



# United Reformed Church Act 2000

## 2000 CHAPTER ii

### 1 Short title

This Act may be cited as the United Reformed Church Act 2000.

### 2 Interpretation

In this Act, unless the subject or context otherwise requires—

“Act of 1972” means the United Reformed Church Act 1972;

“Act of 1981” means the United Reformed Church Act 1981;

“Assembly Moderator” means the Moderator of the General Assembly;

“clerk” means the clerk of the General Assembly;

“college” means the Scottish Congregational College, formerly known as the Theological Hall of the Scottish Congregational Churches in Scotland;

“company” means The Congregational Union of Scotland Nominees Limited;

“concurring church” means any one of the member churches of the Union which shall have passed a resolution to concur;

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

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

“General Assembly” means the General Assembly of the United Reformed Church;

“judicial rate” means the rate of interest from time to time prescribed by the Court of Session as being payable under a decree;

“local church” means a local church of the United Reformed Church;

“non-concurring church” means any one of the member churches of the Union which shall not have passed a resolution to concur;

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

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“Proposals for Unification” means the Proposals for Unification approved by resolution of the General Assembly on 12th July 1998 and by resolution of the Annual Assembly of the Union passed on 4th September 1998 or, if those Proposals are amended on or before the date of unification, those Proposals as so amended;

“recognised body” has the meaning given by section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990;

“resolution to concur” means a resolution of a member church of the Union under and in accordance with the Proposals for Unification;

“Structure of the United Reformed Church” means the Structure of the United Reformed Church as contained in the Proposals for Unification as that Structure may from time to time be varied;

“Synod Moderator” means the Moderator of the Synod of Scotland;

“Synod of Scotland” means the National Synod for Scotland to be established in accordance with the Proposals for Unification;

“trust deed” means any deed, instrument or other writing constituting a trust or in terms of which any property is or may be held in trust and shall include any settlement, trust deed, deed of covenant, trust disposition and settlement, will or codicil, any lease, disposition or other deed or conveyance relating to land or any private or local Act of Parliament, Royal Charter or resolution of any corporation or ecclesiastical body and any court decree or interlocutor;

“Unifying Assembly” means the General Assembly and the Annual Assembly of the Union meeting together in accordance with the Proposals for Unification;

“Unifying Declaration” means the declaration which under the Proposals for Unification effects the unification of the Union with the United Reformed Church;

“Union” means the Congregational Union of Scotland comprising the Evangelical Union and the Congregational Union as existing in 1896; and

“United Reformed Church” means the church or denomination as defined in section 2 (Interpretation) of the Act of 1972 (and which from the date of unification is to be known and described as the United Reformed Church).

### **3 Validity and evidence of Unifying Declaration**

- (1) The declaration by the person presiding over the Unifying Assembly at that Assembly that the Unifying Declaration has been passed in accordance with the Proposals for Unification shall be final and conclusive as to that fact and as to the satisfaction of all preliminary procedures and conditions defined and declared in the Proposals for Unification and the date, validity and effectiveness of the Unifying Declaration shall not thereafter be questioned on any ground in any court or proceeding whatsoever.
- (2)
  - (a) The person presiding over the Unifying Assembly forthwith after the passage of the Unifying Declaration shall certify his declaration of that event and the date thereof and shall send the certificate together with a copy of the Proposals for Unification to the Keeper of the Registers of Scotland for registration in the Books of Council and Session.
  - (b) A copy of the certificate referred to in the preceding paragraph or of the Proposals for Unification authenticated either by the Assembly Moderator or by the clerk shall be admissible in all courts and proceedings as evidence respectively of the matters certified and of the contents of the Proposals for

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Unification; and a document purporting to be such a copy shall be received without proof of the position or handwriting of the person authenticating it.

#### **4 Validity and evidence of resolutions to concur**

- (1) The declaration by the person presiding at a meeting of a member church of the Union that a resolution to concur has been passed shall be final and conclusive as to that fact and as to the satisfaction of all preliminary procedures and conditions, and the date, validity and effectiveness of such a resolution shall not thereafter be questioned on any ground in any court or proceedings whatsoever.
- (2) Forthwith after the passing of this Act the General Secretary of the Union shall send all certificates of resolutions to concur received by him in accordance with the Proposals for Unification to the Keeper of the Registers of Scotland for registration in the Books of Council and Session.

