

CHURCH REDUNDANCY PROCESS GUIDANCE NOTE

The procedure for making a church redundant is set out in the Redundant Churches Regulations, in Volume 2 of the Constitution.

The process is usually initiated by a decision of the Parochial Church Council but, in some circumstances, can be suggested by the Bishop, Archdeacon or Diocesan Churches and Pastoral Committee following consultations with the incumbent and churchwardens or members of the congregation.

The timing of a decision to declare a church redundant is often difficult to gauge but it is helpful to foresee and prepare for the decision before the worshipping congregation becomes disillusioned by the burden of financial or building maintenance problems and loses sight of its primary role of outreach and mission. The Representative Body's guidance note "Appraising Future Church Building Needs", setting out an audit process for parishes to follow and monitor periodically, is intended to help parishes and dioceses in planning ahead. It is also intended that this should be used when a PCC is asked to consider the use of any proceeds of sale following disposal of a church.

In some dioceses, it has become common practice to declare a church closed before declaring it redundant, taking the view that this gives time for reflection and a period to make the detailed arrangements relating to contents etc. Closure has no constitutional significance, however, and it is the declaration of redundancy that ends the role of the building for worship and transfers responsibility to the Representative Body.

Religious services following redundancy will only take place where an arrangement has been reached between the Representative Body and the new owner of the building. Where a Churches and Pastoral Committee, PCC or other interested party wishes such use to be considered, the Representative Body should be consulted at the outset.

Role of the Diocesan Churches and Pastoral Committee

The Churches and Pastoral Committee co-ordinates the process leading to the redundancy of a church and, once a decision has been taken to prepare for redundancy, the Committee will proceed with the consultations described in the Redundant Churches Regulations. The consultations help the Committee to establish that redundancy is the correct decision.

In consultation with the PCC, the Committee is responsible for making recommendations to the Representative Body upon the future of the church contents initially seeking an inventory from the incumbent and churchwardens. Upon receipt of the recommendations, the Representative Body will indicate whether it is satisfied with the proposals or, if not, what further information is required. Where items are to go into other churches in the parish, this will usually be a straightforward process. For surplus items, the Committee will need to assess whether they can be used in other churches in the diocese or province or whether it is appropriate for them to be sold. In performing this function, the Committee must consider the advice of the Diocesan Advisory Committee.

Where it is considered that surplus items can be sold, the PCC will be required to obtain faculty permission and to comply with the Representative Body's code of practice for the disposal of contents (see Appendix A).

The future of an organ or bells can be difficult to resolve. With the advice of the Diocesan Advisory Committee or its appointed advisor in hand, the Committee should contact the Redundant Organ Company and the Diocesan Bell Ringing Association respectively so that the process of investigating an alternative home or sale can begin. This can take time and early contact should be made whenever possible.

When the Committee is satisfied that redundancy is the correct course and that removal of any agreed items from the church is complete, the Bishop will then be asked to confirm redundancy.

Role of the Incumbent and Churchwardens/ Parochial Church Council

The incumbent and churchwardens will be asked to prepare an inventory of the contents and identify what items the PCC would like to retain for use in another church in the parish.

Faculty permission must be obtained for removal from the current church and installation in the receiving church. Where removal of a fixture is proposed, care should be taken not to damage the fabric of the building and, where some damage cannot be avoided, provision should be incorporated in the faculty application for making good. Where stained glass is removed, a replacement window should be provided. Where items are going into another church, the inventory of the acquiring church should be updated accordingly.

Subject to faculty permission and the code of practice for the disposal of contents, any remaining items can be sold. Copies of the code of practice can be obtained from the Representative Body Property Department. Where any items are to be removed, either for re-location or for sale, this should be done before redundancy takes place unless otherwise agreed in writing with the Representative Body.

When redundancy takes place, the marriage registers should be passed to the local authority Registrar with notification that the church is redundant. Meter readings

should be taken and the utility service providers notified that the building is no longer in use and that future invoices should be sent to the Representative Body, which assumes responsibility for management of the church, including responsibility for insurance. It should be noted that where a church closes in advance of a declaration of redundancy, the responsibility for management of the building remains with the PCC until redundancy is confirmed. The only exception is that the diocese may sometimes assume responsibility for the insurance.

If there is a graveyard attached to the church, this will remain under the management of the PCC and insurance should be arranged with the Ecclesiastical Insurance Group.

