

PROJET DE LOI

ENTITLED

The Methodist Church (Bailiwick of Guernsey) Law, 1987 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXX, p. 135. See also the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 264); the Law Reform (Age of Majority) (Sark) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 378); the Age of Majority (Alderney) Law, 2001 (No. XXV of 2001, Ordres en Conseil Vol. XLI, p. 738); the Housing (Temporary Provisions) (Prescribed Persons) Ordinance, 1990.

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the 31st day of July, 1986, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Establishment of the Board.

1. (1) There is established a body called "The Trustees for the Bailiwick of Guernsey Methodist Church Purposes" (referred to in this Law as "**the Board**") to perform the functions assigned to the Board by this Law and the Act.

(2) The Board is a body corporate having perpetual succession and a common seal and with power to acquire and hold property and to convey, transfer, exchange, assign, lease, charge, or otherwise dispose of any property held by it.

(3) The Board may act as trustees and custodian trustees.

(4) The Board may sue and be sued under the name of "The Trustees for the Bailiwick of Guernsey Methodist Church Purposes".

(5) Any power of the Board conferred by this section is exercisable subject to such consents or orders as would, but for this Law and the Act, be requisite if the power were an express power conferred by an instrument

creating a trust.

NOTE

In accordance with the provisions of the Housing (Temporary Provisions) (Prescribed Persons) Ordinance, 1990, respectively section 1 and section 2, with effect from 3rd October, 1990 and for the purposes of, first, section 1(1)(c) and, second, section 2(1)(f) of the Housing (Temporary Provisions) (Sark) Law, 1976, first, the Trustees for the Bailiwick of Guernsey Methodist Church Purposes and, second, any person referred to in section 2 of the 1990 Ordinance are declared to be persons of a prescribed description for those purposes.

Registered office.

2. The Board shall –

- (a) as soon as possible after it has been constituted, establish and thereafter maintain in the Island of Guernsey a registered office at which all instruments for service upon it shall be served,
- (b) give written notice of the situation of the registered office and of any change thereof within fifteen days of the establishment or the change, as the case may be, to Her Majesty's Greffier.

Membership of the Board.

3. (1) Subject to the provisions of this Law and the Act, the Board shall consist of the Chairman of the Synod, the Superintendent Minister of the Circuit and such number of appointed members as the Synod thinks fit, provided that such number is four, six or eight.

(2) Each appointed member of the Board shall, at the time of his appointment, be –

- (a) a member of the Methodist Church, and
- (b) resident in the Bailiwick,

and, subject to subsection (4) of this section, shall hold office until he attains the age of seventy years.

(3) The Synod –

- (a) shall appoint the first appointed members of the Board, and
- (b) may, subject to the provisions of this section, appoint new or additional appointed members of the Board,

in each case following nomination by the Circuit; and a written statement of the Chairman of the Synod is conclusive evidence of any such appointment.

(4) If a member of the Board –

- (a) dies,
- (b) is declared insolvent,
- (c) makes an assignment for the benefit of his creditors,
- (d) refuses or is unfit to act or is incapable of acting as a

member of the Board,

- (e) is an appointed member and resides out of the Bailiwick for a continuous period of one year,
- (f) ceases to be a member of the Methodist Church,
- (g) by written notice posted or delivered to the Chairman of the Synod states his desire to resign from the Board, or
- (h) attains the age of seventy years,

he shall thereupon cease to be a member of the Board.

(5) On the occurrence of a vacancy in the appointed membership of the Board by virtue of subsection (4) of this section, the Synod shall make such further appointments in accordance with subsection (3) of this section as are necessary to cause the membership of the Board to comply with subsection (1) of this section.

(6) The proceedings of the Board are not invalidated by any vacancy in its membership.

Procedure of the Board.

4. (1) Subject to the provisions of this Law and the Act, of any other enactment or rule of law and of any trust deed under which the Board holds any property, the Board may determine its own procedure.

(2) The common seal of the Board shall be kept by such person

as the Board, by resolution or by memorandum under the hands of all its members, appoints, and shall not be affixed to any instrument without the sanction of at least two members of the Board testified by their signatures to a statement written on the instrument expressing such sanction; but it shall not be necessary for the members so testifying their sanction to be present at the affixing of the seal.

Vesting of property.

5. (1) All property in the Bailiwick held, immediately before the commencement of this Law, upon the trusts of any of the deeds mentioned in Schedule 1 to the Act, is, by virtue of this Law and without further assurance, transferred to and vested in the Board in place of and to the exclusion of all persons who were, immediately before the commencement of this Law, the trustees of that property.

(2) The Board shall hold the property referred to in subsection (1) of this section as custodian trustees upon the model trusts, discharged from all trusts, powers and provisions affecting the property immediately before the commencement of this Law, but subject to any encumbrance affecting it.

(3) The Board may receive and hold property given or transferred to it upon or for any trusts, intents or purposes –

- (a) of the Methodist Church in the Bailiwick or its Synod, circuits, districts, missions or other connexional or local organisations, whether or not immediately connected with chapels,
- (b) connected with any of its Sunday schools, day schools, or ministers' houses, or

- (c) connected with any society, institution or charity subsidiary or ancillary to the Methodist Church.

