

BUC GUIDELINES

B7 Fuller Trusts (08/2003)

INTRODUCTION

This Guideline leaflet contains the text of a set of Baptist Model Trusts known as the Fuller Trusts.

For an explanation of Church Trusts and Model Trusts there is another Guidelines Leaflet *B1 Church Trusts, Model Trusts and Property Trustees*.

This information has been prepared by the Baptist Union Corporation Limited together with the Baptist Union of Great Britain as one of a range of leaflets on legal and property matters.

It will be helpful to the many Baptist Churches in England and Wales whose Holding Trustee is the Baptist Union Corporation Limited or one of the regional Baptist Trust Corporations and have adopted the Fuller Trusts for their church.

Although the Holding Trustees can quite properly be a group of private individuals the Fuller Trusts are not relevant to a church with **ALL** private trustees since they can only be applied to churches who have appointed the Baptist Union Corporation Limited or one of the Baptist Trust Corporations as their Holding Trustee.

The Baptist Union Corporation Limited is the Holding Trustee for many churches. The Baptist Union Corporation Limited also carries out trust and property work on behalf of the East Midland Baptist Trust Company Limited.

If you have any question about the Fuller Trusts you need to contact the Trustees for your church. This will be the Baptist Union Corporation Limited or one of the other regional Baptist Trust Corporations.

The Trust Corporation may be the only Trustee or may have been appointed jointly alongside private individuals.

The Trust Corporation may be able to answer your question but they may recommend that you should seek detailed legal advice.

The full list of Baptist Trust Corporations are set out below:

North Western
Yorkshire
East Midland
Heart of England
West of England (West)
West of England (East)
London Baptist Property Board
South West

The Fuller Trusts have been available in the past for adoption by churches. They were replaced by a later form of Model Trusts called the Fairbairn Trusts, but they too have been replaced.

In May 2003 the Fairbairn Trusts ceased to be available for adoption when The Model Trusts for Churches 2003 were approved for future use by the Baptist Assembly following the procedures set out in The Baptist and Congregational Trusts Act 1951 (see Guideline Leaflet - *B1 Church Trusts, Model Trusts and Property Trustees* for details)

PLEASE NOTE

The Assembly decision does not have any retrospective effect on churches which had previously adopted the Fairbairn Trusts or the earlier Model Trust known as the Fuller Trusts.

**The text reproduced on pages
3-9 are the text of the Fuller Trusts.**

THE FULLER TRUSTS

SCHEDULE OF TRUSTS

DEFINITIONS

1. (a) In this Schedule unless the context otherwise requires:-

"THE UNION" means the Baptist Union of Great Britain and Ireland

"THE ASSOCIATION" means the Provincial Baptist Association operating in the locality in which the premises are situated being an Association in membership with the Union or if there shall be no such Association means the Union

"THE CHURCH" means the Church of Protestant Dissenters of the Baptist Denomination for the purposes of which the said premises are held being a Church which shall:

- (i) Consist only of persons worshipping upon the said premises who hold the qualifications hereinafter mentioned
- (ii) Be constituted as hereinafter mentioned and
- (iii) Accept the constitution for the time being in force of the Union and be in membership with the Union and the Association

The expression "FOUNDATION DEED" has the meaning ascribed thereto in Clause 11 hereof

"THE SOCIETY" if no Church has been formed means such recognised Denominational Society as the Association and the Union may at any time hereafter jointly designate and after the formation of the Church means the Church

"RECOGNISED DENOMINATIONAL SOCIETY " means and includes the Union or any Association or other body which is duly recognised as Baptist by the Union

- (b) (i) ALL the powers discretions and authorities hereby given to or vested in the Union shall be exercisable by the Council of the Union or by such Committee of the Council as the Council may from time to time appoint
- (ii) ALL the powers discretions and authorities hereby given to or vested in the Association shall be exercisable by the Executive Council or Committee of the Association or by such sub-committee of the Executive Council or Committee as may from time to time be appointed

