or not by a scheme in the exercise of their ordinary jurisdiction as if those provisions had been contained in a scheme of the said Charity Commissioners or so far as they affect educational charities of the Board of Education provided that nothing in this section contained shall take away abridge or affect any exemption from the operation of the Charitable Trusts Acts 1853 to 1925 conferred upon any charity by the said Acts or any of them.

21 Transfer of stock. (1) The production of a copy of this Act shall be sufficient authority to any company in whose books any stock transferred by virtue of this Act is standing to delete the entry of the stock made in the name of the transferor thereof named in this Act and to enter the stock in the name of the transferee thereof named in this Act and to pay the dividends thereon to such transferee and such stock shall be entered and such dividends paid accordingly.

(2) In this section –

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'company' includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

'stock' includes any share annuity or other security.

22 Extent of Act. This Act shall not extend to Northern Ireland but shall extend to the Channel Islands and the Isle of Man.

23 Costs of Act. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by and out of the general funds of the Methodist Church.

Part 2 Methodist Church Funds Act 1960

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SCHEDULES:

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An Act to make better provision for the investment of certain funds of or connected with the work of the Methodist Church in Great Britain the Channel Islands and the Isle of Man and of its overseas missions funds and to constitute and incorporate a central finance board of the Methodist Church and for other purposes.

[29th July 1960]

WHEREAS under and by virtue of the enactments in that behalf contained in the Methodist Church Union Act 1929 and a deed of union executed in pursuance thereof the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church became as from the twentieth day of September nineteen hundred and thirty-two a united church or denomination under the name of the Methodist Church:

And whereas pursuant to the powers contained in section 14 (Power to adopt new model deed) of the said Act a model trust deed was adopted and numerous funds of the Methodist Church are held upon trusts of that deed or upon the trusts of one or other of the three earlier model trust deeds which are referred to in the preamble to the said Act:

And whereas there are other funds of the Methodist Church in Great Britain the Channel Islands and the Isle of Man and other funds of charities controlled

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by the Methodist Conference and having objects connected with the work of the Methodist Church in Great Britain the Channel Islands and the Isle of Man:

And whereas the overseas missions funds are funds of or connected with the work of the Methodist Church overseas:

And whereas the powers with respect to investment of the trustees of the above-mentioned funds (or the greater part of them) are unduly restricted in the circumstances now prevailing and it is expedient that such powers should be extended by enabling investment to be made in one or more common investment funds or deposit funds as provided by this Act:

And whereas it is expedient that the facilities for investing in such investment or deposit funds should subject to the provisions of this Act apply also to the funds of future trusts similar to those mentioned above:

And whereas it is expedient that such additional provision should be made regarding the investment of the overseas missions funds as is provided by this Act:

And whereas it is expedient that a body should be constituted and incorporated under the name of the Central Finance Board of the Methodist Church for the purposes appearing in this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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 Short title. This Act may be cited as the Methodist Church Funds Act 1960.

2 Interpretation. In this Act –

'the Central Board' means the Central Finance Board of the Methodist Church constituted by this Act;

'the conference' means the annual conference of the Methodist Church;

'deposit fund' means any deposit fund constituted by or pursuant to the scheduled scheme;

'investment fund' means any investment fund constituted by or pursuant to the scheduled scheme;

'the islands' means the Channel Islands and the Isle of Man;

'the Methodist Church' means the united church or denomination formed under the provisions of the Methodist Church Union Act 1929;

'a model trust deed' means any trust instrument which is substantially in the form of one of the following deeds (namely) the Wesleyan Methodist

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Chapel model deed the model trust deed of the Primitive Methodist Connexion and the model deed of the United Methodist Church (all of which are referred to in the preamble to the Methodist Church Union 1929) the model trust deed adopted pursuant to section 14 (Power to adopt new model deed) of the said Act and such last-mentioned deed as the same may be altered pursuant to the power contained in section 1 (Power to alter new model deed) of the said Act;

'the overseas mission funds' means the funds held in Great Britain and the islands of the overseas department of the Methodist Church otherwise known as the Methodist Missionary Society including both the general purposes fund of the said department and funds held by the said department in Great Britain and the islands for particular charitable purposes connected with the overseas missions work of the Methodist Church;

'the scheduled scheme' means the scheme contained in the First Schedule to this Act;

'trust instrument' means any Act of Parliament trust deed letters patent decree scheme order or other instrument or authority by which the administration of a fund to which this Act applies is regulated.

3 Funds to which Act applies. (1) The funds to which this Act applies are:

- (a) the funds of the Methodist Church in Great Britain and the islands including any funds for the time being held upon the trusts of a model trust deed; and
- (b) the funds of any charity controlled by the conference and having objects connected with the work of the Methodist Church in Great Britain and the islands; and
- (c) the overseas missions funds.

(2) For the purpose of sub-paragraph (b) of subsection (1) of this section a charity shall be deemed to be controlled by the conference if it is administered by a body of whose members all or a majority are appointed by the conference.

(3) This Act shall apply to any such fund as is mentioned in subsection (1) of this section whether the fund is constituted before or after the commencement of this Act save that it shall not apply to a fund constituted after such commencement if the terms of the relevant trust instrument expressly exclude its application to that fund.

4 Scheduled scheme. The scheduled scheme shall have effect for the purpose of enabling the funds to which this Act applies to be invested as provided by the said scheme.

5 Constitution functions and management of Central Board. (1) For the purpose of administering the scheduled scheme a Central Board shall be constituted and appointed in accordance with the provisions of this section and of the Second Schedule to this Act.

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(2) The Central Board shall be a body corporate under the name and style of the Central Finance Board of the Methodist Church with perpetual succession and a common seal and with power without licence in mortmain to acquire and hold land and the Central Board may sue and be sued under its corporate name.

(3) In addition to its functions under the scheduled scheme the Central Board shall be capable in law of performing such additional functions relating to the administration of the funds or finances of the Methodist Church or of any charity connected with the work of the Methodist Church as the conference may from time to time resolve but nothing in this Act shall exempt the Central Board in the performance of any such additional functions from the jurisdiction of any person or from compliance with any statute or rule of law.

(4) For the performance of its functions under the scheduled scheme and any such additional functions the Central Board shall have power

- (a) to buy take on lease or otherwise acquire any real or personal property of any kind;
- (b) to sell lease or otherwise dispose of and to hold equip develop make use of maintain and otherwise turn to account any real or personal property;
- (c) to enter into and carry out contracts engagements arrangements and guarantees of all sorts;
- (d) to borrow money with or without security and to grant mortgages and other securities of all sorts;
- (e) to employ and remunerate staff agents and advisers;
- (f) to pay or provide for pensions and gratuities for any employees or ex-employees or their families or dependants;
- (g) to act as trustee or custodian trustee of any trust and to constitute trusts;
- (h) to accept gifts;
- (i) to make appeals advertise and take such other action as may be desirable in order to raise funds for the Methodist Church or any work connected therewith;
- (j) to co-operate in any manner with any person or body;
- (k) generally to do all matters necessary or convenient to be done in the performance of its said functions or additional functions.

(5) The affairs of the Central Board shall be managed in accordance with the regulations contained in the Second Schedule to this Act as for the time being in force having regard to any revocation alteration or addition thereto made pursuant to the next following subsection.

(6) The conference may at any time and from time to time by resolution passed by not less than three fourths of the members of the conference present and voting upon such resolution –

- (a) alter the corporate name of the Central Board; and
- (b) revoke alter or add to the regulations contained in the Second Schedule to this Act or any regulations which have previously been added thereto pursuant to this sub-paragraph.

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See the amendments to regulations 2, 16 and 18-22 of the Second Schedule, below.

Any such change in the corporate name of the Central Board shall not affect any rights or obligations of the Central Board or render defective any legal proceedings by or against the Central Board and any legal proceedings which might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

6 Contributions to investment funds and deposits in deposit funds to be authorised investments. (1) Notwithstanding anything in any trust instrument the trustees of a fund to which this Act applies may from time to time invest such fund or part thereof by contributing the same to an investment fund or by depositing moneys belonging to such fund in a deposit fund. Such contribution and deposit shall for all purposes be an authorised investment of the moneys of such fund.

(2) In the administration of a trust any assets of which have been contributed to an investment fund all sums distributed from that investment fund as income shall be treated as income of the trust and all sums distributed on withdrawal from or on the winding up of that investment fund shall unless specifically designated by the Central Board as income be treated as capital of the trust.

7 Interests in investment funds not interests in land. Notwithstanding that the assets comprised in an investment fund may include land an interest in an investment fund shall not for the purposes of any enactment or rule of law concerning charities or of any trust instrument be deemed to be an interest in land or in moneys to be laid out in the purchase of land.

8 Jurisdiction of Minister of Education and Charity Commissioners.

(1) In the administration of an investment fund or of a deposit fund the Central Board shall enjoy the same exemption from the powers and jurisdiction of the Minister of Education or the Charity Commissioners as it would enjoy if it had been one of the bodies exempted by section 62 of the Charitable Trusts Act 1853 from the operation of that Act.

(2) A contribution to or a withdrawal from an investment fund (whether or not involving a transfer of land or any interest therein) or a deposit in or withdrawal from a deposit fund being a contribution deposit or withdrawal made in respect of a fund to which this Act applies shall not require the consent or direction of the said Minister or the Charity Commissioners except as regards a fund or any land or other property comprised therein which is or is to be vested in the Official trustee of Charity Lands or the Official trustees of Charitable Funds.

(3) Save as aforesaid nothing in this Act or in the scheduled scheme shall affect any power or jurisdiction of the said Minister or the Charity Commissioners.

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9 Power to invest overseas missions funds. In addition to the powers conferred upon them by section 6 (Contributions to investment funds and deposits in deposit funds to be authorised investments) of this Act the trustees of the overseas missions funds may themselves invest any moneys of those funds in the purchase of any investments or property of any sort either real or personal and wheresoever situate and whether or not being investments or property authorised by the general law for the investment of trust funds or upon loan upon the security of any property of any description or without security:

Provided that nothing in this section shall authorise the making of any investment in contravention of the provisions of the Exchange Control Act 1947.

10 Exclusion of Prevention of Fraud (Investments) Act 1958. The provisions of sections 1 and 14 of the Prevention of Fraud (Investments) Act 1958 (which except in certain cases respectively prohibit dealing in securities without a licence and the distribution or possession for distribution of certain circulars) shall not apply to any dealings undertaken by or on behalf of the Central Board in connection with the constitution or operation of an investment fund or a deposit fund or to the distribution in that connection by or on behalf of the Central Board of any document or to the possession of any document for the purpose of such distribution.

11 Qualification of audito . No person shall be qualified to be appointed as auditor of a deposit fund unless he is a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants in Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 by the Board of Trade.

12 Saving for Borrowing (Control and Guarantees) Act 1946. Nothing in this Act or the scheduled scheme shall authorise the Central Board to exercise the power to borrow contained in the scheduled scheme otherwise than in accordance with any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 and for the time being in force.

13 Application of Act to Scotland. The following provisions shall have effect for the purpose of the application of this Act to Scotland:

For any reference to 'real or personal property' there shall be substituted a reference to 'heritable or movable property';

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The expression 'mortgages' means bonds and dispositions or assignments in security;

The expression 'municipal authority' means the town council of a burgh.

14 Extent of Act. This Act shall extend to Scotland the Channel Islands and the Isle of Man but shall not extend to Northern Ireland.

15 Costs of Act. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by and out of the general funds of the Methodist Church.

SCHEDULES

FIRST SCHEDULE

SCHEME

1 Definitions In this scheme –

‘the Act’ means the Methodist Church Funds Act 1960;

‘the Central Board’ has the meaning assigned thereto in the Act;

‘the commencement date’ means as regards any particular investment fund or deposit fund the date fixed by the Central Board as the date on which such investment fund or deposit fund is to commence operating;

‘contributing fund’ means in relation to a particular investment fund a fund to which the Act applies assets of which have been contributed to and have not subsequently been wholly withdrawn from that investment fund;

‘deposit fund’ means the deposit fund constituted by this scheme or any deposit fund which may hereafter be constituted under the powers contained in this scheme;

‘the holder of a fund’ means in relation to any fund to which the Act applies the trustees in whom that fund is vested and so that a custodian trustee or like person in whom a fund is vested shall be deemed to be the holder to the exclusion of any managing trustees on whose directions the custodian trustee or like person is required to act;

‘the holder of a share’ means in relation to any share in the investment fund the person in whose name such share is recorded in the books of the Central Board;

‘investment fund’ means the investment fund constituted by this scheme or any investment fund which may hereafter be constituted under the powers contained in this scheme;

‘the Methodist Church’ has the meaning assigned thereto in the Act;

‘trust instrument’ has the meaning assigned thereto in the Act;

‘valuation date’ means as regards any investment fund a date on which a valuation of that investment fund is made in accordance with this scheme.

INVESTMENT FUNDS

2 Constitution of investment funds. (1) There is hereby constituted an investment fund to be held by the Central Board consisting of such contributions as may from time to time be made thereto in accordance with the provisions of this scheme and the property for the time being representing the same.

(2) Such investment fund shall commence operations on such date as the Central Board may fix.

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(3) The Central Board may at any time or times constitute one or more additional investment funds and may fix the date or dates on which they shall commence operating.

