

GENERAL SYNOD**INSPECTION OF CHURCHES MEASURE****Explanatory Memorandum**

1. The draft Inspection of Churches Measure replaces the Inspection of Churches Measure 1955.
2. The 1955 Measure imposed a duty on each diocesan synod to make a scheme for the inspection every five years of every church in the diocese. Every scheme had to establish a fund and to provide for the payment of the cost of inspections out of that fund or by some other means. The scheme had also to provide for the appointment of qualified persons, approved by the diocesan advisory committee, to carry out inspections and to make a report on each church inspected.
3. Inspections under the 1955 Measure extend to certain valuable items and to trees and ruins in churchyards.
4. The draft Measure provides a new legislative framework. It avoids prescribing detailed provisions in relation to the inspection of churches. It does not, for example, prescribe the frequency of inspections or what must be inspected and reported on. Instead, it provides for detailed provision, on a national (rather than diocesan) basis, to be set out in Regulations made by the Archbishops' Council with the approval of the General Synod. It also requires the Church Buildings Council to issue guidance about the exercise of functions under the Regulations.
5. The new framework will ensure a level of consistency in the approach to the inspection and reporting on church buildings across the dioceses, in particular with a view to helping parishes to meet the requirements of funding bodies and other current practical and legal requirements.
6. The Cathedral and Church Buildings Division will consult widely before regulations and guidance under the new framework are brought forward for approval by the General Synod.

Clause 1 Regulations

7. Subsection (1) provides that the Archbishops' Council must make regulations requiring inspections to be carried out of every church in each diocese. It applies an equivalent requirement in relation to buildings which have been opted in to the faculty jurisdiction under the Care of Places of Worship Measure 1999. The regulations must require a report to be made of each inspection.
8. Subsection (2) lists a number of matters which the regulations may, in particular, provide for. These include the frequency of inspections, the identity of the person (e.g. the parochial church council) required to arrange for inspections to be carried out, the appointment of persons to carry out inspections, how the costs of inspection are to be met, the matters which an inspection must cover and the form which an inspection report must take.
9. Subsection (3) is concerned with the position where the person with primary responsibility for arranging an inspection fails to do so. Where that is the case, and another person (e.g. the archdeacon) has to arrange for the inspection, the regulations may nevertheless require that the costs of the inspection are the responsibility of the person with the primary responsibility.
10. Subsection (4) makes it possible for the regulations to include movable articles in a church, and ruins and trees in a churchyard, as being among the things which an inspection report must include. Whether to include them will be a decision for the Archbishops' Council and the General Synod to take when the regulations are made and approved.

11. Subsection (5) requires the Archbishops' Council to consult the Church Buildings Council and any other persons it considers appropriate before making the regulations.
12. Subsection (6) makes supplementary provision in relation to the regulations.
13. Subsection (7) requires the regulations to be laid before the General Synod for its approval. The Synod will be able to amend the regulations before approving them.
14. Subsection (8) requires the regulations to be in the form of a statutory instrument and to be laid before, and to be subject to annulment by, either House of Parliament.

Clause 2 Meaning of "church"

15. Clause 2 provides a definition of "church" for the purposes of clause 1 which is in substance the same as that used in the 1955 Measure. The expression encompasses parish churches, consecrated chapels and other buildings which are legally in an equivalent position. But it does not include cathedrals or the chapels of extra-diocesan peculiars.

Clause 3 Guidance

16. Clause 3 requires the Church Buildings Council to issue guidance about the exercise of functions under the regulations and provides for the issuing of revised guidance.

Clause 4 Repeals and consequential amendments

17. Clause 4 repeals the 1955 Measure and makes consequential amendments to other legislation.

Clause 5 Short title, commencement and extent

18. Clause 5 provides the Measure with its short title. It provides for it to come into force on a day appointed by the Archbishops and for the making of transitional, transitory and saving provision.
19. The Measure does not extend the Channel Islands or the Isle of Man on the basis that the 1955 Measure does not extend to them.

Note on consolidation

20. The draft Ecclesiastical Jurisdiction and Care of Churches Measure has been drafted on the assumption that this draft Measure will be passed. This Measure is therefore consolidated with the other legislation relating to the care of churches. Provision has, however, been made in the draft Ecclesiastical Jurisdiction and Care of Churches Measure to address the possibility that the 1955 Measure is still in force.

The Legal Office
Church House, Westminster

June 2016