



General Trustees

The Property Holding Arm
of The Church of Scotland

July 2024

Dear colleagues

Disposal of buildings – implementation of Presbytery Plans

Please find attached a guidance flowchart which outlines the processes and procedures we need to follow with regards to the disposal of those buildings categorised “b” in the Presbytery Plan.

To comply with the provisions of the Act VII 1995, Presbyteries should continue to send to the General Trustees an extract minute confirming approval for the disposal of each individual building. If you are aware that title to a particular building is held in the name of local trustees, the extract minute should go directly to the Law Department, but it is quite acceptable simply to send all extracts to the General Trustees on the assumption that title to the building is in the name of the General Trustees, and they will be passed onto the Law Department where appropriate.

It is assumed that adjustments (ie unions, linkages, etc) as approved in the Plan have been or are being implemented and, therefore, that the Ministers’ rights will not be impacted by the building disposal. You should send extract minutes with regards to the disposal of buildings as per the date determining such disposals in the Plan.

For those buildings which are to be disposed of other than by adjustment, an application for authority to dispose should be instigated by the Kirk Session (or Financial Board where different) in addition to Presbytery approval.

The Trustees are, of course, aware that a number of buildings have initially been categorised “b” in Plans so as to allow further time for reflection and assessment on which buildings, in certain circumstances, are to remain category “b” and which will be retained. It is expected that these decisions will be made at the appropriate annual Plan reviews.

As a reminder, once a building has been approved for disposal by the General Trustees, congregations remain responsible for maintenance and appropriate insurance of the building and staff in the General Trustee are ready to assist congregations and Presbyteries with regards to any queries concerning same.

We hope the flowchart makes interpretation of the disposal process a little easier than it might otherwise have been but once again, the staff of the General Trustees are always on hand to assist.

Whilst the General Trustees and Law Department will do their very best to dispose of buildings in a manner which “dovetails” with the various dates requested in Presbytery Plans, given the sheer volume of disposals we are expecting in the coming five years, it may not always be possible to align disposals with dates requested in Plans.

Thank you for your work in the challenging area of Planning; clearly, difficult but ultimately necessary decisions have needed to be made and the General Trustees will expedite matters in terms of disposal of buildings in a sensitive and expeditious manner.

