

# GENERAL GUIDANCE ON PAROCHIAL PROPERTY

## Introduction

The purpose of this guidance is to help those charged with the responsibility of looking after the church building and other property in the parish to achieve the highest standards of care and thus provide a suitable witness. More detailed guidance on some of the issues is also available.

The Representative Body of the Church in Wales was created at disestablishment to hold most of the Church's property (the Constitution, Chapter III, Section 20). Almost every church building is vested in the Representative Body. It is an exempt charity - and generally does not have to refer its property transactions to the Charity Commissioners for approval. The powers of the Representative Body are extensive and are shown in Chapter III of the Constitution and in its Charter of Incorporation.

Where the property is vested in the Representative Body, decisions affecting the property are made by the Representative Body's Property or Property Committee. These meet four times a year respectively and have representatives from the dioceses. The Property Committee deals with applications from parishes for grant aid for the repair, extension or construction of churches, and for the repair of churchyard boundaries.

Most **parsonages** (which for the purposes of chapter X of the Constitution include assistant curates' houses) are vested in the Representative Body and held for the Church in Wales (See the Constitution, chapter X, Section I sub-section d). Many assistant curates' houses are held by the Representative Body on behalf of parishes.

**Church halls** may be held for parishes by the Representative Body, Diocesan Board of Finance, Diocesan Trust or local trustees.

**Glebeland**, associated with the existing or former parsonages, is held by the Representative Body (for the Bishops, Clergy and Laity of the Church in Wales as a whole) and *is not therefore the property of the parish*.

**Church in Wales** schools (including school houses) are generally held by Diocesan Boards of Finance or Diocesan Trusts. Any dealings concerned with the schools should be referred to the appropriate trust.

There are many specific trusts, for the benefit of individual parishes, held by the Representative Body or the Diocese.

It is essential that no discussions relating to Church property, which might bind the Representative Body, the Diocesan Board of Finance, or the Diocesan Trust, should be undertaken by a parish representative with outside individuals or bodies without the express approval of the Representative Body and / or diocese.

Whilst parishes sometimes have professionally qualified members who can advise the Parochial Church Council, the Representative Body's trustee role frequently makes the direct employment of such individuals very difficult, especially if they are no longer in practice and do not carry professional indemnity insurance cover. Where there is no conflict of interest, each case will be considered upon its merits. The Representative Body appreciates the skill and experience of such people and is concerned to make clear that it is the aforementioned considerations and not lack of appreciation which gives rise to such caution.

In most transactions concerning parishes (including curates' houses) the line of communication with the Representative Body should be through the Secretary to the Diocesan Parsonage Board.

- For ease of reference the Chapter is sub-divided under the following headings:
  - Churches and churchyards (including an explanation of faculty rules and procedures and the Ecclesiastical Exemption)
  - Parsonages
  - Chancel Repair Fund
  - Church halls
  - Glebeland
  - Parish property
  - Church schools and houses
  - Insurance of church property

## **Churches and Churchyards**

The church building may be a cathedral church, parish church, daughter church or mission church. It may be Listed as a Building of Special Architectural or Historic Interest, recorded by the local planning authority and / or may fall within a Conservation Area. Such designations strictly control the works that can be done to the building and have implications for insurance. Every parish should know if one or more of its churches fall in any of these categories and this information may be sought from the Representative Body of the Church in Wales' Property Department (029 2034 8200). The information should be recorded in the Church's Log Book or Terrier's inventory.

If any works are proposed by the parish on a consecrated church or churchyard, a Faculty must be obtained (see the Constitution Volume II, Section 4.2, sub-section 2).

### **A Guide to the Faculty Rules**

## **The Purpose of the Rules**

The purpose of the Faculty Rules is to control alterations and repairs intended to be made to church buildings and their contents and to churchyards. An alteration to a church might have theological, artistic, architectural or archaeological implications or might raise matters of law or safety or insurance. For these reasons the Church must ensure that these factors are considered carefully before alterations are made. In addition, CADW, on behalf of the National Assembly, lists many church buildings as being of special architectural or historic interest and it requires that changes to those church buildings be strictly controlled.

The rules have been drawn up to take into account many considerations beyond the simply procedural, and at the same time seek to reconcile a number of sometimes conflicting requirements.

