

Guideline Leaflet L05: Ecumenical Sharing Agreements

This leaflet applies to Baptist churches that are involved in Local Ecumenical Partnerships (LEPs) where there is shared use of church buildings between different denominations.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

L05: Ecumenical Sharing Agreements

These notes are offered as guidelines by Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

ECUMENICAL COMMITMENT

The Baptist Union of Great Britain is a member denomination of Churches Together in Britain and Ireland and Churches Together in England. The Baptist Assembly passed significant resolutions concerning membership of these bodies at Leicester in 1989 and Plymouth in 1995. Most Baptist churches are ecumenically committed in some way.

ECUMENICAL PARTNERSHIP

A number of Baptist churches are part of a Local Ecumenical Partnership.

Local Ecumenical Partnerships (LEPs) take various forms. They are created when Christian denominations work together under a formal agreement. A common form of agreement is when denominations come into partnership by setting up a single congregation. Others can be created when partner denominations share a church building, or when they co-operate in chaplaincy.

This Guideline leaflet is concerned only with Local Ecumenical Partnerships where Baptist churches are involved in the shared use of buildings.

INFORMATION FROM CHURCHES TOGETHER

There is some helpful information published by Churches Together in England on their website:

https://cte.org.uk/Groups/246100/Home/Resources/Local_Ecumenical_Partnerships/Different_types_of/Sharing_Church_Buildings/Sharing_Church_Buildings.aspx. This is helpful reading for a Baptist church who are considering entering into a Sharing Agreement. It expands on many of the issues that are introduced in this leaflet.

See also – *Travelling Together* – a Handbook on Local Ecumenical Partnerships, which can be downloaded free of charge from the Churches Together in England website:

https://www.cte.org.uk/Groups/244983/Home/Resources/Local_Ecumenical_Partnerships/We_want_to/We_want_to.aspx

SHARING OF CHURCH BUILDINGS ACT 1969

The governing legislation is the Sharing of Church Buildings Act 1969 - referred to in this leaflet as the 1969 Act.

The 1969 Act provides a legal framework that allows two or more different churches to enter into a Sharing Agreement. A Sharing Agreement enables existing or new church buildings (including halls and manses) to be used by several Christian denominations who subscribe to doctrines and practices that, in the absence of the Sharing Agreement, would not be permitted by the church owning the premises. The foundation trusts are 'set aside' and the Sharing Agreement provides fresh arrangements for the partnering denominations sharing the building.

For example,

- the Trust Deeds of many Baptist churches provide that the only baptism permitted is the baptism of believers by immersion, upon profession of faith in the Lord Jesus Christ. A Sharing Agreement between a Baptist church and a Methodist church would allow Methodists to practice the baptism of infants by sprinkling in the 'Baptist' building.
- in an Anglican church only an ordained minister may preside at a communion service. A Sharing Agreement between an Anglican church and a Baptist church would allow a Baptist lay person to preside at a Baptist communion service held in the Anglican building.

WHO MAY SHARE?

It is important to note that the 1969 Act does not allow all churches to enter into Sharing Agreements. The 1969 Act applies only to those churches who are represented on the governing bodies of Churches Together in Britain and Ireland (the Baptist Union of Great Britain is included), the Evangelical Alliance or the British Evangelical Council and who have indicated to the body concerned that they wish the 1969 Act to apply to them. This means that if you are a Baptist church in membership with the Baptist Union of Great Britain, the Act can apply to your church.

There are provisions in the 1969 Act for adding other churches who apply to one of the national bodies mentioned in the previous paragraph. This is often called 'gazetting' because formal notices have to be published in the *London Gazette*.

The 1969 Act enables the following to be determined in any particular case:

- who will be the parties to the Sharing Agreement;
- what consents are required;
- who keeps a register of sharing agreements.

So far as churches of the Baptist Denomination are concerned:

- the parties to the Sharing Agreement are the Baptist Union Corporation, or other trustees, including (possibly) one of the other local Baptist Trust Corporations and representatives of the local Baptist church;
- consents are required from the Baptist Church Members' Meeting;
- sharing agreements are registered with the relevant Baptist Trust Corporation.

CONSULTATION

There are several groups who should be involved if a Baptist church is considering entering into a Sharing Agreement. They are all concerned about your church and the decisions you are considering.

- **The Regional Ministers** will want to offer wise pastoral counsel and one of them may be the best person to chair Church Members' Meetings and guide you through the various decisions which need to be made.
- **The Association Staff**, including the local ecumenical officer, may be able to offer helpful practical advice.

