

PROPERTY REGISTER

OF

.....

CONGREGATION

IN THE

PRESBYTERY

OF

.....

This Register refers to all buildings other than manses.
A Manse Condition Schedule should be completed in respect of
the manse. This document can also be found in the General
Trustees' Building and Property Resources section of the website.

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INTRODUCTION

SECTION 1

General

This Property Register is issued by the Church of Scotland General Trustees and is required to be kept by all congregations by the Act of the General Assembly anent Care of Ecclesiastical Properties. A single Register will be retained where the Church and any Halls are essentially one structure. Where the Halls are stand-alone buildings, not physically attached to the Church, then a separate Property Register will be retained for the Halls on the one hand and the Church on the other. In relation to the Manse, a Manse Condition Schedule should be completed and returned annually to Presbytery.

IT IS ANTICIPATED THAT, AFTER THE INITIAL RETURN UTILISING THE NEW PROPERTY REGISTER FORMAT, ONLY SECTIONS 3 (INSURANCE OF PROPERTIES) AND 4 (RECORD OF ANNUAL INSPECTION OF FABRIC INTERNALLY AND EXTERNALLY) WILL BE REQUIRED TO BE COMPLETED AND PRESENTED AT PRESBYTERY ANNUALLY. EXCEPTIONS WILL BE WHERE THERE ARE CHANGES TO THE SCHEDULE OF PROPERTIES AND ADDITIONS/DELETIONS TO THE INVENTORY OF FURNISHINGS AND EQUIPMENT. PLEASE NOTE HOWEVER THAT AMENDMENTS FROM YEAR TO YEAR MAY BE REQUIRED TO THE CHURCH/HALL RISK ASSESSMENT SHEET.

Congregations are responsible for the maintenance and insurance of buildings regardless of whether their titles are in the names of the General Trustees or in the name of local trustees for the congregation. Congregational constitutions place these duties on the body referred to in this Register as the '*Financial Board*'.

The *Financial Board* is the Congregational Board for congregations within the 1989 Deed of Constitution (the Model Constitution); the Deacons' Court for congregations with the former United Free Church Constitution; The Committee of Management for congregations within the Former United Presbyterian Church Constitution; and the Kirk Session for congregations with the *Quoad Omnia* Constitution.

Schedule of Properties, Inventory of Furnishings and Equipment Annual Inspection & Retention of Previous Annual Inspections

The purpose of this section of the Register is to retain a basic record of the building and essentially of its contents. This section only needs to be completed at the commencement of this register and only altered thereafter if there is a change in either the subjects or the contents.

Annual Inspection

This Register is intended to be an aid to good property maintenance. Its loose leaf format enables the annual inspection report to be recorded along with the previous year's report in order to maintain a record of maintenance works carried out on the fabric over several years. The Register is to be exhibited at the Presbytery Annual Inspection of Records. In relation to the Manse, the Manse Condition Schedule should be completed and returned to Presbytery annually.

Letting it Happen Booklet

This handbook provides excellent guidance on various issues covering buildings maintenance, energy management, access for the disabled etc. It is available online in the General Trustees' Building and Property Resources section of the Church of Scotland website or by post from the Church of Scotland General Trustees' Department.

Summary of Duties of Financial Board

SECTION 1

The object of this section is to provide a simplified statement of the duties falling on the Financial Board of a Congregation under Church of Scotland property legislation. It makes no claim to be comprehensive and reference should be made to Appendix 1 for the exact wording of the relevant Regulations and Act

Deed of Constitution

Article Tenth of the 1989 Model Deed of Constitution provides that the Financial Board must maintain and fully insure the fabric of all heritable properties. It also states that no ordinary repairs, improvements or material additions should be carried out until sufficient funds have been raised or assured for the purpose.

The obligations of a Financial Board operating under one of the other forms of constitution are similar but the duty to maintain the fabric of all properties is subject to the Board complying with the Regulations summarised in the immediately following section.

Regulations regarding Work at Ecclesiastical Buildings

SECTION 1

It is necessary to distinguish between REPAIRS and ALTERATIONS.

