

*Report
of the*
ARCHBISHOPS'
COMMISSION
on
REDUNDANT
CHURCHES

1958-60

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The members of the Commission were appointed and agreed to serve in their personal and not in representative capacities.

I

Introduction

*To His Grace the Lord Archbishop of Canterbury
and His Grace the Lord Archbishop of York*

Your Graces,

1. We were appointed by you on 2 December 1958:

"To consider problems arising in connection with churches regarded as redundant but having a claim to preservation on historic or architectural grounds, and to make recommendations as to the procedures for handling such matters and the financial problems involved." We now have the honour to submit our report. This, of course, deals only with churches of the Church of England.

2. For the purposes of our inquiry, we needed some working definition of "redundancy". At present there is no legal definition of "redundancy" and no such thing as a "redundancy order" or a "declaration of redundancy". Looking at the matter in a broad way, a redundant church is one which will not be required regularly for public worship in the foreseeable future. If the recommendations in Chapter 6 are adopted, a redundant church will in future be a church declared to be redundant after specified procedures have been carried out.

3. It was clear that our inquiry could not be limited to instances in which it had already been decided that a church would not be regularly required for public worship. According to the evidence submitted to us, there were many churches the future of which was in some doubt. We felt bound, therefore, to consider the position of churches generally where the issue of possible or probable redundancy might be raised and in regard to which it could be urged that there were special claims to

preservation on historic or architectural grounds. Only by doing so could arrangements be made to secure that all redundant churches with special claims to preservation would receive appropriate treatment.

4. We met on Tuesday, 30 December 1958, to settle procedure. Thereafter we held thirteen meetings for hearing evidence, or for discussion and formulation of our conclusions.

5. On 2 February 1959 we published a statement in the Press inviting all persons or bodies who wished to give evidence to communicate with our Secretaries. Intending witnesses were asked to submit a written summary of their views, and many of these were later asked to give oral evidence. We heard evidence in private. A list of all persons and bodies who gave evidence (written or oral) is given in Appendix 1. It will be seen that the evidence heard fell into three main groups.

6. First, persons holding offices in the Church of England or concerned with church administration. We heard evidence from the Church Commissioners, three Diocesan Bishops and a Diocesan Chancellor, from representatives of the Commission on Pastoral Reorganisation Legislation, of the Central Council for the Care of Churches, and of the Central Board of Finance of the Church of England.

7. The second group comprised societies concerned with the preservation of ancient buildings and the protection of amenities and included the Society of Antiquaries, the Royal Institute of British Architects, the Society for the Protection of Ancient Buildings, the Historic Churches Preservation Trust, the Georgian Group, the Ancient Monuments Society, and the Friends of Friendless Churches.

8. Thirdly, we have had the benefit of receiving evidence of a factual character from the Ministry of Housing and Local Government and the Ministry of Works, whose powers cover the protection and preservation of buildings, and from the Royal Commission on Historical Monuments.

9. Through the good offices of the Foreign Office, we have obtained information about the responsibility in certain foreign

countries for the preservation of churches of historic and architectural interest. But in this matter there are the widest differences between the countries in the relationship between Church and State, the effect of national traditions, and the course of history. These differences are so important that we have derived little help from the law and practice in foreign countries.

10. Our inquiry would not have been complete without evidence on which to make an estimate, however approximate, of the numbers of churches now redundant and of those likely to become redundant in the next fifteen or twenty years. Without this it would have been impossible to judge the size and seriousness of the problem and the cost involved. Such an estimate could be compiled only from particulars collected in each diocese. We therefore asked the bishop in each of the forty-two dioceses of England to submit particulars of the churches now redundant and of those expected to become redundant during the next fifteen or twenty years. We gave an undertaking that the information submitted about individual churches and parishes would be treated as confidential and that we would publish only figures showing the broad conclusions to be drawn from the returns. A summary of the returns is given in Chapter 4.

11. We wish to record our gratitude to all our witnesses for the trouble they took to prepare their evidence and especially to the diocesan bishops for the care and trouble devoted to the very difficult task of estimating future redundancy. We also wish to thank Chancellor W. S. Wigglesworth for the generous help he has given in the preparation of the Appendix on the Law and Practice.

12. We suffered a heavy loss both on private and public grounds in the death on 23 November 1959 of the Rt. Hon. John Edwards, O.B.E., M.P. We received great help in our inquiry from his distinction of mind and high purpose, his wide experience of public life, and his great interest in church affairs and, in particular, in the subject of our inquiry. It is some satisfaction

that before his death we had virtually completed the hearing of evidence, and that the course of our discussions up to his death leaves us all confident that the conclusions which we have reached and the recommendations which we make would have received his strong support.