(4) The Central Board may on the constitution of an investment fund by instrument in writing declare that the class of funds which contributions may be made to that investment fund shall be restricted in manner declared in the instrument but subject as aforesaid and save as provided in paragraph 5 hereof all the provisions of this scheme shall apply equally to the original and any additional investment fund.

3 Contributions. (1) Subject to the requisite consents or directions mentioned in sub-paragraphs (2) and (3) of this paragraph being obtained and subject also to compliance with the provisions of this scheme and with such conditions as the Central Board from time to time prescribe with regard to the length of notice to be given and the procedure to be followed by the holder of any fund to which the Act applies may contribute in respect of that fund of an investment fund by paying or transferring to the Central Board for the purpose of that investment fund cash or other assets of the fund or in a case where the fund is already vested in the Central Board by appropriating cash or other assets of the fund to that investment fund.

(2) The consent of the Central Board shall be requisite to any contribution to an investment fund and nothing in this scheme shall limit the discretion of the Central Board to refuse to accept any contribution or to refuse to accept any particular asset by way of contribution.

(3) In a case where the holder of a fund is under the provisions of a trust instrument relating to that fund required in investing that fund to obtain the consent of some other person or body or to act on the directions of some other person or body the consent or direction of such other person or body shall also be requisite for a contribution in respect of that fund to an investment fund but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section 8 (Jurisdiction of Minister of Education and Charity Commissioners) of the Act is not required for such contribution and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.

4 Administration as common fund. An investment fund shall be held and administered as a common fund for the benefit of the contributing funds

5 Investment. (1) Subject as hereinafter provided any moneys comprised in an investment fund shall from time to time be invested at the direction of the Central Board in the purchase of any investments or property of any sort either real or personal and whether or not being investments or property authorised by the general law for the investment of trust funds or upon loan upon the security of any property of any description or without security:

Provided that if on the constitution of an investment fund the Central Board shall by instrument in writing declare that the power of investment of moneys

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comprised in that investment fund shall be restricted in manner declared in the instrument the provisions of this paragraph shall have effect as regards that investment fund subject to the terms of such instrument.

(2) Moneys which the Central Board does not think fit immediately to invest may be deposited in a deposit fund or at any bank.

(3) The Central Board may from time to time at its discretion transpose or vary the investments comprised in an investment fund for or into any others authorised by this paragraph.

(4) In relation to land whether freehold or leasehold comprised in an investment fund the Central Board may exercise all the powers of management or improvement which could be exercised by an absolute owner holding the land beneficially.

6 Shares in investment funds. (1) For convenience in recording the respective interests of the holders of the contributing funds in an investment fund each investment fund shall be regarded as being divided into shares each of which shall represent an equal undivided part or share in that investment fund. Such shares shall be recorded in the names of the holders for the time being of the contributing funds in books to be kept for that purpose by the Central Board. No fraction of any share shall in any event be recorded by the Central Board.

(2) Such shares and the interests represented thereby shall not be capable of being transferred or assigned but on any change occurring in the holder of a contributing fund the Central Board shall (subject to the provisions of paragraph 15 hereof) record the shares affected in the name of the new holder.

(3) The Central Board shall not be concerned with any trusts or equities affecting any share in an investment fund notwithstanding that it may have notice of such trusts or equities nor shall the Central Board recognise (even when having notice thereof) any rights in respect of a share except an absolute right to the entirety thereof in the holder thereof. Payment or transfer to the holder of a share shall discharge the Central Board in respect of any sum paid or assets transferred in respect of that share.

(4) No documents of title shall be issued by the Central Board in respect of shares in any investment fund but the Central Board shall at any time upon request certify to the holder of any contributing fund the number of shares recorded in the name of such holder.

7 Initial contributions. Division into shares. On the commencement date of each investment fund the initial contributions received or to be received by the Central Board for the purposes of that investment fund shall be valued and the Central Board shall determine the number of shares into which the fund shall be divided. Such shares shall be recorded in the names of the respective holders of contributing funds in proportion to the values as at the said date of their contributions.

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8 Subsequent contributions and withdrawals. (1) Every contribution to an investment fund which is made after its commencement date shall be made at or to take effect from a valuation date and shall consist of cash equal to the basic value at that date of one or more complete shares in that investment fund arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof or (with the consent of the Central Board) assets other than cash equal in value thereto and as from that date the number of shares into which that investment fund is divided shall be increased accordingly and the additional share or shares shall be increased accordingly and the additional share or shares shall be recorded in the name of the holder of the contributing fund.

(2) With every such contribution as is mentioned in sub-paragraph (1) of this paragraph there shall be paid to the Central Board in addition to the basic value of the shares such surcharge (if any) as the Central Board may assess as the appropriate surcharge for the purposes of sub-paragraph (5) of this paragraph:

Provided that in the event of the Central Board accepting a contribution in the form of assets other than cash no such surcharge shall be payable but the holder of the contributing fund shall bear the costs of transferring to and vesting in the Central Board for the purposes of the investment fund the assets in question.

(3) Subject to compliance with such conditions as the Central Board may from time to time prescribe regarding the notice to be given on withdrawal any holder of shares in an investment fund may at any valuation date withdraw all or any of those shares in which event there shall be paid or transferred to such holder as soon as practicable after the valuation date in question cash or assets other than cash as may be agreed between the holder and the Central Board of an amount or value equal at that valuation date to the basic value of the share or shares withdrawn arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof less such deduction (if any) as the Central Board may assess as the appropriate deduction for the purposes of sub-paragraph (5) of this paragraph:

Provided that if assets other than cash are transferred to the holder in satisfaction of the basic value of a share no such deduction shall be made but the holder shall bear the costs of transferring the assets in question.

On any such withdrawal from an investment fund the number of shares into which that investment fund is divided and the number of shares recorded in the name of the holder concerned shall as from the relevant valuation date be reduced by the number of shares withdrawn.

(4) Notice of withdrawal shall be given by the holder of the share in respect of which the withdrawal is to be made. Before giving such notice the holder shall obtain the consent or direction of any other person whose consent or direction would be necessary on a sale by the holder of investments comprised in the contributing fund but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section 8 (Jurisdiction of Minister of Education and Charity Commissioners) of the Act

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is not required for such withdrawal and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.

(5) In order to ensure that the basic value of the shares in an investment fund shall not be affected to a material extent by the effects of contributions or withdrawals the Central Board shall assess and impose such surcharge (if any) in respect of any contributions in cash made to an investment fund subsequent to the commencement date and shall assess and impose such deduction (if any) in respect of any withdrawals in cash from an investment fund as it shall consider appropriate:

Provided always that in respect of all contributions in cash made as on the same valuation date the surcharge shall be of the same amount per share and that in respect of all withdrawals in cash made as on the same valuation date the deduction shall be of the same amount per share.

(6) When notice of withdrawal has been given in respect of any share in an investment fund the Central Board may pending the payment out of the proceeds of withdrawal advance to the holder of the share such sum as it may think fit not exceeding the sum which it estimates to be the net amount which will be payable to such holder by virtue of the withdrawal of the share. Any sum so advanced shall be repayable with interest at such rate as may have been agreed at the time of the advance on the date of the payment out of the proceeds of withdrawal of the share concerned and the Central Board shall be entitled to a lien on the proceeds of withdrawal of any share for an amount advanced to the holder of such share pursuant to this subparagraph and for interest thereon.

9 Valuations. (1) The Central Board shall value each investment fund on such dates approximately half-yearly as it may determine and may value an investment fund on any other dates if it shall think fit to do so

(2) The following provisions shall apply to any valuation made for the purposes of this scheme of an investment fund or of any assets contributed to or withdrawn from an investment fund:

- (a) Investments quoted on a stock exchange shall be taken at the mid-market price on the valuation date as published in relation to the relevant stock exchange or if there is no published price on that date the mid-market price on the last day preceding that date for which there is a published price. In the case of investments quoted on more than one stock exchange the expression 'the relevant stock exchange' means for this purpose such stock exchange as the Central Board may consider to be the most appropriate;
- (b) All assets other than investments quoted on a stock exchange shall be taken at such value as may be determined on each occasion by the Central Board and for this purpose the Central Board shall be entitled at its discretion to obtain and to accept a valuation of any asset made by a professional valuer accountant stockbroker or other person considered by the Central Board to be qualified to make such

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valuation or to treat the cost of acquisition of any asset as the value thereof or to make such estimates of values as they may consider appropriate;

- (c) Fractions of one pound may be disregarded or rounded off to the nearest one pound.

(3) The basic value of a share shall be arrived at by –

- (i) deducting from the value of an investment fund as valued in accordance with sub-paragraphs (1) and (2) of this paragraph any amount which the Central Board may have determined to distribute as income but which has not yet been withdrawn from the investment fund;
- (ii) dividing the balance by the number of shares into which the fund is divided; and
- (iii) rounding off the resulting figure to the nearest one-tenth of one penny.

10 Certificates as to value A certificate of the Central Board as to the value of an investment fund or of any asset contributed to or withdrawn from an investment fund or as to the basic value of a share in an investment fund or as to the amount of any surcharge to be paid under sub-paragraph (2) of paragraph 8 hereof or of any deduction to be made under sub-paragraph (3) of paragraph 8 hereof shall be binding upon all concerned.

11 Income. (1) The Central Board may decide at its discretion (and without regard to any rule of law usually applicable to trust funds) whether any special dividend bonus issue of shares or other cash or property received by it in respect of property comprised in an investment fund shall be treated as income or capital or shall be apportioned. The Central Board may in like manner decide any question of apportionment between income and capital which may arise on a contribution or a withdrawal or on the acquisition or disposal of any asset.

(2) Notwithstanding any rule of law concerning accumulations any part of the net income of an investment fund may at the discretion of the Central Board be at any time transferred to the capital of that investment fund and unless and until so transferred shall be available for distribution as income.

(3) The Central Board shall as on each valuation date determine the amount (if any) to be distributed as income in respect of an investment fund. Each such distribution of income shall be made on or as soon as practicable after the valuation date in question to the holders of the shares in that investment fund in proportion to the numbers of shares recorded in their names on the day preceding that valuation date and the amount determined to be distributed shall be deducted in arriving at the basic value of the shares in that investment fund as at that valuation date. The Central Board may at any time at its discretion make interim distributions of income.

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12 Costs and expenses. The Central Board shall be entitled to retain out of the income or capital of an investment fund any costs or expenses incurred by it in constituting or administering or winding up that investment fund or otherwise incurred in connection with the fund or in connection with any assets comprised therein including a due proportion of any overhead expenses of the Central Board. The certificate of the Central Board as to the amount of any such costs or expenses shall be conclusive. The Central Board may decide at its discretion (and without regard to any rule of law usually applicable to trust funds) whether any costs or expenses shall be charged to income or capital or shall be apportioned and may at its discretion recoup out of subsequent income costs or expenses initially charged to capital.

13 Borrowing. Any moneys required to be raised for the purpose of making any payment to be made under this scheme out of an investment fund or for the purpose of the management or improvement of any assets comprised in that investment fund or for the purpose of discharging any liability properly payable out of such assets or for payment of any such costs or expenses as are mentioned in paragraph 12 hereof may be raised by the Central Board either by selling or by borrowing on the security of any asset of that investment fund.

14 Accounts and information. The Central Board shall keep accounts of the assets and liabilities of each investment fund and of its income and expenditure and shall cause such accounts to be audited. The Central Board shall within eighteen calendar months from the commencement date of that investment fund and thereafter not less frequently than once in every subsequent calendar year circulate to the holders of the shares of each investment fund a report on the operation of that investment fund and an audited balance sheet a capital account and a statement of income and expenditure made up to the last valuation date to which the report relates. There shall be shown in each such balance sheet or in a statement annexed thereto the basic value of a share in the investment fund at the date as at which the balance sheet is made up and the amount per share which the Central Board had as on that date determined to distribute as income and there shall be shown in each such statement of income and expenditure or in a statement annexed thereto the amount (if any) which the Central Board had determined to distribute as income and the amount of income (if any) which the Central Board had determined to transfer to capital pursuant to paragraph 11 hereof.

15 Holder of a fund. The Central Board may assume until otherwise notified that the person persons or body ascertained to be the holder of a fund or the survivors of them continue to be the holder of that fund.

16 Holding of investments. Any property comprised in an investment fund may be held in the name of or under the control of the Central Board or at the discretion of the Central Board in the name of or under the control of any trust corporation as nominee for the Central Board and in the latter case the Central Board may out of the investment fund remunerate any such nominee.

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17 Winding up of an investment fund. The Central Board may by instrument in writing declare that an investment fund shall be wound up as from a date specified in the instrument. On such declaration the Central Board shall as from the specified date distribute the net assets of that investment fund (after discharging the costs of winding up and all other liabilities properly payable out of such assets) among the holders of the shares in that investment fund in proportion to their holdings of such shares. For the purpose of such winding up the Central Board may at its discretion:

- (a) appropriate any assets in specie to any share of the investment fund and so that different assets may be appropriated to different shares;
- (b) sell any asset or otherwise convert the same into money;
- (c) make or cause to be made any necessary valuations make payments to secure equality and generally settle any questions requiring to be settled for the purpose of the distribution.

DEPOSIT FUNDS

18 Constitution of deposit funds. (1) There shall be a deposit fund held and administered by the Central Board for the purpose of receiving deposits of money from the holders of any of the funds to which the Act applies.

(2) The Central Board may at any time or times constitute one or more additional deposit funds and may fix the date or dates on which they shall commence operating.