REPAIRS are operations to make good faults and failures and include redecoration in former colours with no change in appearance. Repairs therefore include most of the ordinary ongoing everyday work at buildings.

In terms of the Regulations, repairs require the approval of Presbytery but:-

- (a) Presbytery has power to dispense with the need for its approval and most Presbyteries have set a cost figure up to which the Financial Board can proceed with repair work without obtaining the approval of Presbytery.
- (b) If the total cost of the repair work (including any fees and VAT) exceeds the Financial Limit laid down by the General Assembly (£50,000 as at 2011), Presbytery cannot give unconditional approval without first referring the matter to the General Trustees.
- (c) Repairs which are urgently necessary in the interests of safety or health or for the preservation of the building may be carried out without consent subject to immediate intimation to Presbytery being given.

ALTERATIONS are defined as operations involving any change at the building and the term includes demolition or partial demolition, erection, extension, reconstruction, restoration and redecoration unless these involve no change in character or appearance.

In terms of the Regulations, alterations require the approval of both Presbytery and the General Trustees but:-

- (a) Both bodies have power to dispense with the need for their consents. Different Presbyteries will have different rules in this regard and the circumstances in which the General Trustees' approval is not required are set out at the end of the Regulations printed in Appendix 1.
- (b) As in the case of repairs, if the total cost of alterations (including any fees and VAT) exceeds the Financial Limit set by the General Assembly, Presbytery cannot give unconditional approval without first referring the matter to the General Trustees.
- (c) Again, as in the case of repairs, alteration work which is urgently necessary in the interests of safety or health or for the preservation of the building may be carried out without consent subject to immediate intimation to Presbytery and the General Trustees.

Approval from the General Trustees is quite separate from Presbytery approval but their power to give approval is also qualified in the case of alterations (including redecoration) at churches by the need to consult with the Committee on Church Art and Architecture (CARTA) and if a Financial Board is contemplating carrying out alterations at a church it is strongly advised to consult with the Committee at the earliest possible stage.

Approval given under the Regulations lapses after three years unless acted upon.

Note:- Loans and grants from the Central Fabric Fund can be made available for necessary works at ecclesiastical buildings. Applications for these or for the release of funds held by the General Trustees are in addition to the above approvals and it should be made clear when these are also being made.

Act anent Care of Ecclesiastical Properties

SECTION 1

In terms of the Act the Financial Board must appoint a Fabric Committee, including, or with the help of, people with technical knowledge and experience in dealing with property. This Committee should have a Convener and it is helpful if he maintains this Register. The Fabric Committee is responsible for carrying out, at least once a year, an inspection of all ecclesiastical properties: the annual inspection.

The Financial Board has to obtain and complete this Property Register (Manse Condition Schedule for Manses). All matters noted as requiring attention at the annual inspection, or at any other time, are to be noted in this Register and a record kept here of the work done as a result. Provision is made in the Register for a summary of the findings of the Quinquennial Inspection of Properties instructed by the Presbytery, and a record of the work done as a result. Items raised in this summary which have not been dealt with by the time of the next annual inspection should be inserted in its report as matters requiring attention and so included in the ongoing works. Any works not completed from a previous annual inspection should be repeated in the new report as matters still requiring attention.

Annually, normally early in the year, this Property Register should be submitted to the Financial Board. Particular attention should be paid at this time to the level of insurance. If it is agreed that the Register is a proper record, it should be attested by the signature of the Chairman on the authority of the Financial Board and submitted to Presbytery when called for.

During the five year period 1 July 1987 to 30 June 1992 Presbytery had to instruct a Professional Report on the properties of all congregations and it must commission subsequent reports at intervals of not more than five years, at least every second report being a professional one. On receipt of a report the Presbytery Fabric Committee must give consideration to it and bring the report to Presbytery providing at the same time its own views as to recommendations and instructions for action. At least 14 days before the report is to be submitted to Presbytery a copy has to be sent to the Financial Board and the Board has the right to be represented by Commissioners at the Presbytery Meeting. Presbytery then makes its decision which can be appealed to the Property Commission of the Church of Scotland. Unless appealed, instructions from Presbytery must be implemented without delay and within three months. The Financial Board must submit to Presbytery a report of how far the recommendations and instructions have been implemented. From the Quinquennial Report the Fabric Committee of the Financial Board should complete the summary of the findings of the Quinquennial inspection in this Register and thereafter complete the record of action taken as a result. As noted above, findings not dealt with immediately will become part of the report of the next annual inspection to make sure nothing of importance is overlooked.

