

CARE OF PLACES OF WORSHIP MEASURE 1999

NOTES ACCOMPANYING AN APPLICATION TO THE CHURCH BUILDINGS COUNCIL



These notes are intended to assist in the completion of the attached application form. If you require further guidance, please contact the Council's staff direct.

The numbering in this document refers to the attached application form.

3 Information on grid references can be found on any Ordnance Survey map.

4-6 An application may be made as follows:

Peculiars, religious communities, universities, colleges, schools, hospitals, Inns of Court, almshouses or other public or charitable institution

If the building is held on charitable trusts, by the charity trustees; otherwise by the person or body having general control and management of the building.

Episcopal houses of residence

By the bishop or archbishop concerned.

Shared churches

By the person or body having the general control and management of the building.

Please give the name and address of the applicant, or if more than one, of each applicant. If the applicant is a corporate body or an unincorporated body of persons, please state the name and address of that body. In the case of an unincorporated body, please also give the names and addresses of the individual members.

7 Only buildings that fall under the categories specified under the Measure may be included on the Council's list. Please state the category or categories under which the building falls, and if necessary describe the position further in an accompanying letter.

10 In addition to the principal building, the application may include any adjoining building used wholly or mainly as a vestry or sacristy.

11 If an application is being made for the inclusion of a detached building falling in either of the following categories:

- ◆ A building which is subject to any peculiar jurisdiction and which is used for worship according to the rites and ceremonies of the Church of England.
- ◆ A building which is subject to any sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969 and which is used for worship.

an application may also be made for the inclusion in the list of the curtilage of the building, of any monument within the curtilage or of any object or structure forming part of the land within the curtilage which is used wholly or mainly for purposes ancillary to the purposes for which the building is used. There is no statutory definition of “curtilage”, but case law has held that it is confined to a small area around a building; the precise size of the “curtilage” therefore depends on the facts of each case.

12 Section 6(3) of the Measure provides as follows:

For the purposes of this Measure, a place which is surrounded by or adjacent to one diocese and does not form part of that diocese shall be deemed to be situated within that diocese, and a place which is surrounded by or adjacent to two or more dioceses and does not form part of any of those dioceses shall be deemed to be situated within such one of them as the archbishop of the relevant province may direct.

If it is not clear in which diocese the building is situated or should be treated as situated, please state which you think is the relevant diocese, and elaborate further in a covering letter. In the event of a building being surrounded by or adjacent to two or more dioceses, the Council will, following consultation with you, seek a direction from the archbishop of the relevant province.

13-14 Information on listed building status is available from www.imagesofengland.org.uk. The local planning authority will be able advise on the conservation areas status. A copy of the list description must be enclosed with the application (see enclosures below).

18 The following consents are necessary:

Episcopal houses of residence

The Church Commissioners.

Religious communities

The superior, who may consult the Visitor.

Prisons

The Chaplain-General of Prisons.

Peculiars, universities, colleges, schools, hospitals, Inns of Court, almshouses or other public or charitable institution

The Visitor (if any).

Peculiars, religious communities, universities, colleges, schools, hospitals, Inns of Court, almshouses or other public or charitable institution

Where the application is made not by charity trustees but by the person or body having the general control and management of the building:

Buildings not subject to a tenancy

The estate owner in respect of the fee simple in the building.

Buildings subject to a lease or other tenancy

The lessee or tenant and the estate owner (in each case if someone other than the applicant).

The provision relating to the consent of the tenant and estate owner will not apply if the Council is satisfied that he cannot be found after reasonable efforts have been made to do so, or that it is impracticable to seek his consent. If this applies, please elaborate further in a covering letter.

- 19 Please supply whatever information you have about the consecration of the building, and supply a copy of the deed of consecration, if available.

MATERIAL TO BE SENT WITH THE APPLICATION

a) Maps

An Ordnance Survey map or site-centred plan to a scale not smaller than 1:1250 must be provided marked so as to indicate (showing the boundaries where relevant):

- i) the location of the building
- ii) where the building is part of a larger building, the location of the relevant part in relation to the larger building
- iii) where a vestry or sacristy is to be included, its location
- iv) where, in the case of peculiars or shared churches, curtilage, etc. is to be included (see 11 above), the location of the curtilage.

Maps to the required scale can be obtained through the local planning authority or a public library.

b) **Fixtures**

Under the Measure the building ‘and any object or structure fixed to it’ becomes subject to the faculty jurisdiction on being included on the CBC list. Applicants must provide a list of all objects and structures fixed to the building for inclusion in the list, together with a description sufficient to identify them.

A sample sheet is enclosed showing how the Council would like the list to be prepared. The completion of an accurate list may well take time, depending on the number and nature of the fixtures involved, but information on items may be available from guidebooks, inventories, the listing description in the listing of buildings of architectural or historic interest etc, although it must be emphasised that the listing description will not give a complete guide to the fixtures in the building.