2. THE Trustees shall permit the said premises and any buildings for the time being erected thereon (hereinafter referred to as "the Church property") to be used occupied and enjoyed by or under the direction or management of the Society and in accordance with the provisions hereinafter contained for all or any of the following purposes namely:-

- (a) AS a place of Public Worship for the service of Almighty God according to the principles and usages for the time being of Protestant Dissenters of the Baptist Denomination
- (b) AS a place for the instruction of children or adults or the promotion of other charitable purposes in accordance with the principles and usages aforesaid
- (c) AS a place for maintaining and practising the doctrine and rite of the Baptism of Believers and no other Baptism Provided that nothing herein contained shall prohibit the Stated Minister for the time being appointed by the Society or the Caretaker for the time being of the said premises or of any other property belonging to the Church when formed from being permitted to reside on some part of the said premises

GENERAL MANAGEMENT

- 3. THE Trustees shall permit the Society in all respects (save only as herein otherwise specifically provided) to manage and conduct according to its uncontrolled discretion the affairs of the Society and all organisations and activities belonging thereto or associated therewith which shall be carried on upon any part of the Church property

MINISTER

- 4. THE Trustees shall permit to officiate in the Church property such Stated Minister or Ministers of the Baptist Denomination as the Society shall from time to time appoint holding the Deity of the Lord Jesus Christ and the authority of the Holy Scriptures and that interpretation of them usually called Evangelical and having been immersed on a confession of faith in the Lord Jesus Christ and maintaining and practising the doctrine and rite of the Immersion of Believers and no other Baptism and whose name appears on the accredited list of Baptist Ministers and Probationers of the Union PROVIDED ALWAYS that this last mentioned qualification may from time to time in the case of any Minister who has made written application to the Union for the waiver thereof be waived if the Union shall think fit upon such conditions if any as the Union may determine
- 5. THE Stated Minister or Ministers shall ex-officio be President or Presidents of all Societies and Organisations belonging to or associated with the Society which meet or are carried on upon any part of the Church property
- 6. THE Trustees shall remove and in all lawful ways eject from the Church property any Minister or Ministers whom the Society shall lawfully dismiss or whose Ministry shall have been lawfully determined or (unless otherwise requested by the Union) whose names shall have been removed from the said accredited list

OCCASIONAL PREACHERS

- 7. THE Trustees shall permit to officiate in the Church property such occasional preachers as the Society may appoint

IMPROVEMENT OF BUILDINGS

- 8. THE Trustees shall permit the Society to erect buildings on the Church property or to alter improve enlarge add to or pull down and rebuild the buildings for the time being upon or forming part of the Church property in such manner as the Society shall determine and the Trustees shall approve

POWERS OF SALE ETC

- 9. EXCEPT as regards any part of the Church property which for the time being is registered as a Place of Meeting for Religious Worship with the Registrar General of Births Deaths and Marriages in England and is bona fide used as Place of Meeting for Religious Worship and except as regards such other part of the premises (if any) as for the time being by virtue of any provision of the

Charitable Trusts (Places of Religious Worship) Amendment Act 1894 or otherwise is exempt from the operation of the Charitable Trusts Act 1853 to 1925 the Trustees shall not make or grant in respect of the Church property otherwise than with the approval of the Board of Charity Commissioners for England and Wales any sale exchange Mortgage or charge or any Lease in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding twenty-one years

