

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 9 of the Church of Scotland (Property and Endowments) (Amendment) Act 1933 (c. 44) requires the General Trustees of the Church of Scotland to offer to adjoining owners an opportunity to purchase ground originally granted or disposed for the erection of a church or manse whenever they are proposing to sell that ground.

Section 9 applies only to ground provided for certain churches and manses listed in Schedule 10 of the Church of Scotland (Property and Endowments) Act 1925 (c. 33) as extended by section 15 of the 1933 Act. The opportunity to purchase is to be offered only to adjoining owners whose predecessor in title originally granted or disposed the ground in question without charge.

This Order lays down a procedure for the offer of an opportunity to purchase and any subsequent reference to arbitration.

The General Trustees commence the procedure by issuing to eligible adjoining owners, of whom there may be several, a draft statement of their terms of sale and an upset price based on their estimate of open market value. The draft statement of terms and upset price can be amended by agreement among the General Trustees and all of the eligible adjoining owners. If agreement cannot be reached the General Trustees or any adjoining owner can refer the terms or the price to arbitration.

After agreement has been reached or after arbitration, the land is to be offered to the eligible adjoining owners on terms which are in accordance with the outcome of the agreement or arbitration.

The General Trustees are obliged to accept the higher or highest offer that is at least equal to or above the upset price.