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First Legal Steps on a Property Project

Once the Managing Trustees have decided what they are going to do and how that fits in with the Connexional Property Strategy and their mission plan, Managing Trustees may find the First Steps Chart useful in setting out questions to help them consider the legal aspects of a property project. For guidance on this initial, strategic stage please refer to the [Starting a Property Project](#) page on the Methodist Church Website.

1. Site Issues		
Legal Considerations	Action	Where to find help
<p>Is the property listed or in a conservation area?</p> <ul style="list-style-type: none"> - Are any works proposed as part of your project? - How will this impact on the Managing Trustees' plans? 	<p>Check the position and speak to the Connexional Conservation Team if you are unsure.</p> <p>If the property is listed or in a conservation area, seek guidance from the Connexional Conservation Team.</p> <p>Note the additional steps to be taken if any works are proposed.</p>	<p>Connexional Conservation Team: conservation@methodistchurch.org.uk</p> <p>Guidance on the process of obtaining listed building approval, information on the Exemption and some FAQ's: https://www.methodist.org.uk/for-ministers-and-office-holders/property/conservation/listed-buildings/how-do-i-apply-for-listed-building-approval/</p>
<p>Is the title to the property registered at the Land Registry?</p> <ul style="list-style-type: none"> - Do you have title documents known as office copy entries confirming the title number(s) your property has been registered with? 	<p>Look in the Circuit safe, ask TMCP, and check whether your solicitors hold a copy.</p> <p>Take action to register the property at the Land Registry if the property is unregistered. Speak to TMCP and/or your solicitor so that guidance can be given.</p>	<p>Fellow Managing Trustees responsible for the property both now and historically.</p> <p>TMCP Legal: legal@tmcp.methodist.org.uk or via the contact form on our website; www.tmcp.org.uk or 0161 235 6770</p> <p>Land Registry: https://eservices.landregistry.gov.uk/eservices/FindAProperty/</p>

Legal Considerations	Action	Where to find help
<p>If the title is registered: Does your title include all of the land the Managing Trustees believe the Methodist Church owns?</p> <ul style="list-style-type: none"> - Are any parcels of land missing from the title? - Are there any gaps between the Church's title and access to a public highway? - Are there any extra pieces of land which a neighbour now treats as their own? 	<p>Check the Land Registry plan (known as the "filed plan") against the Managing Trustees' understanding of what the Church owns.</p> <p>Notify TMCP so that guidance can be given and speak to a surveyor and/or a solicitor about taking action to remedy this.</p>	<p>Correspondence relating to the original registration.</p> <p>Fellow Managing Trustees who were involved in the registration.</p> <p>TMCP Legal (see contact details above)</p> <p>Solicitor if issues arise</p>
<p>Is the title registered in the name of the Custodian Trustee (TMCP)?</p>	<p>Check the part of the title register for the property labelled; "B: Proprietorship Register".</p> <p>Notify TMCP so that guidance can be given and speak to your solicitor about taking action to remedy this if TMCP is not the registered owner.</p>	<p>TMCP Legal (see contact details above)</p> <p>Solicitor if issues arise</p>
<p>Is the property subject to any restrictive covenants?</p> <ul style="list-style-type: none"> - Will these impact on your proposals? - Are they enforceable? - Can you get indemnity insurance? 	<p>Check the deeds for the property.</p> <p>Speak to TMCP and your solicitor.</p> <p>Take action recommended by your professional advisers.</p>	<p>TMCP Legal (see contact details above)</p> <p>Solicitor if issues arise</p> <p>DO NOT contact the beneficiary of the covenant before you speak to your solicitor and TMCP.</p>

Legal Considerations	Action	Where to find help
<p>Are there any authorised occupiers e.g. tenants or licensees?</p> <ul style="list-style-type: none"> - Will you need the occupier to vacate to carry out your plans? - Do you want to end the arrangement permanently or are you looking at interim options e.g. temporary relocation while works take place? - When would you need vacant possession? 	<p>Check the terms for ending such arrangements if the property project requires you to have vacant possession of the part of the property affected.</p> <p>Notify your professional advisers, speak to TMCP, and take action accordingly.</p> <p>Ask your surveyor to confirm advice from a valuation perspective; on a sale for example, should vacant possession be obtained without delay or should you explore a sale subject to the lease?</p>	<p>TMCP Legal (see contact details above)</p> <p>Solicitors</p> <p>Surveyor</p>
<p>Are there any unauthorised occupiers e.g. squatters or a neighbour who has appropriated part of your land for their garden?</p> <ul style="list-style-type: none"> - Do you need the occupier to vacate to carry out your plans or is the emphasis on regularising the position? 	<p>Notify your professional advisers and take action in accordance with their advice.</p>	<p>TMCP Legal (see contact details above)</p> <p>Solicitors</p> <p>Surveyor</p>

