

THIS DECLARATION OF TRUST was adopted by Congregational Federation Limited on the 13th day of JUNE 2009 as a recommended governing document for Congregational Churches who are members of the Congregational Federation and for whom Congregational Federation Limited are appointed as holding trustees, the form having been previously agreed between Congregational Federation Limited and the Charity Commission and also having been approved by HM Revenue and Customs, and it shall henceforth be known as and referred to as the **APPROVED GOVERNING DOCUMENT**

1. Definitions

In the deed:-

- 1.1 “the Church” means the Congregational Church that has adopted this Model Trust Deed whether directly or as a consequence of this superseding the previous Model Trust Deed.
- 1.2 “the Minister” means the stated Minister or Pastor for the time being of the Church.
- 1.3 “the Federation” means the Congregational Federation being the registered charity number 264839 having offices at 8 Castle Gate Nottingham NG1 7AS.
- 1.4 “the Holding Trustees” means Congregational Federation Limited of 8 Castle Gate Nottingham NG1 7AS (Registered Charity Number 267469) or such other Holding Trustees as shall be appointed in accordance with the provisions hereinafter set out.
- 1.5 “the Managing Trustees” means the local representatives appointed to be Managing Trustees of the Church in accordance with the provisions hereafter set out.
- 1.6 “the Church Meeting” means a properly constituted meeting of the members of the Church as hereinafter provided for.
- 1.7 “the Church Members” means persons recognised as Members of the Church and appointed and recorded as such in agreed fashion by the Church Meeting
- 1.8 “the Church Property” means the land and buildings to which these trusts relate and which are vested in the Holding Trustees and which are under the day to day care and management of the Church.
- 1.9 “a Special Resolution” means a resolution of the Church Meeting notified and passed in accordance with the provisions hereinafter contained.

- 1.10 “The Foundation Trusts” mean the Trusts declared on the acquisition of the Church property by the Church or in any later Trust deed executed by the then Trustees of the Church

2. Objects

- 2.1 The principal purpose of the church is the advancement of the Christian faith according to the principles and usages for the time being of Congregationalism and in accordance with any specific requirements in the Foundation Trusts.

The Church may also advance education relieve need and carry out other charitable purposes in the United Kingdom and other parts of the World

3. Holding Trustees

- 3.1 The Church Property shall be vested in the name or names of the Holding Trustees

- 3.2 The Holding Trustees shall be entitled to send a representative appointed by themselves in whatever manner they choose, to any Church Meeting or Meeting of the Managing Trustees and the said representative shall have power to speak at such Meeting but not to vote.

- 3.3 The Holding Trustees shall be entitled to make such reasonable requests for information in respect of the management and administration of the Church and the use of the Church premises (including copies of documentation) and the Managing Trustees shall comply with such reasonable requests as quickly as possible.

- 3.4.1 The Holding Trustees shall not be bound to make any enquiry as to the Management and administration of the Church or the use of the Church Premises.

3.4.2 Should the Holding Trustees become aware that the Trusts contained herein (or the Foundation Trusts where the requirements thereof still apply) may not be being complied with or any action is being taken which may jeopardise the charitable status of the Church or they have reasonable grounds to suspect that any aspect of the Church’s management or administration is not being carried out correctly then the Holding Trustees shall have power to investigate and raise questions of the Managing Trustees and the Church Meeting and to call such meetings of the Managing Trustees and the Church Meeting as they may consider appropriate and to report accordingly to the Charity Commission and other proper offices.

3.4.3 The Holding Trustees shall also in such circumstances have power to put forward resolutions for consideration at any Meeting of the Managing Trustees or the Church Meeting but shall not have power to vote thereon.

3.5 The Holding Trustees may, at any time upon a Special Resolution being passed by the Church Meeting, take over and assume the responsibilities of the Managing Trustees

3.6 The Holding Trustees will hold the Church Property on Trust to permit the Church Property to be used occupied and enjoyed as a place for the public worship of God and for preaching the gospel of the Lord Jesus Christ according to the principles and usages for the time being of Congregationalism and such declarations of principles as may be agreed and made from time to time by the Church Meeting.

