



## What Happens When a Church Building Closes?

### Guidance for Parishes

*This note explains how a church building is closed and its future decided under the Mission and Pastoral Measure 2011. This church legislation, which has the force of an Act of Parliament, also enables parish and other local reorganisation to take place and is part of the law of the land.*

#### 1. The Closure Process

- 1.1 A consecrated church can only be legally closed for regular public worship by a **pastoral church buildings scheme** made by the Church Commissioners.
- 1.2 Closure proposals involve both local and national consultation with interested parties and others. This usually takes 3-4 months but can take longer if there are objections.
- 1.3 During this time services should where possible continue to be held in the church so as not to prejudge the outcome of consultation. Occasionally services are suspended for safety reasons with the Bishop's permission.

#### **Role of the Incumbent and PCC**

- 1.4 The parish should consult the Archdeacon and Diocesan Mission and Pastoral Committee (DMPC) secretary when considering the future of a church building:

- PCC Minutes should record any discussions or formal resolutions, including any votes (with numbers for and against).
- the incumbent, PCC and patron are among statutory interested parties who will be consulted locally by the DMPC and nationally by the Commissioners.

#### **Role of the DMPC**

- 1.5 Before the DMPC recommends closure to the Bishop it will:
  - consult the local interested parties (including the local planning authority); and
  - obtain a report from the Church Buildings Council on the historic interest and architectural quality of the building and its contents.

#### **Role of the Church Commissioners**

- 1.6 On receiving the Bishop's proposals for closure, the Commissioners:
  - put them in legal form as a draft pastoral church buildings scheme.
  - send copies to the interested parties and arrange for a notice to be fixed to the church door.
  - publish a notice in a local newspaper.
  - post a copy of the draft scheme on the Commissioners' web site at <http://www.ccpastoral.org/consultation>
- 1.7 Anyone may send written comments to the Commissioners, for or against the draft scheme, within a 28 day notice period. If no objections are received, the Commissioners make the Scheme and agree with the Bishop the date it comes into effect. This allows time to hold a final service or for other arrangements to be put in hand.

### ***Commissioners' Mission and Pastoral Committee***

- 1.8 Any objections are considered by the Commissioners' Mission and Pastoral Committee (made up of bishops, clergy and laity from around the country) who will:
- Seek the Bishop's views and then any further comments from those who wrote for or against the draft Scheme;
  - Decide whether to hold a public hearing, usually at Church House, Westminster, or to consider the case in private on the paperwork;
  - Decide whether the draft Scheme should go ahead or not, or be referred back to the Bishop for further consideration; and
  - Outline their decision in a Statement of Reasons.
- 1.9 The test is whether the building is no longer required for public worship. Where the Commissioners decide a Scheme should go ahead it can then be made provided no objector is granted permission to appeal to the Judicial Committee of the Privy Council.

*If on closure a parish is left without a parish church, the Bishop must license a building (or part of one) for public worship, normally, but not necessarily, within in the parish.*

## **2. Marking closure**

- 2.1 Once the date of formal closure is decided, the parish may hold a final service to mark the building's past and memories associated with it.
- 2.2 When the building is vacated it should be left clean and tidy, with any flammable loose materials such as service sheets, hymn books, obsolete notices and soft furnishings removed, helping deter vandalism and reduce fire risk.

## **3. What is the effect of closure?**

- 3.1 There are various legal and practical impacts of closure:

### ***Building***

- "Ownership" of the building (and contents) transfers automatically to the Diocesan Board of Finance (DBF) who become responsible for care and maintenance, insurance and safekeeping of contents until the building's future is settled.
- The church wardens should provide the DBF with details of insurance policies for the building and contents. While they have no financial obligation, the incumbent and church wardens have a duty to help the DBF's supervision of the building against damage.
- The DBF may allow the building to be used occasionally for worship, including by other Christian bodies, with the Bishop and incumbent's agreement.
- The Quinquennial Inspection process no longer applies. The building and contents remain subject to faculty jurisdiction for the time being but are no longer exempt from listed building and conservation area control.

### ***Contents***

- The churchwardens should agree an annotated inventory of contents with the DBF, noting the location of any items removed for safe-keeping or permanently.
- Except for Registers (see below), contents should remain in place until the building's future is settled as this could affect the options available. The DBF may remove items for safekeeping without a faculty.