- They seek:
  - to satisfy the needs of churches as centres of worship and mission and yet comply with the political requirements needed to keep the ecclesiastical exemption (for a definition of what this means, see [the Ecclesiastical Exemption heading](#) later on);
  - to be comprehensive enough to regulate major building operations and yet avoid bureaucracy in dealing with minor items;
  - to avoid unnecessary restrictions on arranging movable items and yet provide for due consideration of churchmanship;
  - to satisfy the Representative Body's responsibility as trustee of the churches and yet not overburden it with minor items;
  - to overcome the previous difficulty of defining items which required a "minor faculty" (which has been done by abolishing minor faculties and requiring all items to have either a full faculty or come within a list of exceptions, which can be seen in the Constitution, Volume II, Section 4.2, third schedule).

The Faculty Rules are designed to take all these matters into account while at the same time striving to create as little bureaucracy as the situation allows. They must cater for everything from changing light fittings to building a new tower.

### **A faculty IS...**

A faculty (in this context) is an ecclesiastical licence which gives permission to make physical alterations.

### **A faculty is NOT...**

A faculty is not consent to dispose of or deal with the legal ownership of an item. The churches and (in most cases) the contents of churches belong to the Representative

Body and questions of sale or disposal are quite separate from faculty procedure. The Representative Body must be separately consulted on such matters.

## **The faculty system**

The faculty system is part of the judicial system in the Courts of the Church in Wales: it is not simply an administrative system. This means that if anyone objects to the proposed grant of a faculty they have a chance to put their case in the diocesan court. Decisions are made by the Diocesan Chancellor not the Diocesan Advisory Committee. In practice very few applications for faculties are required to be heard in open court.

## **When is a faculty needed?**

Proposed works to or dealings with the contents of churches require a faculty. This includes unconsecrated churches or church-yards if the Bishop so decrees. (The reason for this is to ensure that such churches or church-yards, if Listed or lying within a conservation area, are subject to the State's code of practice for the retention of Ecclesiastical Exemption). However, there are some exceptions and these are dealt with in the Constitution, Volume II, Section 4.2, third schedule.

- Principally, no faculty is required in respect of the following: -
  - The minor matters which are listed in the Constitution, Volume II, Section 4.2 schedule III, although it should be noted that in some cases the Bishop or the Incumbent or the PCC may require a faculty to be obtained.
  - Those matters concerning churchyards are dealt with in the Churchyard Regulations (the Constitution, Volume II, Section 2).

## **Procedure**

- The following is a summary of the procedures.
  - The applicant, who must be one of the persons described in the Constitution, Volume II, Section 4.2, rule 8, must put on prominent public display, in the vicinity of the church, a notice of his / her intention to petition the Diocesan Court for a faculty. S/he must send a copy of the notice to the Diocesan Registrar and must allow the notice to be displayed for at least 28 days. The notice must be published in the local newspaper if the proposed work would affect the character of a listed church building or the church building is in a Conservation Area. The DAC Secretary will send details of relevant proposed works to CADW, the local planning authority and the statutory amenity societies where the church is listed or lies in a conservation area.
  - After the twenty-eight days have elapsed, the applicant must send a petition to the Diocesan Registrar with the form of enquiry answered (form 3), a certificate that the notice has been displayed, a statement

from the Incumbent and churchwardens saying whether or not they object to the petition, a copy of any relevant resolution by the parochial church council, particulars of professional advisors and evidence of adequate insurance against any risks which might arise out of the execution of the proposed works.

- The Diocesan Registrar then sends copies of these documents to the DAC.
- The DAC sends its advice about the artistic, aesthetic and architectural merits of the proposed works to the Registrar, and at the same time the archdeacon sends his advice as to the theological merits. If the bishop has any views he can express them through the archdeacon.
- The Diocesan Registrar sends copies of the petition and the other documents and 'advices' to the Representative Body where the title or insurance of the church is affected or the disposal of contents is proposed.

The Registrar then sends the documents to the Diocesan Chancellor who will either grant the faculty or issue a citation requiring any objections to be made within fourteen days of the publication of the citation. If there are no notices of opposition the Chancellor may then grant the faculty. If there are notices of opposition the Chancellor will fix a date for a hearing. If s/he thinks it appropriate s/he may invite the parties to submit written representations, and if they agree, the matter can be considered without a hearing. Those who lodge notices of opposition may be required to deposit money or execute a bond as security for costs.

- The Chancellor then either grants or refuses the faculty.
- If a faculty is granted the Incumbent and churchwardens must, when the works have been done, send a certificate to that effect to the Registrar (form 9).
- There are appeal provisions noted in the forms where the applicant wishes to have the Chancellor's decision considered by the Provincial Court.

