

Jersey Law 24/1973

SHARING OF CHURCH BUILDINGS (JERSEY) LAW, 1973.

A LAW to provide for the sharing and using of church buildings by different Churches and for matters connected therewith, sanctioned by Order of Her Majesty in Council of the

24th day of OCTOBER, 1973.

(Registered on the 23rd day of November, 1973).

STATES OF JERSEY.

The 12th day of June, 1973.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires –

“building” includes a part of a building;

“church building” means a building used or proposed to be used by a Church or Churches to which this Law applies –

- (a) as a place of worship;
- (b) as a church hall or centre available wholly or mainly for activities other than worship;
- (c) as a youth club or centre or youth hostel;

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- (d) as a residence or residences for ministers or lay workers :

Provided that –

- (i) a sharing agreement may provide for including any land (other than land used or appropriated for use for burials) or outbuildings held or to be enjoyed with a church building, and any easements or rights enjoyed or to be enjoyed with a church building, and references to a church building shall in relation to that agreement, be construed accordingly;
- (ii) the said expression shall not include any school;

“statutory or other legal provision” means any Law, Act or Measure, any instrument or document made or having effect under or by virtue of any Law, Act or Measure, any other instrument or document affecting legal rights or obligations, any trust (whether arising under a trust instrument or otherwise), and any rule of law, being a Law, Act, Measure, instrument, document, trust or rule in force at the passing of this Law:

Provided that the said expression shall not include a lease or tenancy of a church building or any mortgage, charge, covenant or rights affecting a church building and operating for the benefit of persons other than a Church to which this Law applies, or any general enactment regulating or affecting the use of land.

(2) For the purposes of this Law a church building shall be deemed to be owned by a Church if the building is held by any body or person, whether for a freehold or leasehold estate, for purposes of that Church or on behalf of that Church, and, in the case of a leasehold building, any reference to the conveyance or vesting of the building shall be construed as a reference to the conveyance or vesting of the leasehold estate.

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(3) Any reference in this Law to any Law, Act or Measure shall be construed as a reference to that Law, Act or Measure as amended by any subsequent Law, Act or Measure.

ARTICLE 2

AGREEMENTS FOR SHARING CHURCH BUILDINGS

(1) It shall be lawful, notwithstanding any statutory or other legal provision, for any two or more Churches to which this Law applies to make agreements, through the parties mentioned in this Article and in accordance with the provisions thereof for the sharing by them of church buildings, and to carry such agreements into effect, and such agreements are in this Law referred to as “sharing agreements”.

(2) A sharing agreement may be made in respect of a single church building or two or more church buildings in the same locality, and in respect of any existing or proposed church building, and may provide for the shared building or any of the shared buildings to be owned or continue to be owned by one only of the sharing Churches or to be jointly owned by all or some of the sharing Churches.

(3) The parties to a sharing agreement shall –

- (a) as respects the Church of England, be the Dean of Jersey and the incumbent of the parish in which the building or buildings is or are or will be situated;
- (b) as respects any other Church, be such persons as may be determined by the appropriate authority of that Church;

and shall also include, in the case of an existing building, the person (if not otherwise a party) in whom the building is vested and any trustees thereof, and may also include, in the case of a proposed building, any person in whom it is to be vested or who is to be a trustee thereof.

(4) A sharing agreement shall not be made on behalf of the Church of England without the consent of the Bishop of Winchester and

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the Jersey Decanal Synod, and the appropriate authority of any other Church to which this Law applies may require the consent of any body or person specified by the authority to be given to sharing agreements made on behalf of that Church.

(5) Where the See of Winchester is vacant, or the Bishop of Winchester is unable because of illness or absence to give his consent under paragraph (4) of this Article, the Archbishop of Canterbury may appoint by an instrument under his hand a suffragan or assistant bishop of the diocese to act in place of the Bishop under the said paragraph for a period specified in the instrument.

(6) A sharing agreement shall be under seal and shall be registered, in the case of the Church of England, in the registries of the province and diocese, and, in the case of other Churches, in the registry or office of the appropriate authority, and the consents required as aforesaid shall be signified in writing by the secretary or clerk of the body concerned or by the person concerned and shall be registered with the deed.

(7) A sharing agreement shall be binding on the successors to the parties thereto, that is to say, on the persons who would at any subsequent time be required to be parties if the agreement were then being made, and any reference in this Law to the parties to a sharing agreement shall be construed, as respects anything done at a subsequent time, as referring to the said persons.

(8) A sharing agreement may be amended by agreement of the parties thereto and with the consents that would then be required to a new sharing agreement.

