

CHARTERED SURVEYORS

A Qualified Surveyor is deemed to be a Fellow (FRICS) or a Member (MRICS) of the Royal Institution of Chartered Surveyors (RICS) No other surveyor or agent is permitted to advise on the sale of property in accordance with Section 117 of the Charities Act 2011.

The following information must be contained in, and matters to be dealt with by, the qualified surveyor's reports and must be then appended to this report to allow a determination by the various authorities and solicitor to ensure that the requirements of the Charities Act 2011 have been met:

1. (1) A description of the relevant land and its location, to include:
 - (a) the measurements of the relevant land;
 - (b) it's current use;
 - (c) the number of buildings (if any) included in the relevant land;
 - (d) the measurements of any such buildings, and;
 - (e) the number of rooms of any such buildings and the measurements of those rooms.
- (2) Where any information required by sub-paragraph (1) above may be clearly given by means of a plan, it may be so given and any such plan need not be drawn to scale.

Whether the relevant land, or any part of it, is leased by or from the charity trustees and, if it is, details of:

- (a) the length of the lease and the period of it which is outstanding;
- (b) the rent payable under the lease;
- (c) any service charge which is so payable;
- (d) the provisions of the lease for any review of the rent payable under it or any service charge which is so payable;
- (e) the liability under the lease for repairs and dilapidation's; and
- (f) any other provision in the lease which, in the option of the surveyor affects the value of the relevant land.

Whether the relevant land is subject to the burden of, or enjoys the benefit of, an easement of restrictive covenant or is subject to any annual or other periodic sum charges on or issuing out of the land except rent reserved by a lease or tenancy.

Whether any buildings included in the relevant land are in good repair and, if not, the surveyor's advice:

- (a) as to whether or not it would be in the best interests of the charity for repairs to be carried out prior to the proposed disposition;
 - (b) as to what those repairs, if any, should be; and the estimated cost of any repairs he advises.
5. Where, in the opinion of the surveyor, it would be in the best interests of the charity to alter any buildings included in the relevant land prior to disposition (because, for example, adaptations to the building for their current use or not such as to command the best market price on the proposed disposition), that opinion and an estimate of the outlay required for any alterations which he suggests.
 6. Advice as to the manner of disposing of the relevant land so that terms on which it is disposed of are the best that can reasonably be obtained for the charity, including:

- (a) where appropriate a recommendation that the land should be divided for the purposes of the disposition;
 - (b) unless the surveyor's advice is that it would not be in the best interests of the charity to advertise the proposed disposition, his reasons for that advice (for example, that the proposed disposition is the renewal of a lease to someone who enjoys statutory protection or that he believes someone with a special interest in acquiring the relevant land will pay considerably more than the market price for it); and
 - (c) any view the surveyor may have on the desirability or otherwise of delaying the proposed disposition and, if he believes such delay is desirable, what the period of that delay should be.
7. (1) Where the surveyor feels able to give such advice and where advice is relevant, advice as to the chargeability or otherwise of value added tax on the proposed disposition and the effect of such advice on the valuations given under paragraph 8 below.
- (2) Where either the surveyor does not feel able to give such advice or such advice is not in his opinion relevant, a statement to that effect.
8. The surveyor's opinion as to:
- (a) the current value of the relevant land having regard to its current state of repair and current circumstances (such as the presence of a tenant who enjoys statutory protection) or, where the proposed disposition is a lease, the rent which could be obtained under it having regard to such matters;
 - (b) what the value of the relevant land or what the relevant rent under the proposed disposition would be:

where he has given advice under paragraph 4 above, if that advice is followed;
or

where he has expressed an opinion under paragraph 5 above, if that opinion is acted upon; or

if both that advice is followed and that opinion is acted upon;
 - (c) where he has made a recommendation under paragraph 6(a) above, the increase in the value of the relevant land or rent in respect of it if the recommendation were followed;
 - (d) where his advice is that it would not be in the best interests of the charity to advertise the proposed disposition because he believes a higher price can be obtained by not doing so, the amount by which that price exceeds the price that could be obtained if the proposed disposition were advertised; and
 - (e) where he has advised a delay in the proposed disposition under paragraphs 6 (d) above, the amount by which he believes the price which could be obtained consequent on such delay exceeds the price that could be obtained without it.
9. Where the surveyor is of the opinion that the proposed disposition is not in the best interest of the charity because it is not a disposition that makes the best use of the relevant land, that opinion and the reasons for it together with his advice as to the type of disposition which would constitute the best use of the land (including such advice as may be relevant as to the prospects of buying out any sitting tenant or of succeeding in an

application for change of use of the land under laws relating to town and country planning etc.)

10. Surveyors are reminded that the Connexion includes the restrictive covenants in each sale of property and these must be conveyed to prospective purchasers. These can be obtained from the office, Presbytery Solicitor appointed to the sale or on the PCW website.