10. (a) SUBJECT to the restrictions contained in the last preceding Clause it shall be lawful for the Trustees to sell demise or let the Church property or any part thereof in such manner or to exchange the same or any part thereof for such other hereditaments of freehold or leasehold tenure and to pay or accept such money (if any) by way of equality of exchange as the Society shall determine and the Trustees shall approve and from time to time to raise by Mortgage of the said premises or any part thereof such sum of money and at such rate or rates of interest as the Society shall determine and the Trustees shall consider expedient
 - (b) THE Trustees shall apply the moneys arising from any such sale letting exchange or Mortgage as aforesaid in or towards payment of the expenses of any such works of erection alteration improvement enlargement addition pulling down and rebuilding as are hereinbefore mentioned or in or towards the purchase or acquisition for the purpose of the Society or any other hereditaments of freehold or leasehold tenure or other property and the erection thereon of buildings for the purpose of the Society or for meeting or defraying any other necessary or proper expenses of a capital nature connected with or for the benefit of the Society as the Society shall determine and the Trustees shall approve
 - (c) THE Trustees shall hold all hereditaments taken in exchange purchased or otherwise acquired by the Trustees under the foregoing provisions and all buildings erected thereon upon the same or the like trust and with and subject to the same or the like powers and provisions as are herein contained in relating to the premises originally constituting the Church property
11. (a) IF at any time it shall appear to the Union and the Association by reason of the number of members of the Church (if and when formed) being unduly small or of any change in the character of the neighbourhood or by reason of the district in which the Church property is situated being adequately served or provided for by some other chapel or meeting house in the same district belonging to a Church in membership with the Union and the Association or for any other good and sufficient reason whatsoever (the decision of the Union and the Association as to the existence and sufficiency of any such cause or reason as aforesaid to be conclusive) that the Church property or any part thereof is no longer required or can no longer usefully be retained for the purposes of this present trust then and in such case (subject as provided by Clause 9 hereof) the Trustees shall at any time thereafter at the joint request of the Union and the Association sell mortgage demise or let the Church property or any part thereof in such manner as the Union and the Association shall jointly determine and shall hold the net moneys arising from such sale letting or mortgage UPON TRUST for such persons or body of persons as may be entitled thereto upon the failure of the primary trusts set out in the Foundation Deed PROVIDED that (a) if there is no Foundation Deed or (b) the Foundation Deed contains no effective provisions for ascertaining the person or body of persons to be entitled upon such failure as aforesaid then and in either of such cases the said moneys shall be held upon such charitable trusts connected with the Baptist Denomination as the Union and the Association shall in their absolute and uncontrolled discretion jointly direct
 - (b) THE expression "Foundation Deed" means any Deed or other Instrument containing trusts which affected the Church lands on the day immediately preceding the day upon which the trusts hereinbefore declared came into operation in relation to the Church lands
12. IN creating any Mortgage under any of the powers mortgaging herein contained the 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

THE TRUSTEES

13. (a) UPON any professed exercise by the Trustees of any power herein contained no person dealing with the Trustees shall be bound or concerned to enquire whether the case in which the power is exercisable has happened or whether the exercise thereof has been determined upon or authorised by the Society the Association or the Union or otherwise (except as regards the said restrictions contained in the ninth Clause of this Schedule) as to the propriety or regularity of such exercise or in the case of any of the foregoing powers of raising money by Mortgage whether or for what purpose the money raised is required and notwithstanding any impropriety or irregularity whatsoever in the exercise of any such power the same shall in relation to such person (except as regards the said restrictions) be deemed to be within the power under which it purports to be made and be valid accordingly
- (b) ALL the trusts powers discretions and authorities hereby given to or vested in a Body Corporate acting as Trustee hereof shall be exercisable by their Committee of Directors

DISPUTES

14. IF any dispute or difference shall at any time arise between the Trustees the Society the Association the members of the Church when constituted (whether a majority of such members or not) and the Stated Minister or Ministers or Officers of the Church when constituted or between any of such bodies or persons as to the meaning construction or effect of any of the provisions hereinbefore contained or as to any matters relating to the said premises or to the property or affairs of the Church when constituted or as to the doctrines teaching or mode of conducting Public Worship in the buildings belonging to the Church or as to any matter or thing whatsoever every such dispute or difference shall on application by the Society or the Association or the Stated Minister or Ministers or a majority of the Deacons or Elders or not fewer than ten members of the Church when constituted be submitted for settlement to the Union whose decision shall be binding and conclusive on the parties to such dispute or difference and all other persons concerned or interested therein provided as follows:-
 - (a) THE Union may in its discretion decline to entertain any submission under this Clause if it does not consider the subject matter of such submission to be a sufficiently serious character to call for its intervention
 - (b) NOTHING in this Clause shall enable the Union to override any determination of the Society the Association or a duly convened Meeting of the Church when constituted in regard to the subject matter of such dispute or difference when it shall appear to the Union that such determination was within the powers of the Society the Association or such meeting as the case may be and was arrived at regularly and properly and by any necessary majority

