



Care of Churches and Ecclesiastical Jurisdiction Measure 1991

1991 No. 1

PART II

CARE, INSPECTION AND ACCOUNTABILITY

2 Diocesan advisory committees.

- (1) In every diocese there shall continue to be an advisory committee for the care of churches, to be known as “the Diocesan Advisory Committee”.
- (2) For each advisory committee there shall be a written constitution provided by the diocesan synod of the diocese concerned, containing the provisions set out in Schedule 1 to this Measure or provisions to the like effect.
- (3) The written constitution required by subsection (2) above may include such further provisions consistent with those set out in Schedule 1 to this Measure as the diocesan synod considers appropriate—
 - (a) in connection with its procedure; or
 - (b) for the establishment of sub-committees and the delegation thereto of any of its functions.
- (4) The written constitution required by subsection (2) above shall be provided as soon as practicable and in any event not later than the expiration of the period of three years immediately following the coming into operation of this section.
- (5) The advisory committee shall have the functions specified in Schedule 2 to this Measure and such other functions as may be determined by the diocesan synod of the diocese concerned by resolution; and in carrying out its functions the committee and sub-committees (if any) shall have regard to the rites and ceremonies of the Church of England.
- (6) Any expenses incurred for the purpose of giving the advisory committee a written constitution under this section and for enabling it to discharge its functions properly

Status: Point in time view as at 01/09/1995.

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Part II. (See end of Document for details)

and effectively shall be paid by the Diocesan Board of Finance for the diocese concerned:

Provided that a Diocesan Board of Finance shall not be liable for any expenses by virtue of this subsection unless the expenses were approved by the Board before they were incurred.

- (7) As soon as practicable after the end of each year the advisory committee shall prepare a report of its work and proceedings during that year and cause it to be laid before the diocesan synod of the diocese concerned; and the secretary to the committee shall send a copy of the report to the Council for the Care of Churches.
- (8) Section 13 of the 1964 Measure shall cease to have effect, but until such time as the advisory committee is given a written constitution under this section it shall continue to be formed and act in accordance with the provisions contained in that section.

3 Amendment of Inspection of Churches Measure 1955.

The ^{M1}Inspection of Churches Measure 1955 shall have effect subject to the amendments specified in Schedule 3 to this Measure.

Marginal Citations

M1 1955 No.1

4 Duties of churchwardens as to recording of information about churches.

- (1) In every parish it shall be the duty of the churchwardens—
 - (a) to compile and maintain—
 - (i) a full terrier of all lands appertaining to the church;
 - (ii) a full inventory of all articles appertaining to the church;
 - (b) to insert in a log-book maintained for the purpose a full note of all alterations, additions and repairs to, and other events affecting, the church and the lands and articles appertaining thereto and of the location of any other documents relating to such alterations, additions, repairs and events which are not kept with the log-book.
- (2) In carrying out their duty under subsection (1) above the churchwardens shall act in consultation with the minister.
- (3) The form of the terrier, inventory and log-book shall accord with such recommendations as the Council for the Care of Churches may make.
- (4) The churchwardens shall send a copy of the inventory to such person as the bishop of the diocese concerned may designate from time to time for the purpose of this subsection as soon as practicable after it is compiled and shall notify that person of any alterations at such intervals as the bishop may direct from time to time.
- (5) This section applies in relation to each church in a parish containing more than one church.

5 Duties of churchwardens as to fabric etc. of churches.

- (1) In every parish it shall be the duty of the churchwardens—

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- (a) at least once in every year, to inspect or cause an inspection to be made of the fabric of the church and all articles appertaining to the church;
 - (b) in every year, to deliver to the parochial church council and on behalf of that council to the annual parochial church meeting a report (referred to below as “the annual fabric report”) on the fabric of the church and all articles appertaining to the church, having regard to the inspection or inspections carried out under paragraph (a) above, including an account of all actions taken or proposed during the previous year for their protection and maintenance and, in particular, for the implementation of any recommendation contained in a report under a scheme made in pursuance of section 1 of the ^{M2}Inspection of Churches Measure 1955.
- (2) In carrying out their duty under subsection (1) above the churchwardens shall act in consultation with the minister.
- (3) The annual fabric report shall be delivered to the parochial church council at its meeting next before the annual parochial church meeting and, with such amendments as that council may make, to the ensuing annual parochial church meeting.
- (4) The churchwardens shall, as soon as practicable after the beginning of each year, produce to the parochial church council the terrier, the inventory and the log-book relating to events occurring in the previous year and such other records as they consider likely to assist the council in discharging its functions in relation to the fabric of the church and articles appertaining to the church.
- (5) Any terrier, inventory or log-book produced to the parochial church council in accordance with subsection (4) above shall be accompanied by a statement, signed by the churchwardens, to the effect that the contents thereof are accurate.
- (6) This section applies in relation to each church in a parish containing more than one church.
- (7) In this section “year” means calendar year.

Marginal Citations

M2 1955 No. 1.

6 Provisions relating to trees in churchyards.

- (1) The powers, duties and liabilities of a parochial church council with respect to the care and maintenance of [^{F1}a churchyard which the council is liable to maintain] shall extend to trees therein, including those proposed to be planted.
- (2) Where a tree in a churchyard [^{F2}which a parochial church council is liable to maintain] is felled, lopped or topped the council may sell or otherwise dispose of the timber and the net proceeds of any sale thereof shall be paid to the council and applied for the maintenance of any church or churchyard [^{F3}which the council is liable to maintain].
- (3) The chancellor of a diocese shall, after consultation with the advisory committee, give written guidance to all parochial church councils in the diocese as to the planting, felling, lopping and topping of trees in churchyards.

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- (4) The provisions of section 20 of the ^{M3}Repair of Benefice Buildings Measure 1972 (which relates to the felling etc. of trees) in so far as they relate to trees in churchyards shall cease to have effect.
- (5) In this section “churchyard” includes a closed churchyard.

Textual Amendments

- F1** Words in s. 6(1) substituted (1.9.1995) by 1995 No. 2, s. 13(a); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.
- F2** Words in s. 6(2) substituted (1.9.1995) by 1995 No. 2, s. 13(b)(i); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.
- F3** Words in s. 6(2) substituted (1.9.1995) by 1995 No. 2, s. 13(b)(ii); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.

Marginal Citations

- M3** 1972 No. 2.

7 Payment of expenses in connection with ruins.

Any expenses properly incurred by a parochial church council, with the prior approval in writing of the Diocesan Board of Finance for the diocese concerned, for the purpose of implementing a recommendation contained in a report made in respect of a ruin in pursuance of section 1A(b) of the ^{M4}Inspection of Churches Measure 1955 shall be paid by that Board.

Marginal Citations

- M4** 1955 No. 1.

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