

## **XII ACT ANENT CARE OF ECCLESIASTICAL PROPERTIES**

*Edinburgh, May 25 2007, Sess. VIII*

The General Assembly enact and ordain as follows:-

### **Definitions**

1. (a) *Ecclesiastical buildings*: All properties pertaining to a congregation whether or not in use for the purposes of the congregation and in particular but without prejudice to the foregoing generality all Churches, Church Halls, Manses, houses for assistant or associate ministers, Church Officers' houses, retirement houses, ancillary buildings or outbuildings and properties which are let.
- (b) *Financial Board*: The Kirk Session, Congregational Board, Deacons Court, Committee of Management or other congregational authority responsible for finance and for the maintenance of the ecclesiastical buildings pertaining to the congregation.
- (c) *Manse Condition Schedule*: The document contained in Appendix III of the Joint Report of the General Trustees and the Ministries Council to the General Assembly of 2007 and referred to in the Regulations for Manses 2007.
- (d) *Professional Reporter*: An Associate or Fellow of the Royal Incorporation of Architects in Scotland or of the Royal Institution of Chartered Surveyors and who has satisfied the Presbytery that he or she carries appropriate Professional Indemnity Insurance of at least £500,000 or such other professional person nominated by the Presbytery and approved by the General Trustees.

### **Duties of Congregations**

2. The Financial Board shall in each congregation set up a Fabric Committee to take care of the ecclesiastical buildings of the congregation. The Fabric Committee shall be empowered to co-opt persons with appropriate skills to enable it to carry out its work.
3. (a) The Fabric Committee shall complete and maintain a Property Register and a Manse Condition Schedule.
- (b) The Property Register shall be in the form approved and issued by the Church of Scotland General Trustees ("the General Trustees") and shall contain the following sections in respect of the ecclesiastical buildings except the Manse of the charge:
  - (1) A list of the ecclesiastical buildings of the congregation and the title upon which each is held;
  - (2) The level of insurance cover in respect of each ecclesiastical building;
  - (3) An inventory of furnishings and equipment wherever located;

- (4) Details of all repairs and improvements undertaken to the ecclesiastical buildings other than those identified by the Professional or Interim Reports;
    - (5) A summary of the urgent and essential items of repair identified by the Professional or Interim Reports.
  - (c) The Manse Condition Schedule shall be in the form approved and issued by the General Trustees and the Ministries Council and shall contain the following information in respect of the Manse of the charge:
    - (1) Basic information as to address, building type, Listing, insurance cover and service contracts;
    - (2) A description of the internal condition by reference to each room, its current condition, when it was last decorated and/or up-graded and at what cost;
    - (3) A description of the external condition including the garden; and clarification of the relative responsibilities of the Financial Board and Minister with regard to garden upkeep;
    - (4) Details of items such as floorcoverings, curtains, and white goods which are provided and maintained by the Financial Board.
4. The Fabric Committee shall inspect all ecclesiastical buildings including the Manse by the end of May each year. All matters which are found to require attention at the annual inspection, and at any other time, shall be recorded in the Property Register or the Manse Condition Schedule along with a note of the action taken thereon.
5. (a) The Property Register and the Manse Condition Schedule shall be submitted annually to the Financial Board when it considers its budget for the following year so that reasonable provision may be made for the repairs and renovations required. At the same time, the Financial Board shall consider the levels of insurance cover in respect of all ecclesiastical buildings including the Manse to ensure that they are realistic and to make allowance for increased premiums in the following year.
  - (b) At least once in each ten year period the Financial Board shall instruct a valuation for insurance purposes of all the ecclesiastical buildings and heritable fittings and fixtures. A Financial Board which has not obtained a valuation for insurance purposes of any ecclesiastical building and heritable fittings and fixtures since 1 July 1997 shall instruct such a valuation no later than 1 July 2009. The Fabric Committee shall implement the recommendations as to the appropriate level of insurance cover.

Nothing in this section shall preclude Presbyteries from instructing valuations for insurance purposes on the ecclesiastical buildings of congregations within their bounds.