PROCEDURE TO BE FOLLOWED WHEN REPAIRING OR ALTERING CHURCHES, MANSES OR HALLS

SECTION 1

STAGE 1 – Financial Limits Requiring Consent

Determine whether cost of proposed works exceeds the **Financial Limit** set by **The General Trustees** and **Presbytery**. If the limit is exceeded, then consent will be required before any work can be undertaken.

Currently (2011) the **Financial Limit** set by the **General Trustees** is **£50,000**.

Presbytery Financial Limits vary from Presbytery to Presbytery. If your **Presbytery Limit** is not known by you, contact your Presbytery Clerk or Presbytery Fabric Convener.

STAGE 2 – Funding of Works

Determine whether the cost of the proposed works can be funded by funds held by the congregation or whether it is necessary to apply for grant assistance. Any application to the **General Trustees** for grant assistance can only be made after approval from Presbytery has been obtained. This is irrespective of whether the **Presbytery Financial Limit** is exceeded or not. If the **Trustees' Financial Limit** is exceeded, then the Trustees' approval needs to be sought in all cases. (See below under **Application Forms**)

A list of grant aiding bodies, in addition to the General Trustees, can be obtained from the General Trustee's Office at 121 George Street, Edinburgh, telephone number 0131 225 5722.

Starting any work prior to obtaining a decision from the grant awarding body will jeopardise the award.

STAGE 3 – Application Forms

Form A – Permission to carry out any alteration works regardless of cost

Form B – Permission to carry out work over the Financial Limit

Form C – Application for grant or loan to the General Trustees

Form E – Application for a grant from Historic Scotland/Heritage lottery Fund

These can be obtained either by calling the General Trustee's office in Edinburgh on 0131 225 5722 or alternatively by downloading from the Church of Scotland website via the General Trustees section.

STAGE 4 – Other Consent Required For Alterations of a Planning Nature

Internal Works to a **Church** are presently covered by **Ecclesiastical Exemption**. This exempts the applicant from requiring the consent of Historic Scotland or the Local Authority.

However, the opinion of the **Committee on Church Art and Architecture (CARTA)** and the approval of the General Trustees needs to be obtained. **CARTA** is a consultative body and the final decision with regard to any alterations will be made by the General Trustees in all cases, irrespective of whether the building is or is not vested with the General Trustees. Applications should be lodged through the General Trustees, who in turn will contact **CARTA**.

All **External Alterations**, with some minor exceptions, will be covered by statutory legislation involving the **Local Authorities** and **Historic Scotland** and in some special cases, other bodies (for example **Schedule Monument Consent**), and must be the subject of formal applications to the relevant bodies. **CARTA** have no locus on external works but the General Trustees' consent will need to be obtained prior to the start of any works. Note that although in terms of listed buildings the Ecclesiastical Exemption applies in relation to Historic Scotland when making application for external works, the normal application procedure via the Local Authority Planning Department must still be followed in terms of external works.

STAGE 5 – Local Authority Building Warrant Requirement

With some exceptions, a Building Warrant will be required from the Local Authority for both **internal** and **external** alterations to a building. This needs to be made by lodging a formal application with your Local Authority Building Control Department.

An important and costly element to works at listed buildings is Value Added Tax. It may be that your building may qualify for an application for exemption to pay VAT in terms of work undertaken and you are urged to contact the General Trustees' Secretary's Department should you require advice on this subject.