#### **5 Dissolution of unincorporated associations**

- (1) On the date of unification every association to which this section applies shall be dissolved and all offices held in, or in connection with, each such association shall be extinguished.
- (2) Subject to the provisions of section 21 (Ecumenical churches) of this Act, this section applies to—
  - (a) the Union;
  - (b) the Annual Assembly of the Union;
  - (c) each concurring church; and
  - (d) every committee, council or other unincorporated association of, or exclusively subsidiary or ancillary to, any of the associations referred to in paragraphs (a) to (c) of this subsection.

#### **6 Heritable property held in trust for concurring churches**

- (1)
  - (a) Subject to the provisions of section 20 (Union churches participating with other denominations in united churches) and section 21 (Ecumenical churches) of this Act, all heritable property which immediately before the date of unification is held in trust for, or for the purposes of, or in connection with, a concurring church, shall on and from that date, and in accordance with the following provisions of this section, be held in trust for or (as the case may be) for equivalent purposes of, or in connection with, the local church corresponding to the concurring church in question.
  - (b) A certificate given by the Synod Moderator that any local church is the church corresponding to any concurring church shall be conclusive evidence of such correspondence for all purposes.
- (2)
  - (a) The trust deed relating to any heritable property to which subsection (1) of this section applies being either heritable property held in trust for use as a church, chapel, church hall, mission hall, preaching station, Sunday school or other place of religious worship, or heritable property held in trust for use as a manse or place of residence of a minister, lay worker or caretaker, shall on and from the date of unification have effect as if the provisions contained either in Part I or (as the case may be) in Part II of Schedule 1 to this Act were

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substituted for the operative provisions previously contained in such deed, and the references in either Part of the said Schedule to “the trustees” and “the premises” shall be construed (notwithstanding any definition in the deed) as references to the trustee or trustees for the time being of the deed and to the heritable property and, where appropriate, the buildings to which the deed relates and references to “the local church” shall be construed as references to the local church corresponding to the concurring church to which the deed relates.

- (b) In any case where under paragraph (a) of this subsection the provisions of both Part I and Part II of Schedule 1 to this Act would or might (but for this paragraph) be substituted as therein provided the provisions of Part I only of that Schedule shall be so substituted.
  - (c) In any case where the property subject to any trust referred to in paragraph (a) of this subsection comprises in addition to heritable property any capital money, investments or other property, paragraph (a) of this subsection shall apply to all the property so comprised.
  - (d) Every agreement with a minister of a concurring church or with a lay worker for, or caretaker engaged by, a concurring church which is in force at the date of unification and which relates to the occupation of a manse or place of residence of a minister, lay worker or caretaker shall on and from that date have effect as if references therein (whether express or implied) to that church and to the provisions of any trust deed were references to the corresponding local church and the provisions of that deed as affected by the preceding provisions of this subsection.
- (3) The trust deed of any heritable property to which subsection (1) of this section applies, not being a trust deed to which subsection (2) of this section applies, shall on and from the date of unification have effect as if words referring to a local church were substituted for any words therein referring to or describing a concurring church.
- (4) The provisions of subsection (1) of this section shall not have the effect of bringing into operation any destination-over or any rights of pre-emption, redemption, reduction, resumption, irritancy, forfeiture or any other rights to enforce conditions contained in such a trust deed vested in any person or persons.
- (5) The foregoing provisions of this section shall operate in relation to any arrangement or scheme legally established and affecting heritable property to which subsection (1) of this section applies as if the arrangement or scheme were a trust deed and as if paragraph 8 in both Parts of Schedule 1 to this Act were omitted.

## **7 Other property held in trust for concurring churches**

- (1) Subject to the provisions of section 20 (Union churches participating with other denominations in united churches) and section 21 (Ecumenical churches) of this Act, all property (other than property to which the preceding section of this Act applies) which immediately before the date of unification is held in trust for, or for the purposes of, or in connection with—
- (a) a concurring church;
  - (b) the minister or ministers of a concurring church; or
  - (c) the members of or any class of members of a concurring church;

shall on and from that date be held in trust for or (as the case may be) for equivalent purposes of or in connection with the local church, the minister or ministers of the

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local church, or the members or class of members of the local church corresponding to the concurring church for which, or for the purposes of, or in connection with which, the property was previously held but otherwise, so far as circumstances will permit, upon the same trusts and with and subject to the same powers and provisions as those upon which the property was held before the date of unification.