## **Gravestones**

No faculty is required for the erection of a gravestone if it is erected in accordance with the Churchyard Regulations (see the Constitution, Volume II, Section 2). For gravestones outside the regulations, the faculty procedure must be followed. CADW has promoted the listing of many tombs and church-yard features in their own right. At this time a separate listed building, or conservation area, consent application must be made to the local planning authority in respect of any works which might significantly affect the character of such items.

## **Time Limits**

The rules provide time limits for various steps in the process. They have been kept as short as practicable, to avoid unnecessary delay in dealing with petitions. If however there is difficulty in meeting a time limit, the Chancellor has a general discretion to lengthen the time. If that is desired, an application should be made to him before the time limit in the rules expires.

## **The ecclesiastical exemption**

The National Assembly for Wales, through CADW, compiles lists of buildings of special, architectural or historic interest and creates Conservation Areas. No person is allowed to execute works or the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of such interest without the authorisation of the local planning authority or the National Assembly for Wales. However, listed building and / or Conservation Area consent is not required in respect of any church building vested in the Representative Body which is for the time being used for ecclesiastical purposes. Similar provisions apply in conservation areas. This is known as "the Ecclesiastical Exemption". The Church will keep this exemption only if it observes a code of practice that has been laid down by the State. The Governing Body has resolved that the Church should adopt the code to enable the Ecclesiastical Exemption to be retained, and the Faculty Rules have been designed to conform with the code of practice. If the exemption were to be lost the Church would be severely disadvantaged because:

- Its ability to order its form of worship or to adapt its buildings to changing conditions would be more restricted.
- The Church would have to follow the listed building or conservation area consents procedure in addition to the faculty process, which would involve it in the additional expense of time, money and resources.

## **Enforcement of the Rules**

The Faculty Rules are legally enforceable by the Representative Body in the civil courts. A successful legal action would result in the person wrongfully carrying out works to a church having to pay to rectify the situation. Breaches of the Rules could result in the Church in Wales losing the Ecclesiastical Exemption. Further, breaches of the Rules may result in the Representative Body withholding from parishes grants for churches.

- Some points frequently not understood:
  - A faculty does not provide permission to dispose of anything. This permission must be sought from the Property Committee of the Representative Body.
  - There are no longer any "minor faculties" or "archdeacons' certificates".
  - AC give advice: they do not decide whether a faculty is to be granted.

- The Rules are not only an internal matter for the church. If the Rules are not followed the Church in Wales could lose the Ecclesiastical Exemption.

## **Seeking Advice**

The primary function of the Diocesan Advisory Committee (DAC) is to give the diocesan Chancellor advice on any faculty application he must decide. Parochial Church Councils should note the much wider role of the DAC as set out in the Constitution, Volume II, Section 4.2, Second Schedule, part II. In particular, parishes are recommended to discuss proposals for changes to their church with the DAC before incurring heavy professional fees and other costs with the faculty application. Contact the secretary of your DAC to discuss your plans.

When PCC's receive a Historic Buildings Grant from Cadw they enter into a contract with Cadw. This contract, detailed in the offer letter, obliges PCC's to consult Cadw over any future works undertaken within 10 years of the grant being paid. This consultation is in addition to and separate from the faculty process and is primarily so that Cadw can ensure that nothing happens in the future to the building that could undermine the grant aided works. It should be emphasised that grant of a faculty does not over-ride the need to consult Cadw if grant has been given previously. Should works be undertaken without their approval, Cadw may seek the return of previously given grant aid.

## **Quinquennial Inspections**

Quinquennial inspections of churches are required under the Constitution chapter IV, 17. The Diocesan churches and Pastoral Committee, in consultation with the parish, makes the arrangements with the approved architect or chartered building surveyor, who completes a standard form of report, providing a schedule of recommended works in order of priority. In order to keep the costs of this scheme under control, parishes are requested to provide sound ladders and other means of access to make the inspection as effective as possible. When the Faculty requirements, where appropriate, have been dealt with the recommendations should be effected in the agreed order of priority during the subsequent five year period.

If significant works are required, the appointed architect will take account of any Listing of the church or whether it lies within a Conservation Area. Ecclesiastical Exemption may provide some relief from Listed Building and Conservation Area control. Listed Building Consent, however, may be necessary and if the church's architectural merit is highly regarded, then [CADW](#), may be prepared to offer grant aid if The Historic Buildings Council for Wales considers the church building 'outstanding' or if it lies in a Conservation Area.

