

## VARIATIONS OF TRUST

*This is a summary of the regulations for the Variation of Trusts as per The Code section C2.9. It is intended only as a guide and the full regulation should be read carefully to obtain the detailed information necessary to complete all requirements.*

A Variation of Trust is a two-step process as follows –

### STEP 1: Unused Congregational Property

If the property of a congregation ceases to be used by that congregation for at least 4 months; and

It is unlikely that the congregation will resume regular use of that property; then

The Committee of Management and/or the Presbytery shall submit a report to the Trustees which covers the following points –

- *A declaration that the property has become inactive;*
- *Whether there are any plans for future use of the property; and*
- *Whether the Presbytery sees the property as part of any future ministry activity.*

On receipt of this report the Trustees may declare the inactive property to be *redundant church property*.

### STEP 2: Redundant Property

Having declared the inactive property to be *redundant* the Trustees are required to obtain two reports as follows –

1. The Presbytery of the bounds is to submit a report to the Trustees as required by Section 10(2) of the *Property Trust Act* –
  - (a) The Presbytery may *confirm or expand their existing report* if already provided to the Trustees (refer step 1 above);
  - (b) When submitting its report to the Trustees the Presbytery must also provide the Trustees with an extract minute as evidence *that the report has been approved and adopted as the report of the Presbytery*;
  - (c) The time for submission of this report is within 16 weeks of request by the Trustees.
2. The Ministry & Mission Committee is to report on –
  - (a) *Possible alternative uses of the property*; together with
  - (b) *A recommendation (with reasons) as to the proposed new trust or trusts upon which the property should be held.*
  - (c) The report is to be prepared only after consultation with the Presbytery.

On receipt of these reports the Trustees may proceed, in accordance with Section 10 of the *Property Trust Act*, to request the General Assembly to declare by resolution that the property shall thereafter be held upon the (new) trusts specified in the resolution.