- (2) The provisions of subsection (1) of this section shall not have the effect of bringing into operation any destination-over or any rights of pre-emption, redemption, reduction, resumption, irritancy, forfeiture or any other rights to enforce conditions contained in such a trust deed vested in any person or persons.
- (3) A certificate given by the Synod Moderator that any local church is the church corresponding to any concurring church shall be conclusive evidence of such correspondence for all purposes.

## **8 Property held in trust for Union**

- (1) On and from the date of unification and until distribution has been made in accordance with the provisions of subsection (9) or subsection (10) of section 9 (Allocation of property to which section 8 applies) of this Act, all property to which this section applies shall be held so far as circumstances will permit upon the same trusts and with and subject to the same powers and provisions as those upon which the property was held before the date of unification but the purposes of such trusts and the powers and provisions thereof shall be hereby varied or extended so as to include purposes of the United Reformed Church corresponding to any purpose of the trust which was extant before the date of unification.
- (2) If immediately before the date of unification any property to which this section applies was (in whomsoever vested) subject to the management of any dissolved association then, until distribution has been made in accordance with the provisions of subsection (9) or subsection (10) of section 9 (Allocation of property to which section 8 applies) of this Act, the management of that property shall be exercised—
  - (a) where the management was previously exercised by a concurring church, by the local church corresponding to that concurring church; and
  - (b) in any other case, by such persons as the Synod of Scotland shall appoint but the Synod of Scotland may delegate the exercise of its powers under this paragraph to any person or body of persons.
- (3) This section applies to all property which immediately before the date of unification is held for or on behalf of, or in trust for, or for the purposes of, or in connection with, the Union (and in particular shall include all property held by the company) other than—
  - (a) property to which section 6 (Heritable property held in trust for concurring churches) or section 7 (Other property held in trust for concurring churches) of this Act applies;
  - (b) property comprising the Scottish Congregational Ministers' Central Pension Scheme, The Scottish Congregational Ministers' Money Purchase Pension Scheme and The Scottish Congregational Ministers Money Purchase Pension Fund Trust;
  - (c) property held for or on behalf of, or in trust for, or for the purposes of, or in connection with a non-concurring church;
  - (d) property to which section 23 (Property of a church which has left the Union) of this Act applies; and

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- (e) property to which section 24 (Property held in trust for Scottish Congregational College) of this Act applies.

## **9 Allocation of property to which section 8 applies**

- (1) In this section the expression “property of the Union” shall mean, unless the subject or context otherwise requires, the property to which section 8 (Property held in trust for Union) applies.
- (2) (a) The General Secretary of the Union to the extent possible before the date of unification and thereafter the Synod Moderator shall cause to be ascertained the value at the date of unification of the property of the Union (such value in this section being referred to as “the gross ascertained value”).
- (b) (i) In the case of heritable property and moveables the value to be ascertained shall be the price which such property might reasonably be expected to fetch if sold in the open market by a willing seller at the date of unification.
- (ii) In the case of securities quoted on the Stock Exchange the value to be ascertained shall be the price one-quarter up from the lower to the higher of the range of prices for each such security quoted in the Stock Exchange Daily Official List for the date of unification or, if no quotations are issued for that day, then for the business day next following the date of unification.
- (3) There shall be deducted from the gross ascertained value such sum as the auditors to the Union shall certify as representing all liabilities of the Union incurred or due in respect of the period prior to the date of unification and unpaid at that date, calculated in accordance with the accounting policies of the Union and generally accepted accounting principles (the resultant net value being referred to in this section as “the net ascertained value”).
- (4) Forthwith upon the ascertainment of the net ascertained value the Synod Moderator shall cause a schedule of distribution (in this section referred to as “the schedule of distribution”) to be prepared.
- (5) The schedule of distribution shall—
- (a) list the assets comprising the property of the Union and the values of such assets at the date of unification;
- (b) show the liabilities of the Union as certified by the auditors to the Union in accordance with subsection (3) of this section; and
- (c) allocate—
- (i) to each non-concurring church a sum equal to such proportion of the net ascertained value as the membership of such non-concurring church (as recorded in the last year book of the Union to be published before the date of unification) bears to the membership (as so recorded) of all concurring and non-concurring churches; and
- (ii) to the Synod of Scotland the balance of the net ascertained value remaining after such allocation to the non-concurring churches.
- (6) Forthwith upon completion of the schedule of distribution the Synod Moderator shall cause a copy of it to be sent by prepaid post to the Secretary (as last notified to the Union) of each non-concurring church at the address of such secretary (as so notified).