3.7 The Holding Trustees shall also permit the Church Property to be used for the promotion of such Christian religious and other charitable purposes not inconsistent with the principal purpose as the Church Meeting shall from time to time agree.

3.8 The Holding Trustees (and the Managing Trustees and the Church Meeting) shall continue to be bound by any provisions in the Foundation Trusts relating to :

3.8.1 The doctrinal standards to be held and proclaimed by the Church

3.8.2 The qualification of the Minister Deacon or Elders and the Church Members

3.8.3 The identity of the ultimate beneficiaries who may be entitled to the Church property or the proceeds of sale thereof in the event of disposal of the Church property under the provisions of Clause 10 hereof

4. The Managing Trustees

4.1

4.1.1 The Managing Trustees shall, consist of those persons appointed to be the Minister plus the deacons elders or officers of the Church, unless the Church Meeting shall specifically decide to the contrary by a Special Resolution.

4.1.2 The Church Meeting shall also be able to appoint any other Members of the Church Meeting to be a Managing Trustee by a Special Resolution

- 4.2 The Managing Trustees shall act as Charity Trustees as defined by Section 97 (i) of the Charities Act 1993 and shall have all powers to control manage and administer the Church Property and all other aspects of the Church in accordance with the trusts contained herein (or as referred to in Clause 2 hereof) and in accordance with their charitable and other legal obligations.
- 4.3 The Managing Trustees shall report fully at all times to the Church Meeting on all actions they have taken and shall continually seek guidance from the Church Meeting as to further actions that should be taken by them in their capacity as Managing Trustees.
- 4.4 The Managing Trustees shall;
 - 4.4.1 all be members of the Church, and any managing trustee who ceases to be a church member will automatically cease to be a managing trustee;
 - 4.4.2 meet the requirements and qualifications, if any, set out in the Foundation Trusts;
 - 4.4.3 not be disqualified from acting as a charity trustee in accordance with the provisions of section 72 of the Charities Act 1993
- 4.5 The Managing Trustees (except for those in Ministerial Office) shall be appointed for an initial term of 3 years with the opportunity to be nominated for re-appointment at the end of each 3 year term.
- 4.6 The Managing Trustees shall keep a written record of those who are Church Members and shall review this on a regular basis and present it to the Church Meeting for formal approval on an annual basis.

5. Managing Trustees Meetings Proceedings

- 5.1 The Managing Trustees shall meet at least once every three months
- 5.2 The Managing Trustees shall determine the quorum for their meetings which will be no less than two persons or half their number, whichever is the greater.
- 5.3 The Managing Trustees may delegate such of their powers and functions to such individuals and sub groups as they shall in their absolute discretion decide provided that all such delegated powers and functions will always be subject to the overriding jurisdiction of the Managing Trustees and all such individuals and sub groups so appointed should report back to the Managing Trustees
- 5.4 The Managing Trustees shall keep a written record of their meetings and of all votes taken at those meetings.

- 5.5 Each of the Managing Trustees shall have one vote at meetings of the Managing Trustees and all matters shall be decided by a simple majority. In the event of a tied vote then the Chair of the meeting shall have a casting vote.
- 5.6 The Chair of the Managing Trustees shall be decided annually by a meeting of the Managing Trustees and they will act as Chair of all such meetings. In the absence of the Chair the Managing Trustees present shall elect a Chair for the meeting who shall have all powers of the Chair at that meeting.

6. Church Meeting

- 6.1 The Church Meeting shall meet at least once every three months and at such other times as the Managing Trustees may think fit or as may be called in accordance with the provisions herein contained.
- 6.2 The Church Meeting shall consider at each meeting the objects of the Church and actions that should be taken by the Church Meeting or any other officers of the Church to further such objects.
- 6.3 The Church Meeting shall have power to appoint or remove any Holding Trustee or Managing Trustee by a Special Resolution.
- 6.4 The Church Meeting shall have power to appoint or remove any Minister of the Church by a Special Resolution.
- 6.5 All Church Members shall be entitled to attend and vote at the Church Meeting.

