

**THE CHURCH OF SCOTLAND HOUSING AND LOAN FUND
FOR RETIRED MINISTERS AND WIDOWS, WIDOWERS OF MINISTERS**



**GUIDANCE NOTES
ON
HOUSING ASSISTANCE AVAILABLE FROM THE FUND**

As at June 2021

IMPORTANT INFORMATION BEFORE READING THESE GUIDANCE NOTES

Those eligible to apply for assistance

- Retired ministers of the Church of Scotland qualified to receive a pension from the Church*.
- Widows, widowers and bereaved civil partners of ministers of the Church of Scotland.
- Separated or divorced spouses and separated or ex civil partners of ministers of the Church of Scotland.

*Where an applicant to the Housing and Loan Fund has entered the Ministry of the Church of Scotland on or after 1st January 2011, they will be required to have completed, by the date of their retirement, a minimum of 10 years' service in the Church, following the date of their ordination and induction to a charge. At the discretion of the Trustees, and in exceptional circumstances (such as retirement on the grounds of ill-health), this requirement may be waived.

Trustee discretion

- Provision of assistance is solely at the discretion of the Trustees of the Housing and Loan Fund.

Applications

- Applications are considered by the Trustees at their meetings which are held five times a year.
- Ministers are invited to make application a number of years in advance of retirement. However, only upon retirement will rental housing be made available for occupancy. Housing loans are not advanced until a borrower is within twelve months of retirement.
- Applications from people in other eligible categories can be submitted at any time.
- A completed Application Form incorporating a full declaration of financial resources is required.

Comments, Compliments and Complaints

- A leaflet is available from the Housing and Loan Fund offices for anyone who wishes to make formal representations in respect of the Fund.

Special note

The type of assistance offered (i.e. house to rent, or house purchase loan) will be determined by the Trustees and will depend on the level of capital resources held by applicants. We regret therefore that it is not normally a matter of individual choice.

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GUIDANCE NOTES

INTRODUCTION

General points

These Guidance Notes are to inform ministers, particularly those approaching retirement, of both the nature and the extent of support with housing in their retirement which may be available from this Fund.

Equally, their aim is to advise and reassure ministers' widows, widowers and bereaved civil partners, of the housing assistance which the Fund may be able to provide-especially for those who have to leave a manse following the death of a spouse or civil partner.

Assistance may similarly be available to separated or divorced spouses and separated or ex civil partners of Church of Scotland ministers.

Ministers already in retirement, or their widows, widowers or bereaved civil partners, may be helped with a move to a more suitable property. The Trustees are prepared to consider applications from those who, for pressing pastoral or medical reasons, need to move from their present home to a different sized or more convenient property. Such applications are assessed on a case by case basis and transfers may be subject to certain conditions.

Tenancies and loans will be granted in relation to dwelling houses for private residential use only and rented property is offered on an unfurnished basis. Rental houses are not available outside of Scotland but housing loans may be available for properties purchased in other constituent parts of the United Kingdom.

Applicants who already own a property of any kind will normally be required to sell this property before assistance is provided by the Fund, and the proceeds will be taken into account when calculating their financial resources. Those provided with assistance from the Fund should not thereafter own any property, other than that purchased with a loan from the Fund.

Applicants may wish to take advice from an Independent Financial Adviser and to consult with their family about their retirement plans.

Applications

Applicants will be asked to complete an Application Form giving full details of their present and anticipated financial resources. Married applicants and those in civil partnerships are required to include the resources of their spouse or civil partner.

Application Forms are obtainable from the Secretary of the Fund at the Church Offices and online at <https://www.churchofscotland.org.uk/about-us/councils-committees-and-departments/departments/housing-and-loan-fund> .

Procedure with applications

The Trustees deal with each application on its own merits. Any support which may be offered is wholly at the discretion of the Trustees and, whilst ministers entitled to a Church of Scotland Pension are eligible to apply, there is no automatic entitlement to assistance.

Having fully considered an application, the Trustees will determine if assistance is appropriate. If this is so, they will decide whether this will be by way of either a house to rent or a house purchase loan. The type and amount of any loan offered will be dependent on the level of an applicant's financial resources.

Changes in personal circumstances

Those provided with support are required to advise the Trustees subsequently of any significant improvement arising in their financial circumstances. Similarly, any change in marital/personal status must be advised to the Trustees, along with an update of financial resources, so that a new lease or a new loan agreement can be prepared. The Trustees reserve the right to review changed financial situations and to reassess individually the level of rent abatement given, or the rate of loan interest charged.

Should a minister who has retired and who has received benefit from the Fund, return to a charge with the Church of Scotland and thereby require to occupy the manse of that charge, then his/her tenancy of a Fund house will require to be terminated. Similarly, any loan advanced will require to be repaid in such circumstances.

The Trustees cannot guarantee that assistance will be available when the minister retires again.

Formal agreements and payment of rent or loan interest

Those offered a house to rent are required to enter into a formal lease before taking occupancy. Those granted housing loans are required to sign a formal loan undertaking prior to the loan being advanced. These documents will embody all the relevant conditions.

Tenants and borrowers are asked to agree an arrangement whereby rent or interest payments will be deducted from monthly or other sums payable to them by the Church of Scotland Pension Trustees. Where there is no pension entitlement, or this is of insufficient amount, payment is required by Direct Debit.

Rental accommodation and housing loans are provided on the strict understanding that they relate to personal occupation in retirement only. No beneficiary of the Fund may sublet the property, whether it be a rental house, or a house purchased with a loan from the Fund. Similarly, no beneficiary of the Fund may run a business from a rental house or a house purchased with a loan from the Fund.

RENTAL HOUSING

General points

At the end of 2020 the Fund owned around 198 houses. Additional houses may be purchased by the Fund for leasing, at concessionary rents, for applicants for whom the purchase of their own home, even with the aid of a loan, is not a realistic proposition.

Applicants must clearly understand however, that an application in no way commits the Trustees to providing a house to rent. Should the Trustees agree to such provision, the Trustees will aim to purchase a house with a date of entry not more than 2 months before a minister's intended retirement date. Only in exceptional circumstances, and at the discretion of the Trustees, will a house be purchased with a date of entry more than 2 months before the minister's intended retirement date. Applicants should speak to the Secretary to determine a house hunting strategy. Occupancy will be given only upon retirement, with the first payment of monthly rent in advance falling due at the start of the following month.