13. We have been most fortunate in our Secretaries.

Mr R. Hilary Rogers, of the Office of the Church Commissioners, has served throughout our inquiry. Mr J. Delafons, of the Ministry of Housing and Local Government, had to leave us after eight months on obtaining a Commonwealth Fellowship, and was succeeded by Mr R. Ditchfield of the same Department. The business of the Commission has involved much preparatory work of a very complex character; and we are greatly indebted to the help which we have received from our Secretaries.

Historical Background

14. A church which ceases to be the centre of active parochial life is nothing new in our history. Villages were abandoned on account of the Black Death and later because of the deliberate policy of substituting large-scale grazing for tillage. In this century we have seen the working out of part of the Durham coalfields. In these cases small communities have outlived their purposes, often leaving the village church as their most enduring monument. In recent times a rather similar process of change has been at work in many cities; the city centre has ceased to be a place where people live and many city churches have lost their congregations.

15. Our system of ecclesiastical parishes, and often the very parish boundary itself, dates largely from medieval or Anglo-Saxon days. It is not surprising that this system has been overtaken in many respects by changing patterns of urban and rural settlements and by the far greater ease of modern communications. Other factors in the last fifty years or so have undermined the resources on which particular parish churches relied; for example, the virtual disappearance of the wealthy patron willing to maintain and beautify the parish church, the difficulty in manning benefices, the heavy cost of church maintenance, coupled with the decline in the value of endowments and the many other demands on church funds.

16. Churches in short, like other buildings, have a tendency to outlive the purpose for which they were built. In medieval times, when a village was abandoned, the church was probably allowed to fall into ruins without any regular procedure for bringing to an end its use as a parish church. The deliberate demolition of a church, on the other hand, has been strictly

controlled from early times. Thus a Constitution of Otho, the Legate in England of Gregory IX, made in a national synod in 1237, strictly forbade "Rectors of churches to pull down ancient consecrated churches without the consent and licence of the bishop of the diocese under pretence of raising a more ample and fair fabric" (Johnson's *Ecclesiastical Laws*, Vol. II, MCCXXXVII). This is said to be the origin of the faculty jurisdiction whereby the Consistory Court may authorize the demolition of a church which has ceased to be needed as a parish church.

17. The purpose of this chapter is to set out the chief strands of policy or legislation over the last fifty years which have a bearing on the subject of our inquiry. The various Acts of Parliament, Measures, and bodies which we shall have occasion to mention can be more easily understood if seen in their context.

PROVISIONS RELATING TO THE CARE OF CHURCHES

18. In 1913 an Ancient Monuments Consolidation and Amendment Bill was brought before Parliament. This Bill (like subsequent legislation) excluded from its effect any "ecclesiastical building which is for the time being used for ecclesiastical purposes". The rightness of this exclusion was questioned and controversy arose about the treatment of churches under statute or faculty and in particular the radical alteration of churches under faculty. At the third reading of the Bill in the House of Lords, Archbishop Davidson defended the Consistory Courts against the charge that they afforded inadequate protection against too radical restoration or ill-advised improvements of ancient churches. He concluded by saying¹ that the Archbishop of York and he believed "speaking largely, that the authority which at present controls these matters, is the authority which can best control them in the years to come", but he promised an inquiry to ascertain what precautions were taken by the

¹ House of Lords Parliamentary Debates, 1913, Vol. XIV, Columns 792-4.

ecclesiastical judges or courts "to secure that no harm shall arise to the ecclesiastical buildings whose value is so immeasurable" and to see whether the protection at present afforded was adequate or should be improved.

The Dibdin Committee

19. The proposed inquiry was held by Sir Lewis Dibdin, Dean of the Arches, with two diocesan chancellors. In their report, published in 1914, the Committee observed that "there exists no uniform or recognized machinery by which the Court can obtain skilled and independent advice upon archaeological and artistic questions arising on applications for faculties".

The Diocesan Advisory Committees

20. As a result of the recommendations of the Dibdin Committee, a uniform procedure was established in the Consistory Courts and a Diocesan Advisory Committee was set up in each diocese to advise the chancellor (if requested) on archaeological and artistic matters. These Committees received statutory recognition in 1938 by the Faculty Jurisdiction Measure of that year. The approval of the Advisory Committee was required for every archdeacon's certificate granted under this Measure in respect of minor repairs or redecorations to churches.

