Guideline Leaflet PM06: Manse Occupancy in England

This leaflet is intended to help and provide guidance to both churches and minister about the use and maintenance of a manse.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

PM06: Manse Occupancy in England

Important Note. This leaflet covers the position in England only. Churches providing or intending to provide accommodation for a minister in Wales must read the leaflet PM07 (Manse Occupancy in Wales).

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

L17 Legal and Operations Team – Regulatory Information

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

INTRODUCTION

This leaflet is about Manse Occupancy. It will be of interest to both churches and ministers.

Usually a manse is a residential property used by the Minister of a church and other family members. We will explain some of the usual patterns of expectations and practical arrangements although we realise that there may be good reasons why your local situation is different.

Where there is a Pastoral Vacancy and the manse property is let an Assured Shorthold Tenancy should be created – see the Guidelines Leaflet PM04 *Letting a Manse*.

THE PROVISION OF A MANSE

Baptist Churches provide a manse rent free for the better performance of the minister's duties. It is usually a place where some functions linked with the role of ministry are fulfilled. It is also the place that Minister calls home. Both the Minister and the church need to be aware of the important balance that is needed. A house helps create the identity and experience of a family as well as reflecting the position and role of a church in the community.

Both church members and ministers are called to live sacrificially in the matter of a manse. Church members, in some circumstances, will be giving sacrificially to buy and maintain a manse. Ministers will need to accept that there may be features in the house that they would have not chosen. Neither may be able to change this situation and therefore need to offer each patience and mutual understanding, but what are the usual arrangements, and what should be expected?

CHOOSING A NEW PROPERTY FOR USE AS A MANSE

In choosing a new property to be used as a manse churches need to consider various issues. The manse needs to be appropriate to the social and economic context of the church. Whilst certain

requirements about space and layout are advisable, there can be no one list of elements that specify the size or value of the house. Variables include the number of bedrooms, living rooms and the provision of an office/study in the premises.

It is important to take account of accessibility so that it is suitable for a Minister or family members who are disabled, and so that those visiting the manse are not disadvantaged because access is difficult.

The manse is the 'base' from which ministers perform the duties of their office so provision should be made for study and office use even though there may also be facilities at the church.

When choosing a property it is important to remember that it should enable different sizes of family to be accommodated. There may also be a need to provide space for visitors and entertaining so the provision of two living rooms is essential. This means that meetings can take place at the manse without banishing the minister's family to their bedrooms. A study would also be needed with sufficient space for pastoral visits by up to two people. Convenient access to a ground floor cloakroom and toilet would be an advantage particularly for visitors to the manse some of whom may not be able to go upstairs.

The ideal is probably a four bedroom house with two living rooms and a separate study and cloakroom on the ground floor, accessed directly from the front door, thus avoiding disturbance of the general living space.

Location is important. Many ministers prefer to live away from the church site. However, because it is intended that the property shall serve the church as a manse, it should not be so far away as to cause problems for the Minister in maintaining regular contact with the church and community. Local circumstances will vary.

Consideration should be given to the layout of the property and the safety of the Minister particularly if the Minister is working at home alone. This is also important for members of the minister's family. Lighting at the front door of the manse (and the church) is often an important safety issue so is considering how the layout would work if anyone needed to move out of the property quickly if a visitor became aggressive or violent.

BUYING A MANSE

There is separate guidance about buying a manse in our Guidelines Leaflet PM01 *Buying a Manse*.

Sometimes a Minister will ask the church to enter into a Shared Ownership arrangement. This is a significant decision and choice for the church to make. The issues are explored in more detail in our Guidelines Leaflet PM03 *Shared Ownership of a Manse*. It is not always possible for a church to agree to this request.

MOVING INTO THE MANSE

Ministers are Office Holders, and therefore it is usual for the church and Minister to agree Terms of Appointment. These usually refer to the church providing accommodation for the minister. Some churches ask about a formal agreement about the use and occupation of the manse, so we are including extra information about this for churches and ministers to consider at the end of this leaflet.

Whether the Terms of Appointment are completed, or Terms of Appointment and an Occupancy Agreement are both used it would be usual for this paperwork to be completed before the Minister or any family members move into the property.

