

General Trustees speech—General Assembly 2022

Mr J G Grahame Lees, General Trustee

Moderator, Commissioners,

Unusually, may I begin the presentation of this Report today by explaining who I am!

The General Trustees' current Chair *pro tem* had until recently not anticipated being in the hot seat today and is unable to be present due to previously arranged commitments. My fellow General Trustees have therefore asked me to present the Report instead. So, instead of hearing a forensically prepared presentation from Alan Kennedy, our Chair *pro tem*, I fear you will have to do with me... my name is Grahame Lees, and I have been a member of the General Trustees for 5 years.

Those somewhat unusual circumstances also mean that, as the Daily Papers show, it has not been possible to bring to the Assembly nominations for a new Chair and Vice Chair. Our Chair *pro tem* will continue to act as chair while the measured and considered process now under way in the hands of our own Nomination Committee will ensure the appropriate appointment of a new Chair, and Vice Chair, with a minimum of avoidable delay.

Sometimes I am asked "Apart from holding, in trust, the legal title to most of the Church's Land and Buildings, what is it that the General Trustees actually do?" And I think that two, in particular, of the Strategic Objectives listed at Para 1.7 of our Report provide a very helpful answer. We support the effective care and maintenance, refurbishment, and, where appropriate, redevelopment of the Church's Buildings, and support Congregations in their duty to comply with Statutory Requirements (and, boy, are there not a lot of these, with no sign of the list diminishing!). So, we do support by, for example, making grants and offering loans to enable repairs or relevant improvements to be carried out to buildings, and land in the form of our Glebes, and we also support, with firm encouragement where necessary and appropriate, Congregations and Presbyteries to ensure that buildings, and land, are safe, secure, and fit for the purpose for which they are held. And that support and encouragement, now more than ever, is readily available at the end of a phone, or in person, from our expert and experienced staff, who are as ready to help with a pesky leaking roof problem as with a full-blown Project Management arrangement!

It is worth remembering that within the General Trustee Staff there are technically trained and professionally qualified staff with expertise in:

- Church Law and Legislation
- Building Surveying
- Building Conservation
- Land Surveying, and Valuation
- Property Management
- Business Support
- Fire Safety
- Health and Safety
- Hygiene and Environmental Health
- Architecture
- Construction Management
- Listed Building and Built Heritage

When we are talking about support and encouragement, I think it is also worth mentioning this. In all that we are asked to do, we have at the forefront of our minds the fact that we are General Trustees of The Church of Scotland and as such are an integral part of the Church and of its declared Mission to provide a Territorial Ministry in every part of Scotland. That said, it is important to understand that we ourselves do not “decide” to define any building as redundant or unnecessary, or to sell or dispose of any land or building. Those decisions are always made, as required by Church Law, in the first instance by Congregations and/or Presbyteries, and then, after receiving our approval where required by legislation, passed to us to oversee the sale or disposal. Moderator, that is a long-winded way of saying that we are ever only reactive, and can never be proactive, and that is not always understood!

The Report speaks for itself, but I wonder if I might mention a couple of things in particular? Work under the Presbytery Mission Plan Act is now well under way, and the significant duties and obligations it places upon the General Trustees, along with The Faith Nurture Forum and Presbyteries, have been acknowledged within the General Trustees by our specially established PMPA Committee comprising all General Trustees and Advisory Members to cope with the workload. Its remit and work is described at Para 4.7 of the Report, but it is worth a further note that the Asset Management Building Audit which is an essential tool for Presbyteries to use in objectively assessing and thereby categorising each Building for the purposes of the Mission Plan was developed and issued by the General Trustees and their Staff. In short, therefore, we have prepared a tool which, avoiding the pitfalls of subjective assessment, will assist in the implementation of this significant piece of

legislation, are now heavily engrossed in implementing the terms of that legislation, and are ready to address our obligations in the future in the annual Reviews of the Mission Plans. I think it is also fair to say that this Act confers another layer of responsibility upon us: in addition to our duties of support and encouragement which I have already mentioned, there are now added the “quasi judicial” functions of vetting and approval, and subsequent review, of Presbyteries’ Mission Plans.