The Trustees may respond to a particular application by granting tenancy of a vacant house which has become available, following the end of a previous tenancy. Applicants are encouraged to consider such properties in the first instance. If there are good reasons for refusing the vacant properties available, the Trustees may make funds available up to a specific limit, which will enable a successful applicant to seek a house of their own choice which the Fund will purchase. Such properties must meet stipulated criteria available from the Secretary.

No applicant should assume a house will be immediately available and, whilst he or she will be consulted as to any property to be offered for rent, applicants cannot insist on being offered any specific house. The final decision rests with the Trustees.

HOUSING LOANS

General points

The Fund may assist an applicant who has sufficient available resources for house purchase by granting a housing loan on beneficial terms. The Trustees will not lend more than 70% of the purchase price of a property with the applicant having to provide a minimum of 30% from their own resources.

The Trustees are also prepared to consider applications from ministers who earlier in their ministry obtained a Building Society or Bank mortgage and who wish to apply for a loan from the Fund in order to repay the whole of this mortgage. Such circumstances must be made clear to the Trustees in the application.

Ministers, who acquired a house prior to or during retirement, using all or substantially the whole of their available resources, can be considered for a loan secured over their existing home.

Those who already have a loan provided by the Fund and now find themselves in need of more capital, can be considered for a further advance.

Widows, widowers and bereaved civil partners in similar situations may also apply.

The Trustees do not bind themselves always to grant a loan in response to an application, nor do they commit themselves, when a loan is approved, to provide the maximum loan. Each application is judged on its own merits. The type and amount of an approved loan is determined in the light of both the finance required to purchase a house (up to a purchase price limit set by the Trustees) and the financial resources of the applicant. Only within twelve months of a minister's declared retirement date will the terms of a loan finally be confirmed and the amount can be advanced thereafter. Monthly interest charges in arrears then start immediately.

Types of loan

Loans are normally either Standard Loans or Shared Appreciation Loans.

Standard Loans

Standard Loans (SLs) are normal interest only housing loans with a maximum limit of £25,000.

This type of loan is suitable for those who have a material amount of personal capital available for house purchase.

Shared Appreciation Loans

Shared Appreciation Loans (SALs) are housing loans where any future increase in the value of the property concerned, which accrues within the life of the loan, will be shared with the Housing and Loan Fund. Borrowers are the owners of the houses involved and, as part of the loan conditions, are required to accept certain obligations including for repair and maintenance of the property and the giving of reasonable access to the Fund's representatives for inspection purposes.

Short-term bridging loans

In certain limited situations, Short-term Bridging Loans may be available to applicants, including those whose level of financial resources precludes them from any other assistance from the Fund.

Loans relating to house purchase legal costs etc.

The Trustees may be prepared to offer borrowers an additional loan, on the same terms as a Standard Loan, at the time of house purchase, to finance the payment of legal and other associated expenses which they incur in respect of that purchase.

CURRENT FINANCIAL PARAMETERS

To assist potential applicants to determine the sort of assistance that the Fund may be able to offer, these are the current financial parameters:

Household capital*	Assistance available
Up to £125,000	House to rent
£125,000 - £240,000	Shared Appreciation Loan
£240,000 - £260,000	Standard Loan

If your household capital is over £260,000, it is unlikely that you will currently qualify for assistance from the Fund.

*e.g. any current, savings or investment accounts, stocks and shares, pension pots, property and any other investments of the applicant and their spouse or civil partner.

PLEASE NOTE THAT THE FINANCIAL PARAMETERS ARE REVIEWED ANNUALLY and the Secretary can deal with any repeat enquiries at any time.

CONCLUDING POINTS

The Board of Trustees of the Housing and Loan Fund has its own Constitution and reports to the General Assembly. The Board comprises a maximum of eleven Trustees, made up of ministers and laypersons, whose individual appointments are shared between the General Assembly itself, the Baird Trust and the Faith Nurture Forum. Day-to-day running of the Fund is undertaken by the Secretary who is available to ministers and their families for confidential interviews on matters relating to housing in retirement. Sympathetic and knowledgeable advice is willingly offered.

Houses owned by the Fund and related matters such as initial surveys, leases, general maintenance requirements etc. are looked after by the Fund's Property Manager and a part-time Support Assistant.

Enquirers and applicants are assured that all information and financial details supplied by them will be handled by the Secretary and by the Trustees in the very strictest of confidence. The Trustees especially recognise there may be particularly sensitive issues involved where marriages or civil partnerships have broken down. A confidential recommendation provided by the Faith Nurture's Pastoral Support Team will normally be confined to the Chair and the Secretary who will advise the Trustees of the relevant matters influencing an application. Confidential matters will be shared with the Trustees by the Faith Nurture's Pastoral Support Team, the Chair or Secretary, only where it is essential to help them make a decision.

All correspondence and enquiries should be addressed to the Secretary of the Housing and Loan Fund at 121 George Street, Edinburgh.

APPENDICES

Please refer to the following Appendices for fuller details:

Appendix 1	Applications
Appendix 2	Rental housing
Appendix 3	Housing loans generally
Appendix 4	Standard Loans
Appendix 5	Shared Appreciation Loans
Appendix 6	Loan tables
Appendix 7	Short-term Bridging Loans and Loans to finance legal and other costs of house purchase
Appendix 8	Separated and divorced spouses and separated civil partners of ministers
Appendix 9	Privacy Notice

APPENDIX 1

APPLICATIONS

Timing of applications

The procedure for processing applications varies and depends mainly upon the timing of their submission. There are three categories.

1. All those who have an immediate need and those who are to retire within one year.
2. Those who are within a period commencing five years before either normal retirement age or declared retirement date, if earlier or later, but not yet within one year of retirement.
3. Those who expect to retire within the next ten years but do not intend to do so for at least five years.