(3) All the provisions of this scheme relating to deposit funds shall apply equally to the original and to any additional deposit fund.

19 Terms of deposit. (1) The terms upon which money may be deposited in a deposit fund including the rate of interest to be paid by the Central Board thereon and the length of notice required for withdrawal and the minimum or maximum size of any deposit shall be in the discretion of the Central Board.

(2) The right of the depositors in a deposit fund shall be a right to be repaid by the Central Board their deposits on due notice of withdrawal or on the winding up of such deposit fund and meanwhile to be paid or credited interest in accordance with the terms on which the deposits were made.

(3) In the administration of a deposit fund the Central Board shall not be concerned with any trusts or equities to which any deposited funds may be subject notwithstanding that it may have notice of such trusts or equities. Payment to a depositor of any sum due to such depositor shall discharge the Central Board on respect of the sum so paid.

(4) The rights of a depositor in a deposit fund shall not be assignable.

20 Range of investment. (1) The Central Board shall invest the sums received by it as deposits in a deposit fund at its discretion in any of the following manners namely:

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- (a) in the security of or upon loan to or in the purchase of bills issued by the government of the United Kingdom or any local or municipal authority in the United Kingdom;
- (b) in any investments for the time being authorised by the law of England or the law of Scotland for the investment of trust funds;
- (c) upon deposit with any bank;
- (d) upon loan to any investment fund constituted under this scheme.

(2) The Central Board may from time to time at its discretion transpose or vary the investments comprised in a deposit funds for or into any others authorised by this paragraph.

21 Out of the income of the investments and any capital gains of a deposit fund the Central Board shall pay the expenses of management of that deposit fund and the interest payable to depositors.

22 Winding up of a deposit fund. The Central Board may at any time wind up any deposit fund repaying to the depositors the amount of their deposits and interest. Any surplus on such winding up shall be applied for such objects connected with the work of the Methodist Church being charitable objects as the Central Board shall think fit

23 Accounts. The Central Board shall keep accounts of the assets and liabilities of each deposit fund and shall cause such accounts to be audited. The Central Board shall within eighteen months from the commencement date of a deposit fund and thereafter not less frequently than once in every subsequent calendar year circulate to the depositors in that deposit fund a report on the operation of that deposit fund and an audited statement of account made up to a date not earlier than three months prior to the date of circulation thereof.

24 Central Board may refuse or return deposit. (1) Nothing in this scheme shall limit the discretion of the Central Board to refuse to accept any deposit.

(2) Subject to any agreement with a depositor the Central Board may at any time pay off any deposit with interest accrued to the date of payment.

25 Earlier provisions of scheme applicable. Sub-paragraph (3) of paragraph 3 and paragraphs 15 and 16 of this scheme shall apply to deposit funds in like manner as they apply to investment funds as if references therein to a contribution referred to a deposit.

SECOND SCHEDULE

REGULATIONS OF THE CENTRAL BOARD

Definitions

1. In these regulations save where the context otherwise requires –
‘the Central Board’ means the Central Finance Board of the Methodist Church;
‘the conference’ means the annual conference of the Methodist Church;
‘the council’ means the council of the Central Board established under these regulations;
‘a general meeting’ means a general meeting of the members of the Central Board;
‘the Methodist Church’ means the united church or denomination formed under the provisions of the Methodist Church Union Act 1929.

Membership

2. The following persons shall be members of the Central Board:
 - (a) the president vice-president and secretary for the time being of the Methodist [Conference] who shall be ex-officio members;
 - (b) such persons not exceeding [forty] in number as the conference may from time to time elect to the Central Board which persons are herein called ‘elected members’;

In (a) the word ‘Conference’ was substituted for ‘Church’ in 2004.

The word ‘forty’ was substituted for ‘twenty’ in 1972.

- (c) persons nominated to the Central Board from time to time by the district synods of the Methodist Church in Great Britain the Channel Islands and the Isle of Man (each of which may nominate one person). The members so nominated are herein called ‘nominated members’.

3. An ex-officio member shall continue a member while he holds the office which qualifies him for membership.

4. An elected member may at any time retire or be removed from membership by resolution of the conference. Unless he retires or is so removed his membership shall continue for the period specified by the conference on his election or if no period was so specified for three years from the date of his election.

5. A nominated member may at any time retire or be removed from membership by the body which nominated him. Unless he retires or is so removed his membership shall continue for the period specified in his nomination or if no period was so specified for three years from the date of his nomination.

6. Whenever the membership of an elected member or a nominated member ceases the conference or (as the case may be) the body which nominated that member may elect

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or nominate another person to be a member in his place. The person whose membership has ceased shall be eligible for reelection or renomination.

General Meetings

7. In each calendar year there shall be held an annual general meeting at such time and place as the council shall appoint. Such other general meetings may be held in addition as shall be thought fit.

8. The council or the chairman thereof may whenever it or he thinks fit convene a general meeting and a general meeting shall be convened forthwith if the president of the conference shall so direct.

9. General meetings shall be convened by notice. At least fourteen days' notice in writing (including the day on which it is served and the day for which it is given) shall be given to each member stating the place day and time of meeting and the general nature of the business. Notice of an annual general meeting shall state that the meeting is to be the annual general meeting.

10. The accidental omission to give notice of a general meeting to or the non-receipt of notice of a general meeting by any member shall not invalidate the proceedings at that meeting. The actions of the Central Board and of a general meeting shall be valid notwithstanding any vacancy in the membership of the Central Board.

11. The business of the annual general meeting shall include (in addition to any other business) the election of members of the council to replace those retiring by rotation the consideration of the annual reports and accounts furnished by the council and the appointment of and the fixing of the emuneration of the auditors of the Central Board.

12. Ten members or such other number of members as may be prescribed by resolution of a general meeting shall constitute a quorum. If within half an hour of the time appointed for the meeting a quorum is not present the meeting shall be adjourned to the same day in the next week at the same time and place or to such other day and at such other place as the council may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.

13. The chairman of the council or in his absence such person as the meeting may appoint shall act as chairman of the general meeting.

14. Every member present at a general meeting shall have one vote. In the event of equality of votes the chairman of the meeting shall have a second or casting vote. There shall be no voting by proxy.

15. Subject to these regulations a general meeting may adjourn and otherwise regulate its proceedings as it shall think fit.

The Council

16. There shall be a council of the Central Board consisting of not less than [eight nor more than twelve councillors. No person shall be eligible for election or appointment to the

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council under any of the regulations set out in this Schedule who shall have attained the age of 75 years].

The original minimum of 6 became 8 in 2002. The original maximum of 12 became 25 in 1972 and 30 in 1987; in 2002 it was reduced to 12 and the age limit was introduced.

17. The first councillors shall be appointed by the president of the conference.

18. [At the annual general meeting in each year there shall retire from office:

(a) any member of the council who shall have attained the age of 75 years;

(b) one-third of the councillors for the time being or if their number is not a multiple of three the number nearest to one third.]

The above form of regulation 18 was adopted in 2002, to provide for retirement at the age of 75.

19. The councillors to retire in every year [under regulation 18(b) above] shall be those who have been longest in office since their last election but as between persons who become councillors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

The insertion in square brackets was made in 2002, consequential upon the adoption of the amended form of regulation 18.

20. [Subject to the proviso to this regulation, a retiring councillor shall be eligible for re-election, provided that:

(a) he shall not be so eligible if he shall have served as a councillor for a continuous period of nine years immediately prior to the date of the relevant annual general meeting;

(b) the restriction in the proviso (a) above shall not apply to the Chairman or Vice-Chairman for the time being of the council;

(c) the restriction in proviso (a) above shall not apply to members of the council on 24th April 2002, whose period of nine years continuous service shall be deemed to commence on 24th April 2002.]

The above form of regulation 20 was adopted in 2002, to provide for a maximum continuous period of service of nine years for members of the council, with certain exceptions.

21. The general meeting at which a councillor retires in manner aforesaid may fill the vacated office by electing a person thereto and in default the retiring councillor shall if offering himself for re-election be deemed to have been re-elected unless at such meeting it is expressly resolved not to fill such vacated office or unless resolution for the re-election of such councillor shall have been put to the meeting and lost. [No person shall be eligible for election nor shall a retiring councillor be entitled to offer himself for re-election pursuant to this regulation if he shall be ineligible by reason of the proviso to regulation 20.]

The final sentence was added in 2002, consequential upon the adoption of the amended form of regulation 20.

22. The council shall have power to appoint any person to be a councillor to fill a casual vacancy among the councillors. A councillor so appointed shall hold office only until the

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next following annual general meeting and shall then be eligible for re-election but shall not be taken into account in determining the councillors who are to retire by rotation at such meeting. [No person may be appointed pursuant to this regulation if he shall be ineligible by reason of the proviso to regulation 20.]

The final sentence was added in 2002, consequential upon the adoption of the amended form of regulation 20.

23. A general meeting may by resolution of which express notice has been given in the notice of meeting remove any councillor from office at any time.

24. A general meeting may appoint a person to be a councillor in place of a councillor so removed from office or (without prejudice to action already taken under regulation 22) to fill a casual vacancy or (subject to the limit on the number of councillors) as an additional councillor. A person appointed to fill a casual vacancy or a vacancy caused by removal of a councillor shall retire by rotation at the same time as if he had become a councillor on the day on which the person whose vacancy he fills was last elected a councillor.

25. No councillor shall be appointed to any salaried office of the Central Board or to an office of the Central Board paid by fees and no remuneration or other benefit in money or money's worth shall be given by the Central Board to any councillor except repayment of out-of-pocket expenses and interest at a rate not exceeding five per centum per annum on money lent or reasonable and proper rent for premises demised or let to the Central Board provided that this provision shall not apply to a payment to a company of which a councillor may be a member in which he shall not hold more than one-hundredth part of the capital and he shall not be bound to account for any share of profits he may receive in respect of any such payment.

26. A councillor shall vacate his office if:

(a) he becomes bankrupt or makes any arrangement or composition with his creditors generally; or

(b) he becomes incapable of acting as councillor; or

(c) he resigns his office by notice in writing sent to or delivered to the secretary of the council; or

(d) he resides for twelve months out of the United Kingdom the Channel Islands and the Isle of Man; or

(e) having been on his election as councillor a member of the Methodist Church he ceases to be such a member.

Proceedings of the council

27. The council may meet together for the dispatch of business adjourn fix their own quorum and otherwise regulate their own proceedings as they shall think fit.

28. The council may act notwithstanding any vacancy in their body but if and so long as the number of councillors is reduced below the minimum number hereby prescribed the council shall forthwith either increase the number of councillors to that number or

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summon a general meeting and shall not otherwise act save for transacting such urgent business as cannot reasonably be delayed.

29. The council shall elect a councillor to be their chairman and determine the period for which he is to hold office. The chairman when present shall preside at meetings of the council and in his absence the councillors present shall appoint one of themselves to be chairman of the meeting.

30. Questions arising at a meeting of the council shall be decided by a majority of votes. In case of equality the chairman of the meeting shall have a casting vote.

31. The council may delegate any of their powers to committees consisting of such member or members of their body as they think fit. A committee shall in the exercise of the powers so delegated conform with any regulations which may be imposed upon it by the council and subject to such regulations a committee may regulate its meetings as it thinks fit.

32. All acts done by any meeting of the council or of a committee of the council or by any person acting as councillor shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of a councillor or person acting as councillor or that they or any of them were disqualified be as valid as if the councillors and every such person had been duly appointed and were qualified to be councillors.

Powers of the Council

33. The business of the Central Board shall be managed by the council who may exercise all such powers of the Central Board as are not by statute or these regulations required to be exercised by a general meeting subject nevertheless to the provisions of any statute or of these regulations and to any directions not being inconsistent with such provisions as may be given by a general meeting but no direction by a general meeting shall invalidate any prior act of the council which would have been valid if that direction had not been given.

The Seal

34. The seal of the Central Board shall be used only by the authority of the council or of a committee of the council authorised by the council in that behalf and every instrument to which the seal shall be affixed shall be signed by a councillor and shall be countersigned by the secretary of the council or by a second councillor or by some other person authorised by the council for that purpose.

Accounts and Auditors

35. The council shall cause proper accounts to be kept and audited of the receipts and expenditure of the council and of any investment or deposit fund administered by the Central Board. Such accounts together with a report by the council on the operations of the Central Board shall be submitted to each annual general meeting.

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36. The auditors of the Central Board shall be appointed by and may be removed by resolution of a general meeting provided that if there be at any time no auditors the council may appoint auditors to act until the next annual general meeting.

BOOK V HISTORIC TEXTS

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Part 1 The Wesleys' Rules of the Society', 1743

The original basis of membership in the Methodist Church is found in the 'Rules of the Society of the People called Methodists' promulgated by John and Charles Wesley in 1743. The Deed of Union in Clause 33(a) (Vol. 2, Book II, Part 1) preserves the essential meaning of the opening paragraph in Section 4 of these Rules. The modern setting of 'First', 'Secondly' and 'Thirdly' is found in the various declarations of the Conference on social questions. As to Section 3, see now Clause 9 of the Deed and Standing Order 631 (Vol. 2, Book III, Part 6).

