

NSS reiterates call for abolition of chancel repair liability

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The National Secular Society has urged the Law Commission to recommend the abolition of a measure which requires certain landowners to pay for repairs to local Anglican churches.

The commission has [recently announced](#) it will look into chancel repair liability (CRL) in its forthcoming work programme. But it will mainly aim to "close the loophole" which leads purchasers of property to search and/or insure against the risk of liability unnecessarily, costing an estimated £20m each year.

The NSS wants the commission to go further and propose the abolition of CRL. The liability has its origins in Norman ecclesiastical law and was widely thought to have become a dead letter. But in the last fifteen years the Church of England has put pressure on parishes to register it against properties, a measure which was likely to have an adverse effect on value and saleability.

There are few reliable records relating to CRL and many of these registrations are also incorrect. But even where the registration is technically correct, adverse effects on value and saleability arising from registration are likely to be unjustified as the church has bowed to public pressure and practically ceased any attempt to collect CRL from residential property.

In 1985 the commission recommended that "[\[CRL\] arising from the ownership of land should be abolished after ten years](#)", in a report prepared in co-operation with the church. The commission's report was prescient, but the government did not act upon it.

CRL was revived 15 years later, when the Parish of Aston Clinton in Buckinghamshire made a £200,000 claim against a farm. As a result of the claim and the massive legal costs it prompted, [the farm had to be sold](#) and its owners went bankrupt ten years ago.

The 1985 recommendation included a draft [bill](#), which was tabled [in the Lords](#) by [Lord Avebury](#), in the 2014-5 and 2015-6 sessions, with NSS support. The church said it would only accept abolition if compensated.

Neither Lord Avebury nor the NSS accepted that compensation would be appropriate as the church had practically stopped trying to collect CRL on residential properties, meaning there was minimal loss of revenue for which to compensate.

Stephen Evans, National Secular Society CEO, said: "The Church of England, with its considerable wealth, is hardly in a position to make financial demands on individuals to pay for church repairs, so it's unfair that homebuyers are having to spend money on insurance against potential claims. Chancel repair liability is a medieval relic that should be abolished – and the sooner the better."

Image: Parish church of St Nicholas, Fisherton de la Mere, Wiltshire; © [Chris Downer \[CC BY-SA 2.0\]](#)

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