Category 1

This category comprises

- Ministers already retired
- Ministers about to retire on the grounds of incapacity
- Ministers due to retire within twelve months
- Widows, widowers and bereaved civil partners of ministers
- Separated or divorced spouses and separated or ex civil partners of ministers

Completed applications from those in this category are normally dealt with at the next meeting of Trustees. There are five Trustee meetings a year. If an application is approved, steps can be initiated to find a suitable house to rent at an agreed point prior to retirement. Loans to assist with house purchase can be made available fairly shortly after approval.

Category 2

Following approval, ministers within this category will be given a firm commitment that, in retirement, either a house will be made available for rental occupation or a loan will be made available to assist with property purchase. Forward commitments given in this situation will be based on details of an applicant's overall circumstances at the time but will be made subject to any subsequent material change in those circumstances.

Offers will stand firm for up to five years prior to the intended retirement date of each minister, as indicated upon application, and for up to one year thereafter. In the event of retirement being deferred beyond this period, any further postponement will be at the discretion of the Trustees.

All those given such a forward commitment will be routinely required to submit an up-dated Application Form closer to their retirement so that the Secretary may review their available financial resources for material change. For commitments relating to rental housing, this review point will be reached nine months prior to retirement. For house purchase loan commitments, review will fall due upon entering twelve months pre-retirement.

When reviews are carried out by the Secretary, the Fund's financial parameters at the time will be applied.

Category 3

Whilst the Trustees are pleased to consider applications from those within this category, it is emphasised that no firm commitment is given at this point. Instead, those accepted are given a place on a Preliminary Applications List until they move into category 2 and can be considered for a firm commitment. The Trustees encourage early applications as they give a clear indication of their possible future commitments and greatly assist with forward financial planning.

APPENDIX 2

RENTAL HOUSING

Rental housing cost limits

Wherever possible applicants for rental housing are encouraged to consider vacant properties owned by the Fund in the first instance.

Failing any such properties being available, applicants may then look themselves for a suitable property, within the limits of the Fund's criteria, which the Trustees may consider purchasing. It must be emphasised that applicants cannot insist that the Trustees will purchase a specific house.

The maximum cost which the Trustees are prepared to meet for a house to rent is currently £200,000. Any initial reconditioning costs must be covered within this limit. The Secretary will discuss the position with anyone who feels their situation is exceptional.

The Trustees prefer to purchase houses in towns or villages where tenants can live in a community with as many facilities as possible. The Trustees will not consider acquiring properties in isolated areas. This is both for the benefit of tenants as they become older and as a future protection of the Fund's investment.

Applicants must be prepared to consider houses of modest proportions and should be aware the Trustees will only buy properties of a broadly similar size and quality wherever situated. The Trustees should not be asked to consider purchasing a house which requires significant modernisation or repair work. Criteria relating to house purchase will be supplied by the Secretary when applicants are given the go-ahead to look for a house on the market.

Applicants are encouraged to find a house which is likely to be suitable for their current and future circumstances for their rest of their lives.

Rental levels

In every case where the Trustees purchase a house for rental occupation, a surveyor appointed by them is asked to determine an open market rent. The policy of the Trustees is then to make a discretionary allowance against the full market rent. At present, the personal contribution to be met by a minister is 50% (usually) of the market rent advised by the Surveyor.

In event of the death of a minister and the tenancy passing to a surviving widow or widower, or bereaved civil partner, the abated rent then payable is normally halved (currently reduced from 50% to 25% of the established gross rental level). Where a lease is granted to a widow, widower or bereaved civil partner at the outset, the abated rent payable will be based on the open market rent notified to the Fund by the Surveyor and will (normally) be at the lower of these two levels (25% currently).

Where, however, a minister's widow or widower or bereaved civil partner is herself/himself a minister, entitled by virtue of their own service to a Church of Scotland pension, the normal abated rent for ministers (currently 50%) continues throughout the whole term of the tenancy as the lower level of abated rent does not apply to those in this situation.

For separated and divorced spouses or separated civil partners of ministers, the proportionate abatement of rent will (usually) follow that for ministers (currently 50%).

Rent is normally payable from the beginning of the month following a minister's retirement, but in the event of house being purchased more than 2 months prior to retirement, the Trustees reserve the right to charge rent from an earlier date.

As a general guide, the average price of the houses purchased throughout 2020 was £160,400 although the prices have covered a reasonably wide range. The average open market rent of those properties is £8175 per annum. The average of the initial net rents payable by ministers (based on 50% abatement) is £4088 per annum and for Widow(er)s (based on 75% abatement) is £2044.

Rather than establishing a current market rent at regular intervals over the period of a lease, rents are simply reviewed each year and may be revised to take account of inflation by applying the General Index of Retail Prices (RPI). Rent increases are effective from 1st July each year.

Duration of tenancies

Tenancy of a house is normally expected to continue during the lifetime of a retired minister and of his or her surviving spouse or civil partner. Tenancies are provided in joint names to a married minister and his/her spouse or civil partner. Children over 16 or carers who live in the property are not eligible to benefit from the Fund by succeeding to the tenancy provided by the Fund. If, following the death of a tenant, the property is occupied by an individual not eligible for assistance from the Fund, the Trustees may review the rent and/or take steps to recover possession. Further information on this can be obtained direct from the Secretary to the Fund.

Surrender of a tenancy is required from a minister's surviving spouse or civil partner upon remarriage, or entering into another civil partnership. Where, however, a surviving spouse, or civil partner, in that situation is also a minister, entitled by virtue of her/his own service to a Church of Scotland pension, this requirement is not applicable, although a review of joint financial circumstances must be provided and changes to the rent abatement level may result.

Where a tenancy is granted to a separated or divorced spouse, or a separated or ex civil partner of a minister, a review of the tenant's situation will be carried out by the Secretary after every three years.

Tenancy agreement

Where necessary, a house to be let will first be put into good structural order. Thereafter, the Trustees maintain the structure and the exterior of the property. Under the terms of their lease, tenants are responsible for redecoration, contents (including carpets, appliances and white goods) and for keeping any garden grounds neat and tidy. They are expected to maintain their home in good order and to notify the Property Manager promptly of any repair or maintenance issues which arise. The Fund will deal with routine repairs and maintenance, but any tenant wishing to undertake maintenance or improvements themselves must first seek the written approval of the Trustees.