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- (7) Any non-concurring church may by resolution, passed by a majority of those present and (being entitled to vote) voting at a meeting called for that purpose and notified in writing to the Synod Moderator within one month after the posting to the secretary of such church of the copy of the schedule of distribution, request that the valuation of any heritable property forming part of the property of the Union as shown therein be referred to arbitration.
- (8) If requests made in accordance with the provisions of subsection (7) of this section in respect of the same heritable property are received by the Synod Moderator from more than one half in number of non-concurring churches, the Synod Moderator shall refer the valuation of that property to a single arbiter appointed by the President of the Law Society of Scotland and the decision of such arbiter shall be final.
- (9) If during the period of one month from the date of posting of the last copy of the schedule of distribution to be sent to a non-concurring church requests for reference to arbitration made in accordance with the provisions of subsection (7) of this section have not been received in respect of the same heritable property from more than one half in number of the non-concurring churches, the Synod Moderator shall cause distribution to be made in accordance with the schedule of distribution (and for such purpose all trustees in whom property of the Union is vested shall act in accordance with the instructions given by the Synod Moderator).
- (10) If a reference to arbitration shall be made in accordance with subsection (8) of this section the Synod Moderator shall cause distribution to be made in accordance with the schedule of distribution revised only in accordance with the arbiter's determination (and for such purpose all trustees in whom property of the Union is vested shall act in accordance with the instructions given by the Synod Moderator forthwith upon receipt of the arbiter's determination).
- (11) Any sum payable to a non-concurring church in pursuance of the provisions of this section shall if not so paid within three months after the date of unification carry interest at the judicial rate from the day of the date three months after the date of unification until the date of payment.
- (12) The Synod Moderator may for the purpose of giving effect to the schedule of distribution at his discretion cause a sale to be made of any part of the property of the Union and for such purpose the trustees in whom any part of the property of the Union is vested shall act in accordance with instructions given by the Synod Moderator.
- (13) Following completion of the distribution in accordance with the schedule of distribution to the non-concurring churches any trustees (other than the company) in whom any part of the property of the Union may be vested shall if required by resolution of the Synod of Scotland transfer such property to the company and all the property of the Union then remaining shall be held by the company (or by the trustees in whom it may for the time being be vested) upon such trusts for such charitable purposes of, or in connection with, the Synod of Scotland and subject to such powers and provisions (including powers and provisions for management and administration thereof) as the Synod of Scotland may determine and declare by deed signed by the Synod Moderator or other officer of the Synod authorised for this purpose by resolution of the Synod of Scotland.
- (14) Any sum paid to a non-concurring church under this section shall be held by it as an accretion to funds held for its general purposes.

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## **10 Gifts which are to take effect as gifts to United Reformed Church**

- (1) Subject to the provisions of section 21 (Ecumenical churches) of this Act, any provision contained in any settlement, trust deed, deed of covenant, agreement, trust disposition and settlement, will or codicil or any scheme of division of property coming into operation on or after the date of unification and being a provision in favour of, or directed to be administered by, any dissolved association, shall, subject to the provisos hereinafter contained, have effect as a provision in favour of, or to be administered by, the corresponding association of the United Reformed Church but upon, with and subject to such trusts, powers and provisions as are by such settlement, trust deed, deed of covenant, agreement, trust disposition and settlement, will or codicil expressed concerning the same:

Provided that so long as there shall be a separately identifiable Synod of Scotland within the Structure of the United Reformed Church any such provision in favour of the Union or the Annual Assembly of the Union or in favour of any committee, council or other unincorporated association of, or exclusively subsidiary or ancillary to either the Union or the Annual Assembly of the Union shall have effect as a provision in favour of, or to be administered by, the Synod of Scotland or such body or association as shall be nominated by the Synod of Scotland but upon, with and subject to such trusts, powers and provisions as are by such settlement, trust deed, deed of covenant, agreement, trust disposition and settlement, will or codicil expressed concerning the same:

Provided further that if in the case of any provision under this subsection a person or class of persons or a society, institution, recognised body, charity or fund standing in any relation to any dissolved association is an object named in the provision, the object of such provision shall be a person or a class of persons or a society, institution, recognised body, charity or fund standing in a similar relation to the United Reformed Church generally.