Rules of the Society of the People called Methodists

1. In the latter end of the year 1739, eight or ten persons came to me in London, who appeared to be deeply convinced of sin, and earnestly groaning for redemption. They desired (as did two or three more the next day) that I would spend some time with them in prayer, and advise them how to flee from the wrath to come, which they saw continually hanging over their heads. That we might have more time for this great work, I appointed a day when they might all come together; which, from thenceforth they did every week, viz. on Thursday, in the evening. To these, and as many more as desired to join them (for their number increased daily), I gave those advices from time to time which I judged most needful for them; and we always concluded our meeting with prayer suited to their several necessities.

2. This was the rise of the UNITED SOCIETY, first in London, and then in other places. Such a Society is no other than '*a company of men, having the form, and seeking the power, of godliness; united, in order to pray together, to receive the word of exhortation, and to watch over one another in love, that they may help each other to work out their salvation.*'

3. That it may the more easily be discerned whether they are indeed working out their own salvation, each Society is divided into smaller companies, called Classes, according to their respective places of abode. There are about twelve persons in every Class, one of whom is styled *the Leader*. It is his business –

- (1) To see each person in his Class once a week at least, in order
To inquire how their souls prosper;
To advise, reprove, comfort, or exhort, as occasion may require;
To receive what they are willing to give towards the support of the Gospel.
- (2) To meet the Ministers and the Stewards of the Society once a week, in order
To inform the Minister of any that are sick, or of any that walk disorderly, and will not be reprov'd;
To pay the Stewards what they have received of their several Classes in the week preceding; and
To show their account of what each person has contributed.

4. There is only one condition required in those who desire admission into these Societies; viz. '*a desire to flee from the wrath to come, to be saved from their sins.*'

The Wesleys' Rules of the Society', 1743

But wherever this is really fixed in the soil it will be shown by its fruits. It is therefore expected of all who continue therein that they should continue to evidence their desire of salvation,

FIRST, By doing no harm, by avoiding evil in every kind; especially that which is most generally practised. Such is –

The taking the name of God in vain;

The profaning the day of the Lord, either by doing ordinary work thereon, or by buying or selling;

Drunkenness; *buying or selling spirituous liquors, or drinking them*, unless in cases of extreme necessity;

Fighting, quarrelling, brawling; brother *going to law* with brother; *returning evil for evil, or railing for railing*; the *using many words* in buying or selling;

The *buying or selling uncustomed goods*;

The *giving or taking things on usury*; i.e. unlawful interest;

Uncharitable or unprofitable conversation; particularly speaking evil of Magistrates or of Ministers;

Doing to others as we would not they should do unto us;

Doing what we know is not for the glory of God: as –

The *putting on of gold or costly apparel*;

The taking such diversions as cannot be used in the name of the LORD JESUS;

The *singing those songs, or reading those books*, which do not tend to the knowledge or love of God;

Softness, and needless self-indulgence;

Laying up treasures upon earth;

Borrowing without a probability of paying; or taking up goods without a probability of paying for them.

5. It is expected of all who continue in these Societies that they should continue to evidence their desire of salvation.

SECONDLY, By doing good, by being in every kind merciful after their power; as they have opportunity, doing good of every possible sort, and, as far as is possible, to all men;

To their bodies, of the ability that God giveth, by giving food to the hungry, by clothing the naked, by visiting or helping them that are sick or in prison;

To their souls, by instructing, *reproving*, or exhorting all they have any intercourse with; trampling under foot that enthusiastic doctrine of devils, that 'we are not to do good, unless *our heart be free to it*.'

By doing good, especially to them that are of the household of faith or groaning so to be; employing them preferably to others, buying one of another, helping each other in business; and so much the more, because the world will love its own, and them only.

By all possible *diligence and frugality*, that the Gospel be not blamed.

By running with patience the race that is set before them, *denying themselves, and taking up their cross daily*; submitting to bear the reproach of Christ; to be as the filth

The Wesleys' Rules of the Society', 1743

and offscouring of the world; and looking that men should *say all manner of evil of them falsely, for the Lord's sake.*

6. It is expected of all who desire to continue in these Societies, that they should continue to evidence their desire of salvation,

THIRDLY, By attending upon all the Ordinances of GOD; such are:

The public worship of God;

The ministry of the Word, either read or expounded;

The Supper of the Lord;

Family and private prayer;

Searching the Scriptures; and

Fasting or abstinence.

7. These are the General Rules of our Societies; all which we are taught of God to observe, even in His written Word, the only rule, and the sufficient rule, both of our faith and practice. And all these we know His Spirit writes on every truly awakened heart. If there be any among us who observe them not, who habitually break any of them, let it be made known unto them who watch over that soul, as they that must give an account. We will admonish him of the error of his ways: we will bear with him for a season. But then if he repent not, he hath no more place among us. We have delivered our own souls.

May 1, 1743

JOHN WESLEY.
CHARLES WESLEY.

Part 2 ‘The Twelve Rules of a Helper’, 1753

At the first Methodist Conference held in London in 1744 the disciplinary rules of the itinerant preachers were formulated. As revised by the Conference in 1753 and entitled ‘The Twelve Rules of a Helper’ they were later associated with the Resolutions on Pastoral Work known as the ‘Liverpool Minutes 1820’ (see below) and directed to be read annually in the pastoral session of the May Synod.

1. Be diligent. Never be unemployed. Never be triflingly employed. Never *while* away time, nor spend more time at any place than is strictly necessary.

2. Be serious. Let your motto be ‘Holiness to the Lord’. Avoid all lightness, jesting, and foolish talking.

3. Converse sparingly and cautiously with women, particularly with young women.

4. Take no step towards marriage without solemn prayer to God, and consulting with your Brethren.

5. Believe evil of no one unless fully proved; take heed how you credit it. Put the best construction you can on everything. You know the Judge is always supposed to be on the prisoner’s side.

6. Speak evil of no one; else *your* word, especially, would eat as doth a canker. Keep your thoughts within your own breast till you come to the person concerned.

7. Tell every one what you think wrong in him, lovingly and plainly; and as soon as may be, else it will fester in your own heart. Make all haste to cast the fi e out of your bosom.

8. Do not affect the gentleman. A Preacher of the Gospel is the servant of all.

9. Be ashamed of nothing but sin; no, not of cleaning your own shoes, when necessary.

10. Be punctual. Do everything exactly at the time. And do not mend our Rules, but keep them; and that for conscience’ sake.

11. You have nothing to do but to save souls. Therefore spend and be spent in this work. And go always, not only to those who want you but to those who want you most.

12. Act in all things, not according to your own will, but as a Son in the Gospel, and in union with your Brethren.

As such, it is your part to employ your time as our Rules direct: partly in preaching, and visiting from house to house; partly in reading, meditation, and prayer. Above all, if you labour with us in our Lord’s vineyard, it is needful that you should do that part of the work which the Conference shall advise, at those times and places which they shall judge most for His glory.

The Wesleys' Rules of the Society', 1743

Observe: It is not your business to preach so many times, and to take care merely of this or that Society, but to save as many souls as you can; to bring as many sinners as you possibly can to repentance; and, with all your power, to build them up in that holiness without which they cannot see the Lord.

And remember, a Methodist Preacher is to mind every point, great and small, in the Methodist Discipline. Therefore you will need all the grace and all the sense you have, and to have all your wits about you.

Part 3 The ‘Liverpool Minutes 1820’

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RESOLUTIONS ON PASTORAL WORK

commonly referred to as the ‘Liverpool Minutes 1820’

Adopted by the Wesleyan Methodist Conference in 1820 and revised in 1885.

I Ourselves and our Families

We, on this solemn occasion, devote ourselves afresh to God; and resolve, in humble dependence on His grace, to be more than ever attentive to personal religion, and to the Christian instruction and government of our families. And we further resolve to cultivate more fully the spirit of Christian Pastors, so that all our intercourse with our people may be to edification; and as ‘Overseers of the flock’, to give ourselves to the work of ‘winning every man and teaching every man in all wisdom, that we may present every man perfect in Christ Jesus’. And in order to this, let us frequently read and carefully study Mr. Wesley’s ‘Twelve Rules of a Helper’, and other parts of the *Large Minutes* which relate to the duties of a Preacher and Pastor.

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Let us daily consecrate ourselves fully and entirely to our proper work as the servants of Christ and of His Church, giving ourselves 'wholly' to it, both in public and private. Let us strictly guard against all occupations of our time and thoughts which have no direct relation to our great calling, and which would injuriously divert our attention from the momentous task of 'saving them that hear us', and 'taking care of the Church of God'.

Let us afresh, solemnly and heartily recognize the original purpose of Methodism, 'to spread Scriptural holiness through the land', and ever regard this as the first and great calling of the Methodist people, and especially of the Preachers. And let us determine, in the Name of God, that this idea shall rule our whole life, and that every pursuit and design shall be subordinated to this our high and special calling.

II The Study

Let us humbly and earnestly seek a more complete preparation for the great work of the ministry, and especially that richer 'unction of the Holy One' which is vouchsafed only to men who live near to God. This anointing for our office would yield what most of all we ourselves need and desire: a large increase of ardent piety and of vigorous faith; holy importunity in prayer, and irresistible persuasiveness in preaching.

Let us 'covet earnestly the best gifts', to qualify us for an effective and useful ministry, and let us seek them in fervent prayer to Him who is the Father of lights and the Fountain of wisdom. Let us meanwhile 'stir up the gift of God which is in us', and improve our talents by close study and diligent cultivation; and especially let every one of us 'study to show' himself 'approved unto God, a workman that needeth not to be ashamed; rightly dividing the word of truth'. Let us take care that, whatever other qualifications we may acquire and use, our ministry shall at least be always marked by sound, evangelical doctrine, by plainness of speech, and by a spirit of tender affection and burning zeal.

III The Pulpit

Let us preach constantly the leading and vital doctrines of the Gospel: repentance toward God; a present, free, and full salvation from sin; – a salvation flowing from the grace of God alone, 'through the redemption that is in Christ Jesus', and apprehended by the simple exercise of faith; – a salvation which begins with the forgiveness of sins (this forgiveness being certified to the penitent believer by the Holy Spirit) and (by means of this witness, but by the power of that Divine Spirit who bears the witness) a change of heart; – a salvation which is itself the only entrance to a course of practical holiness.

And let us preach these cardinal doctrines in our primitive method, – evangelically and experimentally, with apostolical earnestness and zeal, and with great simplicity. Let us 'labour in the word and doctrine'; applying our discourses closely and lovingly to the various classes of our hearers, and 'by manifestation of the truth, commending ourselves to every man's conscience in the sight of God'.

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Remembering that the prominence which is properly given in the Methodist pulpit to the doctrine of present salvation is ever liable to Antinomian abuses, let us diligently and evangelically preach the precepts as well as the privileges of the Gospel, expounding them carefully and applying them faithfully.

Let us build up our people in knowledge and holiness; urging them to fidelity in family duties, and especially in the godly training up of their children; and, in general, to 'follow after the things which make for peace, and things wherewith one may edify another'.

In every place, let us speak plainly and pointedly on the duty and advantage of Christian communion, and exhort all who are seeking salvation to avail themselves, without delay, of the help of our more private Means of Grace.

In particular, let us urge upon all our people a conscientious and frequent observance of the Sacrament of the Lord's Supper; expounding its nature; instructing the young, and reasoning with the timid and the doubting; and setting forth the duty and blessedness of 'showing the Lord's death till He come'.

IV Society Meetings

1. Being fully persuaded that the regular and frequent meeting of our Societies is of vital importance to the prosperity and perpetuation of the work of God amongst our people, let us meet the principal Societies regularly on the Lord's Day, and frequently on the week evenings in country places. And let us make such Meetings interesting and profitable to our Members by information as to the state of the Work of God in the Circuit generally; by reference to the special circumstances of the Society then present; and by explaining our own Rules, and 'putting the Brethren in remembrance' of their specific duties, both personal and domestic.

2. And from time to time let us exhort our Members, in the event of their removing into other Circuits, to secure a Note of Removal, and to seek immediate connexion with the Society in the place whither they go to reside.

3. And inasmuch as religion in our Societies depends largely upon the cultivation amongst us of family religion, let us earnestly press upon our people the regular and devout observance of Family Worship, accompanied by the reading of Holy Scripture. And in order to a due discharge of this most important domestic duty, a suitable and sufficient portion of time should be conscientiously set apart in the morning and evening of each day, when the attendance of all members of the household, servants included, should be arranged for and required.

4. Let us also at such Meetings earnestly exhort our Societies to make the best and most religious use of the rest and leisure of the Lord's Day. Let us urge upon our Members to sanctify the Sabbath Day, not only personally, but in their families, by 'commanding their children and their households to keep the way of the Lord'; and especially by a regular attendance upon the public worship of Almighty God, both morning and evening, and by arranging that, in their families, as few persons as possible are kept at home.

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5. And let us show to our people the evil of wasting, in visits or in receiving company, those hours of the holy Sabbath which are not spent in public worship; and that such a practice tends to the neglect of private prayer, of the study of the Scriptures, and of the religious instruction of children – and so to the spiritual injury of domestic servants who are thereby needlessly kept at work on the day of rest, and deprived of the public Means of Grace.