Under the Private Housing (Tenancies) (Scotland) Act 2016, Private Residential Tenancy Agreements are entered into between the Trustees and tenants. If a minister is married or in a civil partnership, the tenancy will be in joint names with his or her spouse or civil partner. This ensures the continuance of the tenancy in the event of a minister's death leaving a surviving spouse or civil partner.

Upon remarriage or entering into another civil partnership, a minister's widow, widower or bereaved civil partner, is required immediately to notify the Secretary of this and the tenancy falls to be terminated. Where, however, that spouse or civil partner is also a minister, entitled by virtue of their own service to a Church of Scotland pension, a fresh lease may be offered but both notification and an up-date of financial circumstances are necessary.

Voluntary contributions to house cost

In certain situations, the Trustees are prepared to accept a contribution to help defray the cost of a house or to enable the Fund to purchase for an applicant's occupancy a house above the normal price limit.

Such offers, made in advance, will bring no priority for consideration, nor will the Trustees consider that such a voluntary contribution confers any degree of joint ownership. Any amount contributed is regarded solely as a donation to the Housing and Loan Fund and gratefully acknowledged as such. **It must be clearly understood that such sums will not be refundable either to donors or to their heirs and successors.**

The maximum donation which the Trustees will currently accept is £10,000, thus increasing the upper limit for house purchase to £210,000. Before accepting any such donation, the Trustees will wish to be satisfied that an applicant will be left with reasonable financial resources for the future. If any applicant selects a house costing above £210,000, the Trustees will decline to be involved in its acquisition for renting and any support previously approved will be withdrawn.

Moving to an alternative house

Under a variety of pressures, someone already renting a Housing and Loan Fund property may wish a move to an alternative house for health, financial or other reasons. Requests for such a transfer, if for pressing pastoral or medical reasons, are considered sympathetically but are always reviewed on a case by case basis. A completed Application Form is required to allow the Trustees to review an applicant's personal situation at that time. The Trustees may insist that various conditions relating to house cost etc. and sale of existing house are met.

Tenants requesting a transfer may be asked to bear a proportion of all legal and other related costs involved in both the sale of the one house and the purchase of the other.

The following sliding scale is applicable:-

Number of years in present house	Proportion of costs to be paid
Up to 3	100%
3 to 6	75%
6 to 9	50%
9 to 12	25%
Over 12	nil

Council tax, service charges, etc.

In addition to rent, tenants are responsible for Council Tax. For some properties there may be common charges or factoring costs which will fall to be met by the tenant.

Taxation

Under tax regulations specifically relating to Retired ministers of Religion (subject to certain qualifying conditions), accommodation provided at concessionary rents is specifically an excluded Employer-Financed Retirement Benefit for tax purposes. Consequently, retired ministers granted a tenancy will normally have no tax liability in relation to the advantageous extent of rents charged by the Fund. Widows, widowers and bereaved civil partners of ministers granted a house to rent, are normally similarly excluded from this tax liability.

The position with tenancies granted to separated and divorced spouses, or separated civil partners of ministers is more complex and each case has to be considered individually.

State benefits

Some tenants, particularly separated or divorced spouses or separated or ex civil partners, may be eligible for Housing Benefit, Local Housing Allowance or Universal Credit to help meet their rent. If this is the case, a tenant is expected to make the necessary application for this. This is a safeguard of Church funds as well as of a tenant's own resources. Anyone who believes they may be eligible in this regard must first discuss their position with the Secretary of the Fund particularly with a view to establishing if the benefit will be paid directly to the Fund or to the tenant.

Cleaning and redecoration at the end of a tenancy

When vacating one of the Fund's houses for any reason, tenants are expected to leave a house clean and in good decorative order. The Trustees reserve the right to charge a tenant leaving one of the Fund's properties for any cleaning and decoration costs that are required if the property is not left in an acceptable state. Where a tenant dies, their family or executors are expected to ensure similarly that the property is left in good order or they will be asked to contribute to the costs involved in bringing the property up to standard.

APPENDIX 3

HOUSING LOANS GENERALLY

Upper limit on the cost of a house

The normal house cost upper limit on which a loan will be offered is currently £200,000. This is the base figure on which loan offers will be calculated.

Retainable capital reserve

The Trustees fully recognise the need for successful applicants to retain a reasonable portion of their resources as a capital reserve, both to provide some future income and as a cushion for any emergency which may arise for them in subsequent years. They determine the type and amount of loans accordingly.

The retainable amount for the calculation of a loan is currently £65,000. Therefore, the amount of any loan provided will depend on both the actual house acquisition cost and the level of an applicant's available capital. App. 6, Table 1 illustrates the bands of loans generally applicable when the house cost is £200,000 and the retained capital is £65,000. Where a house costs less than £200,000, the amount of the loan will be lower by an equivalent sum.

For example, where a house cost is say £165,000 and the applicant's available capital is £110,000, normally the loan will be £120,000 (£165,000 minus £45,000 [£110,000 available less £65,000 capital retention excluded])

Voluntary restriction of loan

If an applicant wishes to use some retainable capital to restrict the initial amount of loan, the Trustees will accede to this so long as the resultant retainable amount will not fall below £55,000 (i.e. an applicant can use up to £10,000 of the retainable capital allowed figure of £65,000). App. 6, Table 2 illustrates this option.

Extension of house cost limit

If an applicant wishes to purchase a house costing more than £200,000, then by keeping the loan at the same level as illustrated in App. 6, Table 1 and using up to £10,000 of their retainable resources, then a house could be purchased up to a maximum cost of £210,000. Retained capital must not fall below £55,000 at this point. App. 6, Table 3 demonstrates this option.

From the above, it can be seen there is an absolute maximum limit of £210,000 on the cost of a house being purchased with the assistance of a loan from the Fund. If applicants wish to be involved in the purchase of a house costing above £210,000, then the Trustees will not be involved in the transaction and any support previously approved will be withdrawn.

Heritable security for loans

When a housing loan is approved, the solicitor acting for an applicant is required to correspond with the Law Department of the Church of Scotland as any loan granted will be heritably secured by means of a Personal Obligation and first ranking Standard Security over the property. In the case of a SAL, this will also secure the obligation of the borrower to pay to the Fund any proportional increase in the capital value of the property.

