



### Frequently Asked Questions to the General Trustees Department

#### 1. Why do we need permission to make changes in our own church?

Permission is required for several reasons:

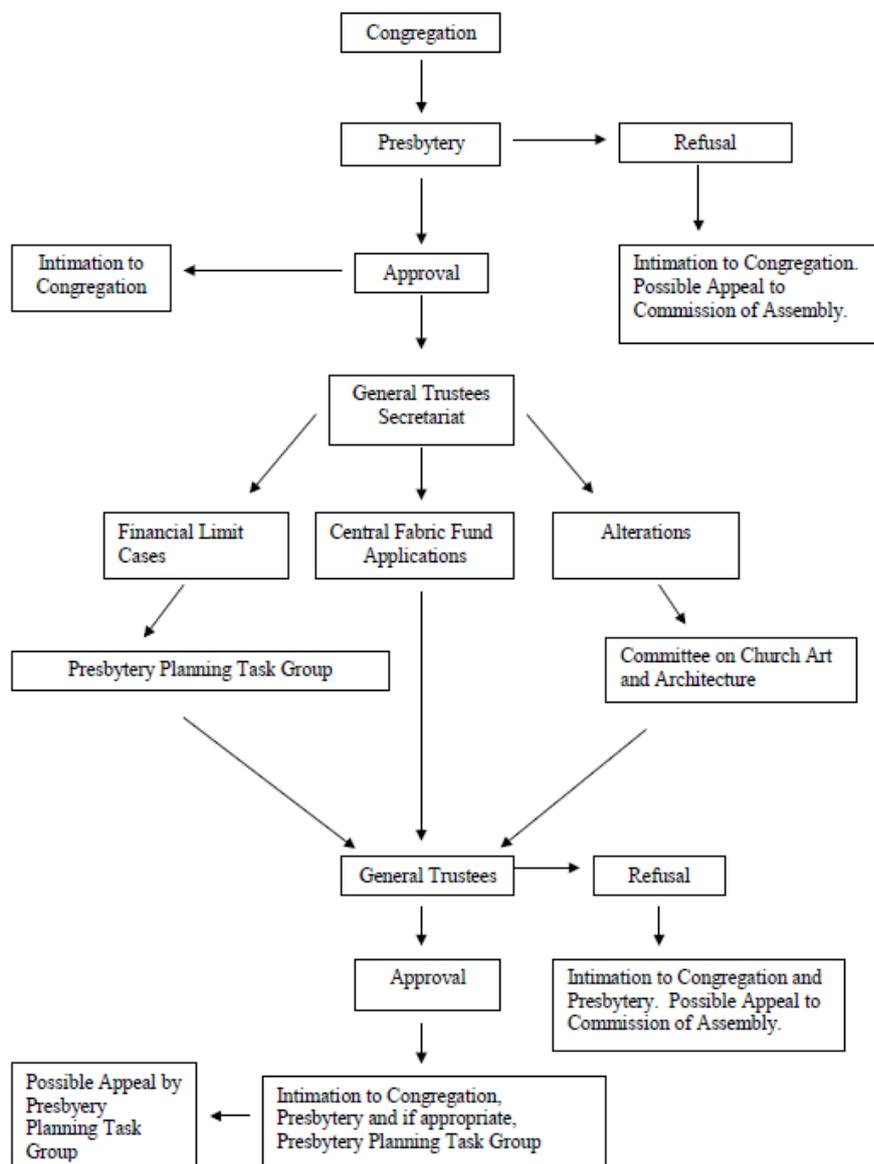
1. Many of our buildings, particularly churches, are some of the finest in the country. In addition to forming a significant part of the Church of Scotland's spiritual and financial assets, the buildings also form part of our national heritage. As such, it is right and proper that work at these buildings is regulated.

2. The Church has in place a comprehensive system of control as a result of which it enjoys exemption from the requirement to obtain Listed Building Consent for alterations to Listed churches which are in active use.

3. As a result of the Church's history and the trend of declining membership there are too many buildings. An adequate system must be in place to prevent large sums of money being spent on buildings which may become redundant in the short to medium term.

#### 2. How do we get permission?

To apply for permission, there is an application form (available online) that needs to be completed and submitted via Presbytery. Once received, Presbytery is requested to consider and comment on the proposals and, if appropriate, pass the form through to the General Trustees for approval. If the proposals involve changes to the interior or exterior of a Church then the Committee on Church Art and Architecture (CARTA) also needs to be informed and consulted with. This flow chart helps to summarise the steps and process.



#### 3. What do we need permission for?

(a) Prior permission needs to be given for proposed alterations to the interior or exterior of churches, halls and manses. It is also required for planned expenditure on repairs where the cost is over £50,000 whether or not a congregation has the funding in place.



(b) Applications by congregations for financial assistance from the Central Fabric Fund need to be submitted first to the Presbytery.

4. Who can help us with church renovation projects?

The General Trustees can provide practical advice and guidance on initiating church renovation projects. In terms of carrying out the works, there are many professional building consultants that are experienced in church renovation projects and competent to provide the required expertise and services.

