



# United Reformed Church Act 2000

## 2000 CHAPTER ii

An Act to make provision as to property held on behalf of the Congregational Union of Scotland, its member churches and the Scottish Congregational College, and for other purposes incidental to or consequential upon the unification of the Congregational Union of Scotland with the United Reformed Church in the United Kingdom; to amend the United Reformed Church Act 1972 and the United Reformed Church Act 1981; and for connected purposes. [10th February 2000]

### WHEREAS—

- (1) The Congregational Union of Scotland comprising the Evangelical Union and the Congregational Union as existing in 1896 (hereinafter called “the Union”) is a voluntary association of—
  - (a) bodies of Christian people organised as local churches joined together by mutual agreement whose membership consists of those who confess their faith in Jesus Christ as their Saviour and Lord, agreeing to promote its objects and contribute to its funds;
  - (b) ministers and pastors received and still recognised by the Annual Assembly of the Union; and
  - (c) professors of the Scottish Congregational College ex officio:
- (2) The Congregational Union of Scotland Nominees Limited is a company limited by guarantee having for its main object the holding of property in trust for the Union and local member churches of the Union:
- (3) The United Reformed Church in England and Wales (hereinafter called “the United Reformed Church”) was formed by a Uniting Declaration passed on 5th October 1972 in pursuance of the Scheme of Union approved by the Assembly of the then Congregational Church in England and Wales on 11th May 1971 and by the General Assembly of the then Presbyterian Church of England on the same day:
- (4) By a declaration made on 26th September 1981 by the General Assembly of the United Reformed Church and the Annual Conference of the Re-formed Association of Churches of Christ in Great Britain and Ireland whereby the said Re-formed Association of Churches of Christ in Great Britain and Ireland became unified with the United Reformed Church, the United Reformed Church was re-named and has thenceforth been known as the United Reformed Church in the United Kingdom:

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- (5) Since 1997 representatives of the United Reformed Church and of the Union have held discussions which have culminated in the Proposals for Unification (hereinafter called “the Proposals”) which were approved by the General Assembly of the United Reformed Church on 12th July 1998, and by the Annual Assembly of the Union on 4th September 1998:
- (6) The Proposals provide for the unification of the Union with the United Reformed Church if the procedures and conditions defined and declared in the Proposals are satisfied:
- (7) Such unification must involve the variation of trusts of property held for or for the purpose of the Union, local member churches of the Union and the Scottish Congregational College:
- (8) It is expedient that the variations of trusts for which provision is made in this Act should be made if such unification takes place:
- (9) It is expedient that certain provisions of the United Reformed Church Act 1972 and the United Reformed Church Act 1981 should be amended as in this Act provided:
- (10) It is further expedient that the other provisions of this Act (being provisions incidental to and consequential upon such unification) should be enacted:
- (11) The Secretary of State for Scotland, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons have decided pursuant to the provisions of section 1(4) of the Private Legislation Procedure (Scotland) Act 1936 that it is expedient that the powers conferred by this Act should be conferred by one enactment and notice of their decision has been published in accordance with those provisions:
- (12) 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 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;

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“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;

“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

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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 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

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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 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.