

## **LEGAL ADVISORY COMMISSION OF THE GENERAL SYNOD**

### **WEDDING RECEPTIONS HELD ON CHURCH PREMISES**

1. There is a growing practice of holding wedding receptions on church premises. The Legal Advisory Commission has been asked whether, and in what circumstances, a faculty is required in order to permit such receptions taking place.

2. The faculty jurisdiction of the consistory court applies to all premises and land that has been consecrated, including buildings situated on that land. However, the faculty jurisdiction also applies to all buildings licensed by the bishop for public worship and to unconsecrated land (including buildings) which form part of the curtilage of a church within the jurisdiction of the court: see the Faculty Jurisdiction Measure 1964, s 7(1); Care of Churches and Ecclesiastical Jurisdiction Measure 1991, s11. Therefore, as well as to church premises, the faculty jurisdiction applies to churchyards and to certain church halls that are adjacent to any church within the jurisdiction of the court.

#### *Church halls outside the faculty jurisdiction*

3. It follows that no issues specific to ecclesiastical law arise in respect of wedding receptions in those church halls which are entirely distinct geographically from any church within the jurisdiction of the court, although licensing, noise, hygiene, public health and safety issues arise, as with other use of such halls, and (as with other types of party) it will usually be sensible to take a deposit as security against damage.

#### *Church halls within the faculty jurisdiction*

4. It is probable that a substantial number of church halls are within the curtilage of a church, and therefore are themselves subject to the faculty jurisdiction. These are the buildings where it may be most likely that there will be requests to book the church hall for a wedding reception.

5. In some cases there will be in existence a general faculty permitting the use of the church hall for a variety of uses, including social events such as wedding receptions, subject to conditions, including conditions relating to the supply and/or sale of alcoholic liquor, as well as food hygiene, noise, public health and safety issues (though the grant of a faculty does not remove in any way the need to satisfy the requirements of the secular law in respect of these and other matters). Such a general faculty may, for example, include a condition requiring undertakings by those responsible for organising the reception in relation to the behaviour of the guests and entertainers.

6. Where there is not already a general faculty in existence, Parochial Church Councils are advised to seek such a general faculty (or possibly a variation to an existing faculty) to cover use for wedding receptions, so that it is not necessary to apply for a new faculty each time a request is made.

7. Where the holding of a wedding reception in such a hall is not the subject of a general faculty, in most cases it will be necessary to obtain a one-off faculty for the event, save in rare cases where the refreshment and entertainment is being provided by the church itself without charge, where it may be that no faculty is required. Even in such cases it is advisable to contact the diocesan registrar for confirmation that this is so. It will also be necessary to ensure that the church itself is securely locked, so that there is no overflow of unseemly activities from the hall into the church.

#### *Churches*

8. Occasionally requests are received for the wedding reception to be held within the church itself. This creates a tension between, on the one hand, the rule that by reason of consecration a building

“is dedicated thenceforth to sacred uses, and the law precludes it from being ever capable of use for ordinary secular purposes” (*Wright v Ingle* (1885) 16 QBD 400 per Bowen LJ), and, on the other hand, the increasing preparedness of chancellors to permit secondary, secular use of churches, so long as this complies with “the principle that a church must be treated in a reverent and seemly manner consistent with its use as a place of worship” (*In re St Peter and St Paul’s Church, Chingford* [2007] Fam 67 at 77, Court of Arches).

9. What has been said above in relation to general faculties in respect of church halls covered by the faculty jurisdiction applies equally to the holding of wedding receptions within churches themselves. It is unlikely that there will be applications to hold wedding receptions in churches which do not already have some kitchen facilities, and when such kitchen facilities were installed, the relevant faculty may have specified conditions relating to permitted uses.

10. Where no general faculty exists permitting wedding receptions, a one-off faculty will almost invariably be required, especially if any church furniture is to be moved other than chairs. In particular church articles of special historic, archaeological or artistic merit will require special protection. There needs to be an awareness of the risk to historic fabric and furnishing from spilled food or drink. In particular spilled wine is likely to cause damage to the floor of the church, whether or not it is carpeted, although this may be mitigated by prohibiting the use of red wine.

11. However, there is a more fundamental problem in relation to wedding receptions in churches as actions may take place during such receptions that are indeed inconsistent with the sanctity of the place, for example, bawdy speeches or rowdy behaviour or drunkenness. Moreover, whilst dancing, and the playing of accompanying music, are not necessarily impermissible in a church, their extent and regulation calls for careful consideration, which should be done through the medium of a faculty.

12. In the case of a modern church building, specifically designed for multi-purpose use, there is often a general faculty regulating the uses to which the new building can be put, and this may cover wedding receptions. But in the absence of a general faculty, a specific faculty is required even in the case of such buildings, there being no scope for assuming permission, even if the holding of events such as wedding receptions was specifically referred to at the time planning permission was sought.

#### *Duties of churchwardens*

13. The holding of wedding receptions in adjacent church halls, and particularly in churches, also requires churchwardens to give careful consideration to their duty to maintain order and decency in the church and churchyard, whether or not during divine service (see Canon E 1, para 4). Furthermore, Canon F 15, para 3, states that:

“If any person be guilty of riotous, violent or indecent behaviour in any church, chapel, or churchyard, *whether in any time of divine service or not*,...the said churchwardens or their assistants shall take care to restrain the offender and if necessary proceed against him according to law”. (Emphasis supplied)

14. Nor should any churchwarden assume that responsibility for satisfying, for example, licensing and food hygiene requirements is solely a matter for those holding the wedding reception as Canon F 15, para 2, states that the churchwardens:

“shall ...take care that nothing be done [in a church or chapel] contrary to the law of the Church *or the Realm*”. (Emphasis supplied)

15. In addition to obtaining any necessary faculty, if churches are to be used for wedding receptions, it is advisable that one or more of the churchwardens or their representative is present throughout the reception to ensure that nothing inconsistent with the sanctity of the place or constituting a breach of ecclesiastical or secular law takes place and, that, if breaches do occur, they cease as soon as possible. Such considerations may suggest that in practice the occasions when a church is likely to be able to be used for a wedding reception are likely to be limited.

*Re-ordering for wider and/or community use*

16. It is recommended that the issues mentioned above should be considered at an early stage when the re-ordering of a church for wider and/or community use is being considered, so that Parochial Church Councils can make proposals for the use of the re-ordered church and the chancellor can ensure that the faculty contains appropriate conditions.