Where the church provides appliances, such as a fitted dishwasher machine or washing machine in a fully fitted kitchen it is helpful to indicate clearly that they belong to the church (if they do) and to indicate who is responsible for their maintenance or replacement. As we have already said, the circumstances will vary between different churches.

Assuming that the manse is already owned by the church (rather than being purchased just before a new Minister arrives) the Minister and any family shall be entitled to move into the manse up to a month before the planned date for their induction service.

The church shall be responsible for supplying the manse in good decorative order. Flooring suitable for heavy wear should be supplied to the 'public' areas of the manse.

Heating appropriate for a family should be supplied.

The church shall be responsible for the installation of any electrical or gas appliances which are provided and appropriate checks shall be made before the Minister moves in to comply with Health and Safety Regulations. The property should be checked for the presence of asbestos or other noxious substances so far as is practicable. Churches need to remember that manses are not technically domestic premises so consideration of any issues relating to asbestos needs to include all church and manse property.

The following BUC Guidelines Leaflets may be helpful:-

L10 *Health and Safety and Fire Precautions*
L11 *Control of Asbestos at Work Regulations 2012*

MAINTENANCE AND REPAIRS

The church is responsible for the external decoration of a church-owned manse.

Churches may wish to consider creating a programme to review the condition of the manse and to identify any necessary work. The Guidelines Leaflet PC03 *Five Year Inspection Reports – Church Buildings* may be helpful. We suggest that churches obtain regular professionally prepared reports on the condition of all their property, including the manse so essential repairs can be identified.

The maintenance plan will depend on the property, but making a plan to cover the important elements is helpful. For example, it is anticipated that external woodwork will be painted or treated, as appropriate, every four years.

The church is responsible for the normal landlord responsibilities, such as the annual gas inspection as well as other maintenance including the upkeep and replacement of associated fixtures and fittings. The Health and Safety Executive advise all gas consumers to have appliances checked for safety at least once every 12 months by a Gas Safe registered engineer, who will be able to offer further advice. Churches may like to refer to the HSE publication 'Landlords, A Guide to Landlords' Duties': Gas Safety (Installation and Use) Regulations 1998' which can be found online:
http://www.hse.gov.uk/pubns/indg285.pdf

Electrical installations also need to be checked from time to time to ensure that they are safe throughout the Minister's period of occupation. These checks and tests have become more rigorous over time. For the manse it is recommended that a routine check takes place every year with comprehensive inspection and testing being done at least once in every five years. A 'routine check' should be carried out by someone who is competent to understand the electrical system, but need not be electrically qualified. The check should look for any wear and deterioration, missing parts, correct labelling and operation of test buttons etc. The 'inspection and test' needs to be carried out by a suitably qualified professional who should be an NICEIC registered contractor. Utility companies and local letting agents may both be able to help churches to find suitable contractors. The person carrying out the 'inspection and test' will prepare an Electrical Installation Condition Report. A copy of the report should be supplied to the Minister promptly and certainly within 28 days of the date of inspection. Any remedial works required must also be completed without delay (no later than 28 days of the date of inspection) and a written report sent to the tenant confirming that the work has been done to the correct standard.

The interior of the manse is the responsibility of the minister and their family who will deal with matters such as cleaning and minor repairs. The Minister is responsible for internal decoration and it is anticipated that interior redecoration should take place not less than once every seven years.

Where the Minister is able to deal with minor repairs, this is good and helpful. However, where a Minister is unable to deal with these repairs they tell the church. Where the problem is related to the Minister having poor health or mobility problems the church should seek to respond with generosity to ensure that the manse is properly maintained.

The maintenance of the gardens is the responsibility of the minister. However, where extensive tree surgery or removal is considered necessary then this should be carried out and paid for by the church. The Minister is expected to keep the outside of the manse in good order; including tending the gardens and keeping them tidy. If poor health prevents the maintenance of the garden being done personally, the church will employ others to maintain the garden. There may also be volunteers from among the church members who are willing to help. Negotiations would be conducted in a spirit of pastoral care for the Minister and their family.

