
Schedule B

Taking into account amendments made in October 1968, September 1975, October 1984, March 1994 and October 2022

Outline

Schedule B is a Schedule to the Act. It only applies in certain circumstances set out in the Act. They are as follows:

- It sets out the doctrines and beliefs that all Baptists within the BUV must hold to (Preamble and Section 2 of the Act).*
- It sets out procedures for convening and holding certain types of meetings. They are meetings where a local Church authorises the transfer of property to the BUV, or issues directions to the BUV in relation to property that the BUV holds on trust, or declares a trust over property held by the BUV, under sections 4, 5, and 6 of the Act.*
- It sets out the terms of trust that the BUV must comply with for any property that it holds as trustee under the Model Trust Deeds (section 4 of the Act).*

Also, in many cases, Schedule B says that the BUV “may” do or “may permit” certain things. Remember: as a general rule, a trustee can only do things that it is permitted to do, so Schedule B provides some helpful authorisations for the BUV as trustee.

1. Trust premises

- 1.1 The BUV may build, or permit to be built on the land, the following buildings:
 - 1.1.1 A Chapel
 - 1.1.2 A school room
 - 1.1.3 Residence
 - 1.1.4 Such other buildings as may be convenient
 - 1.1.5 Any of the above
- 1.2 The land and any such buildings will be referred to as the “**Trust Premises**”.
- 1.3 The “**local Church**” may give directions to the BUV about the Trust Premises. The “local Church” is defined in clause 2.
- 1.4 The BUV as trustee may permit the Trust Premises to be used, occupied and enjoyed as directed by the local Church.

- 1.5 The said Church may direct that the Trust Premises be used as a place for the public worship of God, for Sunday and daily tuition and instruction, as a residence, and “generally for such other purposes as the Church directs.”
- 1.6 The BUV as trustee may permit such buildings to be completed, repaired, altered, enlarged, taken down and wholly or partially rebuilt as directed by the local Church.

2. Local Church

- 2.1 The “**local Church**” is the Church that:
- 2.2 assembles for worship on the Trust Premises; and
- 2.3 is a Constituent of the BUV; and
- 2.4 is governed according to Congregational principles. ‘Congregational principles’ for these purposes means that the members of the Church for the time being have full power to manage all the Church’s affairs according to their uncontrolled discretion in every respect.

3. Leadership

- 3.1 The BUV as trustee may permit the following persons to receive money for purposes directed by the local Church: Deacons or other persons appointed for the purpose of receiving money by the local Church.
- 3.2 The money received must be applied and disbursed according to directions from the local Church.

4. Who can officiate or reside in Trust Premises

- 4.1 This section sets out who can officiate in or on Trust Premises, and who can reside in or on Trust premises.
- 4.2 The BUV may only permit certain people to officiate or reside in or upon Trust Premises as Pastors. To be permitted to officiate or reside in or upon Trust Premises as a Pastor, a person must:
- 4.3 Be Baptist; and
- 4.4 Hold, preach, teach and maintain the following doctrines and practices:

- 4.5 the divine inspiration and supreme authority of the Scriptures of the Old and New Testaments;
- 4.6 the existence of One God in Three Persons--the Father, the Son, and the Holy Ghost;
- 4.7 the Deity and Incarnation of the Lord Jesus Christ, who is the Son of God, the Second Person of the Holy Trinity;
- 4.8 the fallen, sinful, and lost estate of all mankind;
- 4.9 the salvation of men from the penal consequences and the power of sin through the perfect obedience of the Lord Jesus Christ, His atoning death, His resurrection from the dead, His ascension to the right hand of the Father, and His unchanging Priesthood;
- 4.10 the immediate work of the Holy Spirit in the regeneration of men, in their sanctification, and in their preservation to the heavenly kingdom of the Lord Jesus Christ;
- 4.11 the necessity, in order to salvation, of repentance towards God and of faith in the Lord Jesus Christ;
- 4.12 the resurrection of the dead, and the final judgment of all men by the Lord Jesus Christ;
- 4.13 the two ordinances of the Lord Jesus Christ, namely, Baptism and the Lord's Supper, which are of perpetual obligation: Baptism being the immersion of believers upon the profession of their faith in the Lord Jesus Christ, and a symbol of the fellowship of the regenerate in His death, burial, and resurrection; the Lord's Supper being a memorial, until He come, of the sacrifice of the body and blood of the Lord Jesus Christ--and who shall with regard to Baptism observe and practice it by immersion only; and
- 4.14 In the case of the position of senior, lead or sole Pastor, a person must be chosen by the local Church at a Special Meeting convened and held in accordance with clause 10 of Schedule B, and not have subsequently been dismissed or resigned; and
- 4.15 In the case of the position of Pastor or Minister other than senior, lead or sole Pastor, be authorized or appointed by the senior, lead or sole Pastor or Deacons (unless the Church issues directions otherwise to the BUV at a Special Meeting held in accordance with clause 10 of Schedule B).
- 4.16 The BUV must remove from Trust Premises:

