

Special Resolution – Model Trust amendments

MC/22/75

Date of meeting	17-18 October 2022
Contact name and details	Joanne Anderton, Conference Officer for Legal and Constitutional Practice lcp@methodistchurch.org.uk
Action required	Decision
Resolutions	75/1. The Council receives the report. 75/2. In accordance with Standing Order 126(1)(c), the Council approves the Special Resolution amending the Model Trusts as set out in paragraphs 6.1, 6.2 and 6.3 of this report.

Summary of content

Subject or aims	To seek the Council's approval to the Special Resolution referred to the Council by the 2022 Conference on the advice of the Law and Polity Committee.
Main points	The Special Resolution proposes minor amendments to the Model Trusts, which require consultation with the Council.
Background context and relevant documents	Report 43 to the 2022 Conference, at Section E (pages 450-451): https://www.methodist.org.uk/media/26060/conf-22-43-committee-methodist-law-polity-2.pdf

Introduction

- 1 Under Standing Order 126, special resolutions of the Conference are required to be confirmed the following year after appropriate consultation before they can become effective. For the purpose of consultation, they are either referred to the Methodist Council (unless moved on the Council's behalf, in which case they are referred to the Law and Polity Committee) or dealt with as provisional legislation under Standing Order 122 and submitted to the Synods and the Law and Polity Committee. The bodies consulted may approve or disapprove the special resolution but may not amend it.
- 2 The Conference of 2022 referred one such resolution to the Methodist Council. The text of the Special Resolution on which the Council is required to vote is therefore set out below, together with some (edited) background information from the Conference report (report 43, at Section E).

Background information

- 3 The Law and Polity Committee has identified various corrections and modifications to the Model Trusts and Standing Orders consequent upon decisions already taken by the Conference.
- 4 Amendments to the Model Trusts of this nature require a special resolution, which means a resolution passed by a special majority (three quarters of the members of the Conference present and voting) in year one and then, after appropriate consultation, confirmed by the following year's Conference (again by a special majority).
- 5 This is the first year in which the Model Trust amendments below have been brought to the Conference and the Law and Polity Committee advises the Conference that consultation on those amendments should be with the Methodist Council under Standing Order 126(1)(c). The amendments will also be submitted to the Channel Islands, Isle of Man, Scotland and Shetland Synods.

Special Resolution

- 6 On the advice of the Law and Polity Committee, the Conference, by special resolution, agreed to amend the Model Trusts as set out below and directed that consultation on the proposed amendments be with the Methodist Council under Standing Order 126(1)(c).

6.1 Paragraph 2 of the Model Trusts: The content of what was paragraph 2 of the Model Trusts is now in sub-paragraph 2(1). Consequential amendments to other paragraphs of the Model Trusts to correct cross-references are proposed as follows:

Special Resolution: In paragraphs 3(2)(a), last line, and 4(1), line 4, of the Model Trusts replace 'paragraph 2' by 'sub-paragraph 2(1)'.

6.2 Paragraph 16 of the Model Trusts: The content of what was paragraph 16 of the Model Trusts is now in sub-paragraph 16(1). A consequential amendment to another paragraph of the Model Trusts to correct cross-references is proposed as follows:

Special Resolution: In paragraph 19(1)(b), last line, of the Model Trusts replace 'paragraph 16' by 'sub-paragraph 16(1)'.

6.3 Circuit Advance Funds: There is a reference in paragraph 18(2)(b) of the Model Trusts to 'all existing Circuit Advance Funds'. Such funds no longer exist, so it is proposed the reference be deleted.

Special Resolution: The Conference amends paragraph 18(2) of the Model Trusts as follows:

18(2) This paragraph shall apply to ~~—(a)—~~all moneys which shall be paid or payable to the trustees (whether by one or more or successive or recurrent payments) on or pursuant to any sale, letting or other disposition of the property or any part thereof or of any interest therein made by the managing trustees in exercise of any power in that behalf conferred on them under any provision of paragraphs 15 or 16 of this Schedule; ~~and (b) all existing Circuit Advance Funds.~~

***RESOLUTIONS

75/1. The Council receives the report.

75/2. In accordance with Standing Order 126(1)(c), the Council approves the Special Resolution amending the Model Trusts as set out in paragraphs 6.1, 6.2 and 6.3 of this report.