21. Neither Archbishop Davidson nor the Dibdin Committee referred specifically to demolition. At this period it was not demolition but the zest for radical restoration and rebuilding that gave rise to criticism. It is to be noted that the Committee spoke of the jurisdiction of the Consistory Court extending "to the control of every change, whether by way of addition, alteration, removal, renovation or repair, which affects the structure of a church or its appearance or its ornaments or decorations or furniture".

The Central Council for the Care of Churches

22. The Central Council for the Care of Churches first met in 1918 as an unofficial body without funds and was recognized by the Church Assembly in 1921 as a central source of informa-

tion, research, and advice for the Diocesan Advisory Committees. Since 1924 it has received a modest annual grant from the Church Assembly to pay its expenses. This grant, the Council's sole source of income, now amounts to about £6,000 and covers rent, office and travelling expenses, and the salaries of a staff of four. At the outset each diocesan committee elected two representatives to the Council. But in 1958 its constitution was reformed and it now consists of twenty-five members appointed by the Standing Committee of the Church Assembly, many of them recognized in the world of art and learning. The Council meets monthly.

PASTORAL REORGANIZATION AND REDUNDANCY

23. In the preceding paragraphs we have dealt with provisions directed to ensure the due care of churches. Another strand of policy derives from measures to enable the Church to adapt itself to changing pastoral needs. The procedures devised for this purpose also cover, in this context as a secondary problem, the disposal of redundant churches.

24. As long ago as the reign of Henry VIII an Act was passed which gave statutory authority for the union of benefices below a specified annual value. The Union of Benefices Act, 1860, was the first Act to give general statutory authority for the demolition, under specified conditions and in specified areas, of churches on union.

25. The present code for parochial reorganization was established by the Union of Benefices Measure, 1923, followed by the Union of Benefices (Amendment) Measure, 1936, the Pastoral Reorganisation Measure, 1949, and the Union of Benefices (Disused Churches) Measure, 1952. The Reorganisation Areas Measures, 1944 to 1954, laid down a separate procedure and dealt with the special problem of heavily war-damaged areas. These measures allotted important functions to the Church Commissioners for England and their predecessors, the Ecclesiastical Commissioners for England. In the

body of the report we speak throughout of "the Church Commissioners".

26. The procedures now in use which deal with the related questions of parochial reorganization and redundant churches are summarized in the following chapter. The initiative for reorganization rests with committees whose task is to review the pastoral needs of a given area and the resources of finance and manpower available to meet these needs. In some instances new churches may be required; in others it is found that the parochial pattern should be simplified and the number of parish churches reduced. The final scheme may leave as a chapel of ease a church which is no longer needed as a parish church, or may provide that it should be demolished or put to some other use.

Special safeguards

27. Proposals for pastoral reorganization are much less likely to attract controversy outside the areas concerned than are the related proposals for dealing with redundant churches. Any proposal to demolish an ancient or architecturally distinguished church may arouse concern far beyond the parish or even diocese. This has led the Church to introduce from time to time various safeguards to guard against the possibility of an unwise decision to demolish a church of historic or architectural value.

28. Thus the Union of Benefices Measure, 1923, provided for objections to be heard by the Church Commissioners with appeal to the Judicial Committee of the Privy Council and also required any scheme involving demolition to be laid before both Houses of Parliament for two months. The Reorganisation Areas Measure, 1944, introduced a system requiring the Church Commissioners to obtain informed advice as to any church which it was proposed to demolish. Section 26 provided as follows:

If, when a draft reorganization scheme is being prepared, it appears to the Commissioners, or is represented to them by the Central Council of Diocesan Advisory Committees for

the Care of Churches or any other body concerned with the care of ancient buildings, that any exercise of any power conferred by this Measure might affect prejudicially any building of archaeological, historical or artistic interest, they shall consider what provisions, if any, should be inserted in the scheme for the protection of that building, and shall seek the advice of the Royal Fine Art Commission.

Under the Union of Benefices (Disused Churches) Measure, 1952, the Church Commissioners were required to seek the advice of the Ministry of Works.

The Bishop of Norwich's Committee, 1948

29. In 1948 the Church Assembly appointed a Committee under the chairmanship of the Bishop of Norwich "to investigate the problem of disused and unwanted churches". The Committee's report was published in 1949 and its recommendations were accepted by the Assembly.