ARTICLE 3

TRUSTS OF SHARED CHURCH BUILDINGS

(1) Where a sharing agreement is made with respect to an existing or proposed church building which is to be owned or continue to be owned by one only of the sharing Churches, the trusts or purposes on

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or for which the building is held or to be held shall include the purposes and provisions of the agreement, as for the time being in force, and any instrument declaring those trusts and purposes shall be deemed to have effect, or (in the case of a proposed building) shall provide, accordingly.

(2) Where a sharing agreement is made with respect to an existing or proposed church building which is to be owned jointly by all or some of the sharing Churches, that ownership shall be effected by vesting the building in trustees representing those Churches to be held on trust to be used for the purposes of the sharing agreement and in accordance with its terms and, subject thereto, for such other charitable purposes of the sharing Churches as may be appropriate, and the trust instrument relating to the building shall provide accordingly.

(3) The provisions of this Article are in addition to and not in derogation of the provisions of the Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations.¹

ARTICLE 4

FINANCIAL AND MANAGEMENT PROVISIONS

(1) A sharing agreement shall make provision with respect to the financial and other obligations of the parties thereto in respect of the provision, improvement and management of the church building or buildings shared or to be shared under the agreement, and the powers of any body or person under any statutory or other legal provision to apply money, whether by grant or loan, in respect of the provision, improvement or management of church buildings of a Church to which this Law applies shall be applicable in like manner in respect of any church building shared or to be shared by that Church under a sharing agreement.

(2) The powers of any body or person under any statutory or other legal provision –

¹ Tomes I–III, page 258.

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- (a) to acquire, hold, improve or manage church buildings of a Church to which this Law applies, or any property to be used for or in connexion with the provision of such church buildings, or
- (b) to grant property for or in connexion with the provision of such church buildings, whether for a full consideration or for less than a full consideration,

shall be applicable in like manner in respect of any church building to which a sharing agreement relates and which, under the agreement, is or is to be owned by that Church or jointly owned by that Church and any other Church or Churches, and any such power to hold church buildings shall include a power to be a trustee (representing that Church) of such a jointly owned church building.

(3) The responsibility for the management of a church building owned by one only of the sharing Churches under a sharing agreement and of its contents shall remain with the authorities of or trustees representing that Church, but that responsibility shall be discharged in accordance with the provisions of the agreement and any arrangements made thereunder, including provisions or arrangements for consultation with any other sharing Church and for the payment of contributions by any other sharing Church towards the expenses of management.

(4) Where a sharing agreement provides for the joint ownership of the shared building by all or some of the sharing Churches, the responsibility of the trustees for the management of the building shall be in place of any responsibility of the authorities of the sharing Churches as respects that building, including responsibility under any statutory or other legal provision:

Provided that –

- (a) the trustees shall discharge that responsibility in accordance with the provisions of the sharing agreement and any arrangements made thereunder, including

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provisions or arrangements for consultation with any sharing Church which is not a joint owner and for the payment of contributions by the sharing Churches towards the expenses of management;

- (b) the agreement may provide that any moveables required for the worship of any sharing Church shall be the responsibility of the authorities of that Church.

(5) In this Article, “management”, in relation to a church building, includes the repair and furnishing of the building.

ARTICLE 5

**SHARING OF CHURCH BUILDINGS FOR PURPOSES OF
WORSHIP**

(1) A sharing agreement shall make provision, in the case of a building used as a place of worship, for determining the extent to which it is to be available for worship in accordance with the forms of service and practice of the sharing Churches respectively, and may provide for the holding of such joint services on such occasions as may be approved by those Churches, and may dispense, to such extent as may be necessary, with the requirement to hold certain services of the Church of England on Sundays and other days.

(2) Notwithstanding any statutory or other legal provision, a minister, reader or lay preacher of one of the Churches sharing a church building under a sharing agreement may, by invitation of a minister, reader or lay preacher of another such Church, take part in conducting worship in that building in accordance with the forms of service and practice of that other Church; but the rights given by this paragraph shall be exercised in accordance with any rules or directions given by either Church and to any limitation imposed by or under the sharing agreement.

(3) Subject to the foregoing provisions of this Article, the participation of the communities of the sharing Churches in each other’s

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worship shall be governed by the practices and disciplines of those Churches in like manner as if they worshipped in separate buildings.

ARTICLE 6

TERMINATION OF SHARING

(1) A sharing agreement shall contain provisions for terminating the sharing of the church building or buildings, and such provisions may –

- (a) if the agreement relates to two or more buildings, provide for terminating the sharing of any building before the others; and
- (b) if there are two or more sharing Churches, provide for the withdrawal of any Church from the sharing of any church building, not being a Church which is the sole owner or previous owner of the building;

and the sharing agreement may make provision for financial adjustments as between the Churches, on such termination or withdrawal, by payments out of moneys held for the purposes of the sharing agreement or of any shared building or by other payments by one Church to another.