The interaction of historic properties and the dissolution of their Congregations is posing an interesting, and challenging, dilemma. The matter is covered at Para 3.6 of our Report, but I hope the Church at large will understand the issues we face, issues surrounding the disposal, the often necessarily sensitive disposal, of such historic buildings in a climate where National Heritage Bodies are not minded to take over such buildings, and, as important, there are the practical issues of meeting the costs of maintaining, repairing and insuring such Buildings until they can be disposed of, when such funds as we do have – and these are not limitless! – cannot be legally applied, under Charity Law, to cover these costs for a surplus, vacant, and redundant building which is no longer in use for Church of Scotland purposes. As you can imagine, this matter, which involves elements of risk for the Trustees, is of ongoing and deep concern.

In a not unconnected matter, the General Assembly have this week passed a Deliverance in the Report of the Assembly Trustees authorising ourselves and the Assembly Trustees, and others who may have an interest, to engage in a discussion about the administration and application of various funds which we at present administer. I only wish to say that the General Trustees very much look forward to working collaboratively with the Assembly Trustees in this important piece of work.

On a positive note, Commissioners will have noted that our Presbytery, Strategy and Innovation Committee has been engaging with the Scottish Futures Trust to identify whether any of our redundant rural church buildings can be used for other Community purposes, with several in the Highlands and North West under active consideration. So, happily, the connection between a beloved church building and its surrounding community will not be completely lost.

And, if I may indulge myself for a moment as a “child of the Manse”, may I mention our Manse Working Group? The Group’s remit and work are described at Paras 4.3.5 to 4.3.8 of the Report. Very full engagement with Presbyteries on these issues is being experienced, but here once again I want to emphasise that we and our staff are here to support and help Congregations and Presbyteries, and to investigate with them ways to ensure that Manses are maintained and repaired to a fit and proper standard, but that without the age-old

dilemma of a Minister's perfectly reasonable and understandable discomfort at asking their struggling Congregation to spend money on the Manse. Perhaps the first step would be to persuade Congregations that their Manse is their most valuable asset, and is worthy of care and attention?

Finally, and harking back to what I said some time ago about the General Trustees "holding in trust the legal title to most of the Church's Land and Buildings", even that seemingly simple function is now becoming fraught with practical concerns thanks to recent land legislation passed by the Scottish Government. Although the Land Register of Titles presently shows publicly who the legal owner of any land or building is, it has now become law that there should also be shown publicly on the Land Register details of who that owner's "associates" – those others who may be deemed to have an influence or control over any dealings in the land or buildings – are. There is an extremely clear and comprehensive explanation of what this means for us, and what is involved for the General Trustees and for Congregations at Para 7.2 of our Report, but you will see in particular that details of a Congregation's Minister, Session Clerk, and Treasurer will require to be given to the General Trustees to be then submitted to the Land Register in a special format, with such details needing to be updated every time there is a change in such Office holders within a Congregation. We are engaging, through the Solicitor of the Church, with the Scottish Government in an attempt to convey the disproportionate impact which the legislation will have on the Church of Scotland and secure an amendment of the legislation so as to exempt the Church from its provisions. These discussions are still at an early stage and it is too soon to say whether they will bear fruit. We will be in touch direct with Congregations once we have more to report but in the meantime I would encourage all Commissioners to be in touch with their MSPs to raise their concerns about this legislation – and a style of Letter to do that is available from the Law Department of the Church.

I have covered only a little of what we have been working at over the past year, but I hope it has given an added flavour to the terms of the Report before the Assembly. In everything, I and my colleague Trustees must pay tribute to our busy and expert Staff, who once again over this past year have played a significant part in assessing and assisting the Church's response to the ever-changing facets of COVID.

Moderator, I have much pleasure, and the privilege, of presenting the Report of the General Trustees of the Church of Scotland, and as I am not a Commissioner would ask the Clerk to move the Deliverances.

Thank you.