- 4.17 Any senior, lead or sole Pastors whom the local Church has dismissed at a Special Meeting convened and held in accordance with clause 10 of Schedule B.
- 4.18 The BUV must not permit any person to officiate or reside in Trust Premises as Pastor any person who:
 - 4.19 Is known to be guilty of immoral conduct.
 - 4.20 Ceases to be a Baptist.
 - 4.21 Has been dismissed as senior, lead or sole Pastor at a Special Meeting convened and held in accordance with clause 10 of Schedule B.
 - 4.22 The Pastor/s or Deacons of a local Church may authorise or appoint other Ministers or people to officiate in the Chapel (place of worship) occasionally, and the BUV may permit such persons to do so. The local Church may override such a decision of the Pastors or Deacons.

5. Borrowing money

- 5.1 The BUV may as trustee borrow money on terms directed by the local Church at a Special Meeting convened and held in accordance with clause 10 of Schedule B.
- 5.2 The Trust Premises may be mortgaged or offered as security for the borrowing, and the BUV may execute all necessary and proper documents to do this.

6. Dealing with Trust Premises

The BUV may as trustee sell the Trust Premises, or exchange them, or create easements or construct roads on the Trust Premises. In doing so, the BUV is subject to any directions given by the local Church. However, unless Union Council agrees otherwise, the value to be obtained from any sale or exchange cannot be substantially less than value of the Trust Premises.

7. Proceeds of sale or investment

- 7.1 The BUV must hold on trust any money received from selling, mortgaging or otherwise dealing with the Trust Premises. The BUV must also hold on trust any money received under an insurance policy for the Trust Premises.
- 7.2 The BUV may spend such money:

- 7.3 to erect a Chapel on the land, or rebuild, enlarge, improve or repair the Chapel or other buildings; or
- 7.4 purchase other property; or
- 7.5 for the benefit of the local Church,

provided it is not for purposes that are inconsistent with other provisions of Schedule B, and provided that the local Church directs it at a Special Meeting duly convened and held as provided in clause 10 of Schedule B.

- 7.6 The BUV may invest any money until it is required to be used under this clause. It can be invested in authorised trustee securities. Income from any investment shall be applied according to directions given by the local Church at any Church meeting (it does not have to be a Special Meeting convened under clause 10). Any investments in real property will themselves be held on trust.

8. Leasing Trust Premises

- 8.1 The BUV may lease Trust Premises (or any part of them) on conditions (period of time, amount of money and other conditions) directed by the local Church at a Special Meeting duly convened and held as provided in Clause 10. The BUV may execute all necessary or proper documents to effect the lease.
- 8.2 At the end of the lease, the Trust Premises will continue to be held according to the trust terms set out in Schedule B.
- 8.3 Any rent received must be applied in such manner as the local Church directs at any Church meeting (it does not have to be a Special Meeting held under clause 10 of Schedule B).

9. Receipt of payment

- 9.1 Once the BUV has received payment for any mortgage, sale or rent of Trust Premises, it is not necessary for the mortgagee, purchaser, tenant or lessee to check that the BUV is acting in accordance with the terms of the trust.

