

THE ARCHDEACONS OF THE DIOCESE OF CARLISLE

Dear Colleague

Chancel Repair Liability

Some Churches have a Lay Rector, who is responsible for some part of the repair (and insurance) of the chancel. This responsibility came about because in the distant past the income from certain pieces of land was linked with the care of the chancel. As the ownership of the land changes, the responsibility is transferred too. (NB Lay Rector is not the same as Patron! A Cathedral can be a Lay Rector, as can the Church Commissioners.)

The Government recently passed some tidying up legislation which requires Churches to register this obligation to repair the chancel at H M Land Registry by October 2013. This is so that people buying property or land in future will not be faced with a surprise bill for a repair. The situation might be particularly complicated where the land in question had been divided into smaller pieces (eg a housing estate with each house carrying responsibility).

It will affect Churches because if you have a Lay Rector but do not register, you will be unable to claim from the Lay Rector. The problem with this is that grant-making bodies will not make grants for an element of the repair which should be paid for by the Lay Rector; so PCCs would have to find these funds. We know that some, but perhaps only a few, churches in Cumbria may be affected: typically these would be medieval churches.

The responsibility for research and registration where necessary lies with PCCs as Trustees, but the matter is complex, possibly involving going to the National Archive in Kew. As Archdeacons we often say that we see our relationship as one of partnership and we are prepared to support PCCs – but our resources are limited. So once we have established the size of the problem, we intend to consider how those churches could (with our support) work together, sharing the costs of the research.

May we therefore ask you to answer the two questions below? We think it would be sensible to go back in history as far as possible, by talking to people who have been around at Church for a long time, before replying. For those answering “yes” we will need to discuss with PCCs what research is required preparatory to Registration; for those answering “not sure” we will need to discuss with PCCs what research is required. For those answering “no” we shall not be doing anything further.

Could you reply by 31st July 2012: replies should be sent to Richard Pratt c/o Church House

Resources:

- The National Archive do a good leaflet on Chancel Repair Liability – we have put it on the Diocesan website: www.carlislediocese.org.uk/people-and-structures/archdeacons/archdeacons-documents.html
- The Church Commissioners gave the Archdeacons a training/briefing session; we have written a note of this meeting – again on the Diocesan website
- James Derriman has written an excellent book, “Chancel and Repair Liability: How to Research it”. You can get it from Amazon at about £20; (the Archdeacons have a copy which could be borrowed.)

THE ARCHDEACONS OF THE DIOCESE OF CARLISLE

Chancel Repair Liability: Response Slip

Name of Church:

Name and contact details of person completing questionnaire:

		Yes	Not sure	No
1	Are you aware of Tithes being associated with your Church in the past?			
	If yes, a brief note of details would be helpful			
2	Do you think that your Church may have a Lay Rector?			
	If yes, a brief note of details and reasons would be helpful			