Both the loan and the house title will require to be taken in the name of the applicant. If the applicant is married or in a civil partnership, title to the house requires to be taken in joint names and to the survivor to ensure the house and obligation to repay the loan passes automatically to the survivor without the need for any other legal process.

In the event of a loan being outstanding at a borrower's death, the Personal Obligation binds his or her heirs, executors and representatives to repay the loan out of the borrower's estate, (along with the appropriate Loan Enhancement Amount where the loan is a SAL) with interest at the prescribed higher rate until repayment. However, where there is a surviving spouse or civil partner, repayment will not be required until the occasion

of that person's death, or on the sale of the house, or on any subsequent remarriage or entering into a new civil partnership.

Surveyor's report and valuation

For all long-term loans, a satisfactory professional Scheme 2 survey (Scheme 1 in the case of a brand new house) has to be obtained, at the expense of the applicant. This survey must be approved by the Trustees. The Trustees do not consider that the single surveys provided as part of a Home Report are sufficiently independent for them to rely on when making a decision to lend. Borrowers are required to undertake, without delay, any initial reconditioning work on the property which the Trustees deem necessary from the survey. A sufficient part of the loan may be retained until the Trustees are assured this work has been satisfactorily completed.

Legal costs etc.

No arrangement fees are charged by the Fund. Borrowers (or their heirs) are required to meet their own legal costs, estate agency fees and all other similar costs relating to the acquisition and disposal of properties and in connection with loan agreements. Loan agreements follow a format drafted by the Church Law Department.

House insurance

Borrowers are required to insure the property involved on a full reinstatement basis and to keep it insured at all times during the term of the loan. They must also notify the insurer of the interest of the Fund as lender, advise the Fund of policy details and subsequently inform the Secretary of any changes.

Taxation

Borrowers may incur an Employer-Financed Retirement Benefit for Tax Purposes. A yearly tax liability arises on the difference between the amount of interest paid on the Fund's terms and a sum calculated by applying to a loan an official rate of interest set by HM Revenue & Customs (HMRC). The official rate as at 6th April 2021 was 2%.

The amount of tax payable by each borrower clearly depends on the amount of their loan and on their marginal tax rate. If you are affected, we will write to you with details following the end of each fiscal year with details of the amount of your assessable Tax Benefit to enable you to deal with this aspect of their taxation affairs. HMRC are also notified of the details. In most cases, tax collection will be by way of PAYE Notices of Coding. Joint borrowers may wish to seek independent advice on whether allocation between them may ease any tax burden.

Repayment of loans

Repayment of a long-term loan is not generally expected during the lifetime of either the borrower or of the borrower's surviving spouse or civil partner.

Two main exceptions are if the property is sold or otherwise alienated, or if a minister's surviving spouse or bereaved civil partner should re-marry or enter into a new civil partnership. In these instances, the Fund must be advised, prior to the event if possible, and loans fall to be repaid at that time. Where, however, a surviving spouse or civil partner re-marrying or entering into a new civil partnership is also a minister, a fresh statement of joint financial circumstances will be required and the continuation of the loan on the original terms will be reviewed. Depending on the outcome of this review repayment of the loan or an alteration to interest rates may result.

Loans advanced to separated and divorced spouses and separated civil partners of ministers are initially offered for a fixed term of three years but with potential for renewal should there have been no material change in the borrower's personal and financial circumstances.

Sale of house

If a house on which a loan has been granted is sold, for instance on moving home or into residential care, or the death of the borrowers, the loan requires to be repaid (along with the appropriate Loan Enhancement sum where the loan is a SAL), with interest at the prescribed rate mentioned above until repayment is made. Should a borrower wish to move to a different property with a loan, the original loan must be repaid but a fresh application may be made for a new loan. Whether or not the Trustees will approve a replacement loan will depend on the applicant's financial situation at that point.

APPENDIX 4

STANDARD LOANS

Maximum and minimum levels

The minimum Standard Loan is £5,000, and the maximum loan is £25,000

Interest charges

Interest rates are variable over the term of a loan but are intended to be advantageous.

Currently, interest chargeable is at the rate of 2% per annum for loans to ministers. In the event of the death of a minister and the loan passing to a surviving widow, widower or bereaved civil partner, the interest rate falls by one-half to 1%. For loans advanced directly to widows or widowers or bereaved civil partner, the interest rate presently applicable is similarly 1%.

Where a minister's widow or widower or bereaved civil partner is herself/himself a minister, entitled by virtue of their own service to a Church of Scotland pension, the normal minister's interest rate (currently 2%) continues throughout the whole term of the loan as the lower rate is not available to those in this situation.

For separated and divorced spouses and separated or ex civil partners of ministers, the rate of interest charged is (normally) equivalent to the rate which applies to retired ministers (2% at present).

Voluntary repayment(s)

The Trustees are glad to accept repayment(s) in respect of SLs during the lifetime of the borrower, should this become possible, but there is no firm requirement. The minimum repayment is £5,000, and amounts in excess of this should be in multiples of £5,000.

APPENDIX 5

SHARED APPRECIATION LOANS (SALs)

Maximum and minimum levels

The maximum Shared Appreciation Loan is presently £140,000 (70% of house purchase cost limit of £200,000). Loans are restricted to a maximum of 70% of the actual purchase price of the house to be acquired if this lower than £200,000. For houses already owned, loans are restricted to 70% of the current valuation of the house at the time the loan is granted.

The minimum SAL is £25,000.

Interest charges

Interest rates are variable over the term of a loan but are intended to be advantageous compared to high street lenders mortgage rates/rates of interest and are kept under review. The present interest rate is also lower for ministers by 0.5% per annum than the corresponding rate charged on Standard Loans.

Currently, interest chargeable is at the rate of 1.5% per annum for loans to ministers. In the event of the death of a minister and a loan passing to a widow, widower or bereaved civil partner, the interest rate falls by one-half to 0.75%. For loans advanced directly to a widow, widower or bereaved civil partner, the interest rate presently applicable is similarly 0.75%.