Acceptance of Quotations from Contractors and Suppliers

There have been instances where disputes over payment have arisen on church property and the local Church Officer has personally been targeted by the aggrieved party. In order to avoid this, always accept **on behalf of** your Kirk Session, Congregational Board or whoever. The qualification will avoid the accepting party from being personally liable for the non-payment of any accounts, for whatever reason.

Fire Risk Assessment

The law requires all places of worship to have **FIRE RISK ASSESSMENTS** carried out. This also includes **halls**. Much of this is common sense and addresses matters such as the need to recognise areas of particular risk, emergency lighting, exit routes and fire fighting equipment. In most cases this risk assessment can be carried out in house but on more complicated buildings, it might be necessary to engage the assistance of suitably qualified professionals. The fire risk assessment document needs to be kept in the fabric record of the church and halls. No Fire Risk Assessment is required by law for residential properties, which includes manses.

Schedule of all Properties
(other than a manse)

SECTION 2

Description of Building (Please include address and postcode of each property)	Category if Listed

INVENTORY OF FURNISHINGS AND EQUIPMENT

Opening List

Initially, when completing this section for the first time, make a list and give details of all items of furniture and equipment. Thereafter, in future years, only list details of new items as they are purchased and other items as they are disposed of.

Sanctuary/Chancel including Pulpit

Date of Purchase	Description of Item	Value	Where Stored

Vestry/Halls

Date of Purchase	Description of Item	Value	Where Stored

Other Items

Date of Purchase	Description of Item	Value	Where Stored

Additions and Disposals

Date of Purchase or Disposal	Description of Item	Value	Where Stored

INSURANCE OF PROPERTIES

SECTION 3

ANNUAL SCHEDULE RECEIVED FROM THE
CHURCH OF SCOTLAND INSURANCE COMPANY OR
OTHER APPROVED COMPANY TO BE INCLUDED HERE

OR

INCLUDE NOTE INDICATING WHERE THE
REGISTER FOR THE CURRENT INSURANCE SCHEDULE
FROM THE INSURANCE COMPANY IS RETAINED

PLEASE ALSO INCLUDE POLICIES COVERING PUBLIC
LIABILITY INDEMNITY IN RESPECT OF HIRE OF BUILDINGS.

SECTION 4

**RECORD OF ANNUAL
INSPECTION
ON FABRIC
INTERNALLY
AND
EXTERNALLY**

SECTION 4

TO BE INSPECTED ANNUALLY

Fabric Record – Church

Date of Inspection/Revision

Exterior	Condition at Last Inspection and Works Required	Contractor's Name and Date of Visit	Description of Work Completed	Cost of Work	Satisfactorily Completed <u>or</u> Further Work Required
Roof Coverings					
Rainwater Goods					
Masonry including Render Finishes					
External Woodwork (excluding doors and windows)					

Drains					
Windows/ Doors					
External Painting					
Garden and Grounds					

Interior	Condition at Last Inspection and Works Required	Contractor's Name and Date of Visit	Description of Work Completed	Cost of Work	Satisfactorily Completed <u>or</u> Further Work Required
Decoration					
Ceilings					
Walls					
Floors					
Lighting and Power					
Central Heating					
Insulation					

SECTION 4

Safety Inspections	Yes/No* Delete as appropriate	Works carried out during the last twelve months
Is there Mains or LPG Gas in the property?	*Yes/No	
If so, has it been certified by a qualified engineer within the last twelve months.	*Yes/No	Date of Certification
Is there an oil-fired boiler or stove?	*Yes/No	
Has it been serviced within the last twelve months?	*Yes/No	Date of Service
Are there smoke alarms on all floors?	*Yes/No	
Have all Portable Appliance Testing requirements been met annually?	*Yes/No	Date of Testing
Lifts – Inspection/Testing. Please ensure all items of lifting plant and pressure vessels – eg chair-lifts/ elevators are inspected annually by competent/ trained person(s).	*Yes/No	Date of Inspection/Testing
Fire alarms/extinguishers should be tested annually by a suitably qualified person and documented where appropriate.	*Yes/No	Date of Inspection/Testing
Is there a current electrical test certificate? (This should be undertaken every five years)	*Yes/No	Date of Inspection/Testing