Cadw, Welsh Assembly Government, Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff, CF15 7QQ Tel: 01443 33 6000 Fax: 01443 33 6001 E-mail: [Cadw@Wales.gsi.gov.uk](mailto:Cadw@Wales.gsi.gov.uk)

The Heritage Lottery Fund may also provide grant assistance if an application has previously been made by the parish to CADW. The Annex to the HLF booklet *Repair Grants for Places of Worship in Wales 2003-2005* provides the current guidelines. This information can also be accessed by going to <http://www.hlf.org.uk/English/InYourArea/Wales>

Heritage Lottery Fund, Suite 5a, Hodge House, Guildhall Place, Cardiff CF10 1DY Tel: 029 2034 3413 Fax: 029 2034 3427

Grant aid may also be available from a number of other sources, including the Property Committee or the Diocesan Churches and Pastoral Committee. Lists of such bodies are available from the Diocesan Secretary or Diocesan Stewardship officer or the Representative Body. It is important to enquire whether the grant giving body's rules allow the payments of grants retrospectively, if the parish wishes to proceed with the work before the grant is confirmed. In the case of the Heritage Lottery Fund, it may also be appropriate to discuss the ethics of making an application with the PCC before it is made.

The Council for the Care of Churches and the Cathedrals Fabric Commission for England, [Church House Publishing](#), Great Smith St, London, SW1P 3NZ have produced a range of useful publications on the care of churchyards.

Church House Publishing also produce the [Churchyards Handbook](#), providing advice on their care and maintenance. These booklets should be read in conjunction with the relevant parts of the Constitution (especially the Regulations for the Administration of Churchyards and the Church Fabric Regulations (the Constitution Volume II, Section 2)).

While the parish's architect may be expected to draw up a list of firms who are invited to tender, the final choice of contractor must be ratified by the PCC before the contract is signed and before any work begins. It is important also, because the PCC is responsible for parish finance (see [chapter 6](#) of this handbook) that the decision to appoint the contractor and to commit funds is recorded in the Minute Book.

The Regulations for the Administration of Churchyards are contained in the Constitution Volume II, Section 2 and describe the PCC's responsibility for the care, maintenance and upkeep of the church-yard, including the walls, gates, fences, trees, etc. A copy of the Regulations, in poster form, may be obtained from the Church in Wales Office, 39 Cathedral Road, Cardiff CF11 2XF for display purposes. Many parishes find that the Churchyard Maintenance Fund, which is linked to clearly stated objectives, will attract financial support from the Community Council and individuals, particularly those living in the immediate vicinity, who might not otherwise contribute to Parochial Church Council funds. Section 15 of the Regulation for Administration of Churchyards sets out

what gravestones may be admitted to the churchyard by the Incumbent or Archdeacon, otherwise no monument or gravestone can be admitted to the churchyard without a Faculty. The removal or repositioning of gravestones or other monuments to tidy a churchyard or burial ground requires an application to the Diocesan Registrar (Preamble to the Regulations Relating to the Removal of Monuments or Gravestones). The Wildlife and Countryside Act 1981 provides for grants and loans to be made in certain circumstances by the Nature Conservancy Council. It is extremely important to keep a record of all burials in a churchyard. A numbered plan containing names of the persons buried should be kept with the Log Book, Terrier and Inventory. When a churchyard is closed, it is not possible to compel the local authority to take it over, although it may be possible to negotiate such an arrangement.

The inspection of the Church building and churchyard by the Quinquennial Inspecting Architects cannot replace the regular inspections by the churchwardens and / or church building fabric officer. The churchwardens' Fabric Report and Log Book Entry provides a checklist dealing with weekly maintenance items, (summarised in report form for the Annual Vestry Meeting). Not only does this ensure 'stitch in time' maintenance but also keeps under review the recommendations of the Architect through the five years. Familiarity with a leaning headstone, over-hanging tree branch or bulging retaining wall must not prevent the seeking of necessary help to remove a risk of injury or third party claims.