- (2) In any case to which the preceding subsection applies the receipt for a gift or bequest of the treasurer of the Synod of Scotland or of the clerk of or the treasurer or secretary of the body or association referred to in that subsection shall be an effectual discharge to the trustees or personal representatives concerned and shall exonerate them from being concerned to see to the destination or application of the gift or bequest and from being answerable for the misapplication or non-application thereof.

## **11 Power to make grants, etc., to United Reformed Church**

Subject to the provisions of section 21 (Ecumenical churches) of this Act, the power of any person under any enactment or document to make grants to or to lend property to or to provide benefits for any dissolved association, or to or for any minister, officer, members or class of members of such an association, or to or for any child, widow, widower or other dependant of such a minister, officer or member shall on and from the date of unification be exercisable in favour of (as the case may be) an association, minister, officer, members or class of members of the United Reformed Church or the children, widow, widower or other dependants of such a minister, officer or member.

## **12 Powers vested in dissolved associations**

- (1) Subject to the provisions of section 21 (Ecumenical churches) of this Act, where immediately before the date of unification any power with respect to any trust or any power of nomination is or is to be vested in any dissolved association, or in



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any minister or officer of a dissolved association, in the capacity of such minister or officer, then on and from that date any such power shall (in the case of a power previously vested or to be vested in an association) vest in such person or body of persons as the Synod of Scotland shall from time to time appoint and (in the case of a power previously vested or to be vested in a minister or officer) in the holder of the corresponding ministry or office of the United Reformed Church:

Provided that this section shall not apply where the trust relates exclusively to a church other than a concurring church which immediately prior to the dissolution of the Union was a member church thereof or to the members or any class of members of such a church.

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

### **13 Preservation of existing trusteeships**

- (1) Subject to the provisions of this Act, nothing in this Act shall operate to divest any trustee (including any custodian trustee) of any property vested in him immediately before the date of unification.
- (2) Where in any document it is provided that the trustees of any trust shall be members of a dissolved association such document shall on and after the date of unification be read and have effect as if the reference to membership of that association included a reference to membership of the United Reformed Church.

### **14 Real conditions restricting use of heritable property**

On and from the date of unification any words referring to or describing whether expressly or by implication the Union or a concurring church being words which immediately before that day were contained in any restriction as to the use of heritable property shall be read, construed and have effect as including a reference to or description of the United Reformed Church.

### **15 Completing title to property**

For the purpose of completing a title, if thought fit, to any property transferred by virtue of this Act by notice of title or otherwise, or to deduce title, this Act shall be deemed to be, and may be used as, a general disposition, conveyance, or as the case may be, assignation of such property to the transferee.

### **16 Pending representative actions, etc**

- (1) Subject to the provisions of section 21 (Ecumenical churches) of this Act, any action, arbitration or proceeding which shall on the date of unification be pending by or against representatives of any dissolved association shall not abate or be discontinued or be in any way prejudicially affected by reason of the provisions of this Act or of anything empowered to be done thereunder but the same may be prosecuted and continued as if this Act had not been passed.
- (2) Any cause of action, arbitration or proceeding which shall on the date of unification be existing against or in favour of persons representative of any dissolved association shall not be prejudicially affected by reason of the provisions of this Act or of anything

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empowered to be done thereunder, but the same may be enforced against or by such representative persons as shall be nominated for the purpose by the Assembly Moderator as and when it might have been enforced if this Act had not been passed.

## **17 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 date of unification whether as party to any action, arbitration or proceeding as trustee or in any other capacity whatsoever.