Yours sincerely

Brian D Waller
Chief Executive & Clerk

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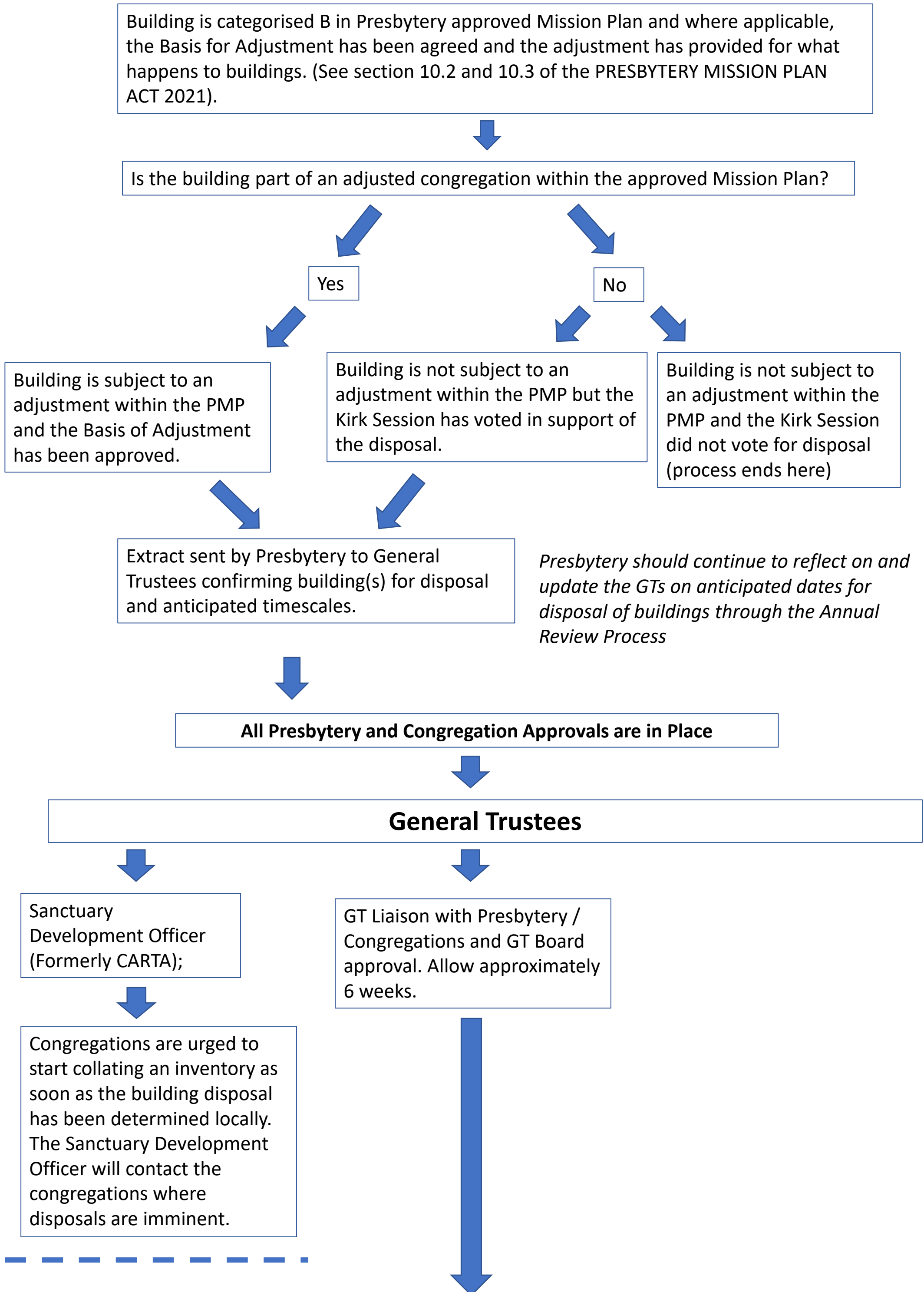
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Guidance for Buildings Categorised B in Presbytery Mission Plans

This advice covers churches, halls and other non-domestic ecclesiastical buildings and supersedes previous advice given prior to 2021.



On receipt of an extract relating to a building, the GTs will make contact with Presbytery / congregation seeking further information;

- Clarity on anticipated disposal date
- Anticipated building closure date
- Building duty holders
- Details of any lease agreements in the building
- Details of any telecommunications infrastructure in the building

Any building categorised B in the plan must continue to have routine maintenance carried out. This includes any fabric repairs required to keep the building wind and watertight and safe. It also includes mandatory maintenance and testing of M&E equipment (e.g. EICRs or emergency lighting testing). Building improvements or wholesale component replacement is not appropriate in most instances. For further advice please contact your Presbytery Building Officer. The responsibility for maintaining the building sits with the Kirk Session.

The GTs will notify **COSIS** of information on closure and disposal dates.

GTs will give instruction to **Law Department** to market building as well as providing this information. The Law Department will liaise with the Congregation from this point.

Where possible, the building should continue to be used as normal until an **offer has been accepted by the Law Department**. Routine (weekly or by-weekly) services should continue as should routine bookings of hall space, with support from Presbytery.

There are many variables effecting the duration of the marketing and conveyancing of a church property. To assist with planning, the congregation should allow a period of 6 – 9 months for the disposal of the property however it could take longer than this.

If the congregation can no longer demonstrate occupation of the building through recorded routine usage, then the building will be deemed unoccupied. The congregation must notify COSIS. See attached guidance from COSIS.

Once an offer has been received the building should be vacated. Although section 2 of the document is superseded by the above process, the rest of the guidance contained in THE CHURCH OF SCOTLAND GENERAL TRUSTEES DISPOSAL OF REDUNDANT CHURCHES is still a useful reference.

Note buildings that are unoccupied must comply with the insurance policy's *Unoccupied Buildings* requirements to maintain cover. In addition, there may be implications for the insurance premium and water rate charges for buildings unoccupied for an extended period. The responsibility for the management of a category B building sits with the Kirk Session (note this may be of an adjusted charge).