## **Log Book, Terrier and Inventory**

The Log Book, Terrier and Inventory are to be maintained in respect of each church or other place of worship vested in the Representative Body. These are very important documents and must be kept in a secure, dry place. It is essential that these documents are kept up to date, including the returns to the Representative Body. A loose-leaf format has been adopted in order that the last quinquennial inspection report and any plans may be attached, together with details of Faculties. A careful record of work undertaken on the church should be maintained. It is essential that this document is available for inspection by the Archdeacon as required. It will prove invaluable for meeting the requirement to check and inspect church plate, etc, at the time of a vacancy.

## **The Health and Safety Executive**

The Health and Safety Executive has responsibility for the Construction Design and Management (CDM) regulations which will affect the way the PCC provides instructions for substantial repair or other works on the church or other parochial property. Under the Construction Design and Management Regulations, the PCC has a duty to ensure that only competent people are appointed as Planning Supervisors and Principal Contractors. The parish's architect should advise whether these regulations apply to the work proposed.

## **Removal of fixtures, fittings and contents**

The removal of fixtures, fittings and contents must be approved by the Representative Body's Property Committee as part of the Faculty process where the church building is consecrated. Additionally, where the church is listed and no longer used as a place of worship the proposed removal of any items which would affect its character must be the subject of a listed building consent application to the local planning authority. Under the state's code of practice, the date of the declaration of redundancy is taken as the date when Ecclesiastical Exemption from listed building controls ceases. Failure to secure the necessary consent renders the person responsible potentially liable to fine or imprisonment.

The proposed removal of items before redundancy will require faculty approval from the diocesan court. If items are to be transferred to another church building vested in the Representative Body of the Church in Wales then a faculty approval will also be required from the diocesan court of the receiving church building. If in doubt the secretaries of the Diocesan Churches and Pastoral Committee and / or Diocesan Advisory Committee should be consulted along with the Churches Officer of the Representative Body.

## **Disability Discrimination Act**

The Disability Discrimination Act has imposed a duty on the PCC to review its practices, policies and procedures and make 'reasonable' changes to enable people with disabilities to participate in services and other parish activities. The Churches Main Committee circular (1999/4) and the Council for the Care of Churches publication [\*Widening the Eye of the Needle\*](#) by John Penton (2nd Edition, 9 May, 2001) [Church House Publishing](#); ISBN: 0715175890) are recommended reading. More information is also available from the Disability Discrimination Act Web-Site which is at: <http://www.disability.gov.uk/dda/index.html>

A pack on this issue was sent to each Parish by the Representative Body in 2003. Further copies can be obtained from the Representative Body of the Church in Wales at 39 Cathedral Road, Cardiff, CF11 9XF, 029 2034 8200.

## **Smoke Free Premises Regulations 2007**

The Smoke Free Premises Regulations 2007 came into effect at 6.00am on 2<sup>nd</sup> April 2007. From that date it has been illegal to smoke in any public building open to the public or any building that is a work place. A building is defined as any enclosed or substantially enclosed premises.

- Churches and Church Halls are public buildings and workplaces (including vestries, parish offices etc.) Smoking cannot be permitted in these buildings from the 2<sup>nd</sup> April 2007.
- Furthermore, public meetings including PCC meetings should be smoke-free wherever they are held including in parsonages.

- The new law requires that smoke-free premises display 'No Smoking' signage. The design requirements for such signage are specified in the legislation. Appropriate signs are available free of charge from Welsh Assembly Government at [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)

Signs should be placed at the entrances to buildings. In most cases the notice board will be the obvious and most appropriate location.

- It is a requirement that managers of smoke-free premises are also required to try to stop anybody who is found to be smoking on those premises.
- Private events, parties and celebrations in Church Halls must be smoke free and this should be made clear to the organisers of such events. The terms and conditions of the letting of halls should be amended accordingly.

## Redundant Churches Regulations

If the parish finds that it is **unable to maintain its church**, or consultations within the diocese have led to the Bishop consenting to the closure of the church, the Diocesan Churches and Pastoral Committee has to consider with the Parochial Church Council, proposals for the future of the building. This may lead to a Declaration of Redundancy (see the Redundant Churches Regulations, Section 2, volume II of the Constitution.) Until a church has been declared redundant, it is the responsibility of the PCC to maintain the building and to provide the necessary insurance cover through the Diocesan Churches and Pastoral Committee. Arrangements are made by the Diocesan Churches and Pastoral Committee in respect of the contents and it is important that all those items which have been recorded in the Log Book, Terrier and Inventory can be accounted for. The Incumbent and Churchwardens are responsible for preparing an inventory of all the contents and sending a copy to the Secretary of the Representative Body and the Diocesan Churches and Pastoral Committee. In practice the inventory will be extracted from the Log book, Terrier and Inventory.