30. One of the Committee's recommendations was that churches of sufficient architectural or historic importance should be offered to the Ministry of Works to be taken into guardianship under the Ancient Monuments Acts "if no other means of preservation appears to be available". This suggestion was discussed between the Church Commissioners and the Ministry on the basis of a list of 111 possible candidates for guardianship compiled from details supplied by the dioceses. A period of national financial stringency ensued and the proposal was dropped.

Alternative uses

31. During the past fifteen years increasingly varied uses have been sought for redundant churches. The Union of Benefices Measure, 1923, provided for appropriation limited to any educational or charitable purpose in connection with the Church of England. The Reorganisation Areas Measure, 1944, provided for appropriation of a church for any use specified in the scheme. On the recommendation of the Bishop of Norwich's Committee, this provision was incorporated in the normal pro-

cedure under the Union of Benefices Measures by the Union of Benefices (Disused Churches) Measure, 1952. As a result, disused churches have been put to various social and, in a few cases, even commercial uses. A few have been taken over by churches of other denominations.

The last fifteen years

32. Since 1945 many causes have made the demolition of redundant churches a more pressing issue than before. Many churches suffered severe war damage. This, together with comprehensive redevelopment in London and other cities, has led to the demolition of some 160 churches under the Reorganisation Areas Measure, 1944. The problems of Church manpower and finance and the factors already mentioned have increasingly impressed on the Church authorities the need for comprehensive reassessment of pastoral needs and parochial organization. A good deal has been accomplished, but much more remains to be done.

33. The years since the war have thus brought into prominence the problem of the redundant church. On the one hand is the need for the Church to make the best use of its resources; on the other there are forces which are strongly opposed to any proposal which would result in the loss for all time of a church which has strong claims to preservation on historic or architectural grounds. All the evidence which we have received shows that the review which we have been asked to undertake is a matter of great and urgent concern, both within the Church and to the nation at large.

Summary of the Law and Practice

34. In our terms of reference we are asked to make recommendations about the procedure for handling questions affecting redundant churches. We must therefore start by describing the legal position and, in particular, the existing procedures.

35. Unfortunately, the present law and practice are extremely complex; so much so that it is hardly possible to produce a summary which would be both brief and accurate. Yet an accurate account of the present position is indispensable.

36. In the circumstances we have prepared two versions. The first is a full version which sets out, as we hope, all the detailed provisions which must be understood by those who are called upon to deal as experts in these matters. Since this full version would be out of scale with the rest of our Report it is printed as Appendix 3. The present chapter is intended for the general reader. It is therefore confined to a summary in broad terms of those facts which are essential to an understanding of our line of thought and of our main conclusions.

PROCEDURE FOR DISPOSING OF REDUNDANT CHURCHES

37. There are three distinct procedures; and since one of the questions on which we have to make up our mind is whether to recommend that there should continue to be three distinct procedures or whether a single procedure should be substituted therefor, it is necessary to describe all three.

A. Procedure under the Union of Benefices Measures, 1923 to 1952, and Pastoral Reorganisation Measure, 1949

38. Under these Measures schemes can be prepared to unite two or more benefices or parishes, to divide benefices, and to alter parish boundaries.

39. There are also powers to include in schemes provisions with regard to any church which has ceased to be used or is no longer required for purposes of divine service. These provisions include the pulling down of a church, the sale, letting, or exchange of the site, the appropriation of a church to another use, and the closing of a church.

40. The procedure is most commonly initiated by the Diocesan Pastoral Committee which surveys the diocese (in whole or in part) and after consulting with the incumbents and Parochial Church Councils concerned submits recommendations to the bishop. The recommendations, if approved by him, are forwarded to the Church Commissioners.

41. When the recommendations would result in a church becoming redundant, the Church Commissioners have further consultations with the bodies mentioned in the preceding paragraph and with the patron and the Central Council for the Care of Churches. If they think, or it is represented to them, that the church is of historical, archaeological, traditional, architectural, or artistic interest, they are bound by statute to seek the advice of the Ministry of Works. In practice they also consult the Ministry of Housing and Local Government.

42. A draft scheme prepared by the Church Commissioners in the light of these consultations is submitted to the bishop. When approved by him it is issued, copies being sent to the Pastoral Committees, the patrons, and the Parochial Church Councils concerned. A notice is fixed on the church door giving information as to where the draft scheme can be inspected.

43. The Measures also include detailed and ample provisions for making and hearing objections. Any member of the public can object to the Church Commissioners within twenty-one days. If the objections are not allowed by the Church Commissioners, the objectors can appeal to the Privy Council. Moreover, all schemes involving demolition of churches must be laid before both Houses of Parliament for two months before they take effect.

