



Legislation

Guidance on legislation that impacts on the management of Model Trust property, including the Methodist Church Act 1976, Charities Act 2011, Localism Act 2011 and Housing (Wales) Act 2014

 Updated 5 Jun 2017

Legislation

Legislation impacts on almost everything that Managing Trustees do in terms of property matters and it goes without saying that Managing Trustees are obliged to comply with all relevant legislation. Some legislation such as the [Charities Act 2011](#) impacts on transactional work such as selling or granting leases of Methodist property. Managing Trustees as charity trustees must adhere to the requirements set out in sections 117 to 121 (subject to section 117(3)) of the Charities Act 2011 when disposing of Model Trust property and the so called “right to rent” checks imposed by the [Immigration Act 2014](#) when granting a residential tenancy. Managing Trustees can refer to the guidance notes relating to particular transactions for details.

Managing Trustees also need to deal with legislation in their general day-to-day management of Methodist property. The duties placed on Managing Trustees as charity trustees will inform daily decisions as well as transactional matters. [The essential trustee: what you need to know, what you need to do](#) is a very useful guide produced by the Charity Commission with guidance on the duties and responsibilities of charity trustees. The requirements placed on Managing Trustees under Standing Orders such as “[Section 92 and Use of Methodist Premises](#)” also impact on day-to-day management of Methodist property. In terms of general legislation, residential tenancies for example are subject to a large volume of legislation including, in Wales, the [Housing \(Wales\) Act 2014](#) and the [Gas Safety \(Installation and Use\) Regulations 1998](#) whereas carrying out works requires consideration of planning and listed building legislation as well as the requirements under Methodist law. Guidance notes such as the [Residential Tenancy \(Statutory Requirements\) Focus Note](#) and external links from this page can help Managing Trustees with this.

In addition, Managing Trustees can be forced to deal with statutory notices due to the actions of third parties. What action should Managing Trustees take if a neighbouring land owner serves a Party Wall Act 1996 notice on the Church? What implications are there if the local community nominates Methodist property as an asset of community value under the Localism Act 2011? Detailed guidance to help Managing Trustees understand and decide how to react to such notices can be found in the guidance notes and external web links accessible from this page.

Legislation Guidance

Transactions:

Legislation that impacts on particular transactions such as sales, or granting a residential tenancy, is referred to in the guidance notes relating to such transactions e.g. [Sale Guidance for Managing Trustees](#). The guidance notes relating to particular transactions highlight the requirements under charity and Methodist law in particular, as well as accompanying Methodist policy and best practice.

Non-transactional based legislation guidance:

Managing Trustees may also find the following guidance notes that focus upon particular pieces or types of legislation of assistance:

On receipt of a statutory notice:

- [Assets of Community Value Guidance – Guidance on the Localism Act 2011](#)
- [Party Wall Act 1996 Guidance](#)

Carrying out work to a party wall:

- [Party Wall Act 1996 Guidance](#)

Dealing with a Residential Tenancy:

- [Rent Smart Wales Focus Note](#)
- Rent Smart Wales Property Information Form
- [Residential Tenancy \(Statutory Requirements\) Focus Note](#)

Dealing with property Title or registration matters such as first registration at the Land Registry:

- [Methodist Church Act 1976 and its application to property](#)

Responsible for burial grounds:

- [Burial Ground Guidance](#) - including guidance on the [Disused Burial Grounds \(Amendment\) Act 1981](#)

Acting as a charity trustee:

- Guidance produced by the Charity Commission: [The essential trustee: what you need to know, what you need to do](#)

The links accessible from the "External Links" tab provide Managing Trustees with quick access to relevant external websites with further information to assist them in fulfilling their role to act only in the best interests of the charity.

Please [contact TMCP](#) to check whether there are any associated charity law and Methodist law, policy and best practice implications of Managing Trustees are served with a statutory notice or if Managing Trustees intend to deal with property in any way.

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