



Scottish Property

Information and guidance relating to property transactions in Scotland

 Updated 30 Mar 2021

The guidance and resources available from TMCP's Scottish Property page have been specifically tailored for dealing with property transactions in Scotland.

However, while there are many differences between the legal systems in Scotland and the rest of the UK, Managing Trustees of Model Trust property in Scotland are, like Managing Trustees in England and Wales, charity trustees and must act as prudent charity trustees when dealing with property transactions. They must also comply with the requirements of the Methodist Church Act 1976 and the Constitutional Practice and Discipline of the Methodist Church, both of which apply in Scotland.

The guidance available from TMCP's website aims to provide Managing Trustees in Scotland and their professional advisers with the information they need to ensure their transactions are carried out in accordance with Methodist law and policy. TMCP will be relying on your professional advisers to ensure that the legal and charity law requirements that apply to your transactions in Scotland are handled correctly.

If Managing Trustees in Scotland have any questions about this guidance or the charity law and Methodist law and policy requirements in Scotland, please contact your District Property Secretaries, Revd Allan Loudon and Phil Haggis. If you do not have their contact details please ask [TMCP Legal](#) and we will share these with you.

Professional advisers

Although the existing Methodist panel of solicitors does not include solicitors who are qualified to practice in Scotland, TMCP is working with your District representatives to identify firms who have the experience and expertise necessary to assist Managing Trustees. Pending the formalisation and/or appointment of a Scottish panel of solicitors, please contact your District Property Secretaries (see above) so that they can recommend which firm(s) already have experience in dealing with Methodist transactions.

The District Property Secretaries in Scotland will also be able to help you to appoint a surveyor who understands the requirements of the Methodist Church in Scotland. Please contact them for guidance (see above) or alternatively TMCP can help you.

Charities in Scotland

All Managing Trustee bodies, be that the local Church Council, Circuit Meeting or District Trustees, need to be registered with the Office of the Scottish Charity Regulator known as OSCR.

Please note that detailed guidance for charity trustees in Scotland can be found on [OSCR's website](#). In particular, please refer to the guidance produced by OSCR in 2017 entitled "[Being a Charity in Scotland](#)". The guidance uses straightforward language to help Scottish charity trustees understand their responsibilities.

The Methodist Church Act 1976

The Methodist Church Act 1976 applies in Scotland and the guidance note [The Methodist Church Act 1976 and its application to property](#) explains how property was automatically vested in TMCP when the Methodist Church

Act 1976 came into force.

Scottish Property Guidance

TMCP Legal has produced the following guidance to assist Managing Trustees in Scotland:

Residential Tenancies:

- [Residential Tenancies in Scotland – Private Residential Tenancies \(PRT\)](#)

Sale Guidance:

- [Sale Template Clauses \(Scotland\)](#)
- [Sales Guidance for Managing Trustees – Scotland](#)
- [Obtaining Surveyor's Sale Advice \(Scotland\)](#)
- [Sales Guidance for Managing Trustees' Solicitors - Scotland](#)

If you have any queries in relation to the guidance on this page please contact [TMCP Legal](#) for further assistance.

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