6. And, lastly, let us guard our people against the danger of expending all their time and energy on local and subordinate enterprises and works of charity, to the neglect of the public preaching of the Gospel, the Weekly Meeting for prayer and intercession, and the Class Meeting. Let us show them that, by a wise economy of time, they may 'fulfil their course' of benevolent activities without robbing God of the public worship which He demands. And on this question let us, as occasion serves, remind our Members that, under the Divine blessing, the prosperity of the spiritual work of God depends upon the regular and conscientious use of His institutions, for it is through the means that we reach the end; and our own history shows that, in the success of the spiritual work of God, all other good undertakings among us had their origin, and have ever had their principal support. 'These things ought ye to have done, and not to leave the other undone.'

V Leaders' Meetings

1. Let us regularly meet the Class Leaders, both in town and country; and at each Leaders' Meeting let us carefully examine the entries made in the Class Books relative to the attendance of the Members, in order that prompt and practical measures may be taken in cases which, on inquiry, shall be found to demand the exercise of discipline, 'the word of exhortation', or kindly counsel and Christian sympathy.

2. From the beginning, Leaders' Meetings have been found essential to the pastoral care and spiritual prosperity for our Societies, and also to the orderly transaction of their financial concerns. Where Leaders' Meetings are frequently held, the work of the Leaders is done more perfectly. And by a minute examination of the Class Books, in the presence of the Leaders, we learn who are the sick, the careless, or the lukewarm; and then, in making pastoral visits, we are prepared to go, 'not only to those who want us, but to those who want us most'. Let us, therefore, see to it that Leaders' Meetings are held regularly, and as often as practicable, not only in the towns in which Ministers reside, but also in the principal country places.

3. As much depends, under the blessing of God, of the piety, zeal, and devotion, the Scriptural knowledge and Christian temper of our Leaders, and also on their intelligent and hearty approval of the doctrines and discipline of Methodism, let us, before nominating a new Leader, satisfy ourselves, by previous inquiry and personal examination, as to the character and qualifications of the person proposed.

4. Whenever a new Leader, nominated by us and accepted by the Leaders' Meeting, is first introduced to the Meeting, let us take that opportunity of stating the duties which belong to the office. And in particular, let us urge upon our Leaders the vital importance of seeing or communicating with each of their Members once a week.

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5. Let us promote in every place the observance of those parts of our discipline which refer to Watch-nights, private and public Bands, and Quarterly Fast Days.

VI Quarterly Visitation of the Classes

Believing that, next to the public 'Ministry of the Word', the Quarterly Visitation of the Classes is our most important official work, and remembering that to those of our Members who are not accessible for visitation at their own homes, the Visitation of the Classes is probably their only opportunity of direct intercourse with their Ministers, let us be careful each quarter to meet personally every class, never sending the Tickets to the Leader.

And in making the Ticket Plan, let us so arrange the Visitation as not to crowd too many Classes together; but rather, by beginning the work early in the quarter, allow sufficient time in meeting each Class for a careful examination of the Members as to their Christian knowledge, experience, and practice, and for inquiry as to family religion; and also for suitable pastoral advice, encouragement, or admonition, for 'consolation in Christ', for 'comfort of love', for 'fellowship of the Spirit'.

And, in connection with the Visitation of the Classes, let us on the one hand inquire particularly into the experience and habits of those whom we find 'on trial', and receive into Society those only who, after due probation, may fairly be 'counted worthy'. And, on the other hand, let us not, upon slight grounds, return any person as having 'ceased to meet'; but, before writing off such a one, let us inquire particularly into the case; and, wherever practicable, let us ourselves visit the person; and thus, 'by all means save some' of the many who 'forsake the assembling of themselves together'.

VII Pastoral Visitation

We recognize the absolute obligation which is laid upon us – and which was solemnly acknowledged at the time we received Ordination – to secure, by mutual consultation and arrangement, such a general, stated, and efficient visitation of our people at their own dwellings as is involved in the Scriptural command to 'feed the Church of God', and in the example of St. Paul, who 'taught' the people 'publicly, and from house to house'; and also in those other Scriptures which, in varied language, represent Christian Ministers as the under-shepherds of the flock of God – Jesus Christ Himself being the 'Chief Shepherd'.

We are persuaded that the unity and edification of our Societies, and the good feeling of our people generally, would be promoted by increased pastoral intercourse with them at their own homes. And, in the present day, the perilous exposure of our Members to the manifold fascinations of worldliness demands unremitting diligence on our part; and especially that, in connection with our pastoral visits, there should be, whenever practicable, the reading of a suitable portion of Holy Scripture, and prayer.

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We do not forget that the cares and labours, both spiritual and economical, which devolve upon Ministers, and in particular upon Superintendents, are steadily increasing; but at the same time the proportion of Ministers to Members is also increasing. And we are convinced that, by a wise economy of time, by energy and perseverance, and especially by system and method, much more Pastoral Visitation may be accomplished.

We, therefore, resolve to give ourselves afresh and more fully to this part of our work; and we agree to devote regularly certain portions of our time for the purpose of visiting the Members of our Societies 'from house to house'. And we will strive to make our visits profitable to the people, by kindly inquiry into their Christian experience, by giving seasonable counsel, and by exhorting them to a faithful and loving observance of all the duties of personal and family religion.

In particular, let us care for the aged, the infirm, the sick, and the poor; let us keep watch over the lukewarm and the careless; and let us pay special attention to backsliders. 'In the spirit of meekness' and in much patience, let us endeavour to 'restore' them that have been 'overtaken in a fault', and seek by private efforts, as well as by our public ministrations, to recover the fallen 'out of the snare of the devil'. And, lastly, when we go to our country appointments on week evenings, let us secure time, before the public service, for the pastoral visitation of village Methodists.

VIII Oversight of the Young

In order that the Work of God may be perpetuated among us, let us, in public and in private, pay particular spiritual attention to the young people of our Societies and congregations. Let us frequently and affectionately speak to them on their peculiar dangers and duties, and seek to enlist their intelligent sympathy with our doctrines and discipline; and that they 'may be delivered from this present evil world, according to the will of God', let us strive to lead them to an earnest consecration of themselves to the service of Christ and His Church.

And to secure increased facilities for such ministrations, let us, wherever practicable, make arrangements for obtaining pastoral access at stated times to the young persons of the Methodist families between the ages of fourteen to twenty-one; with a view to promote their spiritual welfare by personal instruction, exhortation, appeal, and prayer.

IX Care for the Children

We are convinced of the obligation which rests on all Christian Pastors to feed and take the oversight of the lambs, as well as of the sheep of the flock of Christ; and we agree to hold, wherever practicable, Weekly Meetings with the children of our people.

X Sunday Schools

Let us afford to our Sunday Schools all possible encouragement and aid; by attending their Committee and Teachers' Meetings; by visiting the principal Schools at least once in every quarter; and by giving, as occasion serves, advice and counsel to the Officers and Teachers.

XI Catechetical Instruction

Let us recommend, both in Sunday Schools and in the families of our people, the practice of Catechetical instruction in order that 'being rooted and grounded' in 'those things which are most surely believed among us', our children may in after-years 'hold fast the form of sound words'. And let us commend everywhere our own Catechisms.

XII Cottage Prayer Meetings

Let us encourage Prayer Meetings in the houses of our friends at such times as will not interfere with attendance at our Chapels and other preaching-places. For when prudently conducted by persons of established piety and competent gifts, and duly superintended by the Ministers and the Leaders' Meetings, such services are productive of much good among the poor; and have often proved the means of grace and salvation to many who could not, at first, have been reached in any other way.

XIII Cottage Preaching

In populous neighbourhoods where there is a general neglect of the means of grace already established, let us preach in private houses, especially in the cottages of the poor; that so we may gain access to 'them that are without', and, by the Divine blessing, bring them under concern for salvation, and win them over to attendance on public worship in the house of God.

XIV Forming New Classes

In our old and large Societies especially, let us from time to time appoint new Leaders, active and zealous men and women, 'of honest report, and full of the Holy Ghost and of wisdom', and encourage them to form new Classes in suitable neighbourhoods; and let us seek thus to gather into the fold of Christ those persons who, it may be, live at a distance from any chapel, yet are 'not far from the kingdom of God'; but who need special invitation, and are not likely to 'give themselves to the Lord, and unto us by the will of God', without more than ordinary enterprise and spiritual attention.

XV Visitation of Villages

In country places, where it is not possible at present to appoint Preachers regularly, let suitable persons attend, under the direction of the Superintendent, for the purpose of public prayer and exhortation, and occasionally to read to the congregation a short and plain sermon, until such places can be supplied regularly with Local Preachers.

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And let us conscientiously care for and watch over the country places already on the Plan.

XVI Opening New Places

In every Circuit, let us try to open new places, and let us try again places which have not been recently visited; and let us not be satisfied until every town, village, and hamlet shall be blessed, so far as we can accomplish it, with the means of grace and salvation. And with a view to a revival and extension of the Work of God, let us have recourse, even in our old-established Circuits, to the practice of preaching out of doors; seeking, in order to save that which is lost.

XVII Extension of Methodism

In a word, let every one of us consider himself called to be, in point of enterprise, zeal, and diligence, a Home Missionary; and to enlarge and extend, as well as keep, the Circuit to which he is appointed.

XVIII Official Meeting

In conducting Quarterly Meetings, and all other Official Meetings, let us steadily discourage the spirit of strife and debate, and firmly disallow the introduction of all topics of irritating discussion not legitimately arising out of the proper business of the Meeting. Let us remember that the only way to live in peace is to walk by rule; and in the administration of all our affairs, in the Society and in the Circuit, let us cultivate the spirit and exhibit the manner of men who are acting for God in the service of His Church.

XIX Pastoral Responsibility

Whilst we readily and cheerfully protect our Office Bearers and Members, in Meetings over which we preside, in the exercise of such functions as belong to them according to our laws and usage – let us not forget that we are under obligation to act on such occasions, not merely as the Chairmen of Public Meetings, but also as the Pastors of Christian Societies; who, by the ordinance of God, and by their own voluntary association with us, are 'put in trust with' the Scriptural oversight of their spiritual affairs, and are directly responsible to the great Head of the Church for the discreet and faithful discharge of the duties of that "trust".

XX Catholicity

Let us ourselves remember, and from time to time impress upon our people, that we, as a Connexion, do not exist for the purpose of party. If at any time we are tempted to 'entangle ourselves with affairs' which are foreign to the exclusive calling of Methodist Ministers, let us resolve, in dependence upon the grace of God, to keep aloof from all merely party purposes, and from party spirit. By the example of our Founder, by the original principle of which our Societies are formed, and by our professions before the world, we are bound to beware of a sectarian spirit, to avoid the appearance of bigotry,

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and to abstain from disputes on minor subjects of theological controversy. In our occasional intercourse with the Ministers and Members of other Churches, 'let every one of us please his neighbour, for his good, to edification'; and towards all denominations of Christians 'holding the Head', let us maintain the kind and catholic spirit of primitive Methodism, and ever show ourselves 'the friends of all, the enemies of none'.

XXI Conclusion

And being deeply sensible that, in order to the revival and extension of the Work of God, the great thing to be desired is an abundant effusion of the Holy Spirit on ourselves and our families, our Societies and our Congregations; we solemnly agree to seek that blessing by humble and earnest prayer; in our private supplications, in our family devotions, and in the pulpit; and we desire to 'continue with one accord in prayer and supplication' 'until the Spirit be poured upon us from on high, and the wilderness becomes a fruitful field, and the fruitful field be counted for a forest'.

For the current Resolutions on Pastoral Work, adopted by the Conference in 1971, and based to some extent upon the above, see Vol. 2, Book VI, Part 1.

Part 4 Methodist Church Union Act 1929

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An Act to authorise the union of the Wesleyan Methodist Church the Primitive

Methodist Church and the United Methodist Church to deal with real and personal and heritable and moveable property belonging to the said Churches or denominations to provide for the vesting of the said property in trust for the Church so formed and for the assimilation of the trusts thereof and for other purposes.

