

Deferred Special Resolution

Conference 2019 submitted a deferred special resolution (regarding a change to Model Trust 14(2A)) to the Synods, Circuit Meetings, Church Councils and to the Faith and Order and Law and Polity Committees under the terms of Standing Order 126(3).

This is a two year process, and so it will come back to the Conference in 2021. Under the terms of SO 126, it needs to be considered by the Synods during this year, before Church Councils and Circuit Meetings consider it, and then it will come back to the Synod (with the votes from Church Councils and Circuit Meetings) in the spring of 2021.

We therefore suggest the following:

- Synods are alerted to it in spring 2020.
- Church Councils are asked to vote on it in autumn 2020.
- Circuit Meetings receive the vote from each Church Council within their Circuit and vote as a Circuit Meeting early in 2021.
- Synods receive a report from the Circuit Meetings and vote as a Synod in spring 2021.

We will provide Synod Secretaries with a pro forma (listing each Circuit within that District) so that the votes from each Circuit can be recorded and submitted. We suggest that they ask superintendents to record the voting at each Church Council within their Circuit and submit these to their Synod Secretary. We will need the record of the circuit votes, but we won't need a record of every Church Council which can be held locally. We will be reporting the Synod votes to the Conference with a note of the number of Circuits voting in favour and those against in each District and we will retain records of the circuit votes for reference.

See below the briefing paper which explains what the vote is about, for use in Synods, Circuit Meetings and Church Councils.

Use of Methodist Premises by other Churches

Guidance for Circuits and Local Churches considering a change in the Model Trusts

Introduction

1. The governing body of the Methodist Church is its annual Conference. Among its responsibilities is that of being the 'Parliament' of the Church, passing legislation which sets or alters the rules for the conduct of its affairs and the management of its property. Most such legislation takes immediate effect, but sometimes the Conference decides, or is required, to consult other bodies within the Church before it confirms particular changes.
2. This note is for the guidance of Circuit Meetings and Church Councils in considering one such change. It tries to be as helpful as possible but is only guidance; the authoritative provisions governing the process are to be found in the relevant constitutional documents and in the record of the proceedings of the Conference.

The Model Trusts

3. All Methodist property used by Circuits or Local Churches is held on charitable trusts, and for nearly all such property those trusts are set out in what are called the 'Model Trusts', contained in a schedule to an Act of Parliament, the Methodist Church Act 1976. Most unusually for part of an Act of Parliament the Model Trusts can be amended by our Conference, with certain exceptions and subject to compliance with special procedures.
4. Under the Model Trusts property is vested in the Trustees for Methodist Church Purposes (a corporate body based in Manchester) as custodian trustees, but managed by locally based managing trustees, who are the adult members of the Circuit Meeting for 'circuit property', such as manses, and of the Church Council for 'local property', such as chapels.

Paragraph 14(2A)

5. The change now under consideration is to paragraph 14(2A) of the Model Trusts. Paragraph 14 is concerned with worship, and clauses (1) and (3) contain basic provisions about the conduct of ordinary Methodist services of worship in accordance with Methodist doctrinal standards, but clauses (2) (which is original) and (2A) (added later) provide that in certain limited cases members of other Christian bodies may use Methodist premises. Clause (2A), with which we are at present concerned, reads as follows:

(2A) Notwithstanding that any of the members of any church or congregation hereinafter mentioned may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may by Standing Order prescribe permit the use of a place of worship or any other premises comprised in the property by members of one or more Christian churches or congregations, either for particular occasions or for a period which shall not in any case exceed twelve months, provided that (i) such permission shall be given only upon terms that it is revocable by the managing trustees and (ii) such consent as aforesaid shall be given only in cases where to grant such permission would not (having regard to all the circumstances) offend the doctrinal standards.

The need for change

6. In recent years a number of Circuits and Churches have found this provision unduly restrictive and a hindrance to their being able to conclude arrangements with other Christian bodies which they believe would further the work of God in their situations. The matter partly concerns the distinction between a lease (which gives exclusive possession) and a licence (non-exclusive possession). While clause 2A allows a licence of up to a year to another Christian group, the requirement that the arrangement be revocable effectively excludes the possibility of a lease. This means that it is not currently possible to allow another Christian group to use premises with exclusive possession, say, where the Methodist worship has been discontinued. The requirement that even a licence be for no more than a year at a time also creates difficulties where the other Christian body needs greater security of tenure, for example in order to carry out improvements. Moreover, although paragraph 14 is primarily concerned with worship, these restrictions apply to any arrangement with another Christian body, even if it will not be using the premises for its worship.
7. The Conference, on the recommendation of the Methodist Council, was persuaded that these concerns should be met by an amendment to paragraph 14(2A).

The amendment

8. The Conference of 2019 therefore resolved to amend paragraph 14(2A) to read as follows, deletions being indicated by ~~strike through~~ and insertions by **bold italics**:

(2A) Notwithstanding that any of the members of any church or congregation hereinafter mentioned may not subscribe to the doctrinal standards, the managing trustees may with the consent of such person or persons as the Conference may by Standing Order prescribe permit the use of a place of worship or any other premises comprised in the property by members of one or more Christian churches or congregations, either for particular occasions or for a period ~~which shall not in any case exceed twelve months~~ ***determined by the managing trustees by way of a licence or a lease***, provided that (i) ~~such permission shall be given only upon terms that it is revocable by the managing trustees and~~ (ii) such consent as aforesaid shall be given only in cases where to grant such permission would not (having regard to all the circumstances) offend the doctrinal standards.

9. It is important to note that the words 'with the consent of such person or persons as the Conference may by Standing Order prescribe' remain, so managing trustees will still require the consent of the superintendent and the Methodist Council or its delegates for such arrangements; indeed the Conference, by another resolution, directed the Methodist Council to produce a policy to be applied in dealing with applications for such consent. It is likely that the policy will require some way of ensuring that nothing against our doctrines is preached in the building. Moreover the managing trustees' other existing obligations under the Model Trusts and the general law of the land continue to apply.

Consultation

10. Special procedures must be followed when paragraph 14 is amended. Such an amendment must be by what is called a 'deferred special resolution', which requires a process of consultation over the period of two years following its initial adoption by the Conference and then its return to the Conference two years later (in this case in 2021), with a report on the outcome of that consultation, for confirmation or otherwise.
11. The involvement of Church Councils and Circuit Meetings in this process is provided for by Standing Order 126(5), which requires that each Church Council and Circuit Meeting shall consider the resolution in or before March in the second year following the passing of the resolution (in this case by March 2021) and shall report its approval or disapproval both to the Synod of the District and to the Conference.
12. Although the Standing Order requires only that all this be done in or before March 2021 it is recommended that Church Councils deal with the matter in the autumn of 2020, so that Circuit Meetings can be informed of the outcome in their Church Councils and give the subject their consideration by early 2021, and in any event in good time before the deadline. The reports to the Synods need to reach the Synod secretaries in good time to be collated and sent to Synod members before the Spring Synods.
13. It is important to note that the vote in each Church Council and Circuit Meeting is simply to approve or disapprove. The Conference resolution cannot be amended. Please record and return the numbers voting for and against.