



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 3

CARE OF CHURCHES ETC.

Role of churchwardens, PCCs and archdeacons

49 Role of churchwardens in recording information

- (1) The churchwardens in each parish must continue to maintain the terrier and inventory which they were maintaining under section 4(1)(a) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (“the 1991 Measure”) immediately before the commencement of this section, being respectively—
 - (a) a full terrier of all land appertaining to the church, and
 - (b) a full inventory of all articles appertaining to the church.
- (2) The churchwardens in each parish must continue to maintain the log-book which they were maintaining under section 4(1)(b) of the 1991 Measure immediately before the commencement of this section, being a log-book which has inserted in it a full note of—
 - (a) all alterations, additions and repairs to, and other events affecting, the church and the land and articles appertaining to it, and
 - (b) the location of any other documents not kept with the log-book and which relate to those alterations, additions, repairs or events.
- (3) In carrying out the duty under subsection (1) or (2), the churchwardens must act in consultation with the minister.
- (4) The form of the terrier, inventory and log-book must accord with such recommendations as the Church Buildings Council may make.

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- (5) The churchwardens must send a copy of the inventory to such person as the bishop of the diocese may from time to time designate.
- (6) The churchwardens must notify the person designated under subsection (5) of any alterations to the inventory at such intervals as the bishop may direct.
- (7) In the case of a parish which has more than one church, this section applies in relation to each church.

50 Role of churchwardens in inspecting fabric etc. of church

- (1) The churchwardens in each parish must, at least once every calendar year, inspect or cause an inspection to be made of the fabric of the church and all articles appertaining to the church.
- (2) The churchwardens in each parish must, in every calendar year, deliver to the PCC and, on behalf of the PCC, to the annual parochial church meeting a report (“the annual fabric report”) on the fabric of the church and all articles appertaining to it, having due regard to the inspection (or inspections) under subsection (1).
- (3) The annual fabric report must include an account of all actions taken or proposed during the previous calendar year—
 - (a) for the protection and maintenance of the fabric of the church and the articles appertaining to it, and
 - (b) in particular, for the implementation of any recommendation contained in a report under the scheme referred to in section 45 (scheme for inspection of church).
- (4) In carrying out the duty under subsection (1) or (2), the churchwardens must consult the minister.
- (5) The annual fabric report must be delivered—
 - (a) to the PCC at its last meeting before the annual parochial church meeting, and
 - (b) to that annual parochial church meeting, with such amendments to the report as the PCC may make.
- (6) The churchwardens must, as soon as practicable after the beginning of each calendar year, produce to the PCC—
 - (a) the terrier, the inventory and the log-book relating to events occurring in the previous calendar year, and
 - (b) such other records as the churchwardens consider likely to assist the PCC in carrying out its functions in relation to the fabric of the church and articles appertaining to it.
- (7) The terrier, inventory and log-book produced to the PCC under subsection (6)(a) must be accompanied by a statement signed by the churchwardens to the effect that the contents of each are accurate.
- (8) In the case of a parish which has more than one church, this section applies in relation to each church.

51 Role of PCC in maintaining etc. trees in churchyards

- (1) The powers, duties and liabilities of a PCC in relation to the care and maintenance of a churchyard which it is liable to maintain apply to trees in the churchyard and any proposed to be planted there.
- (2) Where a tree in a churchyard which a PCC is liable to maintain is felled, lopped or topped—
 - (a) the PCC may sell or otherwise dispose of the timber, and
 - (b) the net proceeds of the sale must be paid to the PCC and applied towards the maintenance of the church or churchyard which it is liable to maintain.
- (3) The Church Buildings Council must give written guidance to all PCCs as to the planting, felling, lopping and topping of trees in churchyards.

52 Role of archdeacon in convening meeting in a case of default

- (1) Where it appears to an archdeacon that something which ought to have been done in connection with the care of a church in the archdeaconry or an article appertaining to a church there has not been done, the archdeacon may convene an extraordinary meeting of the PCC, or an extraordinary parochial church meeting, in order to discuss the matter.
- (2) The archdeacon must either take the chair or appoint a person to chair the meeting.
- (3) The chair of the meeting, unless otherwise entitled to attend the meeting, is not entitled to vote on any resolution before the meeting.

53 Role of archdeacon in ordering deposit of articles in place of safety

- (1) This section applies if it appears to an archdeacon that an article appertaining to a church in the archdeaconry which the archdeacon considers to be of architectural, artistic, historical or archaeological value—
 - (a) is exposed to danger of loss or damage, and
 - (b) ought to be removed to a place of safety.
- (2) The archdeacon may order that the article is to be removed and deposited in the place of safety specified in the order.
- (3) Before making an order under this section, the archdeacon must, unless of the opinion that the article should be removed to a place of safety immediately—
 - (a) give a notice to the churchwardens, to any other person having custody of the article, to the PCC and to the advisory committee of the facts as they appear to the archdeacon, and
 - (b) inform the persons referred to in paragraph (a) that he or she will consider any written representations made by any of them to him or her before the date specified in the notice.
- (4) The date specified for the purposes of subsection (3)(b) must be at least 28 days after the day on which the notice is given.
- (5) Where notice is given under subsection (3)(a) (and not withdrawn), the archdeacon may not make an order under this section in respect of the article before the date

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specified for the purposes of subsection (3)(b) (or without having considered written representations made to him or her before that date).

- (6) Where the archdeacon makes an order under this section without having given the advisory committee an opportunity to make representations to him or her in connection with the making of the order, the archdeacon must, as soon as practicable after the removal of the article concerned to a place of safety, notify the committee of the removal.
- (7) An order made under this section by the archdeacon—
 - (a) must be in such form as rules may specify;
 - (b) must be directed to, and served on, the churchwardens and any other person having custody of the article.
- (8) If a person on whom an order made under this section by the archdeacon is served refuses or fails to comply with the order, the archdeacon may apply to the consistory court of the diocese in which the article is for an order that the person must deliver the article to the place of safety specified in the order.
- (9) The court may make an order under subsection (8) if it is satisfied that the order made by the archdeacon was made in accordance with this section.
- (10) Where the archdeacon makes an order under this section, he or she must, within 28 days after the removal of the article to a place of safety, apply to the consistory court for a faculty authorising the retention of the article in the place of safety.
- (11) “Article” does not include a record or register to which section 10(1) of the Parochial Registers and Records Measure 1978 applies.