



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 3

CARE OF CHURCHES ETC.

Inspection

45 Scheme for inspection of church or building in the list

- (1) In the case of each diocese, the scheme established by the diocesan synod or the bishop under section 1 or 1B of the Inspection of Churches Measure 1955, providing for the inspection of every church or relevant building in the diocese at least once every five years and having effect immediately before the commencement of this section, continues to have effect.
- (2) The scheme contains—
- (a) provision establishing a fund by means of contributions from parochial, diocesan or other sources;
 - (b) provision for the payment out of that fund or otherwise of the cost of inspecting churches or relevant buildings in the diocese;
 - (c) provision for the appointment of [^{F1}persons] to inspect the churches or relevant buildings in the diocese and make a report on each one inspected;
 - ^{F2}(d)
 - ^{F2}(e)
 - (f) such other provisions as were included under section 1(2)(e) or 1B(1) of the Inspection of Churches Measure 1955 (power of diocesan synod or bishop to make provisions consistent with that Measure).

[^{F3}(2A) In relation to each church in the diocese, the provision specified in subsection (2)(c) must provide—

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- (a) for the PCC of the parish in which the church is situated to appoint a person to inspect the church and to make a report on the inspection,
 - (b) for the PCC not to make the appointment unless it—
 - (i) has obtained and had regard to advice from the advisory committee on the appointment, and
 - (ii) is satisfied that the person to be appointed has the necessary qualifications and experience, and
 - (c) for a copy of the report on the inspection to be sent to—
 - (i) the archdeacon of the archdeaconry in which the church is situated,
 - (ii) the PCC,
 - (iii) the incumbent of the benefice to which the parish in which the church is situated belongs, and
 - (iv) the secretary of the advisory committee.
- (2B) In relation to each relevant building in the diocese, the provision specified in subsection (2)(c) must provide—
- (a) for the manager of the building to appoint a person to inspect the building and to make a report on the inspection,
 - (b) for the manager of the building not to make the appointment unless the manager—
 - (i) has obtained, and had regard to, advice from the advisory committee on the appointment, and
 - (ii) is satisfied that the person to be appointed has the necessary qualifications and experience, and
 - (c) for a copy of the report on the inspection to be sent to—
 - (i) the archdeacon of the archdeaconry in which the building is situated,
 - (ii) the secretary of the advisory committee, and
 - (iii) the Church Buildings Council.]
- (3) The diocesan synod may at any time establish a further scheme to replace the previous scheme (regardless of whether that previous scheme was established by the diocesan synod or by the bishop); and a further scheme—
- (a) must be for the purpose specified in subsection (1),
 - (b) must contain the provision specified in [F4 subsection (2)(a) to (c)], and
 - (c) may contain such other provision not inconsistent with this section or sections 46 to 48 as the diocesan synod thinks fit.
- (4) A scheme established under subsection (3) and passed at a meeting of the diocesan synod—
- (a) must be signed by the chair of the meeting, and
 - (b) comes into operation on the date on which it is signed.
- [F5(4A) In exercising a function under the scheme referred to in this section, a PCC, the manager of a relevant building or an advisory committee must have regard to any guidance issued by the Church Buildings Council.]
- (5) “Relevant building” means a building included in the list other than a building within section 38(2)(b) (episcopal house of residence).
- [F6(5A) A reference to the manager of a relevant building is—

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- (a) if the building is held on charitable trusts, a reference to the persons who have the general control and management of the administration of the charity;
- (b) in any other case, a reference to the person who has the general control and management of the building.]

^{F7}(6)

Textual Amendments

- F1** Word in s. 45(2)(c) substituted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(1\)\(a\), 16\(3\); S.I. 2020/835, art. 2](#)
- F2** S. 45(2)(d)(e) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(1\)\(b\), 16\(3\); S.I. 2020/835, art. 2](#)
- F3** S. 45(2A)(2B) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(2\), 16\(3\); S.I. 2020/835, art. 2](#)
- F4** Words in s. 45(3)(b) substituted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(3\), 16\(3\); S.I. 2020/835, art. 2](#)
- F5** S. 45(4A) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(4\), 16\(3\); S.I. 2020/835, art. 2](#)
- F6** S. 45(5A) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(5\), 16\(3\); S.I. 2020/835, art. 2](#)
- F7** S. 45(6) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(6\), 16\(3\); S.I. 2020/835, art. 2](#)

Commencement Information

- I1** S. 45 in force at 1.9.2018 by [S.I. 2018/720, art. 2](#)