- **The Baptist Union Corporation or Regional Trust Corporation.** If the proposals relate to a church building of which the Baptist Union Corporation or Regional Trust Corporation are the holding trustees (either alone or jointly with private trustees) they will need to be a party to the Sharing Agreement. Solicitors will need to be involved.
- **The staff at the Baptist Union of Great Britain** who work within the Faith and Society Team. Hilary Treavis is the National Ecumenical Officer and has considerable experience in relation to ecumenical arrangements generally. She is able to offer guidance relating to the preparation and approval of the constitution for a Partnership that includes a Baptist church.

SHARING AGREEMENTS

The motivation for two or more churches to share buildings may come from a strong desire to work together ecumenically and so present a united witness and engage in united mission. The reasons may also be more pragmatic and the sharing may be proposed out of necessity in a particularly challenging situation.

It is vital to recognise, however, that the purpose of the Sharing Agreements is to enable two, or more, churches to share the use of the premises belonging to one or more of those churches. It can create a united church community where all the members are members of only the one local church. However, the identity of each of the participating denominations is retained and, from time to time, people may be asked to meet in denominational groups to deal with issues that specifically affect them. They will also remain a constituent part of their own denominational structures.

So, if there is a Sharing Agreement for the use of Baptist church premises by a Baptist church, a Methodist church and a United Reformed church, it is important that the separate identity of those three churches is retained. There will have to be a Baptist church members list, a Methodist church members list, a United Reformed church members list. If the three fellowships decide that they wish to publish just one combined membership list it will have to indicate the church of which each person is a member.

A new person applying to join the church must be asked to specify whether they are to be placed on the Baptist list, the Methodist list or the United Reformed list. There are some cases where a new person joining the church can be placed on more than one denominational roll, for instance if a new convert is baptised and confirmed into all the denominations sharing in the partnership. There are ways to allow existing members on one denomination to 'extend' their membership into the other denominations in the partnership for the time that they are in the membership of that partnership. New members may choose to have 'multiple membership'.

As time passes it may well be that people will want to regard themselves, more and more, as members of only the one local church. The memories of the members of the three individual churches who entered into the Sharing Agreement may become blurred. This may be good in some ways but for the operation of the Sharing Agreement the membership distinctions must be retained.

It is very important to know who the Charity Trustees are with responsibility for the work of the church and the church premises – these will be the charitable trustees for the purposes of the Charities Act 2011. In a Baptist church the term Charity Trustees is often used for a group including the minister, deacons and elders (see Guidelines Leaflets C01 *Charity Legislation and Churches* and C15 *Help I'm a Charity Trustee* and the list of other useful information at the end of this leaflet). This must still be remembered even where the premises are the subject of a Sharing Agreement. Charity Trustees have important legal responsibilities in relation to the premises and church activities generally. In a Local Ecumenical Partnership, the Charity Trustees are often called the Ecumenical Church Council or sometimes the Joint Council.

Sharing Agreements are authorised by section 1(2) of the 1969 Act. In just a few cases the provisions of section 2(2) of the 1969 Act have been used to set up a separate company to own the buildings. In those cases, the churches sharing the use of the buildings will have appropriate representation on the Board of Directors of the Company.

PROFESSIONAL ADVICE

A Sharing Agreement is a formal legal document. It will be prepared by the solicitors who act for the church (or denomination) who own the premises being (or to be) shared.

It is also necessary for the solicitors who act for the other churches to check the draft Sharing Agreement before the final document is prepared for signature by or on behalf of the participating churches.

In the case of Baptist property, where the Baptist Union Corporation Limited (or another Baptist Trust Corporation) are the holding trustees the Sharing Agreement will be prepared by that Trust Corporation's solicitors.

If a Baptist church is entering into a Sharing Agreement relating to premises owned by another church and if the Baptist Union Corporation are to be a party to the Sharing Agreement, they will refer the draft to solicitors for approval.

The arrangements can be quite complicated. A surveyor might also need to report on the value of a church property before the solicitors prepare the paperwork.

Some Local Ecumenical Partnerships find this frustrating, particularly as there may be costs arising from the involvement of each denominational partner. The process of drafting and confirming the arrangements across multiple denominations can also take very many months or years.

WHO ARE THE CORPORATION'S SOLICITORS?

The solicitors who act for the Baptist Union Corporation Limited are:

Anthony Collins Solicitors LLP
134 Edmund Street
Birmingham
B3 2ES

Tel: 0121 200 3242
Fax: 0121 212 7442
DX 13055 Birmingham 1

Website: www.anthonycollins.com
Email: esther.campsall@anthonycollins.com

Please make initial contact with Esther Campsall. Anthony Collins Solicitors has experience in dealing with churches and the special trust arrangements that are required for church property. They are able to act for both the church and the Baptist Union Corporation Limited.