Where a minister's widow, widower or bereaved civil partner is herself/himself a minister, entitled by virtue of their own service to a Church of Scotland pension, the minister's normal interest rate (currently 1.5%) continues throughout the whole term of the loan as the lower rate is not available to those in this situation.

For separated or divorced spouses and separated or ex civil partners of ministers, the rate of interest charged is (normally) equivalent to the rate which applies to retired ministers (1.5% at present).

Shared appreciation

Upon repayment of a SAL, the total sum required by the Fund in full discharge will be the amount of the original loan, appropriately enhanced by a proportionate share of any rise in value of the related house over the whole period of that loan (Loan Enhancement Amount). In the event of there being a drop in value of the property over the period concerned, or no growth in value, the amount of the original loan will fall to be repaid in full, but without any enhancement.

The proportion of any property value increase falling due to the Fund will be determined by applying to the appreciation which has accrued a loan to house value percentage (Shared Appreciation Ratio). For example, a loan which represents 60% of the original house purchase price means appreciation is subsequently shared 60% to the Fund.

Shared appreciation ratio

The Shared Appreciation Ratio will be established at the outset of a loan as a percentage, to the nearest second decimal point, which the loan bears in relation to the purchase price of the property involved (excluding expenses of purchase and any payment included in the purchase price for movable furnishings, fittings, equipment, etc. but including the costs of any initial reconditioning). In a case where an applicant already owns the house concerned, the Shared Appreciation Ratio will be based on the market value of the property as determined by a professional surveyor approved by the Fund.

Any sum expended by the borrower(s) on initial improvement or modernisation of the property purchased, subject to certain specific conditions, will fall to be added to the purchase price for the purpose of fixing the Shared Appreciation Ratio pertaining to the loan.

Loan repayment sum due in settlement

The settlement sum required in full discharge of each SAL will reflect -

- (a) The amount of loan advanced, and
- (b) An enhancement amount based on the sum by which the disposal price (or open market value if not a disposal at arms' length) has exceeded the acquisition price or base value, and calculated by applying thereto the relevant Shared Appreciation Ratio.

Example

Purchase price	-	15 January 2016	£160,000	
Loan advanced	-	60% of purchase price	(a)	£96,000
Sale price	-	10 August 2024	£200,000	
Appreciation	-	over whole term of loan	<u>£40,000</u>	
Loan enhancement	-	60% of appreciation in value	(b)	<u>£24,000</u>
Loan settlement	-	total sum required (a) + (b)		<u>£120,000</u>

Put another way, in the simplest situation where the amount of a loan is not varied during its term, the sum due to the Fund on disposal of the property will in effect work out at the same proportion of the disposal value of the property as the amount of the loan made by the Fund bore to the price/value at the time the loan was advanced. As in the above example, the loan settlement figure of £120,000 equals 60% of the sale price of £200,000.

Early voluntary repayment

In the event of the borrower(s) wishing to repay all sums due to the Fund in respect of a property at any time during the currency of a loan, without a sale of the house taking place contiguously, or if final settlement is to be made in any circumstances other than upon a sale of the house at arms' length, the then current open-market value of the property (including any improvements by the borrower(s)) will be the amount used in place of a sale price for the purpose of calculating the Loan Enhancement Amount. A report and valuation acceptable to the Trustees will be required (at the expense of the borrower(s)) from a suitable qualified valuer previously approved by the Fund and dated not more than two months prior to the date on which loan settlement is to be made. This report should indicate the price that the house could be expected to achieve if it were placed for sale on the open market, taking into account current local house prices.

Voluntary partial repayment

Those with SALs may, if they so wish, make partial repayments during the term of the loan but this is not a requirement. Each partial repayment must comprise a sum of £20,000 or more (or such other amount as the Fund may, at its discretion, allow) and must not reduce the loan below the level of the minimum SAL. In the event of partial repayments being made during the life of a loan, the Shared Appreciation Ratio applicable to the loan will be appropriately adjusted as from that point.

The Shared Appreciation Ratio will be applicable to the period from the commencement of the loan to the date of the partial repayment while an Adjusted Shared Appreciation Ratio will be applicable to the period from the date of the partial repayment to the date of final settlement of the loan. This adjusted ratio will be arrived at by reducing the Share Appreciation Ratio by the percentage of the purchase price (or opening base value) which the part repayment represents. Any growth in value of the property over the term of a loan will be allocated on a time apportionment basis, the appreciation being deemed to have arisen evenly over the whole period of the loan.

In circumstances of a partial repayment having been made during the term of a loan, the full amount required in discharge of the loan will be calculated to comprise:

The amount of the loan originally advanced, and

An Enhancement Amount made up of components based on the appreciation in value of the property over the whole term of the loan

- (i) The product of the appreciation in value, the Shared Appreciation Ratio and the proportion of the whole term of the loan which falls prior to the partial repayment, together with
- (ii) The product of the appreciation in value, the Adjusted Shared Appreciation Ratio and the proportion of the whole term of the loan which arises subsequently to the partial repayment.

Example

Purchase price	-	15 January 2016	£160,000
Loan advanced	-	60% of purchase price	£96,000
Sale price	-	10 August 2028	£200,000
Appreciation	-	over whole term of loan	<u>£40,000</u>
Part Repaid	-	21 January 2024 (20% of price)	<u>(£32,000)</u>
Loan balance	-	at date of sale, 10 August 2028 (40% of price)	£64,000
Enhancement amount			
£ 40,000 appreciation x 60% x 96/150ths		£15,360	
£ 40,000 appreciation x 40% x 54/150ths		<u>£5,760</u>	<u>£21,120</u>
Final settlement - total sum required			<u>£85,120</u>

Notes

The original Shared Appreciation Ratio is, in this example, 60%.

The Adjusted Shared Appreciation Ratio becomes 40% (60% less 20%).

January 2016 (month loan advanced) falls to be disregarded.

August 2028 (month loan settled) will be ignored.

Shared appreciation ratio adjustment arises as on the first of February 2024.

Thus, February 2016 to January 2024 inclusive 96 months

February 2024 to July 2028 inclusive 54 months

150 months

In the event of a borrower wishing to make a part repayment they should contact the Secretary who will be able to recalculate the loan and provide a worked example of the effect of the repayment.