The Minister shall not sublet the manse in its entirety and the permission of the church shall be sought if rooms are to be made available to lodgers on a commercial basis.

The Minister is expected to use their best endeavours to ensure that no nuisance or disturbance is caused to neighbours.

THE SMOKE AND CARBON MONOXIDE ALARM (AMENDMENT) REGULATIONS 2022

Churches in England need to be aware that from 1 October 2022 the new Smoke and Carbon Monoxide Alarm Regulations apply to their manses and to residential tenancies.

Private sector landlords are required from 1 October 2022 to have at least one smoke alarm installed on every storey of their property where there is a room used as living accommodation and a carbon monoxide alarm in any room containing a fixed combustion appliance (e.g. a coal fire or wood burning stove, but excluding gas cookers). These rules will apply to manses. After that date, the church must make sure the alarms are in working order at the start of each new occupancy.

Additionally, the regulations require that Landlords must repair and replace smoke and carbon monoxide alarms when they have been notified by tenants that they are faulty.

The requirements will be enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice. Churches need to ensure that their manses comply with these requirements whether they are occupied by a minister or by any other occupant (eg a tenant).

A detailed and helpful Q&A booklet is available here:
https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords

SIGNIFICANT ALTERATIONS, MAJOR REFURBISHMENT AND EXTENSIONS

The Minister shall not undertake any significant alteration refurbishment or extension

The Minister shall not undertake substantial improvements for which immediate reimbursement might be requested without prior agreement from the church. The Minister shall not be entitled to reimbursement at a later date unless specific written agreement has been given as to work to be done and the sum to be reimbursed prior to the commencement of any building or improvement works.

Notwithstanding the fact that for many legal purposes the manse is regarded as a residential property, the Minister and church needs to note that some regulations are applied to manses as if they were non-residential premises. In particular, special care must be taken in relation to electrical work, gas installations, asbestos and other building work. See BUC Guidelines Leaflet PC05 *Construction (Design and Management) Regulations 2015* and L10 *Health and Safety and Fire Precautions.* Churches and ministers need to note that most contractors, e.g. small building firms or kitchen fitting companies are unlikely to have any knowledge of these regulations. It is vital that the church and Minister remember that special rules apply to the manse property. All building work, including more ordinary tasks like fitting a kitchen or bathroom will need to be assessed in case the construction regulations apply. If they do then special supervision will be needed whilst the work is being done.

It should be noted that building regulations apply to all electrical installation work undertaken in 'dwellings' such as manses. As a result some electrical work with a higher level of risk must be notified to your Building Control Service unless you employ a suitably qualified and registered installer. If you use an unregistered installer for notifiable work the Building Control Service will need to inspect it.

ROUTINE INSPECTIONS AND PROBLEM SOLVING

The church must recognise that the manse is the minister's personal residence and visits should only be made by prior arrangement or invitation. It is not appropriate for the church to retain a key and visit without the knowledge of the family.

Where difficulties arise about maintenance, cleaning, gardening or other problems these shall be discussed between the Minister and the Charity Trustees of the church in an attempt to resolve the problems by discussion.

The church is expected to respond to reasonable requests from the Minister and help resolve problems related to the manse, particularly where additional lighting or other security precautions are felt to be needed by the Minister or family members.

A thorough routine inspection of the manse is recommended every five years but some churches and ministers might want this to happen more frequently, perhaps annually. There will also need to be an inspection at the point where a Minister moves out and there is a Pastoral Vacancy, whenever this happens. This should include inspection of the structural condition, the decorative order and the fixtures and fittings.

LEAVING THE MANSE

The manse will be vacated if or when the Minister ceases to be the Minister of the church. There shall be no rights for the Minister or any family member or lodger to remain in the property beyond the completion of the notice period under the Ministerial Terms of Appointment. This shall apply whether or not the Minister has chosen to resign from their role or the church has given notice to the minister. The church shall be entitled to take steps to seek possession of the manse and compensation should a Minister, or any member of the Minister's family, or any lodger, fail to vacate the manse at the end of the notice period. The Minister will be expected to leave the manse in good order. Any substantial cleaning, redecoration or gardening costs arising from the manse or garden being left in an uninhabitable or overgrown condition may be charged to the Minister. The routine interior redecoration of a manse and its preparation for new occupiers shall not be the responsibility of the vacating Minister.