[10th May 1929

WHEREAS by a deed poll dated the twenty-eighth day of February one thousand seven hundred and eighty-four duly made and published by the Reverend John Wesley it was declared that the various persons therein named in number one hundred being preachers and expounders of God's holy word under the care of and in connexion with the said John Wesley and their successors for ever did and should thereafter constitute the 'Conference of the people called Methodists' and the said deed poll provided (inter alia) for the times of meeting the constitution and the duties of the said conference:

And whereas by an indenture dated the third day of July one thousand eight hundred and thirty-two and made between John Sutcliffe and certain other persons therein named of the first part the Reverend George Marsden the president for the time being of the said conference of the people called Methodists of the second part and James Brown of the third part a certain piece of ground and hereditaments at Skircoat in the parish of Halifax in the county of York were duly conveyed to the use of the parties thereto of the first part upon the trusts therein declared and such indenture is known as 'the Wesleyan Methodist Chapel Model Deed':

And whereas in the year one thousand eight hundred and eight and subsequent years numerous congregations and societies were formed in different parts of England under the direction of Hugh Bourne James Bourne William Clowes and James Steele and such congregations and societies were formed into one general community or connexion known and distinguished by the name of 'the Primitive Methodist Connexion':

And whereas at a general assembly or conference of the said Primitive Methodist Connexion held at Scotter in the county of Lincoln from the fourteenth to the nineteenth days of May one thousand eight hundred and twenty-nine it was determined and directed that the said Hugh Bourne James Bourne and William Clowes (the said James

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Steele being then deceased) should explain and declare the name objects rules and fundamental regulations of the said connexion:

And whereas the said Hugh Bourne James Bourne and William Clowes did by deed poll dated the fifth day of February one thousand eight hundred and thirty explain and declare accordingly and (inter alia) in effect declared that the governing body of the said connexion should continue to be the annual assembly or conference as therein described:

And whereas by an indenture dated the twenty-fourth day of March one thousand eight hundred and sixty-four and made between the Reverend Richard Davies of the one part and Jabez Barlow and others of the second part a certain piece of land and hereditaments at Walworth in the county of Surrey were conveyed to the use of the parties thereto of the second part upon the trusts therein declared and such indenture is known as 'the model chapel trust deed of the Primitive Methodist Connexion':

And whereas pursuant to the provisions of the United Methodist Church Act 1907 the Methodist New Connexion Church the Bible Christian Church and the United Methodist Free Churches did on the seventeenth day of September one thousand nine hundred and seven unite together in one church under the name of 'the United Methodist Church':

And whereas the deed poll of foundation referred to in section 7 of the said Act was duly adopted on the seventeenth day of September one thousand nine hundred and seven and was enrolled on the same day in the central office of the Supreme Court of Judicature:

And whereas power to adopt a new model deed for the settlement of church lands as in the said Act defined and other hereditaments was granted to the said United Methodist Church by section 12 of the said Act in accordance with the conditions therein set forth:

And whereas by an indenture dated the twenty-second day of April one thousand nine hundred and eight and made between Henry Arthur Clowes of the first part Haughton Charles Okeover and Alfred Charles Duncombe of the second part and the Reverend Ralph Abercrombie M.A. and others of the third part a certain piece of land in the borough of Salford was conveyed to the use of the parties thereto of the third part upon the trusts therein declared and such indenture is known as 'the model deed of the United Methodist Church':

And whereas prior to and since the respective dates of the aforesaid model deeds various places of worship have been from time to time erected and settled upon trusts which placed them respectively under the control and jurisdiction of the yearly conferences of one of the three churches the union of which is authorised pursuant to this Act:

And whereas the said churches or religious denominations or connexions or associations (in this Act referred to respectively as 'the Wesleyan Methodist Church' 'the Primitive Methodist Church' and 'the United Methodist Church' and collectively as 'the said churches or denominations') are formed into or arranged in synods or districts and circuits and the government of each of the said churches or denominations is vested in an annual conference or assembly the meeting whereof ordinarily takes place in the month of June or July in every year:

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And whereas various churches chapels mission halls preaching places manses Sunday schools day schools boarding schools colleges orphanages training institutions for teachers and deaconesses institutes homes for soldiers and sailors printing and publishing offices (commonly and in this Act referred to as 'book rooms') dwelling-houses and other lands buildings tenements and hereditaments and heritable property situate in various parts of Great Britain the Channel Islands and the Isle of Man and also various moneys funds stocks shares securities goods chattels and other personal estate and moveable property and effects are held on various trusts for the use and benefit of the said churches or denominations respectively which trusts are similar in all essentials in the case of each of the said churches or denominations respectively though they differ to some extent in particulars relating to the administration and management of the respective trust properties:

And whereas the religion doctrines held by each of the said churches or denominations are in substance identical but their respective internal organisations differ in certain respects in relation to the constitution procedure and powers of their respective annual conferences or assemblies and otherwise:

And whereas the respective annual conferences or assemblies of the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church respectively after prolonged and mature consideration and after ascertaining the wishes of the members of the said churches or denominations respectively through their respective synods or district meetings and circuit or quarterly meetings and other meetings have by resolutions passed respectively by the votes of not less than three-fourths of the members present and voting in the annual conference or assembly of each of the said churches or denominations (in the case of the Wesleyan Methodist Church by the votes of not less than three-fourths of the members present and voting in the pastoral session and also by the votes of a like majority in the representative session of the Wesleyan Methodist conference or assembly) resolved that it is expedient that the said churches or denominations be united to form one church or denomination under the name of 'the Methodist Church':

And whereas it is expedient that such union should be effected in the manner and under the constitution by this Act provided:

And whereas it is expedient that the said churches chapels mission halls preaching places manses Sunday schools day schools boarding schools colleges orphanages training institutions for teachers and deaconesses institutes homes for soldiers and sailors book rooms dwelling-houses and other lands buildings tenements and hereditaments and heritable property hereinbefore mentioned and the said moneys funds stocks shares securities goods chattels and other personal estate and moveable property and effects now held in trust for the use and benefit of the said churches or denominations respectively should after the union thereof and the formation of such one church or denomination as aforesaid be held in trust for the use and benefit of such one church or denomination nevertheless upon trusts and for purposes and objects the same so far as circumstances

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will permit as those upon and for which the same were respectively previously held for the benefit of the said churches or denominations respectively:

And whereas it is expedient that such provision should be made as is in this Act contained with respect to certain buildings at the date of union belonging to any of the said churches or denominations which are registered as places of worship and for the solemnisation of marriages:

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 King'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 (that is to say):

1 Short title. This Act may be cited as the Methodist Church Union Act 1929.

2 Interpretation. In this Act unless there be something in the subject or context repugnant to such construction –

The expression 'the Wesleyan Methodist Church' means the church denomination or connexion commonly described by that name founded by the Reverend John Wesley;

The expression 'the Primitive Methodist Church' means the church denomination or connexion commonly described by that name founded by Hugh Bourne and others in or about the year one thousand eight hundred and eight;

The expression 'the United Methodist Church' means the church denomination or connexion formed under or pursuant to the United Methodist Church Act 1907;

The expression 'the said churches or denominations' means collectively the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church;

The expression 'the uniting conference' means the united conference referred to in the section of this Act to which the marginal note is 'Provision for three conferences to unite as one conference';

The expression 'the Methodist Church' means the united church or denomination formed under the provisions of this Act by the union thereunder of the said churches or denominations and the members of the said united church or denomination;

The expression 'the deed of union' means the deed poll setting forth the basis of union referred to in the Section of this Act of which the marginal note is 'Power of uniting conference to adopt deed of union';

The expression 'the conference' means the annual conference of the Methodist Church;

The expression 'church lands' includes all lands tenements and hereditaments of whatever tenure and chattels real and all feu duties ground annuals ground rents heritably secured perpetual annual payments tack duties bonds of relief bonds

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and dispositions in security dispositions leases and other heritable rights which now are or which may at any time hereafter be held or occupied in trust for or on behalf of or in connexion with or for any of the purposes of the Wesleyan Methodist Church the Primitive Methodist Church or the United Methodist Church or any constituent part of any of the said churches or denominations as the case may be or for or on behalf of any society institution or charity subsidiary or ancillary to any of the said churches or denominations (whether or not such church or denomination society institution or charity is specifically named or referred to in any declaration of trust or other instrument relating to any such property held or occupied in trust as aforesaid) together with all churches chapels mission halls preaching places manses Sunday schools day schools boarding schools colleges orphanages training institutions for teachers and deaconesses institutes homes for soldiers and sailors book rooms dwelling-houses or other buildings thereon and also all fixtures fittings rights easements appurtenances privileges and pertinents whatsoever relating thereto respectively or enjoyed and held therewith;

The expression 'book rooms' includes any printing or publishing offices carried on by or on behalf of or in connection with any of the said churches or denominations;

The expression 'the date of union' means the date on and from which the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church respectively shall become by virtue of this Act united in one church or denomination under the name of 'the Methodist Church';

The expression 'the new model deed' means the trust deed recorded in the books of the Charity Commissioners in pursuance of the section of this Act of which the marginal note is 'Power to adopt new model deed'.

The 'date of union' was the 20th September 1932 (see s. 10 below and the testimonium clause of the Deed of Union, Vol. 2, Book II, Part 1).

3 Provision for three Conferences to unite as one Conference. The respective annual conferences or assemblies of the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church respectively holden in the year one thousand nine hundred and thirty-one or any subsequent year may (by resolutions to be passed in the Wesleyan Methodist Conference or assembly by the votes of not less than three-fourths of the members present and voting in the pastoral session and also by the votes of a like majority in the representative session of the said conference or assembly and in the respective conferences or assemblies of the Primitive Methodist Church and the United Methodist Church by the votes of a like majority of the members present and voting in such respective conferences or assemblies) decide and determine that each of the said conferences or assemblies holden in the then next succeeding year shall after the conclusion of its ordinary business adjourn its proceedings to the same day and place to be appointed by the said resolutions for the purpose of holding in such next succeeding year a united meeting of the members of such conferences or

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assemblies and it shall be lawful on the day and at the place so appointed for the said conferences or assemblies to unite and sit together as one united conference and to continue their united sittings for such period with power to adjourn the same from time to time and to continue any adjourned sitting for such period as the business to be transacted by such united conference shall require.

The three conferences did in 1931 so decide and the uniting conference duly met on the 20th September 1932 (see recitals (2) to (4) to the Deed of Union).

4 President, Vice-President, and Secretary of Uniting Conference.

(1) The uniting conference shall be opened and (until the election of a president thereof as is hereinafter provided) presided over by the senior in age there present and willing to act of the presidents of the said respective conferences or assemblies of the said churches or denominations holden in the same year as the meeting of the uniting conference and in the event of none of such presidents being present and willing to act then by any member of the uniting conference being a minister of one of the said churches or denominations elected for that purpose.

(2) The uniting conference shall then proceed forthwith before the consideration of any other business to the election by ballot of a president and secretary thereof who shall be respectively chosen from among such of the members of the uniting conference as are ministers of one or other of the said churches or denominations and of a vice-president who shall be a layman and be chosen from among the lay members of the uniting conference.

(3) In the event of the absence death resignation or incapacity of the president vice-president or secretary of the uniting conference another person shall be forthwith chosen if the uniting conference shall be sitting at the time of such death resignation or incapacity as aforesaid occurring in manner hereinbefore provided or in the event of the same occurring while the uniting conference is not sitting then by any committee thereof which shall be empowered in that behalf by the uniting conference.

5 Procedure of Uniting Conference. Subject to the provisions of this Act the procedure of and conduct of business by the uniting conference shall be regulated by the rules of procedure and the regulations for the conduct of business which previously governed the annual conference or assembly of that one of the said churches or denominations of which the first elected president of the uniting conference shall have been a member so far as such regulations shall be applicable.

6 Declaration as to voting to be final. The declaration of the president or vice-president or the acting president of the uniting conference shall be final and conclusive evidence as to the numbers voting respectively for and against any resolution submitted to the uniting conference.

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7 Power of Uniting Conference to resolve on union of three churches. It shall be lawful for the uniting conference by resolution passed by the votes of not less than three fourths of the respective representatives of each of the said churches or denominations present at the uniting conference and voting upon the said resolution (the representatives of each of the said churches or denominations voting first separately and then as one body and in the case of the separate voting of the representatives of the Wesleyan Methodist Church the representatives of the pastoral session and of the representative session voting separately) to declare that the said churches or denominations shall be united in and form one united church or denomination under the name of 'the Methodist Church' and under such constitution and upon such terms and conditions as may be declared and defined in a deed poll setting forth the basis of union to be settled and adopted by the uniting conference as in this Act provided.

The uniting conference did so resolve (see recital (5) to the Deed Of Union).

8 Power of Uniting Conference to adopt Deed of Union. (1) It shall be lawful for the uniting conference by resolution passed by the votes of not less than three fourths of the respective representatives of each of the said churches or denominations present at the uniting conference and voting upon the said resolution (the representatives of each of the said churches or denominations voting first separately and then as one body and in the case of the separate voting of the representatives of the Wesleyan Methodist Church the representatives of the pastoral session and of the representative session voting separately) to settle and adopt a deed poll setting forth the basis of union.

The uniting conference did so resolve (see recital (6) to the Deed of Union).

(2) The deed of union shall declare and define the constitution and doctrinal standards of the said united church or denomination under the name of 'the Methodist Church' and the terms and conditions of such union as aforesaid and shall contain all such provisions as to the constitution election powers duties and privileges of the conference and all such other provisions (including powers from time to time subject to the provisions of this Act to alter amend or repeal any of the provisions of the deed of union or of the constitution of the Methodist Church as declared and defined the eby and to adopt any new provisions with respect to any matter to which the deed of union relates or to the constitution of the Methodist Church) as in the judgement of the uniting conference may be necessary or desirable for the government and discipline of the Methodist Church and the management and administration of the affairs thereof Provided that the conference shall not have any power to alter or vary in any manner whatsoever the clauses contained in the deed of union which define the doctrinal standads of the Methodist Church.

(3) After any such alteration amendment or repeal or the adoption of any such new provision as aforesaid reference to the deed of union in this Act or in any document (whether executed before or after any such alteration amendment or repeal or the adoption of any such new provision as aforesaid) shall be construed and take effect as

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reference to the deed of union as varied by any such alteration amendment repeal or new provision.

(4) The conference shall consist of a representative session and a ministerial session and such sessions shall continue as provided by the deed of union unless and until it shall be otherwise decided by separate resolutions passed by such sessions respectively by the votes of not less than three fourths of the members of such respective sessions present and voting and unless and until any such resolutions shall have been confirmed in the next subsequent year by resolutions similarly passed by such sessions respectively.

(5) No alterations shall be made in the regulations set forth in the deed of union so far as they define the relative duties and privileges of such respective sessions unless and until any such alteration shall have been resolved upon and confirmed as foresaid.

(6) The conference shall be the final authority within the Methodist Church with regard to all questions concerning the interpretation of its doctrines.