(2) On the termination of the sharing of a church building owned by one only of the sharing Churches, the building shall be held on the trusts or for the purposes on or for which it was held before the sharing agreement or would be held but for the sharing agreement.

(3) On the termination of the sharing of a church building jointly owned by all or some of the sharing Churches, being a building which before the sharing agreement was owned by one only of those Churches, the building shall, without any conveyance or other assurance, vest in such of the trustees in whom the building is vested as represent the Church who previously owned the building and it shall be held and managed on the trusts or for the same purposes as before, as nearly as may be.

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(4) Where the sharing of a church building jointly owned as aforesaid but not previously owned by one only of the sharing Churches is terminated, the sharing agreement and the trust instrument may provide for the disposal of the building (including disposal to one of the sharing Churches) and for the application of the proceeds to charitable purposes of the sharing Churches.

ARTICLE 7

**CHURCHES TO WHICH THIS LAW APPLIES, AND
APPROPRIATE AUTHORITIES THEREOF**

(1) The Churches to which this Law applies are the Churches specified in the first column of the Schedule to this Law, the Church of England and all other Churches who give notice under paragraph (3) of this Article.

(2) The expression “appropriate authority”, in relation to each of the Churches specified in the first column of the Schedule to this Law, means the authority specified in the second column of that Schedule in respect of that Church, and if different authorities are specified in relation to different provisions of this Law, means in each such provision the authority specified in relation thereto.

(3) Any Church for the time being represented on the General Council of the British Council of Churches or on the governing body of the Evangelical Alliance or the British Evangelical Council may give notice in writing to the General Secretary of the British Council of Churches, or as the case may be, of the governing body concerned, and to the Secretary of the Jersey Council of Churches that it desires that this Law should apply to that Church, and the notice shall specify the appropriate authority or authorities of that Church for the purposes of this Law, and the General Secretary concerned shall publish in the Jersey Gazette a notice signed by him –

- (a) stating that the Church concerned is represented on the said General Council or governing body and has expressed its desire that this Law should apply to that Church;

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- (b) stating that this Law will apply to that Church as from the date of publication of the notice; and
- (c) specifying the appropriate authority or authorities of that Church for the purposes of this Law;

and thereupon this Law shall apply to that Church as from that date and shall have effect as if an entry in respect of that Church and the appropriate authority or authorities so specified were made in the Schedule thereto.

ARTICLE 8

SAVING FOR TEMPORARY LOANS OF CHURCH BUILDINGS

Nothing in this Law shall be taken as affecting any practice of a church to which this Law applies of lending church buildings temporarily for particular occasions to other religious bodies.

ARTICLE 9

SHORT TITLE

This Law may be cited as the Sharing of Church Buildings (Jersey) Law, 1973.

*Jersey Law 24/1973**Sharing of Church Buildings (Jersey) Law,
1973**SCHEDULE*

CHURCHES AND THEIR APPROPRIATE AUTHORITIES

<i>Name of Church</i>	<i>Appropriate Authority or Authorities</i>
Any Church of the Baptist Denomination	As respects Article 2(3) and (4), the Baptist Trust Corporation as hereinafter defined, acting with the concurrence of the Church meeting. As respects Article 2(6), the Baptist Trust Corporation.
Any Church of the Congregational Denomination.	As respects Article 2(3) and (4), the Congregational Trust Corporation as hereinafter defined, acting with the concurrence of the Church meeting. As respects Article 2(6), the Congregational Trust Corporation.
Any Congregation of the Association of Churches of Christ in Great Britain and Ireland.	As respects Article 2(3) and (4), the Annual Conference of the Association of Churches of Christ acting with the concurrence of the duly constituted Church meeting. As respects Article 2(6), the Annual Conference of the Association of Churches of Christ.
The Methodist Church.	The Annual Conference of the Methodist Church.
The Presbyterian Church of England.	The Presbytery in whose bounds the church building or buildings is or are or will be situated.
The Roman Catholic Church.	The Bishop of the diocese in which the church building or buildings is or are or

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will be situated.

For the purposes of this Schedule, “the Baptist Trust Corporation” and “the Congregational Trust Corporation” have the following meanings –

- (a) if the church building or buildings to which the sharing agreement concerned relates is or are or will be vested in a Baptist or Congregational Trust Corporation within the meaning of the Baptist and Congregational Trusts Act 1951, it means that Corporation;
- (b) otherwise it means the Baptist or Congregational Trust Corporation (within the meaning of the said Act) in whose area of operations the church building or buildings is or are or will be situated, or if there is more than one such Corporation, the one determined by the Church meeting.

R.S. GRAY,

Deputy Greffier of the States.