When the Bishop declares the **church to be redundant**, the Representative Body / Diocesan Churches and Pastoral Committee become responsible for the insurance and security of the church building. (Until a church is declared redundant the parish is responsible for its insurance). The Representative Body's Property Committee, having received the advice of the Diocesan Churches and Pastoral Committee and DAC, will then decide upon its future, its scope for action being determined by, for example, the existence of a consecrated burial ground surrounding the building or the fact that the church is Listed. The support of the parish at this difficult time is invaluable in preventing vandalism and keeping the property secured to prevent injury to children and others.

The Regulations governing the Application of the Proceeds of Sale of Churches, Church Sites and Churchyards are set out in the Constitution (see Vol II, Section 2). There is a

prescribed list of priorities to be followed which includes the possibility that the Bishop may consider that any proceeds of sale should be applied to the provision of a new church building in the same parish, or towards the cost of building a new church hall or Sunday schoolroom, or towards the extension of existing buildings. After the prescribed priorities have been observed, the net proceeds are divided between the Diocesan Churches and Pastoral Committee and the Provincial Redundant Churches Fund in respect of churches, and by a different allocation in respect of churchyards.

## Parsonages

The Constitution provides a detailed account of the duties and responsibilities relating to parsonages (see chapter X of the Constitution). This handbook relates to the houses provided for Incumbents and curates. The Incumbent's house is normally held by the Representative Body and is maintained by the Diocesan Parsonage Board, under the supervision of its Inspector. The Parsonage is inspected at least quinquennially and always at a vacancy (see the Constitution chapter X, Section 14). The Incumbent is responsible for the interior decoration of the parsonage and for keeping hedges, etc., in good order (see [Appendix 7A](#) below and also the Constitution chapter X, Section 17). The Incumbent is not permitted to sub-let, either house or grounds without the written consent of the Representative Body of the Church in Wales (See [Appendix to this Chapter](#)).

**During a vacancy the churchwardens, in conjunction with the Rural Dean, are the custodians of the parsonage** (see the Constitution chapter X Section 39). It is essential that precautions are taken to prevent trespass and to maintain the grounds and to avoid frost damage. Reimbursement of expenses, on a scale determined by the diocese, may be obtained from the diocese. If a parsonage is declared redundant, then pending letting or sale, the churchwardens of the parish in which the house is situated, in conjunction with the Incumbent of the group, are custodians of the property and similar provisions apply as at a vacancy (see the Constitution chapter X, supplementary regulations, Section 4). Similar provisions apply in the case of a former parsonage which has not been sold or let, but where a new parsonage is being acquired (see the Constitution chapter X, supplementary regulations, Section 6).

## Housing for an assistant curate

The provision of housing for an assistant curate may be undertaken by the diocese or the parish. In either case the maintenance of the house is the responsibility of the Parsonage Board and supervised by the Diocesan Inspector, **provided** that the house has been accepted into the Parsonage Scheme. The Provincial Curates Houses Fund provides an additional limited resource to the Bench of Bishops to enable the placement of curates where no other housing is available. Suitable rented accommodation may be secured (occasionally purchased where there is a proven long-term need). In each case the approval of the Representative Body must be sought.

If the **Bishop has decided to place an assistant curate in the parish** and a house is required, the diocese may purchase a suitable house through its Improvement Fund or seek suitable rented accommodation. Alternatively, a house may be obtained under the provincial Curate House Scheme. Otherwise, the parish may decide to purchase a property, confirmed by resolution of the Parochial Church Council. The Archdeacon and Diocesan Inspector should be invited to visit such a property before purchase, to ensure its suitability for the Parsonage Scheme. It is essential that at every stage the Secretary of the Parsonage Board is kept informed of all developments. If an apparently suitable property has been found, and the Archdeacon and Inspector have recommended acceptance, the property must be inspected by a Chartered Surveyor, approved by the Representative Body, who shall prepare an RICS Homebuyer Report and Valuation. In addition to providing an account of its structural condition, the Report will advise on the recommended purchase price. Those responsible for preliminary negotiations within the parish are as a matter of law unable to commit the Representative Body to any proposed purchase or sale. All preliminary negotiations must be conducted 'subject to contract'. Instruction forms (obtainable from the Parsonage Board Secretary) are completed and returned to the Parsonage Board, duly signed by the Incumbent and the Agent. A resolution of the Parochial Church Council in relation to the offer is also required.

