



General Trustees

Church of Scotland

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CHURCH OF SCOTLAND GENERAL TRUSTEES

PRESBYTERY SUPPORT & BUILDINGS COMMITTEE

Manse Letting Policy

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1. **Summary Position**

The General Trustees recognise that the letting of manses may appear to offer a short-term financial benefit to congregations. However, in light of the legal, operational and strategic risks associated with residential tenancies in Scotland, the General Trustees adopt a cautious and restrictive approach.

In accordance with the General Trustees (Properties, Funds and Endowments) Act 2024, manses which are no longer required for the provision of ministry should be progressed to sale and will not be approved for letting.

Where a manse is being retained for future ministry use, the General Trustees will only consider approval of a let in limited and clearly justified circumstances. In particular, the anticipated period during which the property will not be required must be sufficiently long to mitigate the risk of delayed recovery of possession under modern tenancy arrangements. As a general principle, short-term lets will not be supported, and periods of less than two years are unlikely to be acceptable.

All lettings of General Trustees–vested manses require prior approval and must be undertaken in the name of the General Trustees. Unauthorised lettings may expose congregations to significant legal and financial risk and may limit the ability of the General Trustees to assist in recovering possession.

Overall, the General Trustees’ position is that the risks associated with letting manses will, in most cases, outweigh the potential benefits, and that disposal or retention for ministry purposes remains the appropriate course depending on the circumstances.

2. **General Trustees’ Policy on the Letting of Manses**

(a) **Purpose**

This paper sets out the policy position of the General Trustees (“GTs”) in relation to the letting of manses, reflecting:

- the provisions of the General Trustees (Properties, Funds and Endowments) Act 2024
- the legal and operational realities of modern residential tenancy arrangements in Scotland
- the strategic management of the Church of Scotland’s property portfolio

(b) **Context**

The Church of Scotland currently holds a significant number of residential properties relative to ministerial need. Internal data indicates that the church holds double the number of residential properties relative to the number of ministers in post.

Where a manse is no longer required for ministry, the established policy position is that the property should be declared surplus and progressed to sale, and proceeds should be applied for the benefit of the congregation, including reinvestment in retained assets or reduction of long-term financial pressures.

Retaining and letting redundant manses is not considered an appropriate long-term strategy, given the financial burden, risk exposure, and opportunity cost associated with holding such assets.

(c) **Legal and Regulatory Framework**

The letting of manses in Scotland is typically undertaken under Private Residential Tenancy Agreements (PRTAs), which introduce significant legal constraints.

Tenants may remain in occupation until an eviction order is granted by the First-tier Tribunal (Housing and Property Chamber), even where the three months’ notice period has been served. Tribunal processes may extend recovery times by a further 6–9 months or more.

Accordingly, recovery of possession may take 12 months or longer, even where notice is served promptly.

In addition, letting a manse imposes full landlord obligations under Scots law, including:

- landlord registration
- compliance with the Repairing Standard under the Housing (Scotland) Act 2006
- statutory safety certification (gas, electrical, legionella)
- ongoing maintenance and insurance obligations

Failure to comply may result in enforcement action, financial penalties, and reputational risk.

Whilst the paper doesn't provide specific legal detail on the legislative framework governing residential tenancies in England, draft Westminster legislation proposes the introduction of a regime similar to that operating in Scotland. Accordingly, a consistent approach would be adopted in respect of the proposed letting of manses.

(d) **Risk to Ministry Provision**

The PSB Committee has identified multiple risks arising from the letting of manses intended for future ministry use. Under the Church's procedures for the calling of ministers a manse must be available for occupation at the point of call, although rare exceptions can be made if deemed appropriate following consideration at a meeting of Presbytery.

Where a manse is tenanted there is a real risk that vacant possession cannot be secured in time, and this may delay or frustrate the calling of a minister.

This risk is heightened by the unpredictability of Tribunal outcomes and increasing pressure on housing authorities, which may encourage tenants to remain in occupation until formal eviction, following a successful tribunal hearing.

3. **Policy Position**

(a) **Redundant Manses**

In accordance with the 2024 Act the GTs will not approve the letting of a manse which is no longer required for the provision of ministry. Such properties should be progressed to sale at the earliest appropriate opportunity.

(b) **Manses for Future Ministry Use**

Where a manse is being retained for future ministerial provision letting will only be considered in exceptional circumstances. Approval rests with the PSB Committee, under delegated authority.

In assessing applications, the GTs will have regard to:

- the anticipated duration of vacancy
- the risk of delayed recovery of possession
- the impact on future ministry provision
- the financial and compliance capacity of the congregation

The Committee has concluded that letting for short durations presents unacceptable risk. A vacancy period of less than two years is unlikely to be acceptable and in practice, a period of closer to three years may be required to mitigate risk, taking account of lease terms, notice periods, Tribunal processes, and lead-in time for induction.

(c) **Legal Control and Authority**

All lettings of GT-vested manses must be undertaken in the name of the General Trustees as landlord and require prior approval of the General Trustees. Any letting undertaken without GT authority may be legally defective and may result in the GTs being unable to assist in recovering possession where issues arise.

(d) **Caretaker Occupancy Agreements**

Caretaker Occupancy Agreements are restricted to limited and defined circumstances, primarily relating to ministers and will not be approved for general use as an alternative to formal letting arrangements. A more comprehensive position will be provided through the Manse Liaison Working Group.

4. **Locally Vested Manses**

While locally vested manses fall out with the direct control of the GTs, Presbyteries are strongly encouraged to adopt an approach consistent with this policy, particularly in relation to risk and compliance considerations.