7. Church Meeting Proceedings

- 7.1 A Church Meeting may be called by the Managing Trustees, the Deacons/Elders Officers of the Church, the Holding Trustees (in the limited circumstances set out in Clause 3.4 hereof) or by 20% of the Church Members.
- 7.2 Any Church Meeting shall be called on not less than fourteen days' written notice being given to all Church Members and the notice of a Church Meeting shall be in writing and shall specify the business to be transacted and the text of any Special Resolutions to be put to any such Meeting, unless two thirds of the Church Members give written consent to dispense with any of these requirements.
- 7.3 Any resolutions to be passed at a Church Meeting shall be passed if carried by a simple majority of the Church Members present and voting at such meeting save as otherwise provided herein.

- 7.4 A Special Resolution shall be passed if two thirds of the Church Members present at the Meeting and voting at the meeting vote in favour thereof.
- 7.5 Any votes to be taken at a Church Meeting shall be by show of hands but upon the request of any Church Member present a secret ballot shall be taken and the result verified by two scrutineers appointed by the meeting.
- 7.6 Postal and proxy votes shall not be allowed at any Church Meeting
- 7.7 The Chair of any Church Meeting shall be a member of the Managing Trustees who has been previously appointed by the Church Meeting to be chair of such meeting. If this person is not present within ten minutes of the allotted start time of a Church Meeting then the Church Meeting shall appoint another member of the Managing Trustees present at the meeting to be the Chair of the meeting.

8. Minister

- 8.1 The Holding Trustees shall permit the Minister as the Church shall from time to time appoint to preach the Gospel of the Lord Jesus Christ according to the principles and usages for the time being of Congregationalism and to act and function as pastoral overseers of the Church and to officiate on the Church Property at baptisms and other Christian rites as the Church shall from time to time agree and direct.
- 8.2 The Holding Trustees shall also permit such occasional ministers or other persons to officiate on the Church Property as a minister as the Managing Trustees may from time to time decide subject to the overriding jurisdiction of the Church Meeting.
- 8.3 The Church shall reach such legal arrangements with the minister as are appropriate with reference to employment law and practice at the time of the minister's appointment.

9. Finance

- 9.1 The Managing Trustees shall be responsible for receiving all funds raised by the Church for their appropriate use and investment in accordance with the trusts contained herein and as referred to in Paragraph 2.2 hereof
- 9.2 The Managing Trustees shall arrange for annual accounts to be prepared and shall ensure that such accounts shall comply with any

legal and charitable obligations and shall arrange for them to be approved by the Church Meeting

- 9.3 The Managing Trustees shall arrange for a copy of the annual accounts to be forwarded to the Holding Trustees as soon as possible after they have been approved by the Church Meeting.
- 9.4 The Holding Trustees shall at the request of the Church Meeting (either directly or through the Managing Trustees) dispose of the Church Property or any part of it and shall ensure that all legal obligations in respect of such disposal are complied with.
- 9.5 Such disposal may be by way of sale, exchange of property or mortgage or partly by one of these means and partly by another.
- 9.6 The Holding Trustees shall also acquire any additional property as required by the Church and shall again ensure that all legal and charitable obligations are complied with and shall only be required to so act if the Managing Trustees have satisfied the Holding Trustees reasonably with regard to the financing of such acquisition.
- 9.7 The Church shall not carry out any improvement enlargement demolition or substantial repair to the Church Property or any leasing arrangement of all or part of the Church Property for a period in excess of one year without the written agreement of the Holding Trustees.
- 9.8 The Church shall comply with any reasonable request for information from the Holding Trustees in respect of any proposed transaction as set out herein
- 9.9 Upon any mortgage lease sale or exchange of the property no mortgagee lessee purchaser or other person dealing bona fide with the Holding Trustees shall be bound to enquire as to whether the power has been properly exercised in any way and notwithstanding any irregularity whatsoever in the exercise of any such power the same shall in relation to such person be deemed to be within the power under which it purports to be made and to be valid accordingly.
- 9.10 In creating any mortgage under any of the powers of mortgaging herein contained the Holding Trustees may insert in such mortgage such power of sale and other powers and such covenants and provisions as they may think expedient including if it is thought desirable a provision for the continuance of the loan for any term therein specified

10. Ultimate Trusts

If the Church Meeting shall vote to close the Church or the Church Meeting shall no longer be able to meet for any reason then the Holding Trustees may

in their absolute discretion dispose of the Church Property or any part thereof and any other monies or other assets held on the terms of the Trusts herein declared and pay and apply the net proceeds thereof in accordance with the Foundation Trusts or if there is no relevant provision within the Foundation Trusts then for such religious or other charitable purposes in connection with Congregationalism in such manner as the Council of the Federation shall direct in writing.

