

2022 No. 294

CHARITIES

**The Charities (Edgehill Theological College Scheme) Order
(Northern Ireland) 2022**

Made - - - - *3rd November 2022*

Coming into operation *26th November 2022*

The Charity Commission for Northern Ireland has settled the scheme set out in the Schedule to this Order in accordance with section 32(1) of the Charities Act (Northern Ireland) 2002 with a view to its being given effect under section 32(2) of that Act.

The scheme does not alter any statutory provision contained in, or having effect under, any public general Act of Parliament of the United Kingdom or Northern Ireland.

The Department for Communities **(a)**, makes the following Order in exercise of the powers conferred by section 32(2) of the Charities Act (Northern Ireland) 2008 **(b)**

Citation and commencement

1. This Order may be cited as the Charities (Edgehill Theological College Scheme) Order (Northern Ireland) 2022 and shall come into operation on 26th November 2022

Commission scheme given effect

2. The scheme set out in the Schedule and settled by the Charity Commission for Northern Ireland under section 32 of the Charities Act (Northern Ireland) 2008, has effect.

Sealed with the Official Seal of the Department for Communities on 3rd November 2022

(L.S.)

Sharron Russell
A senior officer of the Department for Communities

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(b) 2008 c.12 (N.I.)

SCHEDULE

SCHEME OF THE CHARITY COMMISSION FOR NORTHERN IRELAND
PURSUANT TO SECTION 32 OF THE
CHARITIES ACT (NORTHERN IRELAND) 2008

SETTLED ON

10 JUNE 2022

THIS SCHEME WILL ALTER OR AFFECT THE GOVERNING DOCUMENT OF THE
CHARITY KNOWN AS GOVERNORS OF THE EDGEHILL THEOLOGICAL COLLEGE,
BELFAST

CHARITIES ACT (NORTHERN IRELAND) 2008

EDGEHILL THEOLOGICAL COLLEGE

Scheme made by the Charity Commission for Northern Ireland under section 32 of the Charities Act (Northern Ireland) (2008).

WHEREAS:

- 1.The Edgehill Governors were incorporated by statute under the Methodist College Act (Northern Ireland) 1928.
- 2.The Edgehill Governors is an institution to be treated as a charity pursuant to the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013.
- 3.The Edgehill Governors are the governing body for the Edgehill College and hold the Edgehill Endowments other than the Edgehill Premises on trust for the purposes specified in section 41 of the Methodist College Act (Northern Ireland) 1928.
- 4.The Edgehill Premises are held on trust by the Statutory Trustees to permit the Edgehill Governors to use and occupy the same for the purposes of Edgehill College as defined in the Methodist College Act (Northern Ireland) 1928.
- 5.The Edgehill Premises have become too large for the needs of Edgehill College, and Edgehill College is not viable without significant annual subvention from the general funds of the Methodist Church in Ireland.
- 6.In current circumstances, it is considered that the Edgehill Premises can better be used with the general funds of the Methodist Church for common purposes and in particular, to be used in part as Connexional offices for the Methodist Church.
- 7.In current circumstances, it is considered that the separate and distinct legal structure of the Edgehill Governors is unnecessary and unwieldy, and that the Edgehill Endowments could more efficiently be applied and managed by Statutory Trustees.
- 8.The Edgehill Governors have therefore proposed this Scheme to provide for the transfer of the Edgehill Endowments to the Statutory Trustees and for the dissolution of Edgehill Governors.

NOW THEREFORE

The Charity Commission for Northern Ireland, after due inquiry and in pursuance of section 32 of the Charities Act (Northern Ireland) 2008 and all other powers enabling it

HEREBY MAKES THE FOLLOWING SCHEME:

1. In this scheme, unless inconsistent with the subject or context the following expressions shall bear the following meanings:

“The Conference” shall mean the annual assembly or Yearly Conference of the Methodist Church in Ireland composed of Ministers and Lay Representatives in accordance with the constitution thereof for the time being defined by the Laws and constitution of the said Conference or other the supreme authority for the time being of the Methodist Church in Ireland and shall include any authority duly empowered to represent or act for the Conference in that behalf.