## **18 Admission of other churches**

- (1) Any church other than a concurring church which immediately prior to the dissolution of the Union was a member church thereof, may, if so authorised by not less than three-fourths of those present and (being entitled to vote) voting at a meeting of the members thereof specially convened for the purpose, apply to be unified with the United Reformed Church and shall be admitted thereto if the General Assembly so resolves by not less than three-fourths of the members thereof present and voting.
- (2) Any admission under the preceding subsection shall occur on such day as the Assembly Moderator in consultation with the Synod Moderator shall appoint.
- (3) On and from the day of admission appointed under the preceding subsection the provisions of this Act shall apply as if the day of admission was the date of unification and as if the church were a concurring church.

## **19 The Congregational Union of Scotland Nominees Limited**

- (1) On the date of unification the name of the company shall be changed to The United Reformed Church (Synod of Scotland) Nominees Limited.
- (2) On and from the date of unification the only members of the company shall be those members who immediately before that date were members of the Council of Management of the company or who have been appointed under the provisions of subsection (3) of this section, and all other members shall be deemed to have retired from membership immediately before that date.
- (3)
  - (a) On and from the date of unification the Synod of Scotland shall have sole power of appointing members of the Council of Management of the company.
  - (b) The Synod of Scotland may delegate the power conferred on it by paragraph (a) of this subsection to such other body or person as it thinks fit.
- (4) Subject to the provisions of this Act, on and after the date of unification references in the Memorandum and Articles of Association of the company to the Union and to its annual assembly and general committee shall be read and construed, unless the context otherwise requires, as references to the Synod of Scotland and references to member churches of the Union shall be read and construed as references to churches which—
  - (a) were member churches of the Union immediately prior to its dissolution; or
  - (b) are local churches in Scotland of the United Reformed Church.
- (5) Where immediately before the date of unification the company is acting as nominee of a non-concurring church or as trustee of assets held in trust for or on behalf of a non-concurring church, the company shall, notwithstanding the provisions of

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subsection (4) of this section, continue so to act until that non-concurring church appoints another body or person to act as nominee or trustee in its place.

- (6) Forthwith after the date of unification a copy of this Act printed by the Queen's Printer shall be sent to the Registrar of Companies in Scotland who shall enter the new name of the company on the register in place of the former name and shall issue a certificate of incorporation altered to meet the change of name.
- (7) The production of a copy of this Act printed by the Queen's Printer shall on and after the date of unification be conclusive evidence in all courts and proceedings of the matters set forth in this section.

## **20 Union churches participating with other denominations in united churches**

- (1) This section applies to—
  - (a) Trinity E.U. Congregational Church, Falkirk (a member church of the Union which participates in Grahamston United Church with the Church of Scotland congregations of Grahamston Parish Church and Grahams Road Parish Church and the congregation of Falkirk Methodist Church); and
  - (b) Mossspark Congregational Church, Glasgow (a member church of the Union which participates in Mossspark United Church with the congregation of Ibrox Methodist Church).
- (2) Section 6 (Heritable property held in trust for concurring churches) of this Act shall not apply to a church to which this section applies and section 7 (Other property held in trust for concurring churches) of this Act shall apply to its heritable as well as its non-heritable property.
- (3) Nothing in this Act shall affect any rights of, or the trusts upon which any property is held for, for the purposes of or in connection with, any Church of Scotland or Methodist congregation participating in Grahamston United Church or Mossspark United Church.

## **21 Ecumenical churches**

- (1) This section applies to—
  - (a) Livingston Ecumenical Parish (an ecumenical church of the Union, the Church of Scotland, the Scottish Episcopal Church and the Methodist Church);
  - (b) Morningside United Church (an ecumenical church of the Union and the Church of Scotland); and
  - (c) Oakshaw Trinity, Paisley (an ecumenical church of the Union and the Church of Scotland).
- (2) Section 5 (Dissolution of unincorporated associations), section 6 (Heritable property held in trust for concurring churches) and section 7 (Other property held in trust for concurring churches) of this Act shall not apply to a church to which this section applies.
- (3) In the application of section 10 (Gifts which are to take effect as gifts to United Reformed Church), section 11 (Power to make grants, etc., to United Reformed Church), section 12 (Powers vested in dissolved associations), section 13 (Preservation of existing trusteeships) and section 16 (Pending representative actions, etc.) of this Act to Morningside United Church and Oakshaw Trinity, Paisley,

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the reference to any dissolved association shall be a reference to Morningside Congregational Church or to School Wynd Congregational Church, Paisley (as the case may be) and the reference to an association, minister, officer, members or class of members of the United Reformed Church or the children, widow, widower or other dependants of such a minister, officer or member shall be a reference to Morningside United Church or Oakshaw Trinity, Paisley or to the ministers, officers, members or class of members of Morningside United Church or Oakshaw Trinity, Paisley or to the children, widow, widower or other dependants of such ministers, officers or members.