If a Minister should die in service the normal notice period agreed in the Terms of Appointment will apply to their dependants, but the church is strongly urged to act with sensitivity, generosity, and in a reasonable manner. The Regional Minister will assist the church in these distressing circumstances and help to negotiate a suitable timetable for the family to vacate the manse.

Dependants may need to remain in the manse for a reasonable period of grace period. This would usually be a maximum of six months but the church needs to give careful and early consideration to the recovery of possession of the manse. It was previously our advice that, if a former minister's family remained in the manse for longer than a grace period of six months, an assured shorthold tenancy should be granted. However, due to a change in the law from 1 May 2026, it will no longer be possible to grant a tenancy which is capable of being terminated easily and quickly. Instead, any new tenancy is likely to be an assured tenancy. (Any assured shorthold tenancy that was already in existence on 1 May 2026 will have been converted into an assured tenancy (unless the eviction process was already underway and the relevant time limits were complied with)). Assured tenancies have much greater security of tenure than assured shorthold tenancies. An assured tenancy can only be terminated by the landlord for a limited number of reasons, such as selling the property or housing a minister of religion where an appropriate warning has been given to the tenant. Therefore, we no longer recommend that a church enters into a tenancy agreement with a former minister's family at the end of a grace period unless exceptional circumstances apply and the church is certain that it is happy to enter into a long-term and potentially indefinite tenancy arrangement. In such circumstances, the assistance of a solicitor or property agent is recommended in relation to the preparation of any assured tenancy agreement. For

example, if an appropriate clause is not included, it may be impossible to recover possession to house another minister in future.

If other difficult circumstances arise, for example, if the Minister's marriage shall break down, any spouse or other family members may continue to occupy the manse if the Minister has moved out, or their role with the church has ended, but this would only apply for a reasonable period agreed by the charity trustees. We would suggest no less than two or three months. Once again, the church needs to give careful and early consideration to the recovery of possession of the manse. Because of changes in the law which make it much harder to regain possession of a tenanted property, we now no longer recommend that a church enters into a tenancy agreement with a former minister's family at the end of a period of grace. Only in exceptional circumstances where the church is certain that it is happy to enter into a long-term and potentially indefinite tenancy arrangement should it enter into a tenancy agreement, and then only on the advice of a solicitor or property agent. This is so that correct clauses can be included, for example, to enable the church to recover possession in order to house another minister. Please contact your Baptist trust corporation for advice if necessary.

The Minister shall not have any right to sublet the manse in its entirety or to sublet any rooms to any new lodgers during the notice period, since the right to occupy the manse is personal to the Minister and members of the Minister's family.

A NEW MANSE?

Sometimes Ministers are unhappy with the size, condition, or location of a manse and invite the church to consider purchasing a new manse prior to their move to the church and induction. Whilst churches should be sensitive to the needs of particular Ministers it is important that the choice of manse is not based on the needs of one particular family but are based on what is reasonable in the light of the long term interests of the church and the money available.

SHARED OWNERSHIP

Sometimes Ministers wish to purchase a property jointly with the church or to acquire a share in an existing manse. There are times when this can be of mutual benefit to both the church and the Minister. However, the church needs to consider the matter carefully, particularly if they already own a manse free of mortgage.

The guidance in the BUC Guidelines Leaflet PM03 *Shared Ownership of a Manse* needs to be considered very carefully by the church and Minister.

The Charity Trustees of the church and the Church Members' Meeting must consider very carefully how they respond to this kind of request since they are bound by Charity Law requirements to act in the best interests of the church.

If a Shared Ownership arrangement is possible, and this involves buying a new property the choice of a property is important. In choosing any new property for use as a manse, both the church and the Minister need to look for a suitable property. It is a joint decision.

It is possible that on leaving the church the Minister will invite the church to buy their share in the property. This can be more cost effective than selling the property and buying a different property. It is therefore vital that church and Minister together agree what kind of property will be chosen. The factors outlined in our opening section 'The Provision of a Manse' must be taken into account, particularly so far as location is concerned, are very important.