“The Edgehill College” shall mean the theological college currently operated by the Edgehill Governors from the Edgehill Premises.

“The Edgehill Endowments” shall mean all the real and personal property vested in or held in trust by the Edgehill Governors for all or any of the purposes of the Edgehill College.

“The Edgehill Governors” shall mean The Governors of the Edgehill Theological College, Belfast, incorporated under the Methodist College Act (Northern Ireland) 1928.

“The Edgehill Premises” shall mean the buildings known as The Edgehill Theological College Belfast and shall include all buildings used for the purposes of the Edgehill College.

“The First Effective Date” shall mean 14 December 2018.

“The Second Effective Date” shall mean the day on which the Scheme becomes effective in accordance with Clause 13 of the Scheme.

“The Statutory Trustees” shall mean the Trustees of the Methodist Church in Ireland appointed under the Methodist Church in Ireland Act 1915.

2. The Edgehill Premises shall continue to be vested in and held by the Statutory Trustees.

3. As and from the First Effective Date, the Edgehill Premises shall be held by the Statutory Trustees on trust for the general purposes of the Methodist Church in Ireland freed from the trusts as imposed by section 39 of the Methodist College Act (Northern Ireland) 1928.

4. As and from the Second Effective Date, the Edgehill Endowments held by the Edgehill Governors pursuant to section 38 of the Methodist College Act (Northern Ireland) 1928 shall vest in and shall be held by the Statutory Trustees on the trusts set out in clause 6 below.

5. The Edgehill Governors shall do all such things and execute all such documents as are necessary to transfer the Edgehill Endowments to the Statutory Trustees.

6. The purposes for which the Edgehill Endowments shall from the Effective Date be held are for the purposes of theological education in connection with the Methodist Church in Ireland in such manner as may be determined by the Conference or committees or boards created by the Conference.

7. The Statutory Trustees shall have the same powers of sale and investment in respect of the Edgehill Endowments as the Statutory Trustees enjoy under the Methodist Church in Ireland Act 1915.

8. As and from the Second Effective Date, the management of Edgehill College shall be carried out by the Conference, or by committees or boards created by the Conference for that purpose, in accordance with such rules or regulations as the Conference may from time to time in its Manual of Laws prescribe.

9. The Principal of the Edgehill College and any tutor engaged at Edgehill College who is a Minister of the Methodist Church in Ireland shall be appointed and replaced by the Conference on such terms and conditions as the Conference may in its Manual of Laws prescribe.

10. As and from the Second Effective Date, the liabilities and obligations of the Edgehill Governors shall become liabilities and obligations of the Methodist Church in Ireland.

11. As and from the Second Effective Date, the contracts of employment of all employees of the Edgehill Governors shall be novated to the Methodist Church in Ireland, which shall be responsible for all liabilities and obligations of the Edgehill Governors to their employees.

12. Once the Edgehill Endowments are vested in the Statutory Trustees, the Edgehill Governors shall be dissolved and shall cease to exist.

13. The Scheme shall become effective on such date as the order of the Department for Communities pursuant to Section 32 of the Charities Act (Northern Ireland) 2008 gives it effect.

14. On and from the Second Effective Date all property or moneys of any description whatsoever held by any person for or payable to the Edgehill Governors or for the purposes of the Edgehill College shall be delivered, transferred or paid by the person or persons in possession thereof to the Statutory Trustees whose receipt shall be a good discharge for the person or persons making the transfer, delivery or payment.

15. All the costs, charges and expenses of and incidental to the negotiations for and preparation of this Scheme and carrying the same into effect shall be borne by the Edgehill Governors.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order gives effect to a scheme settled by the Commission under section 32 of the Charities Act (Northern Ireland) 2008 in regard to the Edgehill Theological College Scheme. The scheme transfers the Edgehill Endowments to the Statutory Trustees and dissolves the Edgehill Governors. The scheme is set out in the Schedule

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