TO BE INSPECTED ANNUALLY

Date of Inspection/Revision

Fabric Record – Hall/Other Buildings (complete one schedule for each building)

Exterior	Condition at Last Inspection and Works Required	Contractor's Name and Date of Visit	Description of Work Completed	Cost of Work	Satisfactorily Completed <u>or</u> Further Work Required
Roof Coverings					
Rainwater Goods					
Masonry including Render Finishes					
External Woodwork (excluding doors and windows)					

Drains					
Windows/ Doors					
External Painting					
Garden and Grounds					

Interior	Condition at Last Inspection and Works Required	Contractor's Name and Date of Visit	Description of Work Completed	Cost of Work	Satisfactorily Completed <u>or</u> Further Work Required
Decoration					
Ceilings					
Walls					
Floors					
Lighting and Power					
Central Heating					
Insulation					

TO BE INSPECTED ANNUALLY

SECTION 4

Date of Inspection/Revision

Safety Inspections	Yes/No * Delete as Appropriate	Works carried out during the last twelve months
Is there Mains or LPG Gas in the property?	*Yes/No	
If so, has it been certified by a qualified engineer within the last 12 months?	*Yes/No	Date of Certification
Is there an oil-fired boiler or stove?	*Yes/No	
Has it been serviced within the last twelve months?	*Yes/No	Date of Service
Are there smoke alarms on all floors?	*Yes/No	
Have all Portable Appliance Testing Requirements been met annually?	*Yes/No	Date of Testing
Is there a current electrical test certificate? (This should be undertaken every five years)	*Yes/No	Date of Inspection/Testing

Church/Hall(s) – Risk Assessments

Whilst the General Trustees Department does not provide leaflets or templates on the following subjects, good sources of information are www.hse.gov.uk and the *Letting it happen!* booklet available from the Department and online at: http://www.churchofscotland.org.uk/resources/subjects/building_and_property_resources

Equality Act 2010

Churches and Halls should be disabled compliant where appropriate, particularly with regard to toilet accommodation where toilet facilities are available.

Asbestos Register

What is the location of asbestos, if any, in the building?

Date of removal, if required -

Fire Risk Assessment for church buildings

Does one exist?

If so, date when this was carried out -

If not, insert date when Risk Assessment available.
Presbytery must be informed.

Working at Height Regulations

See – www.hse.gov.uk/legislation

When Contractors are working with scaffolding on ceilings or roofs the congregation **must** ensure that they operate with all the correct safety procedures in place. This will involve undertaking a Risk Assessment.

Section 5

List of Authorised Works

Please list below any works authorised* in the last twelve months together with approximate cost.

(* Defined as works which required the approval of Presbytery, General Trustees or CARTA)

Section 6

QUINQUENNIAL INSPECTION BY PRESBYTERY

Have any works in the Urgent section of the Report **NOT** been carried out within one year of receipt:- **YES/NO**

If **YES**, reasons for not attending to the work and indicate nature of works not carried out.

Have any works in the Essential section of the Report **NOT** been carried out within five years of receipt:- **YES/NO**

If **YES**, reasons for not attending to the work and indicate nature of works not carried out.

Whilst the new format of Property Register is designed to help make the process of annual return simpler by requiring congregations to complete and return Sections 3 and 4 only of the Register (except where there are changes to the Schedule of Properties and/or additions/deletions to the Inventory of Furnishings and Equipment), nonetheless Presbyteries should ensure at Quinquennial that the non-return of other sections in the preceding five year period is an accurate reflection of that particular congregation's state of affairs ie there have NOT been any changes required to the Schedule of Properties and/or Inventory of Furnishings and Equipment in that time.

To be completed on behalf of the Congregation:

Annual Inspection Carried Out By

Date of Inspection

Designation

Signature of Chair of Financial Board

Date

To be completed on behalf of the Presbytery

*Examined and Attested
by Committee of Presbytery Convener*

*Presbytery Stamp Presbytery
Representative*

Date

Scheduled Date of Next Report