

Act No. 4 of 1993**METHODIST CHURCH OF THE BAHAMAS****ARRANGEMENT OF SECTIONS**

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An Act to facilitate the establishment in The Bahamas of a church to be known as the Methodist Church of The Bahamas, to establish the same as a body corporate and for other purposes connected therewith. *4 of 1993*

*[Assent 1st July, 1993]
[Commencement 2nd July, 1993]*

1. This Act may be cited as the Methodist Church of The Bahamas Act, 1993. Short title

2. In this Act — Interpretation

“Church” means the Methodist Church of The Bahamas referred to in section 3;

“Conference” means the governing body of the Church established under section 4;

“Deed of Church Union” means the Deed of Church Union adopted and executed pursuant to section 9;

“Participating Churches” means such of the congregations of The Bahamas District of The Methodist Church in the Caribbean and the Americas as agreed to participate in the Uniting Conference;

“Uniting Conference” means the Uniting Conference held pursuant to section 7.

Methodist
Church of The
Bahamas.

3. (1) After the execution of the Deed of Church Union, and upon the Deed being recorded in the Registry of Records, the body of Christian believers known as the Methodist Church of The Bahamas shall be recognised as autonomous.

(2) The Church shall be a body corporate with perpetual succession and a common seal with power to acquire, hold and dispose of land and property of whatever kind, to enter into contracts and to sue and be sued in its name.

(3) The members of the Church shall be such persons as may be specified in the Deed of Church Union.

Conference.

4. (1) There shall be a Conference which shall be the governing body of the Church with authority to do all such things as are not prohibited by this Act or the Deed of Church Union.

(2) The Conference shall be constituted in accordance with the Deed of Church Union.

Doctrinal
Standards.

5. The Doctrinal Standards of the Church shall be those of the British Methodist Church formed on the 20th day of September, 1932.

Uniting with
other Christian
Churches.

6. Nothing in section 5 shall prohibit the Church from uniting with any other Christian church notwithstanding that the doctrine of that other Christian church may differ from the Doctrinal Standards of the Church.

Uniting
Conference.

7. The Participating Churches may hold, at such time and place as may be agreed by them, a conference to be known as the Uniting Conference, for the purpose of adopting and executing the Deed of Church Union.

8. (1) The members of the Uniting Conference shall be such Ministerial and lay persons as may be appointed by Participating Churches as representatives of the Participating Churches pursuant to a process of election by ballot by members of the respective congregations of the Participating Churches.

Membership and
procedure of
Uniting
Conference

(2) The first meeting of the Uniting Conference shall be convened by the Chairman of the Committee known as the Executive Steering Committee, established on April 9, 1991 at a special session of the Synod of The Bahamas District of The Methodist Church in the Caribbean and the Americas.

(3) The Uniting Conference may regulate its own proceedings.

9. (1) The Uniting Conference may by resolution passed by not less than two-thirds of the members thereof adopt the Deed of Church Union which shall be the Constitution of the Church.

Adoption and
execution of
Deed of Church
Union

(2) Upon its adoption in accordance with subsection (1), the Deed of Church Union shall be executed by the person presiding over the Uniting Conference and by one or more representatives of each Participating Church.

10. (1) The Deed of Church Union shall declare the establishment of the Church, shall set out the Doctrinal Standards of the Church and shall contain such other provisions as the Uniting Conference may think fit with respect to the government and discipline of the Church and the management of the affairs of the Church.

Contents of Deed
of Church
Union

(2) Without prejudice to the generality of subsection (1), the Deed of Church Union shall provide —

- (a) for the constitution of the Conference, consisting of a General Session (comprising ministerial and lay members) and a Pastoral Session (comprising ministerial members) for the election of members and officers of the Conference (including a President, Vice-President, Secretary and Treasurer) and for the procedure and functions of the Conference (including the division of its functions) between the General and Pastoral Sessions;
- (b) for the membership and ministry of the Church;

- (c) for the holding and management of the property and funds of the Church;
- (d) for the appointment, tenure and functions of officers and committees and the setting up and ordering of Divisions, Boards and Committees and local bodies of the Church or of its ancillary bodies;
- (e) that the Conference may revoke, or amend any of the provisions of the Deed of Church Union (other than the Doctrinal Standards and the provisions required by paragraph (f)), but that such revocation, or amendment shall require a resolution passed by not less than two-thirds of the members present and voting and, after submission for comment to such local or ancillary other bodies, as the Deed of church Union may prescribe, confirmed in the next following year by a similar resolution passed by a simple majority;
- (f) that notwithstanding anything contained in the Deed of Church Union it shall be within the powers of the Church to unite with any other Christian Church or organization;
- (g) that as long as the Conference consists of both a General Session and a Pastoral Session as described in paragraph (a) the power to unite with any other church or organization shall not be exercisable unless the terms and conditions of the proposed union have been approved and confirmed by such resolutions and majorities in both Sessions and in accordance in all respects with such formalities as are prescribed by paragraph (e), notwithstanding that the provisions of the Deed of Church of Union corresponding to the said paragraph may have been revoked or amended;
- (h) that if the Conference does not consist of such Sessions as described in paragraph (a), the power to unite with any other church or organization shall not be exercisable unless the terms and conditions of the proposed union have been approved by a resolution of the Conference passed by not less than two-thirds of the members thereof present and voting and confirmed in the next following year by a similar resolution passed by a simple majority; and

- (i) that the provisions of paragraphs (g) and (h) shall be unalterable, whether by the Conference or otherwise.

