

The biter bit: Church of England suffers from Chancel Repair Liability

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The legal requirement to repair church chancels has surprisingly started to impact the Church Commissioners. Here's what they did about it.

The National Secular Society has [long campaigned](#) to remove Chancel Repair Liability (CRL), which dates back to the time of Henry VIII and gives some churches the right to demand from some local property owners financial contributions towards repairs, whether or not the landowners are Anglicans or even Christians.

A parochial church council (PCC) is able to demand payment, in some cases, for the full cost of repairs, which for ancient churches sometimes runs into hundreds of thousands of pounds. This liability continues even after a property is sold and consequently reduces the value of properties significantly.

Up until 2002 the ability to claim chancel repairs against a landowner was not widely documented but in an effort to tidy up the situation the Land Registration Act 2002 gave PCCs until 12th October 2013 to register a Notice of Chancel Repair against liable properties or potentially lose the ability to demand payment. This deadline has passed but it is still possible to register notice against a property at any time until it has been sold.

So why if PCCs can pass the cost of repairs for church property on to landowners is the Church of England suffering? Because, in their own words;

[The Commissioners have inherited a liability for the repair and maintenance of a number of chancels throughout the country and the Pastoral Division is responsible for administering this liability.](#)

Ah yes! The Church of England is a big landowner itself and this land is held by the Church Commissioners, a national charity separate from the PCCs. So via CRL a church can charge the national church body for repairs. Local parishioners usually pay for the national church bodies but that aside what is the really painful part of this? Because the Church Commissioners make money by selling off land, again [in their own words](#);

"... prospective purchasers of our land have been very reluctant to complete their purchases even where we offer to retain any CRL on sale. In essence, people are being 'scared off' by the spectre of CRL."

So CRL, which is blighting the property values of tens of thousands of people is also lowering the property values of the church itself. The biter bit.

What has the Church of England done? Up until 2015 the Church of England had been actively encouraging PCCs to register CRL but privately in a letter from Alan Guthrie-Jones of the Pastoral and Closed Churches department to Diocesan Registrars in February they signalled a change of tack.

"... I wanted you all to know that we are changing our policy with immediate effect whereby we are no longer going to seek to register CRL against land in our ownership. Instead, and if and when

we are planning to sell some of our land, we will for the most part be prepared to offer binding Deeds of Indemnity to PCCs so that our acceptance of CRL will remain unchanged in their cases."

So from now on PCCs should not register any land owned by the church for CRL but should agree a private legal deal instead. These deals don't come without conditions;

"1. In our Deeds we will have to reserve the right to vary our percentage acceptance to cater for the cases where we have yet to conclude our forensic reviews (some of which can take months to conclude, especially where hundreds of tithe fields are involved).

2. A condition of the Deed will be that PCCs need to apply to the Land

Registry to remove registrations (or cautions against first registration) in respect of our current and former land (even where we ourselves registered the liability) as it is the PCC, and not the Commissioners, who have the benefit of the CRL. We are asking PCCs to put this in hand within 28 days of completing the Deed of Indemnity."

So the PCC may not know what support they will receive in the future but must absolutely remove any existing records at the Land Registry straight away.

It's interesting to know the Church Commissioners have worked out a plan to avoid CRL problems for their own land holdings. It's also nice to know they acknowledge that CRL is a broader problem for PCCs;

"We are also aware of the adverse publicity and the related pastoral consequences of PCCs registering CRL against properties of all descriptions."

But it is clear they are only resolving their own issues, not everyone's. Would not a better solution be to remove this holdover from the mediaeval age once and for all?

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Ed Moore is the treasurer of the National Secular Society. The views expressed in our blogs are those of the author and may not represent the views of the NSS.

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