- (c) The Property Register, incorporating the revised insurance values, shall be attested and thereafter submitted to the Presbytery when called for.
- (d) The Manse Condition Schedule need not be submitted annually to Presbytery but shall be submitted:
  - (1) to quinquennial visitors appointed by the Presbytery;
  - (2) to the Presbytery upon a vacancy in the charge;
  - (3) when permission in terms of the Work at Ecclesiastical Buildings Regulations 1998 (as amended) in respect of the Manse is being sought;
  - (4) at any other time when requested by the Presbytery or the General Trustees.
- 6. Where a Manse serves as the Manse of a linked charge, the Fabric Committee shall give a copy of the Manse Condition Schedule to the Fabric Committee of the other congregation or congregations in the linking.

### **Duties of Presbyteries**

- 7. Each Presbytery shall set up a Fabric Committee (the “Presbytery Committee”) to which it shall appoint persons with technical knowledge and experience and appropriate skills and shall empower it to co-opt persons with such knowledge, experience and skills or to obtain such assistance as it may deem necessary.
- 8. The Presbytery Committee shall consider all Property Registers of congregations within the bounds on an annual basis and shall report thereon to the Presbytery. The Presbytery shall have power to instruct a congregation to undertake such repairs as it may deem necessary and to implement the recommendations of insurance valuations.
- 9. (a) At least once in the five year period beginning on 1 July 2007 and thereafter at intervals of not more than five years from the date of the previous inspection and report, the Presbytery Committee shall instruct an inspection and report on the ecclesiastical buildings of each congregation within the bounds. The said reports shall take one of two forms:
  - (1) A Principal Report which shall be carried out by a Professional Reporter at least once in each ten year period beginning on 1 July 2007.

Instructions for Principal Reports shall be given jointly on behalf of the following bodies which are directly interested in the maintenance, or the supervision of the maintenance of all ecclesiastical buildings: (1) the Presbytery of the bounds, (2) the Financial Board of the congregation concerned and (3) the trustees in whom the ecclesiastical buildings are vested; and the Presbytery is hereby authorised to act on behalf of such bodies.

- (2) In Presbyteries where a Principal Report is carried out once in each ten year period, the intervening Report shall be carried out by a person approved by the Presbytery and shall be known as an Interim Report.
- (b) Reasonable notice of intended inspections shall be given to the Clerk of the Financial Board and to the Minister of the charge and it shall be their duty to afford all reasonable facilities for the carrying out of inspections.
  - (c) All Principal and Interim Reports shall be in such form and shall contain such information as may be decided by the General Trustees and shall identify as “Urgent” all works required for the safety of the public or persons using the buildings; as “Essential” all works required to keep the buildings wind, water-tight and fit for use; and as “Desirable” all other works including works of modernisation and improvement.
  - (d) Professional and Interim reporters shall also have regard to the terms of the previous Report and shall comment on whether the Financial Board has dealt with the Urgent, Essential and Desirable works identified therein.
  - (e) On receipt of either a Principal or Interim Report, the Presbytery Committee shall transmit a copy to the Financial Board of the congregation and to the Church of Scotland General Trustees for their records. The Financial Board shall engross a summary of the report in the Property Register and, with regard to the Manse, in the Manse Condition Schedule to be taken into consideration at its annual budget meeting.
  - (f) The cost of all Principal Reports shall be met by the Presbytery.
10. The Presbytery Committee shall consider Principal and Interim Reports with particular reference to the items identified as Urgent and Essential in the immediately preceding Report. It shall consult with the Fabric Committee of the congregation concerned before presenting the Report to the Presbytery with instructions as to the timescales, prior to the next Report, within which the said Financial Board shall complete the works classified as “Urgent” and those classified as “Essential”. The Presbytery may instruct an energy survey to be carried out by the General Trustees’ Heating Consultant. The Financial Board shall advise the Presbytery when these works have been completed and, if required by the Presbytery, when an energy survey has been undertaken. The Presbytery Clerk shall inform the Presbytery if such advice from the Financial Board is not to hand within the stated timescale and the Presbytery shall take such action as it deems appropriate.
11. Each Presbytery shall annually prepare and transmit to the General Trustees not later than 31 December, and containing such information as may be prescribed by the General Trustees, a report on its diligence in carrying out the provisions of this Act within its bounds. The General Trustees shall report thereon to the General Assembly.
12. The Act will not apply to (a) congregations and Presbyteries outwith the United Kingdom but these Presbyteries shall take such steps as they deem

wise in their own circumstances for the inspection of all ecclesiastical buildings within their bounds and (b) congregations of Church Extension Charges or New Charges until they attain full status.

13. The Act shall come into force on 1 July 2007.
14. Act IX 1979 (as amended) is hereby repealed.