Role of the Representative Body

The Representative Body prepares a report upon the legal title to the church and identifies any reverter or restrictions affecting the future of the building. The Churches and Pastoral Committee will be advised if it is considered that there are any factors that need to be resolved prior to redundancy taking place.

The Representative Body may also comment upon the future of the contents.

Role of the Diocesan Advisory Committee

The Diocesan Advisory Committee will be asked to comment upon the importance or merit of the church and its contents, particularly the organ, bells and stained glass. The advice assists the Churches and Pastoral Committee and Representative Body in considering the future of the church and its contents.

The Committee will also be consulted in any faculty application seeking permission to transfer items from the closed church to another or, where surplus, for sale. In cases where a church is listed, permission to remove any fixtures or fittings will require careful consideration and it may be appropriate for important items to remain until the future use of the church is known. In limited cases, where a church is vulnerable to vandalism, the Churches and Pastoral Committee may consider that such items may be best removed for safe keeping and the granting of a faculty for temporary removal may be justified if removal can be achieved without damage and there is provision for secure storage.

Following Redundancy

It is the policy of the Representative Body to seek to sell redundant churches in order to pass on the liability for the building and raise funds for churches in use. Once it is advised that redundancy will take place, enquiries will be made into possible uses for the building and a chartered surveyor will be instructed to make recommendations regarding a sale. As a charity, the Representative Body must act in accordance with charity law, which requires a trustee to obtain the best terms reasonable, as recommended by a chartered surveyor.

The Representative Body trustees, in the form of the Property Committee, are responsible for any decisions regarding the future of the church. Discussions or plans over the future use of a church or its site should not take place without the agreement of the Representative Body. Any parties expressing any interest in the property prior to redundancy should be referred to the Property Department.

If a church is subsequently sold, the net proceeds of sale will be administered in accordance with the Church Sales Regulations. In most cases, this will mean that funds will be available for provision of a new church or the adaptation of an existing church or churches in the parish (or group). The PCC will be notified of the completion of a sale and should then advise the Representative Body of any proposals for the use of the proceeds.

In cases where a church is considered to be of outstanding architectural and historical merit and listed grade I or 2*, it may be considered for adoption into the Redundant Churches Mechanism, funded by Cadw and the Representative Body, and administered by the Friends of Friendless Churches.

NOTE: The Constitution provides for strict set deadlines for each step of the redundancy process. This is not essential as it is more important that the process is followed efficiently: some cases will be completed in a shorter timescale while others may merit greater consultation, even though the time limits may slip.. This note is intended to focus primarily on the roles and processes.

APPENDIX A

CODE OF PRACTICE FOR THE DISPOSAL OF CONTENTS FROM CHURCHES

Where a parish wishes to dispose of contents from a church, either for reordering or following closure, the Parochial Church Council should consult the Diocesan Churches and Pastoral Committee.

Where a church is closing, an inventory should be provided in accordance with the Redundant Churches Regulations, in Volume 2 of the Constitution. Where items are surplus, some will be transferred to other churches vested in the Representative Body and be added to the log book, terrier and inventory. Others may be retained for future use in the diocese or province.

Where items are available for sale, application should be made to the Representative Body, as owner, and providing the following criteria is met, the Head of Property Services is permitted to authorise the sale:

- (a) Section 26 of Chapter 3 of the Constitution is followed in respect of any items used in connection with the celebration of divine worship.
- (b) The Church Plate Regulations are observed.
- (c) The Diocesan Churches and Pastoral Committee does not object to the proposal and faculty permission is obtained
- (d) The Parochial Church Council supports the application to the Representative Body with a professional valuation by an independent expert, where appropriate, or seeks the best value by advertising in the press (see below*).
- (e) The gross value of the likely proceeds of sale is expected to be below £5,000

The proposed use of the proceeds by the parish must be authorised by the Property Committee.

If any of the criteria are not met, authority for disposal will be required from the Property Committee.

*In most cases, where there are a number of items or an individual item is of significant value, it will be expected that quotations will be sought from ecclesiastical or architectural salvage companies as well as local sources to ensure that best value is obtained. ebay is an alternative where a parish has computer facilities.

In cases where redundancy of a church has occurred, the Representative Body will normally make the arrangements for the sale of any remaining items unless otherwise requested by the Parochial Church Council.