For more information on modifications please see the Quick Guides produced by CARTA (Committee on Church Art and Architecture)

[http://www.churchofscotland.org.uk/resources/subjects/art\\_and\\_architecture\\_resources](http://www.churchofscotland.org.uk/resources/subjects/art_and_architecture_resources)

5. How do we raise finances for church renovation projects?

There are many sources of funding which the General Trustees can advise on. For more information please see [http://www.churchofscotland.org.uk/\\_data/assets/pdf\\_file/0008/3014/Sources-of-Finance-for-Repair-and-Improvement.pdf](http://www.churchofscotland.org.uk/_data/assets/pdf_file/0008/3014/Sources-of-Finance-for-Repair-and-Improvement.pdf).

6. How do we manage the glebe?

Most of the legal and financial management of the glebe is carried out centrally by the General Trustees' Secretary's Department. The parish minister is the official consultee but in practice the Trustees (and most ministers!) rely on local office-bearers to inspect the glebe annually and generally to keep an eye on things. The inspection form is available from [http://www.churchofscotland.org.uk/resources/subjects/building\\_and\\_property\\_resources#glebes](http://www.churchofscotland.org.uk/resources/subjects/building_and_property_resources#glebes)

The General Trustees have a Glebes Committee which meets 11 times a year. It contains a number of Factor members with specific responsibility for glebes in different geographical areas of the country. These Trustees carry out inspections and meet with local office-bearers and tenants to discuss any issues arising. The Factor Members also carry out rent reviews usually every three years.

The legislation surrounding agricultural tenancies is onerous and complex and it is for that reason that any issues relating to glebes should always be referred to the Secretary's department.

Historically, the glebe was part of a minister's living often providing an income as well as grazing for his horse. Today, rental income from glebes is used to help a congregation meet its share of parish ministry costs and frees up an equivalent amount of general income for other purposes so good management of glebes is important.

### **Metal Detecting**

Local congregations are often approached by people wishing to metal detect on glebe land. All requests for metal detecting must be referred to the Trustees who have agreed with Historic Environment Scotland (HES) that they will not allow metal detecting unless as part of an archaeological project approved by HES and/or the local authority archaeology services. Glebe land may well contain items of no monetary value but are of archaeological significance. Unregulated amateur metal detecting can disturb or damage such artefacts.

Where these approvals are in place, the Trustees may grant consent for metal detecting so long as the detectorist enters into a contract to ensure that all finds are all property dealt with and



reported and that the value of finds is shared. Without such a contract, a landowner in Scotland has no automatic right to share in the value of finds.

### Tenants' Right to Buy

Agricultural tenants under old leases set up prior to 2003 have significant rights of security of tenure. These leases can run on indefinitely and tenants have the right to pass their tenancy down to family members. In addition, tenants also have a right to buy the land which is triggered whenever the landowner "takes any action with a view to the transfer of the land". Unfortunately, the legislation is vague as to what this means and even an initial discussion about a possible sale of the land, may trigger the right to buy. Accordingly, if any question regarding the possible sale of the glebe arises, please be very careful where and with whom you discuss this. If office-bearers wish to consider sale of a glebe then contact the Glebes Committee Secretaries: Morag Menneer ([mmenneer@churchofscotland.org.uk](mailto:mmenneer@churchofscotland.org.uk)) or Claire Cowell ([Ccowell@churchofscotland.org.uk](mailto:Ccowell@churchofscotland.org.uk)) or telephone 0131 225 5722.

7. Can a property convenor be shared across congregations if they are not linked?  
Yes, there is nothing in Assembly legislation which prevents this.

8. Can congregations share trade contractors?  
Yes, there is nothing in Assembly legislation which prevents this.

9. What is the property register and why is it important?  
The Property Register is an annual property inspection report of the congregation's buildings that is intended to be an aid to good property maintenance. It is usually in a loose leaf format that enables the annual inspection to be made in view of the previous year's report and allows for a record of maintenance works carried out on the fabric to be maintained for a several year period. A property register is required to be kept by all congregations by the Act of the General Assembly anent Care of Ecclesiastical Properties.

10. Health and Safety issues  
These tend to fall into categories such as working at height, food safety, fire risk, electrical safety and "slips and trips". It is important to take these seriously. As a Christian organisation we should be anxious to ensure that all those who come into and around our buildings are not put at undue risk.

The Trustees are delivering education and training to office-bearers at both congregational and Presbytery level as well as offering support in individual cases. Please contact the Trustees' Safe Building Consultant, Brian Auld ([bauld@churchofscotland.org.uk](mailto:bauld@churchofscotland.org.uk)) or telephone 0131 225 5722

11. Links to Legal Department Circulars  
[http://www.churchofscotland.org.uk/resources/subjects/law\\_circulars](http://www.churchofscotland.org.uk/resources/subjects/law_circulars)

12. Links to upcoming regional training for Property Convenors TBC  
The General Trustees are planning to revive and build upon the property convenor training events provided previously (in 2013/14).

For more information on the General Trustees Department  
[http://www.churchofscotland.org.uk/about\\_us/councils\\_committees\\_and\\_departments/departments/general\\_trustees](http://www.churchofscotland.org.uk/about_us/councils_committees_and_departments/departments/general_trustees)