House improvements during currency of a loan

Any individual additions, alterations or other improvements (but not repairs or maintenance works nor costs lower than £5,000 including Value Added Tax) undertaken by the borrower(s) within the duration of the loan may give rise to a recompense allowance upon final repayment of the loan (Permitted Improvements Allowance). The written approval of the Fund must be obtained before any such expenditure can be recognised for this purpose and certain other stipulated conditions must be adhered to.

The Shared Appreciation Ratio will not be adjusted to reflect expenditure incurred by the borrower(s) on permitted improvements but in the event of the loan falling to be repaid within eight years from the date of completion of any Permitted Improvement, a percentage (on a sliding scale) of the cost will be adjusted for in the calculation of the Loan Enhancement Amount. The appropriate percentage of the cost of the improvement will be deducted from the disposal value of the property as an allowance before the loan enhancement calculation is made.

The percentage of the cost of a Permitted Improvement to be taken into account will be 80% thereof in the event of the loan repayment being within one year of completion date; if in year two 70%; year three 60%; and so on until in year eight 10%. Thereafter the cost will be disregarded completely when the loan discharge settlement figure is being computed.

Example

Purchase Price	15th January 2016	£160,000
Loan advanced	60% of purchase price	£96,000
Sale price	10 August 2028	£200,000
Less adjustment	Improvement 30 September 2024 Cost	<u>£20,000</u>
	House sale is in year 4 following. Permitted Improvement Allowance 50% of cost	(£10,000)
Disposal value	as adjusted	£190,000
Appreciation	for formula purposes	<u>£30,000</u>
Loan enhancement	60% of adjusted appreciation	£18,000
Loan repayment	total sum required in full settlement (original loan of £96,000 plus 60% of adjusted appreciation, i.e. £18,000	<u>£114,000</u>

APPENDIX 6

Table 1 Band of loans when house costs £200k and retainable capital is £65k

	Shared Appreciation Loan											Standard Loan		
Applicant's capital	130	140	150	160	170	180	190	200	210	220	230	240	250	260
Retained capital	65	65	65	65	65	65	65	65	65	65	65	65	65	65
App's capital used	65	75	85	95	105	115	125	135	145	155	165	175	185	195
Cost of house	200	200	200	200	200	200	200	200	200	200	200	200	200	200
Amount of loan	135	125	115	105	95	85	75	65	55	45	35	25	15	5

Table 2 Band of loans when house costs £200k and applicant wishes to use maximum £10k of retainable capital to reduce the amount of the loan

	Shared Appreciation Loan											Standard Loan		
Applicant's capital	130	140	150	160	170	180	190	200	210	220	230	240	245	250
Retained capital	55	55	55	55	55	55	55	55	55	55	55	55	55	55
App's capital used	75	85	95	105	115	125	135	145	155	165	175	185	190	195
Cost of house	200	200	200	200	200	200	200	200	200	200	200	200	200	200
Amount of loan	125	115	105	95	85	75	65	55	45	35	25	15	10	5

Table 3 Band of loans when loan remains at same level but applicant wishes to use maximum £10k of retained capital to purchase a more expensive house

	Shared Appreciation Loan											Standard Loan		
Applicant's capital	130	140	150	160	170	180	190	200	210	220	230	240	250	260
Retained capital	55	55	55	55	55	55	55	55	55	55	55	55	55	55
App's capital used	75	85	95	105	115	125	135	145	155	165	175	185	195	205
Cost of house	210	210	210	210	210	210	210	210	210	210	210	210	210	210
Amount of loan	135	125	115	105	95	85	75	65	55	45	35	25	15	5

Please note that in respect of Tables 1 and 2, if the house cost is LESS than £200k, then the amount of the loan will be reduced accordingly

APPENDIX 7

SHORT TERM BRIDGING LOANS

General points

In certain situations, relating to houses purchase for retirement, the Fund may be able to provide Short-term Bridging Finance.

For instance, someone within 12 months of retirement, arranging to purchase a house, might require a Bridging Loan until their lump sum from the Church of Scotland Pension Scheme becomes available. Or applicants may require bridging support to anticipate Endowment Policy proceeds or realisations from other Investments which are scheduled to mature at the time of their retirement.

For those who are selling one property and buying another pertaining to retirement, Short-term Bridging Loans can be made available only once missives have been concluded on the property being sold.

A Bridging Loan can be additional to a Standard Loan or to a Shared Appreciation Loan. Such a loan may be available also as stand-alone assistance for those whose level of resources excludes them from any other type of loan support from the Fund. Please speak to the staff of the Fund for the requirements relating to short-term Bridging Loans where no other loan is involved.

Duration of bridging loans

The period of short-term financial assistance depends on individual circumstances but normally will be provided only within the twenty-four-month period extending from one year prior to retirement, to one year thereafter. That is, a maximum duration of two years.

Interest charges

The interest rate charged on bridging is variable and mirrors the official rate of interest charged by HM Revenue and Customs, which in April 2021 was 2%.

Loan agreement

The borrower(s) are normally required to sign a formal mandate and/or personal bond to secure repayment of the bridging loan. The documents will be prepared by the Church Law Department.

Fees chargeable

No arrangement fees are charged by the Fund. Borrowers are required to meet their own legal costs.

LOANS RELATING TO HOUSE PURCHASE LEGAL COSTS ETC.

General points

The aim of this additional loan facility, at the time borrowers are involved in buying a house, is to help finance the payment of legal and other associated costs which they incur in this connection.

Maximum amount and duration of the loan

The maximum additional loan available for this purpose is £5,000. This loan will have the same duration as the long-term loan to which it is linked.

Interest charges

The interest rates charged are currently identical with those pertaining to Standard Loans. If the related principal loan is a Shared Appreciation Loan, this additional advance will be nominally separate and will not be included in any calculations relating to the Loan Enhancement Amount.