Where a **curate's house, held by the Representative Body for the Parish is vacant** and the Bishop does not propose placing a curate in the parish in the foreseeable future, the parish may, with the consent of the Representative Body, decide to let the property. Great care must be taken not to allow anyone into occupation until an approved formal written agreement of tenancy has been prepared through the Representative Body's Legal Department. Loss of vacant possession, because of an inadequate agreement, could reduce the resale value of the property. The parish is responsible for interest payable on a curate's house loan if the house is not occupied by a curate.

The sale of a curate's house, held by the Representative Body on behalf of the parish, may arise where the Bishop has no further plans for the placement of a curate in the parish. The decision to sell should be confirmed to the Representative Body by resolution of the PCC and the Secretary to the Parsonage Board subsequently notified. An approved list of agents for a sale is available from the Parsonage Board's Secretary or the Representative Body. Two should be consulted to seek a free pre-sale valuation and marketing recommendations, together with a quotation of their sale fee, advertising and other charges (the Property Committee will not normally approve a sale commission of more than 1.5% exclusive). The appointment of a selling agent not on the approved list, needs to be sanctioned by the Property Sub-Committee. Whether sold by auction, tender or private treaty, it must be shown that the best offer is recommended following adequate marketing. The instruction form should be signed by the negotiating agent and countersigned by the Incumbent, confirming a resolution by the PCC to sell at that price. The Representative Body requires an instruction form and a copy of the appointed agents' pre-sale valuation report, so that its Property and Legal Departments

may progress the matter to Contract, either internally or through an appointed outside solicitor.

## Chancel Repair Fund

The Representative Body received compensation in respect of some parishes under Section 31 and Schedule VII of the Tithe Act of 1936. This has been held in separate accounts for certain parishes and the income from the fund is available for maintenance and insurance. In exceptional cases, the Representative Body may allow part of the capital to be used. The Chancel Repair Regulations in the Constitution provide the details of administration.

## Church Halls

The Church Hall may be vested in the Representative Body, Diocesan Board of Finance, Diocesan Trust or local trustees and held on behalf of the parish. The maintenance of the property should be a clearly defined responsibility of specified individuals with routine inspections and a regular programme for maintenance. The Property Committee requires a quinquennial inspection of the hall if it is vested in the Representative Body. The provision of adequate insurance cover, in accordance with the advice of the Ecclesiastical Insurance Group, is essential.

A bookings secretary can generate substantial additional funds for maintenance from use by approved secular groups (however see also [Chapter 6](#)). Observance of covenants and other obligations in leases is essential, together with the making of applications for renewal of leases at the correct time. The Disability Discrimination Act, Fire, Health and Safety and Food Hygiene Regulations are placing new responsibilities on parish administrators and non-observance will lead to significant penalties. The [Ecclesiastical Insurance Group](#) is able to provide information on meeting these requirements and where to obtain further advice. Any licences should be secured for those functions requiring such licences. Where recorded music is played, care should be taken to ensure that it is the responsibility of the hirer to pay any fee to the [Performing Rights Society](#). A publication entitled [Managing your Hall \(December 1992:ACRE; ISBN: 1871157234\)](#) may be obtained from ACRE at Somerford Court, Somerford Road, Cirencester, Gloucestershire GL7 1TW.

Other property held on trust for the parish requires similar care and maintenance, qualified only where a tenant or licensee is in occupation and is responsible for part of the maintenance liability. Again, the checking of insurance cover annually should be made in time for the vestry report.

## Glebeland

Glebeland is vested in the Representative Body for the Bishops, Clergy and Laity of the Church in Wales as a whole and is not held for the specific parish. The Representative Body's policy is to improve the management of viable parcels of land and to consider disposal of those which are not viable, or which have development potential. The Representative Body seeks the support of the parishes for this policy and, in return places the income from the proceeds of sale in the hands of the Property Committee, to provide grants for the repair of churches.

## **Parish Property**

The parish may own land and buildings through a local trust and the trustees will wish to ensure that it is well managed. The Charity Commissioners must be consulted in, for example, a sale where the property is not vested in the Representative Body. Particular care is required with residential property or agricultural land where lettings are proposed. Security of tenure can be given unwittingly by, for example, failing to ensure that an assured short hold tenancy agreement is made with a potential residential tenant or a farm business tenancy agreement is made with a potential agricultural tenant.

