

Inspection of Churches Measure

CONTENTS

- 1 Regulations
- 2 Meaning of “church”
- 3 Guidance
- 4 Repeals and consequential amendments
- 5 Short title, commencement and extent

DRAFT of a Measure to require provision to be made for the inspection of churches and other places of worship.

1 Regulations

- (1) The Archbishops' Council must by regulations make provision requiring –
 - (a) inspections to be carried out of every church in each diocese in each of the provinces of Canterbury and York, 5
 - (b) inspections to be carried out of every building included in the list maintained under the Care of Places of Worship Measure 1999, and
 - (c) a report to be made of each inspection.
- (2) The regulations may, in particular –
 - (a) specify how often inspections are to be carried out;
 - (b) require a specified person to make arrangements for an inspection to be carried out and a report to be made of the inspection; 10
 - (c) make provision for securing that arrangements to that effect are made in a case where that requirement is not complied with;
 - (d) make provision for the appointment of a person to carry out an inspection and make a report of it, including provision as to eligibility for the appointment and the manner and terms of the appointment; 15
 - (e) make provision as to liability for the costs of carrying out an inspection and making a report of it;
 - (f) specify the matters which an inspection must cover;
 - (g) specify the matters which the report of an inspection must include; 20
 - (h) specify the form in which the report of an inspection must be made;
 - (i) specify persons to whom a copy of the report of an inspection must be given.
- (3) The provision which may be made under subsection (2)(e) includes provision that, in a case where arrangements are made in accordance with provision under subsection (2)(c), the person who failed to comply with the requirement imposed under subsection (2)(b) is to be liable for the costs in question. 25
- (4) The matters which may be specified under subsection (2)(f) in the case of a church include movable articles in the church, and ruins or trees in the churchyard, which are of a specified description. 30
- (5) Before making the regulations, the Archbishops' Council must consult –
 - (a) the Church Buildings Council, and
 - (b) such other persons as the Archbishops' Council considers appropriate.
- (6) The regulations –
 - (a) may make provision which applies generally or only in specified cases or which applies subject to specified exceptions; 35
 - (b) may make different provision for different cases;

- (c) may provide for a person to exercise a discretion;
- (d) may include incidental, supplementary, consequential, saving, transitional or transitory provision.
- (7) The regulations –
- (a) must be laid before the General Synod, and 5
- (b) do not come into force unless approved by the Synod, whether with or without amendment.
- (8) The power to make regulations under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies –
- (a) as if the regulations had been made when approved by the Synod, and 10
- (b) as if this Measure were an Act of Parliament providing for the instrument containing the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament.
- 2 Meaning of “church”**
- (1) In section 1, “church” means – 15
- (a) a parish church,
- (b) any other church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, or
- (c) a building licensed for public worship according to the rites and ceremonies of the Church of England. 20
- (2) In subsection (1)(a), “parish church” does not include a parish church which is a cathedral to which the Care of Cathedrals Measure 2011 applies.
- (3) In subsection (1)(b), the reference to a church or chapel does not include –
- (a) a cathedral church to which the Care of Cathedrals Measure 2011 applies, 25
- (b) a church or chapel which is not subject to the jurisdiction of the bishop of a diocese, or
- (c) the Cathedral Church of Christ in Oxford.
- (4) In subsection (1)(c), the reference to a building licensed for public worship does not include – 30
- (a) a building which is in a university, college, school, hospital or public or charitable institution but which has not been designated under section 43(2) of the Mission and Pastoral Measure 2011 as a parish centre of worship, 35
- (b) a building which has been excluded from this Measure by a direction of the bishop of the diocese in which the building is situated with the approval of the diocesan advisory committee, or
- (c) a building used solely for the purpose of religious services relating to burial or cremation. 40

3 Guidance

- (1) The Church Buildings Council must issue guidance about the exercise of functions under the regulations made under section 1.

- (2) The Church Buildings Council may revise the guidance and, if it does so, must issue the revised guidance.

4 Repeals and consequential amendments

- (1) The Inspection of Churches Measure 1955 is repealed.
- (2) In consequence of that repeal, the following provisions are repealed – 5
- (a) in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, section 3 and Schedule 3;
 - (b) in the Architects Act 1997, section 26(a);
 - (c) in the Care of Places of Worship Measure 1999, section 3(4).
- (3) In section 5(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (duty of churchwardens to prepare annual fabric report), in paragraph (b), for “under a scheme made in pursuance of section 1 of the Inspection of Churches Measure 1955” substitute “made under the regulations under section 1 of the Inspection of Churches Measure 2017”. 10
- (4) In section 7 of that Measure (payment of expenses in connection with ruins), for “section 1A(b) of the Inspection of Churches Measure 1955” substitute “provision made in regulations under section 1 of the Inspection of Churches Measure 2017”. 15
- (5) In section 61(3) of the Mission and Pastoral Measure 2011 (declaration of closure for regular public worship), for “the Inspection of Churches Measure 1955 (3 & 4 Eliz. 2 No. 1)” substitute “the regulations under section 1 of the Inspection of Churches Measure 2017”. 20
- (6) In Schedule 1 to the Faculty Jurisdiction Rules 2015 (matters which may be undertaken without a faculty), in Table 2 (List B), in each of the following items, for “section 1(2) of the Inspection of Churches Measure 1955 (commonly known as the “quinquennial inspection report”)” substitute “the regulations under section 1 of the Inspection of Churches Measure 2017” – 25
- (a) item B1(1) (church building: routine maintenance etc.);
 - (b) item B5(3) (churtyard: routine maintenance etc. of walls).
- (7) The amendments made by subsection (6) do not affect the power to make further rules amending or revoking the provision made by those amendments. 30

5 Short title, commencement and extent

- (1) This Measure may be cited as the Inspection of Churches Measure 2017.
- (2) This section comes into force on the day on which this Measure is passed.
- (3) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes. 35
- (4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure. 40
- (5) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies –
- (a) as if the order had been made by a Minister of the Crown, and

- (b) as if this Measure were an Act of Parliament.
- (6) This Measure extends to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man (with “the Channel Islands” having the same meaning as “the Islands” in the Channel Islands (Church Legislation) Measures 1931 and 1957).