APPENDIX 8

SEPARATED OR DIVORCED SPOUSES AND SEPARATED OR EX CIVIL PARTNERS

General points

The Housing and Loan Fund, together with the Faith Nurture Forum, recognise that from time to time there occur situations resulting in the break-down or dissolution of marriages and civil partnerships. A spouse or partner, who may have provided many years of support to a minister and to the Church, may have to leave the manse and can find difficulty in procuring satisfactory housing. The Fund can offer assistance for separated or divorced spouses and separated or ex civil partners to address housing needs. An Application Form tailored to these circumstances is available on request from the Secretary.

The Housing and Loan Fund can only consider an application where an irretrievable breakdown of a relationship has occurred. Initial accommodation needs may be dealt with by the Faith Nurture Forum. The Housing and Loan Fund does not operate in the furnished letting sphere and will not purchase houses for emergency accommodation. Nevertheless, the Trustees may be able to offer temporary, unfurnished provision if there is an empty house available in the required area.

Pastoral support

Prior to any involvement by the Fund, pastoral support and related issues will be dealt with by senior members of staff within the Faith Nurture Forum who have the expertise to undertake this work. Only when all other avenues have been explored will Housing and Loan become involved. Spouses or partners who wish to be considered for assistance with housing are required to complete an Application Form which must be submitted to the Secretary and supported by a strictly confidential recommendation from a member of Faith Nurture's Pastoral Support Team. It will be necessary for pastoral staff, when assisting spouses or partners with applications, to ascertain what arrangements have been agreed between the minister and the spouse or partner in respect of the minister's pension.

Eligibility

Separated or divorced spouses or separated or ex civil partners of either ministers working within the Church of Scotland, or of retired ministers who are qualified to receive an Annuity from the Church of Scotland Pension Scheme for ministers and Overseas Missionaries, or a pension from the Church of Scotland Pension Plan, may be eligible for consideration for assistance from the Fund. In general terms such eligibility will date from May 2004. In exceptional circumstances, those spouses or civil partners whose separation or divorce was prior to May 2004 may be considered. All applications submitted to the Trustees will be considered sympathetically, but applicants should be aware that there is no automatic right to assistance from the Fund.

Scope of assistance

Generally speaking the same financial parameters and limits will apply to separated or divorced spouses and separated or ex civil partners, as apply to ministers and widows, widowers and bereaved civil partners of ministers. However, each case will be considered individually and an applicant's special circumstances may be taken into account.

Children of the marriage or civil partnership will be allowed for when an application is considered. If the separated or divorced spouse or separated or ex civil partner has custody of, or regular access to, children who are still in full-time education, then any accommodation which may be provided will be adequate for such children in addition to the spouse or partner. Children over 16 who live in the property are not eligible to benefit from the Fund by succeeding to a tenancy or the continuation of a loan provided by the Fund.

It is the Trustees' hope that those spouses or civil partners who are provided with assistance will only require it for a relatively short-term, to allow them to rebuild their life. It is not normally the intention of the Trustees' that assistance provided to separated or divorced spouses and separated or ex civil partners will be for their rest of their lives. For this reason, rented accommodation and housing loans provided to spouses or partners are offered on the basis that a review will be carried out by the Secretary after three years.

Termination of assistance in certain circumstances

Any eligibility for assistance from the Fund ceases in the event of a permanent reconciliation, or on the remarriage of a divorced spouse or the entering into a new civil partnership. If a tenant or borrower enters into a relationship resulting in another person living with them, then the tenancy will cease, or any outstanding loans will require to be repaid.

APPENDIX 9

PRIVACY NOTICE

When you complete the application form you are giving your personal data to The Church of Scotland as the Data Controller.

Your Personal Data

You are being asked to supply the following categories of personal data: 1. Identity Data: e.g. Your name, national insurance number, tax reference codes, 2. Contact Data: e.g. Your address, email address, telephone number, 3. Financial Data: e.g. Information about your income or financial status.

Other information

You are also being asked to supply us with a next of kin contact who we may contact should we become aware of an emergency involving you and we reasonably assume that you have been unable to contact them; and who we may contact in order to discuss the tenancy should you be incapacitated. This information will include a name, or names and contact information such as their address and/or telephone number and/or email address.

Purpose

The purpose of processing the personal data we ask for is to proceed with a loan or house to rent application on your behalf, to comply with legal obligations and where the processing is necessary for the purposes of the legitimate interests in facilitating successful loan or house to rent applications and ensuing tenancies.

The legal basis for this processing is:

- Article 6/1b – Processing is necessary for the performance of a contract to which you are a party, or in order to take steps at your request prior to entering into a contract.
- Article 6/1f – Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.
- Article 9/2d – Processing is carried out in the course of its legitimate activities with appropriate safeguards by a not-for-profit body with a religious aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subject.

Your personal data will not be used for any other purpose without your prior permission, except in the context of fulfilling a legal obligation to which The Church of Scotland is subject. If you do not provide the personal data requested, we cannot proceed with your application.

Data Retention

If unsuccessful your personal data and any information you provide to us will be retained for one year following the conclusion of your application. If successful your personal data and any information you provide to us will be retained as part of your loan or tenancy agreement with us and will be retained for a further seven years following the conclusion of the loan or tenancy agreement.

Data Subjects

Personal data processing is carried out for ministers, retired ministers, widows or widowers or bereaved civil partners of ministers, spouses and civil partners separated or divorced from a minister. We will also hold your next of kin information with your tenancy information.

Sharing Your Personal Data

Your personal data and other information you provide to us will only be shared with our contracted data processor: SM Professional Property Management Software, which will process your data according to written instructions agreed by The Church of Scotland. The purpose of the sharing is for the administration of applications, the welfare of tenants, managing tenancies, and for no other purpose. Your personal data or next of kin information will not be used for any other purpose or shared with any other third party unless doing so is necessary in order to comply with a legal obligation or in order to protect your vital interests or those of another data subject.

Your Rights

You have rights under the Data Protection Act 2018/GDPR, including the right to complain to the Information Commissioner's Office (ICO) about our processing of your personal data. For more information about your rights, see the website at www.churchofscotland.org.uk/using-oursite/privacy-centre

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Helping the Housing and Loan Fund

The Secretary welcomes opportunities to speak to Presbyteries, Congregational Meetings, Church Services, Guild Branches or Presbytery Council Meetings, about the work of the Fund.

June 2021