

I. WORK AT ECCLESIASTICAL BUILDINGS REGULATIONS (AS AMENDED BY REGULATIONS VII 2000)

Edinburgh, May 16 1998, Sess.1

1. Introductory

- (a) These regulations apply in respect of ecclesiastical buildings held by or on behalf of any court or congregation of the Church of Scotland, within the Presbyteries in Scotland and England.
- (b) In the regulations the following definitions apply:-
 - (i) The term “ecclesiastical building” includes 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 includes churches, church halls, manses, houses for assistant or associate ministers, church officers’ houses, retirement houses, ancillary buildings or outbuildings and properties which are let; any object or structure fixed to an ecclesiastical building or forming part of the land and comprised within the curtilage will be treated as part of the building. For the purposes of these regulations congregations of Church Extension Charges and New Charges will not be deemed to be congregations until they attain full status.
 - (ii) The term “repair” as applied to ecclesiastical buildings means in general the carrying out of operations to make good and includes in particular restoration and redecoration which do not bring about any change in the character or appearance of the subjects.
 - (iii) The term “alteration” as applied to ecclesiastical buildings means in general any change thereto and includes in particular demolition (including partial demolition), erection, extension, reconstruction, restoration and redecoration except in so far as the same are embraced within the definition of “repair”.
 - (iv) The term “Financial Board” means the Congregational Board or other body in the congregation having charge of the property of the congregation.
 - (v) The term “Financial Limit” means that sum of money falling to be determined by the General Assembly in terms of paragraph 4(a) of the regulations.

2. Presbytery Approvals

- (a) Subject to the provisions in paragraphs 2 (b) and 4 (c) of the regulations, a Financial Board shall not without first obtaining the approval of Presbytery of the bounds instruct the carrying out of repairs or alterations at an ecclesiastical building.
- (b) Each Presbytery is authorised and empowered from time to time to make provision by way of resolution that the requirement for its approval may be dispensed with in such circumstances and on such conditions as it may deem appropriate except that it will have no power to make any provision which elides the necessity for obtaining Presbytery approval for work at an ecclesiastical building which meets any of the following criteria:-
 - (i) The cost exceeds the Financial Limit.
 - (ii) The cost plus the cost of work at the same building authorised by Presbytery during the previous three years, exceeds the Financial Limit.
 - (iii) The cost plus the cost of other work likely to be required at the same building over the following three years, is likely to exceed the Financial Limit.
 - (iv) The work is otherwise work which requires the approval of the General Trustees.

Work meeting criteria (i), (ii) or (iii) is hereinafter referred to as work which invokes the Financial Limit.

In the case of work meeting criterion (iv) but not work meeting criteria (i), (ii) or (iii), Presbytery is empowered to resolve that approval is deemed to be granted if the same is authorised by the Presbytery Property Convener or some other person or body nominated by Presbytery.

Any resolution by Presbytery hereunder will have no effect until it has, in writing, been intimated to and acknowledged by the General Trustees.

- (c) When Presbytery is dealing with applications for approval of work at a building, Presbytery shall consider all relevant factors including the Presbytery Appraisal Plan, the number of buildings for which the congregation is responsible, whether the particular building is likely to be required by the congregation in the medium to long term, the need for the work in the

- interests of safety or to preserve the value of the building as a marketable asset and the impact of the proposed expenditure on the congregation's other commitments such as contributions towards their Ministries and Mission Allocations.
- (d) If a Presbytery withholds approval for work, the Financial Board or Boards of the congregation or congregations concerned will have a right of appeal to the Commission of Assembly subject to compliance with the following provisions:-
- (i) It shall be the duty of Presbytery in such circumstances to advise the Financial Board or Boards forthwith in writing both of their right of appeal and the time limit which applies.
 - (ii) A Financial Board wishing to lodge an appeal must intimate the same in writing both to the Principal Clerk of the General Assembly and to the Presbytery within 21 days of the Presbytery having intimated in writing that it has resolved to withhold approval for work.
 - (iii) The Principal Clerk of the General Assembly shall, as soon as possible following receipt of the appeal, give notice to the congregation and the Presbytery that they are each required to lodge with the Principal Clerk within 21 days all appropriate papers and Extract Minutes.
- (e) When approval has been granted by or on behalf of Presbytery for work which requires also the approval of the General Trustees the application shall be transmitted immediately to the Secretary and Clerk of the General Trustees. Presbyteries are empowered in cases where work does not require the approval of the General Trustees but Presbytery, for any reason, financial or otherwise, considers that it would be appropriate for the General Trustees to consider this work, to approve subject to the approval of the General Trustees and to pass the application on to the Trustees' Secretary and Clerk with its observations.