10. Special Meetings

- 10.1 The Special Meetings referred to in sections 4, 5, 6, 7, 8 and 13 of the Act may be convened at any time by any of the following:
- 10.2 Deacons.
- 10.3 Pastors, if there are no Deacons.

- 10.4 At least one sixth of the members of the local Church, if the Pastor or Deacons do not convene the meeting after receiving a written request to do so by one sixth of the members. To request a meeting under this clause, a member of the local Church must be 18 years of age, have been a member for at least 6 months, have been present for Communion at least twice in the previous 6 months and must not have ceased to be an active member of the local Church.
- 10.5 The BUV, if the Pastor or Deacons do not convene the meeting after receiving a written request to do so by the BUV.
- 10.6 At least 14 clear days' public notice must be given of each Special Meeting. The notice must set out the time and place of the meeting, and the purpose of the meeting.
- 10.7 The notice must be given by:
 - 10.8 Informing the members during the usual time of giving notices in each church service on the two Sundays that precede the meeting; or
 - 10.9 By posting an obvious written notice on or inside the Church building (or other principal building or on the land if no building).
- 10.10 At a Special Meeting the persons voting must be 18 years of age, must have been members of the local Church for at least 6 months, and must have been present at Church for communion at least twice in the preceding 6 months and must not have ceased to be an active member of the local Church.
- 10.11 The quorum for a Special Meeting is 90 members of the local Church, or the number that is the nearest whole number above forty percent of the total number of members of the local Church, whichever is lower. No business may be conducted at a Special Meeting, other than the election of a Chairperson or adjournment of the meeting, unless a quorum is present at the time the meeting proceeds to business – except as follows :
- 10.12 If there is no quorum present 30 minutes after the starting time, the meeting can pass resolutions but they will not take effect unless and until approved by the Council. In the case of any meeting where a quorum was not present, the minutes of the meeting must record the fact that there was no quorum present.
- 10.13 At a Special Meeting, a two-thirds majority vote is required. That is – two thirds of the members who attend in person and who cast a valid vote.
- 10.14 At the meeting, a Chairperson shall be appointed before proceeding to business.

10.15 The provisions in this clause do not apply to the ordinary meetings of the local Church for the management of its internal affairs.

11. Proof of resolutions passed at Special Meetings

11.1 If a Chairperson of any Church Meeting signs a minute or memorandum to say that a direction has been given by the local Church at a Special Meeting, then that is conclusive evidence of the adoption of the resolutions or transaction of business at a duly convened and held meeting. It will be presumed that the Chairperson was duly appointed.

11.2 In the case of a Special Meeting that did not have a quorum present, the Chairperson must not sign minutes of that meeting unless the minutes record (make note) that a quorum was not present.

12. Things done before Schedule B was passed

12.1 Anything done before the date that the provisions of Schedule B come into effect will be valid and binding as if done in accordance with the provisions of Schedule B.

13. Money owed by the local Church to the BUV

13.1 If the BUV is liable to pay any money, and the money is not provided by the local Church or otherwise by the BUV, the BUV may mortgage or sell the Trust Premises (without the local Church's consent) after the BUV Secretary has given 6 months written notice to the Deacons or officers of the local Church (if any). The written notice must state that payment is required within 6 calendar months of the service of the notice, and that if payment is not received, the BUV intends to mortgage or sell the Trust Premises.

13.2 The proceeds of sale or mortgage may be applied to pay all expenses associated with the sale or mortgage, and reimburse or indemnify the BUV fully, and then the BUV may dispose of the remaining proceeds in accordance with any direction given by the local Church in accordance with a Special Meeting convened and held as required by clause 10. However, the proceeds can only be disposed for purposes that are consistent with Schedule B.

14. Local Church changing location

14.1 If the local Church moves to another location, the local Church's powers in relation to the Trust Premises do not change.

