

## LETTING A MANSE

### INTRODUCTION

There are occasions when a church may decide to let its manse to a tenant - perhaps because the church is currently without a pastor or because the pastor owns his own house. Advice should always be sought from the manse trustees in this situation because the church members may wish to do something that, although commendable, actually contravenes the law. The fact is that church officers do not have complete freedom to act as they please when using a manse for anything other than its intended purpose of serving as the home of the minister. The Manse Trust Deed may specify certain terms and conditions that must be complied with, and that may govern the use to which the rental income is put. Additionally, the Charities Act 1993 compels the church officers to charge a market rent.

As a consequence of this, it may, for example, be a breach of trust, or even an illegal act, to allow a missionary who is home on furlough to live in the property at less than the market rent. Having said that, if the church's constitution specifically permits the church officers to make benevolent grants it would be possible to make a benevolent grant to the missionary by way of compensation. Whilst this may seem to be unnecessarily bureaucratic, it is important to deal with the issue correctly to avoid a breach of trust or, indeed, a breach of the law.

### ASSURED SHORTHOLD TENANCIES

A properly drawn up legal document must be completed before tenants are allowed to move into the manse and the safest form of let is an "Assured Shorthold Tenancy" which may be completed in the names of the deacons acting as managing trustees of the church, even if the property is held in the name of the property trustees. Assured Shorthold Tenancies may be furnished or unfurnished and may be for any period. They enable the church members to let their manse in the knowledge that they will be able to regain possession at the end of the agreed term.

To bring the tenancy to an end it is necessary to serve a notice on the tenants, in the prescribed form, two calendar months before the end of the term. If the notice is not served, the tenants will continue to have the benefit of the tenancy until a notice, as previously described, is served. If the tenants refuse to leave it will be necessary to obtain a court order enforcing eviction and the Courts will not issue an Eviction Order earlier than six months from the start of the tenancy.

### LETTING AGENTS

As there are a number of technical regulations that must be complied with, see below, church officers are strongly advised to use a letting agent in selecting a tenant and completing the legal paperwork. The agents will ensure that all of the legal requirements have been complied with and that all of the certificates that are legally required are in place.

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- **Setting the Rent**

The church is subject to the requirements of the Charities Act 1993 which requires the church officers to obtain advice from a person who is suitably qualified to advise them on the terms and conditions of the tenancy, and this will include the amount of the rent that should be charged.

- **Deposits**

The law lays down certain regulations governing the administration of tenants' deposits.

- **Inventory**

If the letting is furnished an inventory needs to be prepared detailing the items at the property. A copy of the inventory must be attached to the Tenancy Agreement and signed by the persons signing the agreement. Upholstered furniture and bedding must satisfy modern safety standards.

- **Outgoings**

The church officers will remain responsible for external repairs and maintenance and for insurance (and should therefore ensure that the insurance policy gives the appropriate cover). The tenant should be held responsible for all other outgoings.

- **Gas and Electrical Safety Certificates**

It is a legal requirement to undertake a survey of all the gas appliances and installations, and the electrical appliances and circuits, before the property is occupied by a tenant. For more information see: [www.pat-testing.info](http://www.pat-testing.info) and [www.hse.gov.uk/gas/domestic](http://www.hse.gov.uk/gas/domestic)

- **Energy Performance Certificates**

It is a legal requirement for all landlords to provide potential tenants with a report about the energy efficiency of the premises. An Energy Performance Certificate lasts for ten years and a further certificate will be required on expiry of the ten year period if the property is still to be let to tenants. For more information see: [www.landlord-epc.co.uk](http://www.landlord-epc.co.uk)

- **Equality Issues**

Most churches will be concerned to ensure that their manse is not occupied by persons holding to a different set of morals from those held by the church members. Whilst the Sexual Orientation Regulations have made it unlawful to discriminate on the grounds of sexual orientation, there is an exemption for churches so long as the reasons for the discrimination are: firstly, to comply with the doctrinal position of the church, and secondly, to avoid a conflict with the strongly held religious convictions of a significant number of the church members.

Please note

Churches that do not have internet access may obtain the additional information referred to by contacting the Grace Baptist Trust Corporation.