

The Law

and how it affects your Church



Background - The Law

The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 came into effect on 1 March 1993 and has had a major impact on Churches, their contents and their churchyards.

The aim was to ensure that Churches and everything which belongs to them are properly cared for and that any works proposed are properly considered beforehand so that they may be carried out in the best possible way, in order to safeguard the inheritance of the past whilst meeting the needs of the living Church.

The essence of the law is to seek expert advice at an early stage and to consult all those who have an interest in the building.

Taking these steps will save time, energy and possibly money later.

Certainly works should not be carried out without a Faculty.

Such action may result in an Archdeacon seeking an Injunction or Restoration Order to stop or reverse any unauthorised work.

The care and maintenance of all Churches is, by law, the responsibility of the PCC.

“What must we do?”

All work carried out in and around Church buildings must have the approval of the Diocesan Chancellor or the Archdeacon.

This includes any changes to a building - **any** item added to, or removed from, the building, eg furniture, hangings or decorative work - any work in the Churchyard eg boundary walls, notice boards.

No work should be done without this approval or Faculty.

“But we know nothing about buildings....”

Don't worry, this is the job of your Church architect.

Every Church must have an architect appointed from the Diocesan approved list.

Your Archdeacon or DAC Secretary should be consulted about any appointment you wish to make. They will give advice about suitable architects for your particular needs.

If you wish to change your architect, you will need to get DAC approval: a letter to the DAC Secretary will begin this process.

The architect is a skilled professional who will help you protect your building and advise you on its upkeep.

Their advice should be sought about all but the most minor works on your Church building.

The advice of your parish architect is taken very seriously by the DAC.

“But what advantage is there to me and my parish....?”

The first advantage is that your building will be well cared for in a structured and professional manner.

This will save you money in the long run and will give you the satisfaction that you have been a good steward of your building for the future generations.

But there are other advantages.... for instance, often poor quality items are offered to Churches. Pastoral considerations can make it difficult for such a gift to be refused. The parish can, in such a case, refer the matter to the DAC and the decision-making is taken out of the parish situation.

“Anything else I ought to know?”

Yes!

Every five years a thorough inspection of your church must be undertaken. This is required under the "Inspection of Churches Measure, 1955".

This inspection is called the **Quinquennial Inspection**.

You will receive a reminder from the DAC Secretary when the inspection is due and the ensuing report will be sent to the DAC Secretary with copies forwarded to the incumbent, the PCC Secretary and the Archdeacon.

In the meantime - **Quinquennial work alone will not keep your building in good condition.** The Vicar, PCC and Churchwardens should be vigilant and watch out for things which need routine repair and maintenance.

Missing tiles and slates should be replaced, gutters and downspouts kept clear of leaves and debris.

All damp penetration, signs of fungal growth, rotten wood and mould should be referred immediately to the parish architect.

You and Your Church Architect or Surveyor

Architects are highly qualified professional people who have completed at least seven years study and practical training before becoming registered and able to practise as an architect.

Many have additional qualifications, often in the conservation of historic buildings, and those who care for our Churches are usually members of the EASA (Ecclesiastical Architects and Surveyors Association) and an appropriate body like The Victorian Society.