B. Procedure under the Reorganisation Areas Measures, 1944 to 1954

44. These Measures (as mentioned in paragraph 25) were passed to deal with the special problem of heavily war-damaged areas. They are not of general application and, though still relevant so far as concerns the City of London, are mostly spent.

45. Broadly, the procedure under these Measures is similar to that under the Union of Benefices Measures (described above), save for the following differences:

- (i) an opinion relating to a church has to be sought from the Royal Fine Art Commission in place of the Ministry of Works
- (ii) appeals are made not to the Privy Council, but to a special tribunal set up by the Church of England.

C. The Faculty Jurisdiction

46. A "faculty" is a permission granted by the Court of the bishop of the diocese—the Consistory Court—presided over by the chancellor of the diocese. As mentioned in paragraphs 18 to 21, such Courts have jurisdiction over alterations and additions to consecrated buildings and have also by long practice dealt with demolitions. (See Appendix 3, paragraph 10.)

47. The procedure under faculty jurisdiction is an application by petition to a court of law and therefore differs in several important respects from the two statutory procedures already described. Only persons "having an interest" can apply for a faculty, or be heard in opposition to one. Such persons are parishioners, the incumbent, churchwardens, the archdeacon, or persons on the electoral roll. Learned societies or amenity societies are not regarded as having an interest, and although they can be called as witnesses by "interested parties", there is no assurance that they will be so called. Likewise, it is at the discretion of the chancellor whether he seeks advice from the Diocesan Advisory Committee or whether on his own motion he calls this Committee, the Central Council for the Care of Churches, or any amenity society as witnesses.

48. A faculty issued by the chancellor as a judge of the Con-

stistry Court is not submitted to the bishop for approval. Appeals from faculties lie to the Archbishops' Courts and then to the Judicial Committee of the Privy Council.

49. The grant of a faculty does not preclude the making of a building preservation order by the appropriate local authority or by the Minister of Housing and Local Government (see paragraph 55 below).

THE LEGAL EFFECTS OF CONSECRATION

50. This complicated matter is more fully dealt with in Appendix 3, paragraphs 4 to 8. The broad point which concerns us is that, apart from the theological effects of consecration, the sentence of consecration has the legal result of preventing the use of consecrated land and buildings for inconsistent purposes. This in England is peculiar to consecrated land and buildings of the Church of England. The legal effects of consecration, though they can in part be modified by faculty (see Appendix 3, paragraphs 9 and 10), cannot be wholly removed by the bishop or any other Church authority. The only way in which these legal effects can be entirely removed is by an Act of Parliament or by a Measure of the Church Assembly which has to be approved by Parliament before it can receive the Royal Assent. This matter becomes important when we come to consider finding alternative secular uses for redundant churches.

THE STATE'S INTEREST IN PRESERVATION

51. In the last fifty years the State has passed a number of Acts of Parliament for preserving buildings or monuments of architectural or historic interest. But for reasons set out below, the effect of these Acts on ecclesiastical buildings has not been as important as might appear at first sight. Three Acts or series of Acts have to be considered.

Ancient Monuments Acts, 1913 to 1953

52. Under these Acts the Minister of Works has a wide range of powers and responsibilities for preserving ancient

monuments. These powers, however, exclude "any ecclesiastical building which is for the time being used for ecclesiastical purposes."

53. Little use has been made of these Acts in regard to disused churches, partly because the policy of the Ministry in recent years has been to take into guardianship under the Acts only a limited number of monuments of outstanding importance in their class—and no proposal for handing over guardianship of a disused church in this category has of recent years ever passed beyond the preliminary stages.

Historic Buildings and Ancient Monuments Act, 1953

54. Under this Act the Minister, after consulting the Historic Buildings Council, can make grants towards the cost of repair and maintenance of buildings of "outstanding historic or architectural interest". The terms of the Act would enable grants to be made to disused buildings, including churches. But it has been Government policy to make grants only to buildings which either are in use or will be brought into use after repair. The reason for this policy is, we understand, that the Ministry is unwilling to spend money on a building unless the building is likely to be maintained satisfactorily after repair and this is more likely if a building is in use. So far only two grants have been made under this Act to churches no longer in use for worship.