9 Deed of Union to be executed, etc. The deed of union when the same has been adopted by such resolution of the uniting conference as aforesaid shall be forthwith signed sealed and delivered by the president of the uniting conference and by any of the presidents elected in the year in which the uniting conference shall be held of the respective annual conference or assemblies of the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church who may be present at the uniting conference and be willing to execute the deed of union and the same shall within three months thereafter be sent to the office of the Charity Commissioners for the purpose of being recorded in the books of the said Commissioners.

The Deed of Union was duly executed on the 20th September 1932 by the four presidents specified.

10 Three Churches to be united into the Methodist Church. On and from the date of the execution of the deed of union the Wesleyan Methodist Church the Primitive Methodist Church and the United Methodist Church shall by virtue of this Act become and be united in and form one united church or denomination under the name of 'the Methodist Church' and under the constitution terms conditions and provisions defined and declared in the deed of union.

11 Uniting Conference may temporarily exercise powers of Conference. On and from the date of union until the first meeting of the conference the uniting conference shall have and may exercise all powers rights authorities and discretions and shall discharge all duties vested in or imposed upon the conference under or by virtue of this Act or the constitution of the conference as declared and defined by the deed of union and all elections appointments or admissions to any office or position all resolutions orders or directions and all acts or things held made taking place passed given or done by or under the uniting conference or under the authority of the same in the exercise or performance

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of any such power right authority discretion or duty as aforesaid whether before or after the date of union shall be valid and effective for all purposes whatsoever and shall be deemed to have been held or made or to have taken place or to have been passed given or done by or under the conference or under the authority of the same.

12 Church lands to be held in trust for Methodist Church. On and after the date of union –

- (a) all church lands of the Wesleyan Methodist Church whether held upon the trusts of or in conformity with the deed poll of the twenty-eighth day of February one thousand seven hundred and eighty-four or upon the trusts of or in conformity with the Wesleyan Methodist chapel model deed of the third day of July one thousand eight hundred and thirty-two together with all other church lands now held upon trust for or on behalf of the Wesleyan Methodist Church or the annual conference or assembly of the said church;
- (b) all church lands of the Primitive Methodist Church whether held upon the trusts of or in conformity with the deed poll of the fifth day of February one thousand eight hundred and thirty or upon the trusts of or in conformity with the model chapel trust deed of the Primitive Methodist Connexion of the twenty-fourth day of March one thousand eight hundred and sixty-four together with all other church lands now held upon trust for or on behalf of the Primitive Methodist Church or the annual conference or assembly of the said church; and
- (c) all church lands of the United Methodist Church held upon the trusts of or in conformity with the model deed of the United Methodist Church of the twenty-second day of April one thousand nine hundred and eight together with all other church lands now held upon trust for or on behalf of the United Methodist Church or the annual conference or assembly of the said church;

shall as from the date of union be held in trust for or for the purposes of the Methodist Church under the constitution declared and defined in this Act and in the deed of union or for or for the purposes of the society institution or charity subsidiary or ancillary to the Methodist Church corresponding to any society institution or charity subsidiary or ancillary to any of the said churches or denominations for or for the purposes of which such church lands were previously held and as if the words 'the Methodist Church' were substituted for any words referring to or describing the Wesleyan Methodist Church the Primitive Methodist Church or the United Methodist Church or any of the several bodies or denominations which have become merged or united in the United Methodist Church wherever such words occur in any deed poll model deed declaration of trust or other instrument relating to any of such church lands but in other respects upon the existing trusts and with and subject to the existing powers and provisions upon and with and subject to which the same were held at the date of union so far as circumstances will permit but subject and without prejudice to any mortgage charge incumbrance lien bond

lease or agreement at the date of union affecting the same respectively Provided that if in any case the provisions relating to discipline contained in the deed of union or any modification thereof which the Methodist Church may at any time hereafter adopt shall conflict with any of the provisions relating to discipline contained in any such deed poll model deed declaration of trust or other instrument relating to or otherwise affecting any of such church lands the provisions relating to discipline contained in the deed of union or any such modification thereof as aforesaid shall prevail.

13 Construction of word 'Conference'. Wherever the word 'conference' is used in any Act of Parliament order deed will memorandum and articles of association or other instrument as applicable to the annual conference or assembly of any of the said churches or denominations such word shall after the date of union be construed to mean the conference.

14 Power to adopt new Model Deed. It shall be lawful for the uniting conference by resolution passed by the votes of not less than three fourths of the respective representatives of each of the said churches or denominations present at the uniting conference and voting upon the said resolution (the representatives of each of the said churches or denominations voting first separately and then as one body) to settle and adopt a form of model trust deed for the settlement of any church lands which shall be held by virtue of the section of this Act of which the marginal note is 'Church lands to be held in trust for Methodist Church' or any lands tenements hereditaments feu duties ground annuals ground rents heritably secured perpetual annual payments tack duties bonds of relief bonds and dispositions in security dispositions leases or other heritable rights which shall at any time after the date of union be acquired by or on behalf of or in connection with the Methodist Church or any congregation of members thereof or any society institution or charity subsidiary or ancillary to the Methodist Church upon trusts for or for the purposes of or in connection with any church or chapel or any vestry minister's or other dwelling-house schoolroom lecture hall mission hall or other building or burial ground in connection with any such church or chapel and as soon as any trust deed shall have been completed and executed in accordance with the form so settled and adopted such trust deed shall be forthwith sent to the office of the Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

15 Power to alter new Model Deed. (1) At any time after the date of union and from time to time it shall be lawful for the conference by resolution passed in one year by the votes of not less than three fourths of the members of the conference of that year present and voting upon such resolution and confirmed in the next subsequent year by a resolution of the conference of that year similarly passed to alter amend or repeal any of the provisions of the new model deed and to adopt any new provisions with respect to any matters to which the new model deed relates subject and except as provided by subsection (4) of this section.

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(2) Every such alteration amendment repeal and new provision as aforesaid shall have effect and be binding on the Methodist Church as from the date of the confimatory resolutions in this section mentioned and thereafter the new model deed and the trusts and provisions therein contained shall be construed and take effect as modified or added to by such alteration amendment repeal or new provision as aforesaid and reference in any document (whether executed before or after the said date) to the new model deed shall be construed and take effect as reference to the new model deed as modified or added to by such alteration amendment repeal or new provision.

(3) Any such alteration amendment repeal or new provision may at any time and from time to time if the conference shall so determine be embodied in a deed poll under the hand and seal of the president for the time being of the conference and any such deed poll shall within three months after execution be sent to the office of the Charity Commissioners for the purpose of being recorded in the books of the said commissioners.

(4) The conference shall not have any power to alter or vary in the new model deed the clause therein contained relating to the doctrinal standards of the Methodist Church.

16 Period for which Ministers may be appointed. In the exercise of the powers of the conference to appoint ministers to the use and enjoyment of places of worship it shall be lawful for the conference notwithstanding anything to the contrary contained in the trust deeds of any of the said churches or denominations existing at the date of union to appoint a minister to the use and enjoyment of any place of worship for more than three years successively.

17 Power to existing Trustees to adopt new Model Deed. (1) If at any time after the date of union the trustees of any church lands or a majority of them or in the case of trustees of any church lands in Scotland a majority and quorum of them shall be desirous that such church lands shall be held upon the trusts declared by the new model deed and by any such alteration amendment repeal or new provision as aforesaid then made or adopted or thereafter to be made or adopted instead of the trusts upon which the same shall have been previously held it shall (subject to the restriction of this Act relating to doctrinal standards) be lawful for such trustees or a majority of them or in the case of trustees of any church lands in Scotland a majority and quorum of them to execute and transmit to the president for the time being of the conference a declaration in the form contained in Part I or Part II (as the case may be) of the schedule to this Act and thereupon such church lands shall thenceforth be and be deemed to be held (subject to the restrictions aforesaid) upon and with and subject to the trusts powers and provisions declared and contained in the new model deed and in any such alteration amendment repeal or new provision as aforesaid then made or adopted or thereafter to be made or adopted instead of the trusts powers and provisions upon and with and subject to which the same were previously held subject nevertheless and without prejudice to any mortgage charge incumbrance lien bond lease or agreement at the date of such declaration as aforesaid affecting the same respectively.

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(2) Any such declaration relating to any church lands in Scotland shall forthwith after the execution thereof be recorded in the appropriate register of sasines.

(3) This section shall not apply to church lands which are subject to the jurisdiction of the Charity Commissioners except with the consent of the said commissioners.

18 Personal property of uniting Churches to be held in trust for Methodist Church. All personal or moveable property (other than chattels real or the several funds mentioned in the section of this Act of which the marginal note is 'As to certain annuitant superannuation and other funds') at the date of union belonging to or held in trust for or on behalf of or in connection with or for any of the purposes of the Wesleyan Methodist Church the Primitive Methodist Church or the United Methodist Church respectively or for the purposes of any society institution or charity subsidiary or ancillary to any of the said churches or denominations shall as from that date be deemed to belong to or to be held in trust for or for the purposes of the Methodist Church or the corresponding society institution or charity subsidiary or ancillary to the Methodist Church nevertheless in other respects upon the same trusts and with and subject to the same powers and provisions as those upon with and subject to which the same were previously held so far as circumstances will permit.

19 Annuitant Superannuation and other funds. (1) Subject as in this section provided the trustees for the time being of or other the persons having for the time being the legal control of or power of disposition over the respective funds following (namely):

- (a) The Wesleyan Methodist Preachers Annuitant Society the Wesleyan Methodist Worn-Out Ministers and Ministers Widows Auxiliary Fund;
- (b) The Superannuated Ministers Widows and Orphans Fund of the Primitive Methodist Church the Annuitant Society of the Primitive Methodist Church;
- (c) The Superannuation and Beneficent Society of the United Methodist Church;
- (d) All other funds (if any) whether created before or after the passing of this Act applicable for the benefit of retired or superannuated ministers or the widow or children of a deceased minister of any of the said churches or denominations;

shall from and after the date of union continue to hold and apply or permit to be applied the said respective funds in accordance with the trusts and for the benefit of the members and other persons in accordance with which and for the benefit of who the same shall be held and be applicable at the date of union.

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(2) It shall be lawful for the trustees for the time being of or other the persons having for the time being the legal control of or power of disposition over any of the said respective funds at any time after the date of union to enter into and carry into effect upon such terms and conditions and in such manner generally as the said trustees or other persons may think proper and as may be approved by the conference any agreement or arrangement for the amalgamation of such fund with and the transfer thereof to the trustees for the time being of any superannuation or beneficent fund of or in connection with the Methodist Church which may be instituted at any time after the date of union and from and after transfer as aforesaid the trustees or other persons by whom the same is made shall by virtue of this Act be released and discharged from all claims demands actions and proceedings in respect of the said fund and the trusts thereof or in respect of any sale investment or transposition of investment payment other dealing or anything done or omitted by them in respect thereof or otherwise howsoever in relation thereto.

(3) It shall be lawful with the approval of the conference for any two or more of the said existing funds to be amalgamated with each other and for any one or more of the said existing funds to be amalgamated with any new fund that may be established with similar objects.

20 Gifts to uniting Churches to take effect in favour of Methodist Church. Any bequest contained in a will or codicil made by any person living at the date of union in favour of or directed to be administered by or in connection with any of the said churches or denominations or a society institution or charity susidiary or ancillary to any of the said churches or denominations shall take effect in favour of or be administered by or in connection with the Methodist Church or (as the case may be) the corresponding society institution or charity subsidiary or ancillary to the Methodist Church and shall be held by the trustees for the time being thereof upon with and subject to such trusts powers and provisions as are by such will or codicil expressed concerning the same Provided that (a) in any case in which a power or discretion shall be by such will or codicil reposed in any officer or body of or connected with any of th said churches or denominations such power and discretion shall be and be considered as having been conferred upon and reposed in and shall be exercisable by the conference or any committee of the conference or any officer of the Methodist Chu ch to whom the conference shall delegate the same and (b) in any case in which a person or a class of persons or a society institution charity or fund standing in any relation to any of the said churches or denominations shall be an object named or designated in the said bequest the object of such bequest shall be a person or a class of person or a society institution charity or fund standing in a similar relation to the Methodist Church generally.

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21 Receipt for bequests in certain cases. In any case where by a will or codicil made by any person whether having died before or dying after the passing of this Act any bequest has been or shall be made in favour of or directed to be administered by or in connection with any of the said churches or denominations or a society institution or charity subsidiary or ancillary to any of the said churches or denominations and the legal personal representatives of such person or any trustees in whom such bequest is vested are unable for any reason to obtain the receipt for such bequest of any person whose receipt is an effectual discharge for the same the receipt of a treasurer appointed for such purpose by the conference or of the secretary for the time being of the conference shall be an effectual discharge to such legal personal representatives or trustees as aforesaid (as the case may be) and shall exonerate them from being concerned to see to the application of such bequest and from being answerable for the misapplication or non-application thereof.

22 Actions and proceedings by and against Methodist Church. All actions and all proceedings of every description by or on behalf of or against the Methodist Church may be commenced raised carried on or defended in the names of the president vice-president and secretary for the time being of the conference as the nominal plaintiffs prosecutors pursuers petitioners defendants or defenders (as the case may be) for and on behalf of the Methodist Church and in all actions or proceedings the property of the Methodist Church may be stated to be the property of the said president vice-president and secretary and generally in every such proceeding as aforesaid it shall be lawful and sufficient to state and to use the name of such president vice-president and secretary for and on behalf of the Methodist Church and the death resignation removal or incapacity of or any act or thing done or suffered by such president vice-president or secretary shall not abate or affect any action or other proceeding conducted in accordance with the provisions of this section.