### **Registers**

- Under the Marriage Act 1949 any current marriage registers of a closed parish church should normally be sent to another church in the parish, or as the Bishop directs, for eventual submission to the Superintendent General.
- Any baptism registers and other parochial records are usually transferred to the new parish church. Sometimes it will be desirable, with the consent of the Bishop and the PCC, for these to be deposited in the diocesan record office (including where the parish is left without a parish church).

### **Churchyard**

- Closing the church building does not affect the ownership of the churchyard. This remains the PCC's responsibility, who should continue to care for and insure it against third party or other risks.
- The incumbent and PCC should not enter into any Open Spaces Act or maintenance agreements for the churchyard without prior consultation with the DBF and Church Commissioners, as this may jeopardise proposals for the building's future.

## **4. Seeking a Suitable Alternative Use**

- 4.1 The "use-seeking period" usually lasts up to two years but can be extended. The DMPC and Commissioners work closely to secure a new use, usually undertaking marketing. The PCC will be consulted about including any churchyard for transfer with the building.
- 4.2 While the DMPC's duty is to seek a suitable use for listed buildings, or those in a conservation area, for unlisted buildings it may develop

proposals which include demolition. The DMPC will then report to the Commissioners with any recommendations.

- 4.3 When a suitable use is found the Commissioners prepare and publish a draft *pastoral church buildings (disposal) scheme*, with an explanatory note, inviting any comments during a 28 day notice period. The draft Scheme authorises:
  - the proposed use of the building (and any land included) and its sale or lease for this purpose; and
  - disposal of any contents and any tombstones, monuments and memorials according to the Bishop's directions.
- 4.4 If there are no objections, the scheme can be made. Any objections are considered by the Commissioners' Church Buildings (Uses and Disposals) Committee who decide whether or not the Scheme should go ahead. If the Scheme does not proceed, there may be further marketing.

## **5. Implementing a New Use**

- 5.1 A Scheme is usually brought into effect when any conditions, such as planning permission or listed building consent, are in place. From this date:
  - the property vests either in the Commissioners (for sale) or the DBF (for lease); and
  - the legal effects of consecration are removed and the building and any land included in the Scheme are no longer subject to faculty jurisdiction.

### **Disposal of Contents**

- 5.2 The Bishop directs what happens to the contents. Options include retaining them in the building, transferring them to another local church, or to a diocesan treasury or local museum, or sale.

### ***Burials, tombstones, monuments and memorials***

- 5.3 A Ministry of Justice Order will usually permit any burials within land included in the disposal to remain in place undisturbed. On very rare occasions they may be removed and then re-interred elsewhere on the Bishop's directions.
- 5.4 The Bishop will also direct what is to happen to any tombstones, monuments or memorials. These will usually remain in place but they are sometimes relocated, with an opportunity for relatives or next of kin of those buried within the property to make their own arrangements if they so choose.

### ***Covenants***

- 5.5 Covenants will be included in any transfer of the property and a copy sent to the incumbent. These are intended to:
- ensure the property is only used for approved purposes;
  - protect it from unauthorised alterations or demolition;
  - reassure local people and enable public access to tend or visit any graves at agreed times; and
  - protect against disturbance of any human remains, tombstones, monuments or memorials.
- 5.6 Unless the building is being replaced by a new place of worship in the same benefice, two-thirds of any net proceeds arising from disposal go to the Diocesan Pastoral Account for ongoing mission, with the remaining one-third going towards financing the Church's share of funding the Churches Conservation Trust (CCT).

## **6. Where no Suitable Use is found**

- 6.1 Suitable uses are found in most cases but, where not, the Commissioners decide between the remaining options of vesting the building in the CCT or demolition. They then prepare and publish a

draft Scheme and consider any objections (see 4.4). In some contested demolition cases the Government might also decide to hold a non-statutory public inquiry.

- 6.2 The CCT cares, "in the interests of the nation and the Church of England", for closed churches of particular historic interest or architectural merit for which no suitable use is found. The CCT has limited funding and only two or three closed churches are vested each year.
- 6.3 Similarly, a small number of closed church buildings are demolished each year and their sites redeveloped or added to the churchyard. Either the Commissioners or the DBF carry out the demolition and deal with the site (the arrangements set out in Paragraph 5 on contents, covenants etc. generally also apply).

## **7. Closing a Church Building and Settling its Future in the Same Scheme**

- 7.1 Sometimes the future of the building is settled at the time of closure, e.g. where a new place of worship is being provided or a suitable use has already been found. This avoids the need for a use seeking period and can usually be implemented without delay.

More detailed guidance is available on the Commissioners' website at [www.ccpastoral.org](http://www.ccpastoral.org).

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