(3) After any revocation or amendment of the Deed of Church Union which shall be recorded in the Registry of Records, reference to the Deed of Church Union in this Act or in any other written law or in any document whenever executed shall unless the contrary is expressly provided or the context otherwise requires be construed and take effect as a reference to the Deed of Church Union as varied by such revocation or amendment.

11. For the avoidance of doubt and without prejudice to the generality of the powers of the Church and of the Conference it is hereby expressly declared that the Church may —

Power to incorporate additional areas and to co-operate with associated Churches

- (a) extend the area covered by its work, whether by the establishment of missions, the formation of districts or other local bodies, the accession to the Church of existing Methodist or other Christian bodies (including any congregation of The Bahamas District of The Methodist Church in the Caribbean and the Americas which is not a Participating Church) or by other means; and the Conference may by alteration of the Deed of Church Union under its powers in that behalf make provision for the carrying on and ordering of the work of the Church in such extended areas and, if the Conference thinks fit, for the representation of such extended areas in the Conference; and
- (b) negotiate and enter into arrangements for co-operation with other Christian churches and organizations, including the mutual recognition of ministries, membership and sacraments; and the Deed of Church Union may contain provisions relating to such matters and to the status and discipline of Ministers and members of such other churches and organizations working in connection with the Church.

12. Any deed or other document relating to any real or personal property or any interest therein shall be duly executed if there is affixed to the deed or document the Seal of the Church and the signature of the President and Secretary of the Conference or of such other persons as may from time to time be designated by the Church.

Execution of documents

Service of
process

13. Any document may be served on the Church by delivering the document to the President of the Conference or by sending it by prepaid registered post to the address of the Church.

Bye-laws

14. (1) The Conference may make Bye-laws for the purpose of giving effect to the provisions of this Act.

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(2) The provisions of sections 18, 31 and 32 of the Interpretation and General Clauses Act shall not apply in respect of any Bye-laws made under subsection (1).

(3) The Conference shall make available at any place of worship of the Church for the information of the public a copy of any Bye-laws made under subsection (1).

Vesting of
property

15. (1) Subject to subsections (3) and (4), all lands situate within The Bahamas being lands held by or in trust for The Bahamas Methodist Trust Corporation are hereby transferred to and vested in the Methodist Church of The Bahamas for all the estates and interests and with all the appurtenances but subject to the easements and rights applicable thereto as so held immediately before the execution and recording in the Registry of Records of the Deed of Church Union and to all monies then secured thereon and all mortgage terms charges and other estates and interests subsisting therein as security for such monies.

(2) Subject to subsections (3) and (4), all personal chattels located within The Bahamas which immediately before the execution and recording in the Registry of Records of the Deed of Church Union were held by or in trust for The Bahamas Methodist Trust Corporation are hereby transferred to and vested in the Methodist Church of The Bahamas.

(3) All lands and personal chattels hereby transferred to and vested in the Methodist Church of The Bahamas other than such lands and personal chattels as would, but for the provisions of this Act, have been held by The Bahamas Methodist Trust Corporation upon trust for the use and benefit of such churches as are not Participating Churches, or any of them, shall be held by the Methodist Church of The Bahamas upon trust for the use and benefit of the Participating Churches.

(4) All lands and personal chattels hereby transferred to and vested in the Methodist Church of The Bahamas which would, but for the provisions of this Act, have been held by The Bahamas Methodist Trust Corporation upon trust for the use and benefit of such churches as are not Participating Churches, or any of them, shall be held by the Methodist Church of The Bahamas upon trust for the use and benefit of such churches as are not Participating Churches.

(5) If after the vesting in the Methodist Church of The Bahamas of any land or chattels by virtue of this section any body divested by this section continues to be under any liability to any third party being a liability which has been incurred or has arisen in connection with such land or chattels, the Methodist Church of The Bahamas shall keep that body fully indemnified against any and all such liability.

(6) All property of whatever nature or kind hereafter devised or bequeathed to the Methodist Church or to the Methodist Church in The Bahamas or so devised or bequeathed in any manner as to evidence an intention that the same should inure generally to the benefit of Methodism in The Bahamas shall be deemed to have been so devised or bequeathed to the Methodist Church of The Bahamas.

(7) Notwithstanding the foregoing provisions of this section, where any person alleges that his interest in or right over any where property of any description has been compulsorily acquired by virtue of those provisions the Methodist Church of The Bahamas shall upon demand compensate that person, the market value of the interest in or right over the property so acquired failing which that person shall be at liberty to apply to a Court of competent jurisdiction for a determination as to his right to compensation and the extent thereof and for the purposes of which application the provisions of the Acquisition of Land Act shall *mutatis mutandis* apply. Ch 252