ALTERATION OF TRUSTS

15. (1) SUBJECT as hereafter mentioned it shall be lawful for the Society to revoke vary add to amend or alter all or any of the provisions of this Schedule in such manner as the Society shall think fit except as far as they relate---
 - (a) TO the doctrines to be held and proclaimed
 - (b) TO the qualifications of the Minister or Ministers of the Deacons or Elders and Members of the Church when formed

- (c) TO the provisions of Clause 11 of this Schedule
- (2) NO resolution of the Society under this Clause shall be effective unless and until the same shall have been submitted to and approved by the Union and upon such approval being given a Deed shall be prepared for giving effect to such Resolution which Deed shall be executed by some person appointed for that purpose by the Society and shall also be executed by the Trustees and shall be kept by the Trustees

CONSTITUTION AND MEETINGS OF THE CHURCH

16. THE following provisions shall apply to the Constitution and meetings of the Church when formed

Membership

- (a) NO person shall be entitled to become or remain a member save such persons as hold the Deity of the Lord Jesus Christ and the authority of the Holy Scriptures and that interpretation of them usually called Evangelical and who have made a confession of faith in the Lord Jesus Christ
- (b) IF a Foundation Deed so requires the Church shall have closed membership that is to say no person shall be entitled to be or remain a member save such persons as have been baptised that is to say immersed upon a confession of Faith in the Lord Jesus Christ

Minister

- (c) NO person shall be appointed or continue as a Minister save a person holding the qualifications hereinbefore mentioned in relation to Ministers

Deacons or Elders

- (d) NO person shall be eligible to be or remain a Deacon or Elder of the Church unless he or she is a member of the Church
- (e) IF the membership is not closed as aforesaid then all or at least a majority of the Deacons and Elders of the Church shall nevertheless at all times consist of persons who have been baptised that is to say immersed upon a confession of Faith in the Lord Jesus Christ

General Church Meeting

- (f) A General Meeting shall be convened not less often than once in every quarter by the Minister or Ministers and Deacons or a majority of them by oral public notice of the time and place appointed for the meeting given during or immediately after the Divine Service but before the dismissal of the congregation at each of the Public Services on the Lord's Day immediately preceding the date of such intended General Meeting

Special Church Meeting

- (g) THE following shall be matters for the decision of a Special General Meeting of the Church namely: -
 - (i) THE appointment or dismissal of a Minister
 - (ii) MATTERS concerning the alteration improvement or enlargement of the buildings on the said premises or the addition to pulling down or rebuilding thereof or the erection of new buildings

- (iii) MATTERS concerning the sale demise letting exchange or mortgage of the said premises or any part thereof and the application of any moneys arising therefrom
- (iv) THE revocation variation addition to or amendment or alteration of any of the provisions of this Schedule within the limits of and pursuant to the power hereinafter contained or any other enabling power in that behalf
- (h) EVERY Special Meeting shall be convened by the Minister or Ministers and the Deacons or a majority of them by Notice given in a similar manner to that prescribed for a General Meeting on each of the two Lord's Days immediately preceding the date of such intended Special Meeting
- (i) IT shall be the duty of the Minister or Ministers and Deacons forthwith to convene a Special Meeting upon the receipt of a written request in that behalf signed by not less than one-tenth of the members for the time being of the Church PROVIDED THAT a Special Church Meeting need not in any case be convened at the request of fewer than twelve members
- (j) THE purpose for which a Special Meeting has been convened and the matters intended to be transacted or dealt with thereat shall be either stated at the time of giving notice of the Meeting or if the Minister or Ministers and Deacons or a majority of them shall so decide shall be set out in written notice to be sent by prepaid post at least seven days before the date of the Meeting to every member of the Church at his or her last known address in Great Britain but the non-receipt of the notice by any member shall not invalidate the proceedings at the meeting