2. Assembling your team

Legal Considerations	Action	Where to find help
<p>Who will you need on your team?</p> <ul style="list-style-type: none"> - Surveyor(s)? - Solicitor? - Architect? - Project manager? 	<p>Consider what you are doing and what advice you need.</p> <p>Consider the skills you may have amongst your managing trustee body against the time pressures of running a project, the experience needed for your particular project and the financial risk.</p>	<p>For transactions refer to the relevant TMCP check list for confirmation of the advice you will need; www.t MCP.org.uk/property</p> <p>Your Circuit, District and neighboring Local Churches may be able to provide recommendations.</p> <p>Connexional Conservation Team if the property is listed or in a conservation area.</p>
<p>When do you need to instruct any professionals required?</p>	<p>While early advice can pre-empt issues arising, Managing Trustees will be anxious not to incur unnecessary costs e.g. architect fees before checking the project is viable.</p>	<p>Speak to your Circuit, District and neighboring Local Churches for recommendations.</p> <p>TMCP Legal (see contact details above)</p> <p>Connexional Conservation Team if the property is listed or in a conservation area.</p>
<p>Are you using the Methodist panel solicitors/surveyors?</p>	<p>Consider using one of the panel firms who understand the responsibilities placed on Managing Trustees as Methodist charity trustees and have experience acting for Managing Trustees.</p>	<p>Panel Solicitor information: https://www.t MCP.org.uk/property/panel-solicitors</p> <p>Panel Surveyor information: https://www.methodist.org.uk/for-ministers-and-office-holders/property/surveyors-panel/</p>
<p>What additional considerations are there when the property is listed?</p>	<p>If an architect is required ensure that a conservation accredited architect is instructed.</p>	<p>Conservation accredited architects: https://www.aabc-register.co.uk/</p>

3. Methodist & charity law requirements

Legal Considerations	Action	Where to find help
What requirements will apply to your project(s)?	Check the appropriate TMCP guidance notes setting out the steps to be taken and checklists summarising the charity law and Methodist law and policy requirements.	Visit: https://www.tmcp.org.uk/property
Does a project(s) need to be logged on the Property Consents website?	Check the guidance available on the Property Consents Website and the TMCP checklists.	https://propertyconsent.methodist.org.uk/guide Web Applications Team: consents@methodistchurch.org.uk www.tmcp.org.uk/property/ Works projects: District Property Secretaries' flow chart: Works Flow Chart
On a sale or grant of easement is your qualified surveyor able to confirm that the price or premium is "best price" in all the circumstances and the property has been adequately marketed?	Ensure that no sales, purchases, options easements or release of covenants etc. are agreed with another party until you have appropriate surveyor's advice and this has been approved by TMCP.	TMCP Legal (see contact details above) Surveyor
On a works projects, can you show that the deal reached is a good deal for the charity?	Ensure that all deals reached with contractors are good deals for the charity.	TMCP Legal (see contact details above) Surveyor Appendix 2 of the Circuit Stewards' Handbook on quotes and tenders: https://www.methodist.org.uk/for-churches/office-holders/circuit-stewards/induction-pack-for-circuit-stewards/

Legal Considerations	Action	Where to find help
<p>On a lease, is your qualified surveyor able to confirm that the rent is no less than market rate?</p> <p>On a sale or lease of more than 7 years, is your qualified surveyor able to confirm that the property has been adequately marketed?</p>	<p>Ensure that no leases or tenancy agreements etc. are agreed with another party until you have appropriate surveyor's advice and this has been approved by TMCP.</p>	<p>TMCP Legal (see contact details above)</p> <p>Surveyor</p>
<p>Is the other party likely to be a "connected person"?</p>	<p>If members of the managing trustee body and the other party to a transaction are closely linked, take advice on whether the other party would be deemed a "connected person" for the purposes of s.118 of the Charities Act 2011.</p>	<p>Refer to the Connected Persons Certificate template on the TMCP website which includes an extract from s.118 of the Charities Act 2011: www.tmcp.org.uk/property/sales/resources/standard-documents-and-forms/connected-person-certificate</p> <p>TMCP Legal (see contact details above)</p> <p>Solicitor</p>
<p>Does the project involve any property contracts e.g. contracts of sale, leases, transfers, deeds or licences?</p>	<p>Ensure that all draft documents relating to property (including Heads of Terms and planning agreements e.g. s.106 Agreements) are sent to TMCP for approval and that your solicitors contact TMCP for guidance and template clauses before drafting.</p>	<p>Solicitor</p> <p>TMCP Legal (see contact details above)</p>
<p>If the project involves a lease, what are the proposed lease terms?</p>	<p>Ensure that any lease terms agreed are in accordance with Methodist law and policy.</p>	<p>TMCP: www.tmcp.org.uk/property/letting-property-and-third-party-use/leases/resources/guidenotes/gn-non-residential-lease-heads-of-terms</p> <p>Surveyor</p> <p>Solicitor</p>