## **Church Schools and Houses**

Church schools are normally vested in Diocesan Boards of Finance or Diocesan Trusts with governors appointed who are responsible for the conduct and maintenance of the school, including insurance. The Diocesan Director of Education will give guidance to governors and clergy in respect of maintenance and use. Generally, proposals for alternative use should be referred to the Diocesan Board of Finance or the Diocesan Trust.

## **Insurance of Church Property and contents**

The insurance of the church and its contents is currently arranged with the [Ecclesiastical Insurance Group](#) plc, Beaufort House, Brunswick Road, Gloucester, GL1 1JZ under a 'Parishguard' policy. The Representative Body negotiates with a number of large insurance groups to create for its church buildings in use, a block policy on the most competitive terms, for a three or five year long term agreement. This has led to significant savings of premium and enhanced cover. The Ecclesiastical Insurance Group maintains separate files on each church. Each is placed in a band reflecting the reconstruction cost and value of contents. The premium is sought through the diocesan office.

New Health and Safety Policy guidance documents have been prepared by the EIG. These are titled:

- Section 1: Fire
- Section 2: Security
- Section 3: Health and Safety

- Section 4: Church Functions

It is important that Parochial Authorities read and implement the advice in these documents, because it relates to the insurance cover provided under the Parishguard and other insurance policies.

New regulations for fire precautions have been introduced and the Churches Main Committee guide (circular 1998/2) should be consulted.

It is essential that adequate insurance cover is secured against normal risks, and this is not an area for cost cutting when preparing the annual budget. The check list entitled 'Key precautions' in the EIG's pamphlet "Churches Burn" should be available as a constant reminder of the risks. The supporting six Technical Advice Sheets are also invaluable, whilst the Church House Publishing booklet *It won't happen to us (Church Insurance)* is also commended. If you believe that there is a risk of terrorism damage to your parish property, you should consult with the Ecclesiastical Insurance Group, in view of recent removal of cover for this risk.

Check that there are insurance policies to cover all the property for which the parish is responsible, and that the cover is adequate. Do not forget the contents cover. The Ecclesiastical Insurance Group's "Parishguard" policy for Churches - arranged as a block insurance through the Representative Body - provides Public Liability Cover, with unlimited cover for Employers Liability. Group Personal Accident cover is essential covering, for example, death or injury to a voluntary worker on duty in the Church. Since the Incumbent and the churchwardens are the policy holders, it is important to ensure that they too are included amongst those insured in the case of personal accident. Advise the insurers of any change of risk, e.g. building works about to be carried out or closure of the Church.

The **insurance of parsonages within the Scheme** is undertaken by the Representative Body on a Group Policy but the insurance of the contents is the responsibility of the occupier.

## **Appendix 7A - THE INCUMBENT AND THE PARSONAGE**

The Incumbent (unless granted a licence of non-residence by the Bishop or unless s/he is in the non-stipendiary ministry) is required to live in the appropriate parsonage house. The conditions of such occupancy are set out in Chapter X Section 17 of the constitution, and include the obligation on the part of the Incumbent to keep the interior in good decorative condition. The Diocesan Inspector is required to report on the state of the decoration to the Parsonage Board at least every five years, and upon a change of Incumbent. No structural alteration or addition to the parsonage may be made without the consent of the Board. When repairs of an urgent but comparatively

minor nature are necessary the Incumbent may have them carried out provided the cost is within the limits specified from time to time by the Parsonage Board. The Inspector should be notified as soon as possible (in any case within one month) and the amount expended will be repaid when duly approved.

The hedges on the curtilage are to be kept in good order (a grant towards the cost may be made by the Parsonage Board if circumstances warrant it), and no tree may be cut down without the written consent of the Archdeacon or Inspector.

The Incumbent is responsible for the result of wilful damage or negligence by her/himself, family or household.

When the Inspector's report (a copy of which is always received by the Incumbent) refers to damage or negligence for which it is alleged the Incumbent is responsible, there are three possibilities for action:

- the Incumbent may carry out the necessary work within three months to the Board's satisfaction;
- or, the Board may cause the work, to be done and the cost of it is set against any sum due to the Incumbent;
- or the Incumbent may object and ask for arbitration.

Diocesan Parsonage Boards have prepared Guidance Notes for clerics which give detailed advice on practical matters relating to Parsonages.