Procedure at Church Meeting

- (k) IN the event of an equality of votes the Chairman of a General or Special Meeting (whether a member of the Church or not) shall have a casting vote whether he has or has not previously voted on the question
- (l) VOTES shall be taken by ballot if so demanded by not less than three of the members of the Church present at the General or Special Meeting
- (m) NO resolution passed at a General or Special Meeting shall be rescinded at a subsequent Meeting unless notice of the Resolution for such rescission has been given at the Meeting (whether General or Special) preceding such subsequent Meeting
- (n) FROM and after the expiration of one year from the date of the formation of the Church for the time being worshipping in the Church property no member of the Church may vote at any General or Special Meeting unless he or she has been a member for six calendar months at the least and shall have attained the age of eighteen years and further shall have communed with the Church at the Lord's Table once at least during the period of six calendar months next preceding such Meeting
- (o) A Resolution at a Special Meeting shall not be deemed to have been carried unless supported by the votes of not less than two-thirds of the members personally present entitled to vote and voting at such Meeting
- (p) AT any General or Special Church Meeting the Minister or Senior Minister (if any) or Moderator for the time being of the Church shall (if he shall be present and willing to act as Chairman of such Meeting) be entitled to take the Chair unless the Minister or Ministers and Deacons or a majority of them shall have previously resolved that there shall be another Chairman in which case or if there shall be no Minister or

Moderator then holding office or present and willing to act as Chairman the members present shall elect a Chairman (whether a Deacon a member of the Church or some other person) before proceeding with the business of such Meeting

Moderator

- (q) DURING any period when there shall be no Stated Minister of the Church the Church may and shall at the request of the Association from time to time elect as Moderator some person who is a member of the same or any other Baptist Church and has been baptised as aforesaid Subject as aforesaid the Moderator for the time being shall act as Chairman at all Meetings of the Church and of the Deacons and Elders. A Moderator elected by the Church shall cease to hold office at the request of the Church or upon the appointment of a Stated Minister

IF the Church shall fail to elect a Moderator at the request of the Association as aforesaid the Association may appoint a Moderator who shall hold office until the appointment of a Stated Minister or until released or dismissed by the Association

Minutes

- (r) MINUTES shall be kept of the proceedings of any Church Meeting and any such Minutes shall if signed by a person purporting to have acted as Chairman of the Meeting to which the Minutes relate or of any Church Meeting at which they were read be conclusive evidence that any Resolution therein stated to have been passed was passed by the requisite majority at a Meeting duly convened and held and also of the due appointment of the person signing the Minute as Chairman

END OF FULLER TRUSTS

Association Trust Company	Contact
Baptist Union Corporation Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
East Midlands Baptist Trust Company Ltd	The Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association BMS International Mission Centre 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association 235 Shaftesbury Avenue London WC2H 8EP Telephone: 020 7692 5592
North West Baptist Association	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
South West Baptist Trust Corporation	South West Baptist Trust Corporation Wonford Baptist Chapel 36-38 Wonford Street Exeter Devon EX2 5DL Telephone: 01392 433533
West of England Baptist Association	West of England Baptist Association The Old Forge Broom Hill Stapleton Bristol BS16 1DN Telephone: 0117 965 8828
Yorkshire Baptist Association	The Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700

As at Jan 2010

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Baptist Union Corporation Limited and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff at the Baptist Union Corporation, at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Baptist Union Corporation staff also deal with churches that are in trust with the East Midland Baptist Trust Company Limited, the North Western Baptist Association (Incorporated), and Yorkshire Baptist Association.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details has been included.

If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

The Baptist Union Corporation Ltd, Baptist House, PO Box 44, 129 Broadway, Didcot, Oxfordshire OX11 8RT England

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