Town and Country Planning Act, 1947

55. The provisions of this Act affect churches in three ways.

- (i) The Ministry of Housing and Local Government is compiling lists of all buildings of special architectural and historic interest throughout the country. Churches in use and those which are no longer in use are included in these lists.
- (ii) Notice has to be given to the local authority of any intention to demolish or make alterations to a listed

building which would seriously affect its character. These obligations, however, apply only to churches which have ceased to be so used. (Alterations to churches still in use are dealt with by the faculty procedure.)

- (iii) The local authority (or the Minister of Housing exercising default powers under the Act) can prevent demolition of buildings of special interest by means of a preservation order. The effect of such an order is to require any person wishing to demolish or alter such a building to obtain the consent of the local authority or of the Minister on appeal—as opposed simply to serving notice as in (ii). A building preservation order can be made where demolition has been authorized by faculty, but not where it has been authorized by a scheme.

56. The broad effect of the provisions of the 1947 Act is to prevent the hasty demolition of buildings and to give time for consideration, rather than to do anything positive to ensure that action is taken to keep in good repair buildings of historic or architectural interest. For neither the Act itself nor yet a building preservation order places any responsibility for due repair on the owner of a listed building.

57. Our recommendations on the steps which should be taken to keep in repair redundant churches deemed worthy of preservation on grounds of historic or architectural interest are given in Chapter 7.

The Extent of Redundancy and the Views about It Submitted to Us

THE EXTENT OF REDUNDANCY

58. One of our first tasks was to obtain information about the extent of redundancy in the past and now confronting the Church. As to the past, the Central Council for the Care of Churches first started to collect information about redundant churches in 1924, and in 1943 started to make a comprehensive survey. This survey was never completed, but the material obtained by 1948 was used to provide information for the Committee on Disused Churches set up by the Church Assembly in that year under the Chairmanship of the Bishop of Norwich. The Committee concluded that at that time, apart from ruins, there were about 400 churches which were seldom or never used. Of these, 300 were thought to possess historic or architectural interest.

59. The Church Commissioners supplied us with particulars of churches demolished or appropriated to secular uses pursuant to schemes of the Commissioners. During the ten years from 1948, 231 churches were demolished under such schemes. Most of these were of nineteenth or twentieth century origin and two-thirds of the total had been severely war-damaged. During the same period 8 proposed demolitions were not approved by the Church Commissioners. During the thirty-four years from 1924, 63 churches were appropriated to secular uses.

60. We obtained particulars covering 24 dioceses of faculties granted during the ten years from 1948. During this period 29 churches were demolished in these dioceses under faculty, and authority was given for 10 to be used for secular purposes. The

surveys of buildings of special architectural or historic interest made by the Ministry of Housing and Local Government show that most of these churches had no claims to preservation on these grounds but that a minority had considerable claims. The demolition of some of these attracted a good deal of public attention at the time.

Present and Future Redundancy

61. As explained in Chapter I, we asked the diocesan bishops to give us statements of the number of churches in their dioceses which were redundant to-day and which might become redundant in the next fifteen or twenty years. The judgement of individuals necessarily affects the forecasts of future redundancy and it may be that the returns from the dioceses are not strictly comparable. But our impression is that the national total is not wide of the mark.

62. According to these returns, some 370 churches are at present redundant and about 420 are expected to become redundant in the next fifteen or twenty years—i.e., a combined total of 790 churches. These include many churches of no historic or architectural interest. According to the surveys by the Ministry of Housing and Local Government, supplemented where necessary by works of reference, 440 of the total of 790 churches have considerable historic or architectural interest; a further 86 have such interest, but to a lesser degree. An assessment made independently by the Ministry of Works produced broadly similar results.

Differences in the incidence and character of redundancy

63. The extent of redundancy varies greatly from diocese to diocese. Taking present and future redundancy together, 20 dioceses had not more than 10 redundant churches apiece. 5 dioceses, on the other hand, each had 50 or more. The proportion of redundant churches having special historic or architectural interest also varies from diocese to diocese. There are 19 dioceses in each of which 3 or less of the churches appear to

have a considerable degree of historic or architectural interest. In some of the dioceses with the greatest total redundancy, on the other hand, the proportion of such churches is also high; in the three dioceses where the problem is most serious the number of redundant churches with a considerable degree of interest averages nearly 60. A table showing the incidence of redundancy in urban, mixed, and rural dioceses is given in Appendix 2.