The legal costs associated with the Sharing Agreement will be payable by the church, not the Baptist Union Corporation Limited. If you decide to ask Anthony Collins Solicitors LLP to do the work this may help avoid any misunderstandings or delays. They are familiar with our requirements and with Sharing Agreements, which can be complicated.

Sometimes a church will know a local solicitor they wish to instruct to act for them in preparing a Sharing Agreement. Please remember that there are additional requirements in acting for a Baptist church that is governed by the Charities Act 2011, particularly where that church is contemplating a sharing arrangement. Most solicitors will not be familiar with this kind of document.

COUNCILS AND CONSTITUTIONS

Sharing Agreements normally provide for the constitution of a Joint Council representing the sharing churches.

The functions of the Joint Council will be:

- settling questions regarding the times of use of the building by the sharing churches;
- advising on matters of management, maintenance and repair and regarding financial questions, particularly in cases of exceptional expenditure;
- organising or considering proposals for the raising of common funds;
- facilitating joint action and settling questions of detail.

The membership of the Joint Council and the chairing and frequency of meetings will be covered by the Sharing Agreement.

The Sharing Agreement must also relate to a formal Constitution for the day-to-day operation of the LEP. The Constitution is usually adopted before the Sharing Agreement is entered into.

The Baptist Union of Great Britain must agree all Local Ecumenical Partnership constitutions before they are signed. Contact Hilary Treavis in our Faith and Society Team at Baptist House for information and guidance on forming a constitution and who needs to be involved.

There are two forms of model constitution for LEPs; one for an unincorporated LEP, and one for an LEP which will be structured as a Charitable Incorporated Organisation (CIO).

TERMINATING SHARING AGREEMENTS

A Sharing Agreement must contain provisions for termination. Remember that the Sharing Agreement relates to a specific building. Even if the Local Ecumenical Partnership is to continue, perhaps in a modified form, there must be a way of ending the arrangement for the use of that building.

The effect of terminating a Sharing Agreement will be that the building will revert to the host church and be held on the same trusts that applied to that building before the Sharing Agreement was entered into.

SECURITY OF CAPITAL

One advantage of a Sharing Agreement is that it can also enable capital funds to be applied towards another denomination's building. For example, the proceeds of sale from a Baptist building, or other capital money, can be used towards the cost of capital improvements to, say, a Methodist church building in respect of which the Baptist church has entered into a Sharing Agreement.

This investment of capital in the building of another denomination must be addressed in the initial Sharing Agreement or be covered by a supplemental deed to the original Sharing Agreement. The building being improved will first be professionally valued in its unimproved condition. The investment will be expressed as a percentage of the unimproved value plus the cost of improvements, taking into account all financial contributions being made from whatever source.

If the Sharing Agreement is ended the partnering congregation will be entitled to repayment of the investment but this may not be until such time as the building is sold in the future. A Legal Charge over the property may be required. The actual amount to be paid will be the agreed percentage, but of the value of the building at the date of the termination of the Sharing Agreement. These arrangements can deter a church or Baptist trust corporation who may not wish to see the Baptist capital tied up in another denomination's building for an undetermined period.

TRUST AND SENSITIVITY

Sharing Agreements are essentially about relationships. We speak of a host congregation - the church who actually own the premises and the guest congregations - the other churches who are subscribing to the partnership.

It is helpful to keep this concept of host and guest congregations firmly in view at all times for they help to underline the relational aspect of the partnership. In any relationship trust and sensitivity, coupled with mutual understanding and sympathy, are essential and should be developed both before and after entering into the Sharing Agreement.

Just as the 1969 Act has provided a framework for Sharing Agreements, so the Agreements themselves - and the other documents related to them - provide a framework within which the participating congregations will work. Not every possible eventuality will be covered in the documents - however carefully they are drafted - but it is hoped that they will suggest principles of co-operation and partnership which, when applied to any situation, will allow differences to be resolved with trust and sensitivity.

Perhaps it is worth noting that even greater sensitivity and trust are needed where one participating church is significantly smaller than the others.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	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 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

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 Legal and Operations Team 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 in the Legal and Operations Team 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 Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited and Yorkshire Baptist Association (Incorporated). All queries relating to property held on trust by the YBA should, in the first instance, be addressed to the YBA Trust Officer, Ann Chesworth.

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 is provided above. 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. A Company Limited by Guarantee. Registered in England No 32734. Registered Charity No 249635.

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT
Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
Website: www.baptist.org.uk Registered Charity Number: 1125912

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