14A Local Churches authorising the Council to act in their place

- 14A.1. There are various provisions in Schedule B that give power to the local Church to give directions to the BUV (clauses 4, 5, 7, 8 and 13).
- 14A.2. The local Church can authorise the Council to stand in its shoes and exercise those powers in its place. To do so, the local Church must pass a resolution at a meeting convened and held as required by clause 10 of Schedule B.
- 14A.3. If the Council agrees, then the Council may exercise those powers until the Council and the local Church (by majority decision of its members who are over 18) both decide that the powers should be handed back to the local Church.
- 14A.4. If the local Church resolves for the powers to be handed back to it, but the Council does not pass a resolution within one month to do so, then the Assembly can make the Council do so.

15. Churches reduced to less than 13 members, new Churches, and Churches that have ceased to use their building for public worship

- 15.1 If:
 - 15.2 a local church has not yet been formally established and accepted as a Constituent within the BUV; or
 - 15.3 a local Church has dissolved or dispersed, or the members have been reduced to 12 or less; or
 - 15.4 the Public Worship of God in the Trust Premises has discontinued for 6 calendar months continuously (except in the case of building works happening and except in the case where worship in the Trust Premises is prohibited by government for public health or other emergency reasons)

Then the BUV may take control of any Trust Premises and deal with it any matter that the Council sees fit. However:

- 15.5 The Council must follow certain procedures in determining how to deal with the property. A decision must be made by resolution passed by a majority of two-thirds of the members of the Council present and voting at a special meeting called for the purpose. The Chair of the Council must certify the decision.
- 15.6 The Council must hold the Trust Premises, and proceeds arising from it (e.g. by sale or investment), on trust.

15B Churches reduced to 29 members or less

15B.1 If at any time the number of members of a local Church reduces to 29 or less (but more than 12), then the powers that the local Church has with clauses 4, 5, 6, 7, 8 and 13, may be exercised exclusively by the Council. However:

15B.1.1 the Council must make a decision to exercise the power conferred on it by a resolution of a majority of at least two-thirds of members present and voting at a special meeting for that purpose; and

15B.1.2 the BUV Secretary must have given six months' written notice of the intention of the BUV Council to act to the Deacons or officers of the local Church, and to the Assembly; and

15B.1.3 provided that, if the local Church has appealed to the Assembly, the Assembly has endorsed Council's decision.

15B.2 A local Church may appeal any decision made by Council to exercise powers under this clause 15B by giving notice to the Secretary, within three months of the Secretary notifying the local Church of Council's intention to act. If a local Church appeals to Assembly, then:

15B.2.1 the local Church must be given a reasonable opportunity at an Assembly meeting to be heard; and

15B.2.2 Assembly may pass a resolution to endorse Council's decision, or it may refuse to endorse Council's decision.

15B.3 The powers exercised by Council under this clause will not be handed back to the local Church unless and until the Council and the local Church separately resolve that the powers will go back to the local Church.

15B.3.1 The local Church must decide by majority decision of its members who are 18 years or older.

15B.4 If the local Church passes a resolution but the Council refuses to do so, then the Assembly may require the Council to do so.

15C Churches reduced to 29 members or less: powers exercisable jointly by Council and the local Church

If at any time the number of members of a local Church reduces to 29 or less (but more than 12), and after considering the reduced numbers the Council passes a resolution to decide that it is necessary or advisable that directions given to the BUV by the local Church regarding the Trust Premises should be subject to oversight, then any directions issued by a local Church in respect of clause 6 (sale of Trust Premises), clause 7 (proceeds of sale), clause 5 (borrowing), clause 4 (appointments), clause 8

(leasing) and clause 13 (proceeds of sale) shall only be effective if approved by Council.

16. Leases

16.1 If a Church changes location and leases the Trust Premises, then until the end of the lease, the provisions of clause 15 relating to the discontinuance of the Public Worship of God in the Trust Premises for 6 calendar months continuously (except in the case of building works happening and except in cases where worship in the Trust Premises is prohibited by Government for public health reasons or other emergency reasons) will not apply.

17. Purposes

A Church cannot issue a direction to the BUV regarding Trust Premises for improper purposes (being purposes other than the purposes of the Church and the Union).