64. These variations between dioceses reflect differences in the causes of redundancy and in the history of different districts. Speaking generally, redundancy is most serious in country districts. As between country districts, it presents a graver problem in the areas where the main industry is still agriculture than in those where there is an admixture of other types of employment and the population tends to be larger. Broadly, the problem is at its worst in certain areas of eastern England which combine a considerable dependence on agriculture with a population pattern based on a large number of comparatively small villages, often very close to each other, and having, despite their small populations, many fine churches. It will be seen from the table in Appendix 2 that the 8 rural dioceses account for about one-half of the future problem of redundant churches of special interest.

65. In country districts many social and economic causes are tending to produce a different pattern of village life. Modern transport makes it unnecessary for the agricultural worker (except the cowman) to live near his work. Many of the smaller villages are declining into hamlets and the population is being drawn into a smaller number of centres. This tendency seems likely to increase. But we must not forget the contrary cases where, owing to urban or suburban development, the tide of population flows back.

66. In and around the larger cities, there are seldom too many churches in total; but the movement of population away from the older inner areas to new suburbs and estates on the outskirts has in many cases left too many churches near the

centre and too few in the newer districts. Some of these older inner areas have been redeveloped as commercial or industrial areas.

67. The problem of preservation varies greatly according to the character of the town or city. At one extreme stand ancient cities such as York and Norwich which have very many medieval churches close together, all likely to be of great historic or architectural interest. At the other extreme are cities of recent industrial origin where the churches are, in general, unlikely to be of comparable importance. There are many variations between these two extremes.

68. There is also a marked difference between the possibilities of finding alternative uses for redundant churches, and between the uses to which their sites, after demolition of the churches, can be put.

69. It is much harder to find a new use for a rural church. In the old days a redundant church might have been used for a barn. But to a modern farmer, a disused medieval church has few attractions. As against this there is less temptation to demolish a rural church for its site value.

70. In commercial or industrial areas the sites of churches are often very valuable. It is not disputed that this has weight with diocesan authorities when faced with heavy demands upon their resources for the provision of new churches elsewhere. Where in these areas churches merit preservation, there are, however, better prospects of finding a new use for them; although a new use will usually be much less profitable than selling the site.

EVIDENCE ABOUT HOW REDUNDANCY SHOULD BE HANDLED

71. Widely different views are held as to the attitude that the Church should take to a church which is no longer required for pastoral purposes. At one extreme the pastoral situation is regarded as all-important. On this view it is wrong to expend the Church's resources on maintaining the fabric of churches

for which there is little or no use. All available resources should be used for such purposes as improving the stipends of the clergy so as to attract more men of good calibre to the places where there is now a grave shortage, or providing new churches in the expanding urban areas. The first essential on this view is for the Church to have churches where they are needed, and clergy to look after the congregations; sentiment should not stand in the way of closing redundant churches and the disposal of the buildings for lay purposes, or of the sites where these are valuable.

72. At the opposite extreme is the view that a church should rarely, if ever, be regarded as redundant, because a church in which Christians have worshipped through the years stands, by its very existence, as a silent but conspicuous witness to the Church's mission. Those who support this view also place especial emphasis on the historic and architectural value of parish churches. These are generally the oldest buildings in the village and are often of great architectural interest even when not of medieval date. Moreover, it is unthinkable that the Church should show itself indifferent to their value.

73. None of the witnesses who gave evidence before us from Church organizations supported the extreme view set out in paragraph 71. But certain other witnesses did suggest that the Church authorities, in considering problems of reorganization, are too much influenced by the pastoral interest and pay too little regard to the historic or artistic interest.

74. This links up with a criticism frequently made to us that the Diocesan Pastoral Committee (or the Reorganisation Committee), being concerned with local pastoral and financial considerations, gave little weight in preparing schemes to the relative historic or architectural importance of the churches involved. Although such consideration might be given at a later stage, the pattern of reorganization (which might assume that a particular church was no longer required and should be demolished) had by then been worked out in detail and was more difficult to disturb. Several witnesses suggested that when the Pastoral Committee was considering the reorganization of

an area, the views of the Central Council for the Care of Churches should be obtained at a very early stage on the character of all the churches in the area in order that, where there was a choice to be exercised as to which churches should be retained in use, the choice should fall so far as was practicable on those of greatest historic or architectural importance.

75. We received a good deal of evidence critical of the use of faculty procedure for the demolition of churches. Generally, strong objection was taken to the fact that there was no satisfactory provision for representations to be made by bodies concerned with the protection of valuable buildings.