The inclusion or otherwise of an item on the list will not affect the extent of the consistory court’s jurisdiction over all fixtures.

When preparing the list, there will undoubtedly be some items where it is unclear whether or not an item constitutes an ‘object or structure fixed to the building’. The question what is a fixture also arises in the law on landlord and tenant and listed building law, and the following guidance is therefore based on relevant case law. The two principal tests are:

◆ **The manner in which and degree to which the object is fixed to the building**

Consideration of this will include the ease with which the objects can be removed, and any damage caused to the building or the object by its removal. Any item screwed or otherwise attached to the building is likely to be considered a fixture.

◆ **The purpose of annexation**

The test here is whether the object was introduced (a) primarily for the purpose of creating a beautiful interior, or of incorporating it into the overall design on a permanent basis; or (b) for the mere display and enjoyment of the object itself. In the case of (a), the object is highly likely to be a fixture, even if it is not physically attached to the building but is merely resting on its own weight in what is intended to be a permanent position.

As a result of this, the Council therefore advises that the following items should be regarded as **fixtures**:

- Organs (other than chamber organs)
- Screens (unless portable)
- Fonts (other than portable fonts)
- Communion rails (unless portable)
- Bells, bellframes and turret clocks

Monuments, memorials and brasses
Weather vanes
Chandeliers
Stained Glass
Non-freestanding internal and external carving and sculpture
Reredoses
Doors
Aumbries
Pews

The following may be **fixtures**, depending on the facts:

Lecterns
Free-standing sculpture
Armour
Paintings
Altars
Hymnboards
Clocks
Sanctuary lamps

The following are not fixtures

Plate
Vestments, altar linen and frontals
Chamber organs
ProceSSIONAL crosses
Thuribles
Chests
Wardens' and vergers' staves

If you need further advice, or would like to enlist outside help in preparing the list, please contact the Council's staff.

Quite apart from the requirements of the Measure and the Rules, applicants will be well advised to prepare or up-date a full inventory of all the fixtures and other articles in the building. A form of inventory and guidance on preparing it are published by Church House Publishing under the title *Church Property Register*.

c) **Consents**

The written consents specified in paragraph 17 above must be enclosed. In cases of tenants and estate owners, where it is not practical to seek consent, or attempts to find the person concerned have failed, please elaborate further in a covering letter.

d) **Listed buildings**

A copy of the entry relating to the building in the relevant list can be obtained from www.imagesofengland.org.uk

Sample page

Name of Building

List of Objects and Structures fixed to the building

An application for inclusion in the statutory list maintained by the Church Buildings Council (“the Council”) must include a list of all objects and structures fixed to the building with a description sufficient to identify them. This list of fixtures then becomes part of the entry for the building in the list maintained by the Council. Please see 'Notes accompanying an application' for guidance on what objects should and should not be classified as fixtures. It is suggested that applicants follow a common format in preparing the list of fixtures, and the template which follows should therefore be used, adapted as necessary for the circumstances of the building. As explained in the “Notes accompanying the application”, some of the types of objects listed are ones which may or may not be fixtures, depending on the facts of the individual case.

As indicated above, the information provided in the list must be sufficiently detailed for the objects to be identified. It should therefore include the material (i.e. stone, wood, metal) of the object or structure, its position and a brief description. (For example, the description of a lectern should indicate, where that is the case, that it is an “eagle lectern”, while the description of a pulpit which includes substantial wood- or stone-carving should indicate that fact. Similarly, a description of a monument which includes an effigy should indicate whether the effigy is a full length reclining figure, a kneeling figure or a bust etc, whether there are any associated figures, pieces of armour etc.)

Altars
Reredos(es)
Pulpit
Lectern
Font (and cover, if any)

Screens

Stained glass Starting with the east window, proceed clockwise around the building: give subject, and if the window is a memorial state who is/are commemorated

Monuments and memorials Starting from the east end, proceed southwards around the building: give position and state the name and year of death of the person earliest commemorated, and include a brief description of the nature of the monument e.g. whether it is a coffin lid, a wall monument, a free-standing monument or a brass, and whether it is a war memorial. (Please see also the introduction to this form.)

Sculpture and statuary, other than funerary sculpture

Bell(s). Give a brief description of each bell, and the bellframe. (The Diocesan Bells Adviser, who may be contacted through the DAC, may be able to provide information in cases of difficulty.)

Organ(s). Give a brief description of instrument, sufficient where applicable to distinguish it from any other organ in the building

Metalwork e.g. turret and other clocks, sanctuary lamps, chandeliers, Communion rails, armour (except where covered under monuments and memorials)

Woodwork e.g. stalls, communion rails, fixed seating, litany desk, hymnboards

Architectural features

External e.g. weathervane, carvings, inscriptions, doors, door furniture

Internal e.g. aumbries, Easter Sepulchre

Textiles - e.g. tapestries

Paintings including Commandment boards, benefactions boards, hatchments, ringing records, list of incumbents, Royal Coats of Arms

Miscellania