Management of property.

6. Where any property (referred to in this section as "**trust property**") vests in the Board as custodian trustees –

- (a) the trust property vests in the Board as if it were sole trustee,
- (b) the management of the trust property, and the exercise of any power or discretion exercisable by the trustees of that property under the trusts applicable to it, vests in the managing trustees thereof,
- (c) as between the Board and the managing trustees, but without prejudice to the rights of any other person, the Board shall have custody of all securities and documents relating to the trust property, but the managing trustees shall have free access to them and may take copies of them or extracts from them,
- (d) the Board shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them, including the power to pay money or securities into court, unless the manner in which it is requested to concur is a breach of trust, or involves a personal liability on its members in respect of calls or otherwise; but, unless it so concurs, the

Board is not liable for any act or default on the part of the managing trustees or any of them,

- (e) all sums accruing to or payable from the trust property shall be paid to or by the Board, but the Board may allow any such sum to be paid to or by the managing trustees or to or by such person, or into or from such bank account, as the managing trustees direct; and in such a case the Board is exonerated from seeing to the application of the sum and is not answerable for any loss or misapplication thereof,
- (f) the power of appointing new trustees, when exercisable by the managing trustees, is exercisable by the managing trustees alone,
- (g) the Board, if it acts in good faith, is not liable for –
 - (i) accepting as correct and acting on the faith of any written statement by the managing trustees as to any matter of fact upon which the title to the trust property may depend,
 - (ii) acting upon any legal advice obtained by the managing trustees independently of the Board.

Trustees' indemnity.

7. Nothing in this Law or the Act deprives a trustee of property referred to in section 5(1) of this Law of any right which, but for this Law or the Act, he would have to be indemnified out of such property.

Proof of resolutions.

8. A document purporting to be a copy of a resolution passed by the Conference, Synod, Circuit or Board, the document being or purporting to be signed by the Secretary, Chairman of the Synod, Superintendent Minister of the Circuit or Chairman of the Board, as the case may be, is conclusive evidence that the resolution was duly passed; and a letter signed or purporting to be signed by the Secretary, Chairman of the Synod, Superintendent Minister of the Circuit or Chairman of the Board, as the case may be, declaring that the resolution was passed by a particular majority, is conclusive evidence of the fact.

Liability and indemnity of Board members.

9. (1) A member of the Board –

- (a) who, in his capacity as a member, executes or is a party to a contract or other instrument, or otherwise lawfully joins in the execution of the Board's powers under this Law or the Act, incurs no civil or criminal liability by reason of the fact,
- (b) incurs no civil or criminal liability by reason of any other lawful act done by the Board or any of its members in the execution of the Board's powers.

(2) The Board shall indemnify its members, their executors and administrators out of any trust property vested in it for any payment made or loss, liability or cost incurred by them –

- (a) in connection with the trust property or the trusts affecting it, and

- (b) in the execution of this Law or the Act.

Interpretation.

10. In this Law –

- (a) **"the Act"** means the Methodist Church Act 1976 as extended to the Bailiwick by the Methodist Church Act 1976 (Guernsey) Order 1987,

"appointed member" means a member of the Board who is neither the Chairman of the Synod nor the Superintendent Minister of the Circuit,

"the Board" has the meaning given by section 1 of this Law,

"the Circuit" means the Bailiwick of Guernsey Circuit of the Methodist Church,

"the managing trustees" means, in relation to any property, such of the appropriate persons ascertained in respect of that property in accordance with the provisions of Part II of Schedule 2 to the Act as are of full age,

"purposes of the Methodist Church" means the purposes mentioned in section 4 of the Act,

"the Synod" means the Channel Islands District Synod

of the Methodist Church,

- (b) **"the Conference", "the Methodist Church", "model trusts", "property" and "the Secretary"** have the meanings respectively given by section 2(1) of the Act.

NOTE

In accordance with the provisions of, first, the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978, section 1(1) and section 1(2), with effect from 1st July, 1978 and subject to the saving provision in section 1(6) of the 1978 Law, second, the Law Reform (Age of Majority) (Sark) Law, 1986, section 1(1) and section 1(2), with effect from 3rd February, 1987 and subject to the savings in section 1(3) of, and the Schedule to, the 1986 Law and, third, the Age of Majority (Alderney) Law, 2001, section 1(1) and section 1(3), with effect from 14th December, 2001 and subject to the transitional and savings provisions in section 1(5) of, and the Schedule to, the 2001 Law, a person shall attain full age on attaining the age of eighteen instead of on attaining the age of twenty and the reference in this section to a person of "full age" shall be construed accordingly.

Citation.

11. This Law may be cited as the Methodist Church (Bailiwick of Guernsey) Law, 1987.

Commencement.

12. This Law shall come into operation on the date on which the Methodist Church Act 1976 (Guernsey) Order 1987 is registered on the records of the Island of Guernsey.

NOTE

The Methodist Church Act 1976 (Guernsey) Order 1987 was registered on the Records of the Island of Guernsey on 5th October, 1987.