23 Service of process on Methodist Church. In all cases where it may be necessary to serve any notice writ or other legal proceeding on the Methodist Church in any action or process which may be instituted or raised against the Methodist Church service thereof respectively on the president vice-president or secretary for the time being of the conference either personally or by leaving the same at his last known place of abode shall be deemed good service of the same on the Methodist Church.

24 Affidavits etc. for and on behalf of the Methodist Church. Any affidavit statutory or other declaration or any answer or other similar document required from or by the Methodist Church may be made and verified by the president vice-president and secretary for the time being of the conference for and on behalf of the Methodist Church.

25 Indemnity to President and other officials Every president vice-president and secretary for the time being of the conference in whose name any action or proceeding

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shall have been commenced raised carried on or defended shall be reimbursed and fully indemnified out of the funds of the Methodist Church for all loss damages costs and expenses which he may sustain or be put to by reason or in consequence of any action or proceeding commenced raised carried on or defended by or against them as the nominal plaintiffs prosecutors pursuers petitioners defendants or defenders for and on behalf of the Methodist Church.

26 President etc. of Uniting Conference to be deemed President etc. of Conference. For the purposes of the sections of this Act of which the respective marginal notes are 'As to actions and proceedings by and against Methodist Church' 'Service of process on Methodist Church' 'As to affidavits etc. for and on behalf of Methodist Church' and 'Indemnity to president and other officials' the president vice-president and secretary for the time being of the uniting conference shall respectively until the first meeting of the conference be deemed to be the president vice-president and secretary of the conference.

27 Act not to impose liability upon Methodist Church in respect of incumbrances. Except where in this Act expressly provided nothing in this Act contained shall render the Methodist Church subject to any liability or responsibility either directly or by way of indemnity or otherwise for or in respect of any mortgages charges incumbrances liens bonds and dispositions in security or obligations created or contracted in respect of any church lands or any property referred to in the section of this Act of which the marginal note is 'Personal property of uniting churches to be held in trust for Methodist Church' or shall relieve any property or any person from any liability or responsibility to which they would be otherwise subject in respect of any such mortgage charge incumbrance lien bond and disposition in security or obligation.

28 Trustees' indemnity preserved. Nothing in this Act contained shall deprive any trustee of church lands or of any property referred to in the section of this Act of which the marginal note is 'Personal property of uniting churches to be held in trust for Methodist Church' of any rights to which but for this Act he would be entitled to be indemnified out of such lands or property in respect of any mortgage charge incumbrance lien bond and disposition in security or obligation in respect of which he shall have become personally liable.

29 Copies of certain documents to be evidence. A document whether written or printed purporting to be a copy of the deed of union or of the new model deed or of any resolution of the conference making or adopting or of any deed poll or deed of declaration embodying any alteration amendment or repeal of the provisions of the deed of union or of the new model deed or any new provisions with respect to any matters to which the deed of union or the new model deed relate or to the constitution of the Methodist Church and purporting to be signed by the president or vice-president

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and secretary for the time being of the uniting conference or of the conference shall be deemed to be a true copy of such deed of union or new model deed or resolution or deed poll or deed of declaration (as the case may be) and shall be received in evidence in all courts and in all proceedings whether civil or criminal as if it were the original document unless some variation between it and the original document shall be proved.

30 Provisions as to buildings certified as places of religious worship and registered for solemnisation of marriages. (1) (a) Every building which shall have been certified and recorded on behalf of any congregation of members of the Wesleyan Methodist Church the Primitive Methodist Church the United Methodist Church or any body or denomination which has become merged or united in the United Methodist Church as a place of meeting for religious worship under the provisions of the Places of Worship Registration Act 1855 or any Act repealed by that Act and the record of the certification whereof has not at the date of union been cancelled under the provisions in that behalf contained in that Act shall for all purposes whatsoever be deemed to have been certified and recorded on behalf of a congregation of members of the Methodist Church.

(b) The secretary of the conference shall as soon as may be after the date of union transmit to the Registrar-General in England a list of all buildings to which this subsection applies signed by the president or vice-president and secretary of the conference and the said Registrar-General shall in the first available list made out and printed by him pursuant to section 7 of the said Act unless after the date of union and the transmission of such list as aforesaid the record of the certification of any such building has in the meantime been so cancelled as aforesaid state with respect to every such building that the Methodist Church is the religious denomination to which the persons for the time being certifying every such building belong.

(2) (a) Every building which shall have been registered on behalf of any congregation of members of the Wesleyan Methodist Church the Primitive Methodist Church the United Methodist Church or any body or denomination which has become merged or united in the United Methodist Church for the solemnisation of marriages therein pursuant to the provisions of the Marriage Act 1836 and the registry whereof shall not at the date of union have been cancelled pursuant to section 19 of that Act shall for all purposes whatsoever be deemed to have been so registered on behalf of a congregation of members of the Methodist Church.

(b) The secretary of the conference shall as soon as may be after the date of union transmit to the Registrar-General in England a list of all buildings to which this subsection applies signed by the president or vice-president and secretary for the time being of the conference and the said Registrar-General shall in the list of places of public worship registered under the provisions of the said Act made out and printed by him pursuant to section 34 of the said Act in the earliest year possible after the date of union and the transmission of such list as aforesaid unless in the meantime the registry of any such

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building shall have been cancelled pursuant to section 19 of the said Act state with respect to every such building that such building is registered on behalf of a congregation of members of the Methodist Church.

(3) The Registrar-General in England may after comparing the lists signed by the president or vice-president and secretary of the conference with the records in his official register and after consultation with the said president or vice-president and secretary make any correction therein that may be found necessary.

(4) For the purposes of this section the president vice-president and secretary for the time being of the uniting conference shall respectively until the first meeting of the conference be deemed to be president vice-president and secretary of the conference.

(5) The Registrar-General in England shall accept as sufficient evidence of the date of union the production of the deed of union at any time after the date therein purporting to be the date thereof.

31 Union not to work a dissolution or extinction of Conference of Uniting Churches.

The union of the said churches or denominations pursuant to the provisions of this Act in that behalf in one united church or denomination under the name of the Methodist Church shall not nor shall anything in this Act contained nor shall any act or thing done or suffered by any of the said churches or denominations pursuant to this Act be deemed to be or operate as either:

- (a) in the case of the Wesleyan Methodist Church an extinction of the conference of the people called Methodists within the meaning of the provisions in that behalf contained in the deed poll of the twenty-eighth day of February one thousand seven hundred and eighty-four;
- (b) in the case of the Primitive Methodist Church an extinction of the said Primitive Methodist Connexion within the meaning of the provisions in that behalf contained in the deed poll of the fifth day of February one thousand eight hundred and thirty;
- (c) in the case of the United Methodist Church an extinction of the conference of the United Methodist Church.

32 Schemes. Nothing in this Act shall take away abridge or affect any power or jurisdiction of the Charity Commissioners or Board of Education who may deal with modify or vary any of the provisions of this Act relating to or affecting any charity (educational or otherwise as the case may be and whether or not already dealt with by a scheme of the Charity Commissioners or Board of Education) by a scheme in the exercise of their ordinary jurisdiction as if those provisions had been contained in a scheme of the Charity Commissioners or so far as they affect educational charities of the Board of Education Provided that nothing in this section contained shall take away abridge or affect any

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exemption from the operation of the Charitable Trusts Acts 1835 to 1925 conferred upon any charity by the said Acts or any of them.

33 Power to unite with other churches. The Methodist Church may by a resolution of the conference passed and confirmed as in this section provided unite or amalgamate with any other church or religious body or association upon such terms and conditions as the Methodist Church by a resolution of the conference passed and confirmed as in this section provided may determine Provided that the power conferred by this section shall not be exercised except subject to and in conformity with such provisions (if any) relating to such union or amalgamation as aforesaid as shall be contained in the deed of union or in any alteration or amendment thereof made or new provisions adopted under any power in that behalf contained in the deed of union Provided also that notwithstanding any provision to the contrary contained in the deed of union or in any such alteration amendment or new provision as aforesaid every resolution to which this section refers shall be passed in one year by the votes of not less than three fourths of the members of the conference of that year present and voting upon such resolution and confirmed in the next subsequent year by a resolution of the conference of that year similarly passed.

34 Saving for provisions of model deeds defining doctrinal standards of existing churches. Nothing in this Act or in the provisions of the deed of union or any modification thereof which the Methodist Church may at any time hereafter adopt shall be deemed to alter amend or vary in any manner whatsoever such of the provisions contained in any of the model deeds or any other deeds of or relating to any of the places of worship or schools of the said churches or denominations existing at the date of union as define or relate to the doctrinal standards set forth in such deeds of any such places of worship or schools.

35 Extent of Act. (1) This Act shall not extend to Northern Ireland but shall extend to the Channel Islands and the Isle of Man Provided that as regards the Island of Jersey subsection (2) of this section shall apply and that as regards the Isle of Man subsections (3) (4) and (5) of this section shall apply and the said subsection (3) shall be in substitution for subsection (2) of the section of this Act of which the marginal note is 'Provisions as to buildings certified as places of religious worship and registered for solemnisation of marriages'.

(2) The transfer to the Methodist Church of any church lands held in trust in the Island of Jersey by the Wesleyan Methodist Church the Primitive Methodist Church or the United Methodist Church shall be effected subject to the provisions of the law relating to trusts passed by the States of Jersey on the twenty-fourth day of September one thousand eight hundred and sixty-one and confirmed by Order in Council of the twenty-first day of March one thousand eight hundred and sixty-two and such church lands shall be held by the Methodist Church subject to the provisions of the said law.

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(3)(a) Every building which shall have been registered on behalf of any congregation of members of the Wesleyan Methodist Church the Primitive Methodist Church or the United Methodist Church or any body or denomination which has become merged or united in the United Methodist Church for the solemnisation of marriages therein pursuant to the provisions of the Act of the Isle of Man Legislature intituled 'the Civil Registration and Dissenters Marriage Act 1924' or pursuant to any of the Acts of the said Legislature repealed by such Act and the registry whereof shall not at the date of union have been cancelled shall for all purposes whatsoever be deemed to have been so registered on behalf of a congregation of members of the Methodist Church.

(b) The secretary of the conference or (until the first meeting of the conference) of the uniting conference shall as soon as may be after the date of union transmit to the Registrar-General of the Isle of Man a list of all buildings to which this subsection applies signed by the president or vice-president and secretary of the conference or (until the first meeting of the conference) of the uniting conference and the said Registrar-General shall then in the book kept under the provisions of the said Act enter such buildings as registered on behalf of a congregation of members of the Methodist Church and shall issue a certificate of such registration and advertise the same and there shall be payable the same fee as provided in the said Act.

(4) Where in pursuance of this Act any deed or other document is required to be sent to the office of the Charity Commissioners a copy of such deed or other document shall at the same time be sent to the office of the Registry of Deeds in the Isle of Man.

(5) As from the date of union the Acts of the Isle of Man Legislature intituled 'the Wesleyan Methodist Trust Property Act 1901' and 'the Primitive Methodist Trust Property Act 1906' shall apply with the substitution of the word 'Methodist' for 'Wesleyan Methodist' or 'Primitive Methodist' as the case may be.

36 Costs of Act. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid as to one half thereof by and out of the general funds of the Wesleyan Methodist Church as to one fourth thereof by and out of the general funds of the Primitive Methodist Church and as to one fourth thereof by and out of the general funds of the Methodist Church.

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The SCHEDULE referred to in the foregoing Act.
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PART I – APPLICABLE TO ENGLAND AND WALES
AND THE ISLE OF MAN.

In reference to the church lands situate at

belonging to the Methodist Church.

DECLARATION BY THE TRUSTEES

We the undersigned being [a majority of] the trustees of the church lands above referred to hereby declare in accordance with the section of the Methodist Church Union Act 1929 of which the marginal note is 'Power to existing trustees to adopt new model deed' that subject to the restrictions referred to in the said section we will henceforth hold the said church lands on the same trusts and with and subject to the same powers and provisions as are declared and contained in the new model deed of the Methodist Church in the said Act referred to with respect to the church lands comprised therein [† or as near thereto as the difference in tenure will permit].

IN WITNESS whereof we the undersigned have hereunto set our respective hands and seals the day of

Signed sealed and delivered

by A. B. in the presence of

† If the church lands referred to are freehold, the words enclosed in the square brackets should be omitted

PART II – APPLICABLE TO SCOTLAND

In reference to the church lands situate at

belonging to the Methodist Church.

DECLARATION BY THE TRUSTEES

We [names and addresses of trustees in full] the trustees of the church lands above referred to acting under [particulars of deed of trust] hereby declare in accordance with the section of the Methodist Church Union Act 1929 of which the marginal note is 'Power to existing trustees to adopt new model deed' that subject to the restrictions referred to in the said section we are henceforth to hold all the whole [description of church lands as in titles] on the same trusts and with and subject to the same powers and provisions as are declared and contained in the new model deed of the Methodist Church in the said Act referred to.

IN WITNESS whereof

[To be signed by the trustees or a majority and quorum of the trustees and testing clause to be added.]