3. General Trustees' Approval

- (a) Subject to the provisions of paragraphs 3(d) and 4(c) of the regulations a Financial Board shall not without first obtaining the approval of the General Trustees instruct the carrying out of alterations at an ecclesiastical building or of work at an ecclesiastical building which invokes the Financial Limit.
- (b) The General Trustees shall not give unconditional approval for the carrying out of an alteration to the exterior of a church building or of a building within the curtilage of a church building or to the sanctuary of a church building without the opinion of the Committee on Church Art and Architecture having been obtained thereon and taken into account.
- (c) The General Trustees shall not give unconditional approval for the carrying out of work at an ecclesiastical building where the cost of work invokes the Financial Limit without the opinion of the [Planning and Deployment Committee of the Ministries Council](#) having been obtained thereon and, in the event of the Committee not concurring, taken into account. This provision will not apply to work at manses, houses for assistant or associate ministers, church officer's houses or retirement houses unless the same form part of a church or hall building.
- (d) The General Trustees are authorised and empowered from time to time to make provision by way of resolution that the requirement for their approval may be dispensed with in such circumstances and on such conditions as they may deem appropriate except that they will have no power to make any provision which conflicts with the requirements of paragraphs 3 (b) or 3 (c) of the regulations. Any such resolution will have no effect until it is either printed and issued in a Report of the General Trustees to the General Assembly or intimated in writing to every Presbytery in Scotland and England.
- (e) On making a decision under the regulations to approve or not to approve of work, the General Trustees will be bound to intimate the same forthwith to:-
 - (i) The Presbytery concerned
 - (ii) The Financial Board or Boards of the congregation or congregations directly affected and
 - (iii) In cases where the cost of the work invokes the Financial Limit and the [Planning and Deployment Committee of the Ministries Council](#) has not concurred, that Committee.

If a decision not to approve of work is based on views expressed by the [Planning and Deployment Committee of the Ministries Council](#), the General Trustees will be bound to incorporate a statement to that effect in the intimation.

- (f) The following provisions will apply with regard to the review of decisions made by the General Trustees where the [Planning and Deployment Committee of the Ministries Council](#) has not concurred in the carrying out of the work:-
- (i) If a decision of the General Trustees is not to approve of work and is stated to be based on views expressed by the [Planning and Deployment Committee of the Ministries Council](#), it will, in so far as that aspect is concerned, be subject to review at the instance of the Presbytery or a Financial Board concerned which shall within two months of the date of the issue of the relevant intimation by the General Trustees and subject to compliance with the Standing Orders of the General Assembly, intimate in writing to the Principal Clerk of the General Assembly that it takes the case by Reference to the Commission of Assembly for review; provided always that in such circumstances a Reference will be competent only if written intimation to the Principal Clerk is given timeously and written intimation thereof given at the same time to the General Trustees and the [Planning and Deployment Committee of the Ministries Council](#).
 - (ii) If a decision of the General Trustees is to approve of work, where the cost of the work invokes the Financial Limit and the [Planning and Deployment Committee of the Ministries Council](#) has not concurred, the decision will be subject to review at the instance of that Committee which shall within two weeks of the date of the issue of the relevant intimation by the General Trustees and subject to compliance with the Standing Orders of the General Assembly intimate in writing to the Principal Clerk of the General Assembly that it takes the case by Reference to the Commission of Assembly for review; provided always that in such circumstances a Reference will be competent only if written intimation to the Principal Clerk is given timeously and written intimation thereof given at the same time to the Presbytery and Financial Board or Boards concerned and to the General Trustees.
 - (iii) The procedure in respect of References made under the foregoing provisions will follow that applicable to References in Readjustment Cases and where the decision of the General Trustees is to approve of work, the work shall not be put in hand until after either (a) the period of two weeks has expired and no Reference by the [Planning and Deployment Committee of the Ministries Council](#) has been intimated or (b) such Reference having been intimated has been withdrawn or (c) the decision of the General Trustees has been confirmed by the Commission of Assembly.

4. General

- (a) The General Assembly on the Report of the General Trustees shall determine and thereafter review at intervals of not longer than 5 years the amount of the Financial Limit.
- (b) The provisions in these regulations apply irrespective of the body in which an ecclesiastical building is vested or the manner in which the tiles are held and, in particular, will cover subjects held on lease, and are without prejudice to the need to obtain any additional consents or approvals which may be necessary for the carrying out of work and resulting from any requirement in the titles, the constitution of the congregation or otherwise.
- (c) Where a repair or alteration to an ecclesiastical building is urgently necessary in the interests of safety or for the preservation of the building the Financial Board may proceed to have such work done without obtaining such approvals as would otherwise be required under these regulations but shall give immediate written notice to Presbytery and to the General Trustees of the need for the works and full details of what has been instructed.
- (d) Any approvals given under these regulations by Presbytery or by the General Trustees for the carrying out of repairs or alterations will not infer the approval of either body to the making available towards the cost of any funds held or administered by the General Trustees or any other body exercising supervision thereof on behalf of or under delegated powers from the General Assembly and in the event of the Financial Board wishing to apply for the release of such funds it shall specifically seek such approvals as are necessary in that regard.

- (e) Any approval granted by Presbytery or the General Trustees under these regulations will, unless acted upon, lapse after a period of three years from the date upon which it was granted.
- (f) There are hereby rescinded (i) Regulations V 1989 as amended by the Assembly of 1992 and (ii) any other regulations and practice of the Church relating to repairs or alterations in so far as such are inconsistent with these regulations.
- (g) The General Assembly reserve power to amend, alter or rescind these regulations at any time as they may think proper.