- (4) In the event of any future variation, re-arrangement or termination of Morningside United Church or Oakshaw Trinity, Paisley bringing about the revival or reinstatement of the trusts of Morningside Congregational Church or of School Wynd Congregational Church, Paisley, any reference in a trust deed relating to or in respect of Morningside Congregational Church or School Wynd Congregational Church, Paisley, to a Congregational Church or to the Union, the Evangelical Union or the Congregational Union shall take effect as a reference to the United Reformed Church.
- (5) Nothing in this Act shall affect any rights of, or the trusts upon which any property is held for, for the purposes of or in connection with, any Church of Scotland, Scottish Episcopal or Methodist Church or congregation participating in or forming part of Livingston Ecumenical Parish, Morningside United Church or Oakshaw Trinity, Paisley.

## **22 Property held in trust for concurring and non-concurring churches**

- (1) In this section the expression “joint property” shall mean, unless the subject or context otherwise requires, any property which immediately before the date of unification is held in trust for or for the purposes of or in connection with—
- (a) a concurring church (whether alone or jointly with one or more other concurring churches) and a non-concurring church;
  - (b) the minister or ministers of one or more concurring churches and the minister or ministers of one or more non-concurring churches; or
  - (c) the members or any class of members of one or more concurring churches and the members or any class of members of one or more non-concurring churches; (such trusts or purposes being referred to in this section as “the joint purposes”).
- (2) On and from the date of unification and until distribution has been made in accordance with the provisions of this section, all joint property to which this section applies shall be managed so far as circumstances permit by the same persons, and with the same powers, as if this Act had not been passed, and those persons shall permit the property or the benefit thereof to be used for the joint purposes in such manner as in the opinion of those persons will enable the joint property to be used and enjoyed as nearly as possible in the same manner as it was used and enjoyed immediately before the date of unification.
- (3) (a) The General Secretary of the Union to the extent possible before the date of unification and thereafter the Synod Moderator shall cause to be ascertained the value at the date of unification of the joint property (such value in this section being referred to as “the joint value”).
- (b) (i) In the case of heritable property and moveables the value to be ascertained shall be the price which such property might reasonably

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be expected to fetch if sold in the open market by a willing seller at the date of unification.

- (ii) In the case of securities quoted on the Stock Exchange the value to be ascertained shall be the price one-quarter up from the lower to the higher of the range of prices for each such security quoted in the Stock Exchange Daily Official List for the date of unification or, if no quotations are issued for that day, then for the business day next following the date of unification.

- (4) Forthwith upon the ascertainment of the joint value the Synod Moderator shall—
  - (a) list the assets comprising the joint property and the values of such assets at the date of unification; and
  - (b) allocate the joint property between the joint purposes in proportion to the membership of the respective concurring and non-concurring churches (as recorded in the last year book of the Union to be published before the date of unification);

and the Synod Moderator may appropriate assets as between the joint purposes and determine the form of the property allocated as he sees fit.

## **23 Property of a church which has left the Union**

The United Reformed Church disclaims any property or any share in any property to which it might be entitled as a result of a church named in Schedule 2 to this Act having left the Union.

## **24 Property held in trust for Scottish Congregational College**

- (1) In this section “the Baxter trusts” means—
  - (a) the trust originally comprising heritable property established by Miss Mary Ann Baxter and registered in the Books of Council and Session on 25th June 1884; and
  - (b) the trust for the appointment of a professor at the college established by Miss Mary Ann Baxter and registered in the Books of Council and Session on 14th December 1884;

and includes any lawful amendments made to the trusts.