46 Inspection: contents etc.

- (1) An inspection of a church under the scheme referred to in section 45 must include an inspection of—
 - (a) every movable article in the church which the inspector is directed by the archdeacon, after consultation with the advisory committee of the diocese, to treat as being—
 - (i) of outstanding architectural, artistic, historical or archaeological value,
 - (ii) of significant monetary value, or
 - (iii) at special risk of being stolen or damaged;
 - (b) every other article in the church which the inspector considers to be of the description in sub-paragraph (i), (ii) or (iii) of paragraph (a);
 - (c) every ruin in the churchyard which is designated by the Council for British Archaeology and the Historic Buildings and Monuments Commission for England acting jointly as being of outstanding architectural, artistic, historical or archaeological value;
 - (d) every tree in the churchyard belonging to the church in respect of which a tree preservation order under the Town and Country Planning Act 1990 is in force.
- (2) Any expenses properly incurred by a PCC, with the prior approval of the diocesan board of finance, for the purpose of implementing a recommendation contained in a report made in respect of a ruin under subsection (1)(c) must be paid by the board.

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- (3) A reference in this section or section 45 or 47 to the inspection of a church is to be read in light of subsection (1).
- (4) “Ruin” means a site which comprises the remains of a building which are above the surface of the land; and for this purpose “site” does not include—
 - (a) a monument (within the meaning of section 66), or
 - (b) a site which is used for the purposes of public worship according to the rites and ceremonies of the Church of England.

Commencement Information

I2 S. 46 in force at 1.9.2018 by S.I. 2018/720, art. 2

47 Archdeacon's power to require inspection of church

- (1) This section applies where an archdeacon finds on a survey of the churches of his or her jurisdiction, or at any other time, that a church in the archdeaconry or a relevant article in a church in the archdeaconry has not been inspected to his or her satisfaction^{F8} ... for at least five years.
- (2) The archdeacon may serve on the PCC of the parish in which the church is situated a written notice requiring the PCC to cause the church or relevant article to be inspected in accordance with the scheme referred to in section 45.
- (3) A relevant article, in relation to a church, is a movable article in the church which the archdeacon, after consultation with the advisory committee, considers to be—
 - (a) of outstanding architectural, artistic, historical or archaeological value,
 - (b) of significant monetary value, or
 - (c) at special risk of being stolen or damaged.
- (4) At any time after the expiry of three months beginning with the date of service of a notice under subsection (2), if the church or relevant article has not in the meantime been inspected as mentioned in subsection (1), the archdeacon may, with the consent of the bishop of the diocese concerned, make arrangements for the inspection and report required by the scheme referred to in section 45 to be done.
- (5) Where a church or relevant article is inspected under arrangements made under subsection (4), the cost of the inspection as certified by the archdeacon must be paid out of the fund established by the scheme referred to in section 45 (see subsection (2) (a) of that section).
- (6) A notice under subsection (2) may be served by sending it by post—
 - (a) in a registered letter addressed to the secretary of the PCC by his or her name at his or her usual or last-known address, or
 - (b) if the secretary's name or residence is not known, in a registered letter addressed to the secretary by that title at the usual or last-known address of the incumbent of the parish.

^{F9}(7)

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Textual Amendments

- F8** Words in s. 47(1) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(7\), 16\(3\); S.I. 2020/835, art. 2](#)
- F9** S. 47(7) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(8\), 16\(3\); S.I. 2020/835, art. 2](#)

Commencement Information

- I3** S. 47 in force at 1.9.2018 by [S.I. 2018/720, art. 2](#)

48 Power to require inspection of other place of worship

- (1) Where an archdeacon finds that a relevant building in the archdeaconry (other than one which is part of a prison) has not been inspected to his or her satisfaction ^{F10} ... for at least five years, the archdeacon must notify the Church Buildings Council.
- (2) Where the Chaplain-General of Prisons finds that a relevant building which is part of a prison has not been inspected to his or her satisfaction ^{F11} ... for at least five years, the Chaplain-General must notify the Church Buildings Council.
- (3) At any time after the expiry of three months beginning with the date of notification under this section, if the building has not in the meantime been inspected as mentioned in subsection (1) or (2), the archdeacon or Chaplain-General (as the case may be) may, with the consent of the bishop of the diocese concerned, make arrangements for the inspection and report required by the scheme referred to in section 45 to be done.
- (4) “Relevant building” [^{F12}has] the meaning given in section 45.

Textual Amendments

- F10** Words in s. 48(1) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(9\), 16\(3\); S.I. 2020/835, art. 2](#)
- F11** Words in s. 48(2) omitted (1.9.2020) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(9\), 16\(3\); S.I. 2020/835, art. 2](#)
- F12** Word in s. 48(4) substituted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\), ss. 7\(10\), 16\(3\); S.I. 2020/835, art. 2](#)

Commencement Information

- I4** S. 48 in force at 1.9.2018 by [S.I. 2018/720, art. 2](#)

Changes to legislation:

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