11. Trustees Expenses

- 11.1 The Holding Trustees shall be entitled to recover all reasonable and proper expenditure or costs incurred by them in the exercise of any of their powers and duties and this shall include a fee levied by the Holding Trustees for their management or other services provided.
- 11.2 The Managing Trustees shall be entitled to be reimbursed for all their reasonable expenses in exercising their duties as Managing Trustees including reasonable travel expenses as the Church Meeting shall decide.
- 11.3 The Managing Trustees shall not be entitled to be paid on any basis for the exercise of their powers and duties.
- 11.4 The Managing Trustees should not include within their number any paid employee of the Church apart from the Minister of the Church, but can include any individual who receives payment from the Church in accordance with the provisions of Clause 12 hereof .

12. Remuneration of Managing Trustees

- 12.1 A Managing Trustee (other than the Minister) or any person firm or company connected with a Managing Trustee can only be employed by the Church or receive remuneration or sell goods or services or any interest in land to the Church in the following circumstances
- 12.2 Any such arrangement must be approved by the Church Meeting, the Managing Trustee or the person connected with them who may benefit directly or indirectly from the proposed remuneration must declare an interest in the proposal before any discussion on the matter begins
- 12.3 The Managing Trustee must absent themselves (as must any connected persons as mentioned above) from any part of any meeting at which the proposal is discussed and take no part in any discussion of it and must not be counted in determining whether any such meeting is quorate in respect of such discussion.
- 12.4 The Managing Trustee involved must not vote on the proposal

- 12.5 The remaining Managing Trustees who do not stand to receive the proposed benefit must be satisfied that it is in the interests of the Church to contract with or employ that Managing Trustee (or connected person) rather than another independent person and must record the reason for their decision in the minutes of the meeting.
- 12.6 The Managing Trustees authorising the proposed transaction must comprise a majority of the Managing Trustees body and must not have received any benefit from the transaction.
- 12.7 In this clause references to “person” shall extend to references to a firm or company where appropriate and the phrase “connected” means that a person is related by blood or marriage to the Managing Trustee in question or is living with such Managing Trustee as husband and wife and any question as to whether this applies shall be referred to the Holding Trustees

13. Remuneration of Ministers

Any Minister or Ministers appointed by the Church will be entitled to be paid an agreed and reasonable remuneration or stipend out of the funds of the Church notwithstanding the fact that they may be one of the Managing Trustees

14. Further Regulations

- 14.1 The Church shall be entitled to make such further regulations or rules to govern the management and administration thereof so far as such rules and regulations are not inconsistent with the terms herein contained and in the event of any such inconsistency the terms of this deeds shall in all circumstances take precedence.
- 14.2 Such rules or regulations must be passed by a Special Resolution of the Church Meeting.

**SPECIAL RESOLUTION TO ADOPT THE APPROVED GOVERNING DOCUMENT FOR
CONGREGATIONAL CHURCHES WHERE THE CONGREGATIONAL FEDERATION LTD
ARE APPOINTED AS HOLDING TRUSTEES**


(Approved by the Charity Commission and Inland Revenue 2009)

At a Church Meeting held on the fourth (4th) day of April 2016, chaired by

the Reverend Peter R Thomas

*the Congregational Church at Garrs Lane, Grassington, Skipton, North Yorkshire
BD23 5AT*

*resolved to request that The Congregational Federation Ltd as Holding Trustees
adopts the Approved Governing Document dated 13th June 2009 for Congregational
Churches*

Signed by.....

Name: **Revd Peter R Thomas**

Address: **7 Southwood Lane, Grassington, Skipton, North Yorkshire BD23 5NA**

Position: **Minister and Chairman of the Church Meeting**

Signed by.....

Name: **Miss Christine Chisholm**

Address: **Lynchets, Sedber Lane, Grassington, Skipton, North Yorkshire BD23 5QL**

Position: **Church Secretary**