There is an expectation that the manse will bear some geographical relationship to the church and the community that is being served. This is because the manse is being provided for the better performance of the minister's duties. Whilst there is no specific recommendation, it is expected that the property will be located in reasonable proximity to the church/congregation.

Once these arrangements have been put in place the property is a manse. It is not a private home and the arrangements already described about safety inspections, maintenance, health and safety, alterations and building work, and the various regulations will apply. In particular the Minister needs to

remember that the property will be subject to the Construction (Design and Management) Regulations 2015 already mentioned.

RENTING A PROPERTY TO USE AS A MANSE

There are some occasions when the only solution available to a church is to rent a property for use as a manse. Although sometimes necessary, this arrangement is not always ideal as it brings a third party (the landlord) into the equation.

In order for the property to be treated as a manse the tenancy agreement should always be in the name of the church and the rent paid by the church.

For information about liabilities for national insurance contributions and income tax in connection with rented manses please refer to our Finance Team's guidance notes for church treasurers and ministers X03 *Taxation Guidelines for Churches and Ministers.* These are available from the Union's Finance Office or from the BUGB website.

The church should take full responsibility for contacting and negotiating with the landlord or agent regarding any issues relating to the tenancy agreement or repairs to the property that are the landlord's responsibility.

OCCUPANCY AGREEMENTS

Baptist Ministers are currently regarded as Office Holders. Many churches and Ministers are therefore content to accept the standard provisions about Manses in the recommended Terms of Appointment for full time or part time Baptist Ministers.

Sometimes a church or a Minister will want to enter into a more formal arrangement such as an Occupancy Agreement. For churches reading this because they have an employee such as a youth worker who lives in a residential property owned by the church the Terms of Appointment for a Baptist Minister will not apply.

This kind of Occupancy Agreement would normally be prepared by a solicitor where the provision of living accommodation was a fundamental part of the arrangements.

We do not offer a precedent but a typical agreement would create a set of arrangements that were similar to the provisions listed in this leaflet. The terms might be more explicit, setting out in more detail the remedies each party might have if there was a failure to meet obligations. There could also be a Schedule of Condition recording the condition of the property when the Minister (worker) moved in, and providing a reference point for future discussions particularly when the manse is vacated. If any equipment is provided by the church, for example free standing heaters, these might be listed. An inspection timetable may be set out and there might be a stronger expression of the fact that the manse is the Minister's (worker's) home so visits must be made by prior appointment or invitation. Much will depend on local circumstances and the people involved.

The situation is far from straightforward because of the particular status of a Minister and the fact that most churches have not adopted this approach.

Specific legal advice would be needed from a solicitor familiar with the arrangements that normally apply between a church and a Baptist Minister. This kind of Agreement is not currently recommended by the BUGB Ministries Team.

ENVIRONMENTAL CONSIDERATIONS

As part of our call to share in God's mission to all of creation, when considering maintenance and development of church premises, manses and land, we should include a consideration of the environmental impact. Statutory requirements will mandate adherence to a range of environmental standards but churches are also urged to take a broader view of the impact of the use of their property and development of their buildings on the environment, seeking to make them and church life in general as sustainable and environmentally friendly as possible. Churches considering projects such as building

insulation, solar panels or heat pumps should take a balanced view, giving thought not only to the proposed environmental benefits but also to any wider consequences, including costs, and seek professional advice before proceeding, to ensure that they are acting in the best interests of the church charity.

The Baptist Union Environmental Network ('BUEN') webpage here has links providing general advice regarding buildings and land. Further advice can be found in the Baptist Union's Transform leaflets in the "Environmental Issues" section. Churches may wish to undertake their own environmental audit using online resources such as the survey provided by A Rocha for their Eco Church scheme or BMS World Mission's Carbon Calculator, but appropriate professional advice should always be sought in connection with the planning of any building works or projects. Grants may be available from national and local governments.

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Baptist Union Corporation Ltd **East Midland Baptist Trust Company Ltd**	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own

Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.
Contact Address and Registered Office:

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