- (2) On and from the date of unification any reference in a trust deed of the Baxter trusts to a Congregational Church or to the Union, the Evangelical Union or the Congregational Union shall be deemed to include a reference to the United Reformed Church.
- (3) The provisions of subsection (2) of this section shall not have the effect of bringing into operation any destination-over or any rights of pre-emption, redemption, reduction, resumption, irritancy, forfeiture or any other rights to enforce conditions contained in such a trust deed vested in any person or persons.

## **25 Seceding churches**

- (1) In any case where the General Assembly passes a resolution permitting a concurring church to secede from the United Reformed Church then, as and from the date of such resolution, the property of any such church shall be held upon the same trusts and for the same purposes as it was held immediately before the date of unification.

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

## **26 Arbitration**

Any question arising under this Act as to what corresponds to any association, recognised body, charity, class of members, committee, court, institution, members, minister, ministry, office, officer, purpose, society, concurring church or non-concurring church, shall be determined by a single arbiter appointed by the President of The Law Society of Scotland, and the award of such arbiter shall be final:

Provided that the said President shall not be liable for the payment of the arbiter’s fee or the costs of the arbitration.

## **27 Saving for actions of trustees**

Nothing done by a trustee in preparing or procuring, or in pursuance of, or otherwise in connection with, the Proposals for Unification or the provisions of this Act, including any act pursuant to, or in compliance with, the unifying process set forth in the Proposals for Unification shall constitute, or shall have constituted, a breach of trust by that trustee.

## **28 Synod of Scotland**

In the event of there being at any future time no separately identifiable Synod of Scotland within the Structure of the United Reformed Church, all gifts, rights, powers and responsibilities expressed in this Act to devolve upon and to be administered and discharged by the Synod of Scotland shall during any such time devolve upon and be administered and discharged by the General Assembly or by such other council of the United Reformed Church as the General Assembly may from time to time determine.

## **29 Saving for charges, etc**

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

## **30 Saving of powers in regard to charities**

Nothing in this Act shall affect any power of Her Majesty or the court to alter the trusts of any recognised body or charity.

## **31 Amendment of Act of 1972 and Act of 1981**

- (1) Section 19 (Appointment of trust corporations) of the Act of 1972 shall have effect as if—
- (a) in subsections (1) and (3) for the words “church lands” there were substituted the words “church property”;

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- (b) in subsection (4) for the definition of “church lands” there were substituted the following definition:—

““church property” means any property held for the purposes of the United Reformed Church or any local church;”.

- (2) Section 21 (Seceding churches) of the Act of 1981 shall have effect as if in subsection (3) for the reference to the Charities Act 1960 there were substituted a reference to the Charities Act 1993.
- (3) Section 30 (Application to Scotland) of the Act of 1981 shall have effect as if there were substituted the following section:—

This Act shall extend to Scotland, and in the application thereof to Scotland—

- (a) the expression “mortgage” includes a standard security, an assignation, transfer or disposition ex facie absolute and any contract 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;
- (b) the expression “will” includes a trust disposition and settlement and any instrument taking effect on the death of any person whereby any part of his estate is disposed of, or under which a succession thereto arises; and
- (c) for Schedule 2 to this Act there shall be substituted the provisions of Schedule 1 to the United Reformed Church Act 2000.”.
- (4) Paragraph 1 of Part I of Schedule 2 to the Act of 1981 shall have effect as if there were substituted the following paragraph:—

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

- (a) The public worship of God according to the principles and usages for the time being of the United Reformed Church;
- (b) The instruction of children or adults; or
- (c) The promotion of other charitable purposes not inconsistent with the principles and usages aforesaid;

such use to be primarily by the members of the local church or any other church which may supersede it as a result of amalgamation or regrouping and to be directed by the Church Meeting acting with due regard for the recommendations of the Elders' Meeting and those other Councils of the United Reformed Church which exercise oversight of the local church.”.

- (5) In the Act of 1972 and the Act of 1981, the expressions “Provincial Synod” and “Synod of the province” shall, in relation to property in Scotland and property in Wales, mean the National Synod of Scotland or the National Synod of Wales, as the case may be.
- (6) In the Act of 1981, the expression “District Council” shall, in relation to property in Scotland, mean the area council within whose area such property is situated.

## **32 Application to Channel Islands and Isle of Man**

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

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- (a) to any of the Channel Islands;
- (b) to the Isle of Man;

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

### **33 Costs of Act**

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