76. It was, we think, significant that nearly all the witnesses who gave evidence on behalf of what may broadly be described as the preservation or amenity point of view, urged that there was need for a new body to deal with the claims to preservation of redundant churches. These witnesses agreed in thinking that the new body should be independent of the day-to-day working of the ecclesiastical machine. Most of the witnesses favoured an advisory body for this purpose. The Society for the Protection of Ancient Buildings and the Royal Commission on Historical Monuments (England) proposed a body similar to the Minister of Housing and Local Government's Advisory Committee on Buildings of Special Architectural or Historic Interest. The Society of Antiquaries, on the other hand, suggested a tribunal which should be independent of any Government department and whose decision should be final.

EVIDENCE ON PARTICULAR ISSUES

77. We add brief particulars of evidence tendered on certain special matters.

Care of closed churches

78. Several bodies, including the Society of Antiquaries and the Georgian Group, brought to our notice the fact that where churches were closed or became disused, insufficient provision was often made for the protection of interior features

and furnishings. Several instances of harmful neglect had occasioned grave disquiet.

Alternative uses

79. There was general agreement among witnesses that more positive efforts should be made to find suitable alternative uses. The Georgian Group suggested the setting up of an Historic Churches Bureau on the lines of the Historic Buildings Bureau of the Ministry of Works. All secular bodies who expressed views on the matter favoured the transfer where practicable to any other Christian denomination. Other uses suggested as especially suitable were as a library, museum, concert or lecture hall. Commercial or industrial uses were generally regarded as less appropriate, partly because such uses would be unseemly in a building which had been a church and continued to look like one, and partly because physical injury to the building itself would be more likely to result from the works of alteration.

The financial problem

80. The Ancient Monuments Society and the Friends of Friendless Churches contended that lack of available funds was not the principal reason why churches were pulled down; where there was a will, the necessary funds could always be raised. All the other evidence, notably that from the Central Council for the Care of Churches and from the Historic Churches Preservation Trust, was to the effect that the funds available from present sources for the repair and maintenance of redundant churches were quite inadequate. There was general agreement that some degree of State aid was required, but some diversity of view as to how this aid should be applied.

81. Two suggestions, however, were made which gained wide support. The first was that those redundant churches which were of outstanding importance should be taken into guardianship by the Ministry of Works under conditions different from those allowed by present legislation. The second

was that grants should be paid by that department towards the repair and maintenance of churches on the recommendation of the Historic Buildings Council. The Central Council for the Care of Churches and the Georgian Group suggested the second measure as supplementary to the first. The Historic Churches Preservation Trust and the Friends of Friendless Churches, however, envisaged a system of grants only and thought that it should be a condition of the scheme that all the churches concerned should remain under ecclesiastical control.

82. The Society for the Protection of Ancient Buildings suggested the establishment of a central fund which would be supported by the State and also by allocations from the sale of sites of redundant churches of little or no historic or architectural value. The Society also recommended that compensation should be payable where the demolition of a church on a valuable site was prevented on historic or architectural grounds.

General Conclusions

83. Our recommendations fall under two main heads, procedure and finance, and we deal with them in the two ensuing chapters. But we wish first to set out the broad impressions and conclusions which we have reached in the course of our inquiry.

84. First, the problem of redundant churches in England is both difficult and important, and on a sufficient scale to call for a determined effort, and new methods of handling. Without these, something of the utmost importance to the life of the Church and of the nation will be lost. Much as we may admire the efforts made to raise considerable sums to save particular churches, the problem is on too large a scale to be dealt with by such means alone.

85. In our estimate of the size of the problem, we have limited our view to what needs to be done now and in the next twenty years. What will be needed thereafter, we cannot say. But many of the causes now leading to redundancy, and touched on in our report, form part of a secular process of change which seems likely to continue.

86. We have examined the particulars of churches demolished since the war. The evidence suggests that very few churches having good claims to preservation on historic or architectural grounds have been destroyed. But there have been cases in which proposals for the demolition of such churches have been made and have advanced some way before being withdrawn, sometimes on account of the opposition aroused.

87. It is clear to us that a new and improved procedure is called for. Little damage may have been done so far; but the position is very dangerous and we are convinced that irretrievable damage will be done during the next few years

unless, first, a procedure can be established under which the claims of churches to preservation are taken into account early in discussions of reorganization, and, secondly, funds are assured for preserving those which have to be declared redundant but which nevertheless ought to be preserved.

88. Perhaps the most important feature of our proposals for an improved procedure is the suggestion to set up a strong Advisory Board, which would work closely with the Church Commissioners and would be in a position to give them authoritative advice on the claims of any church, not required for pastoral purposes, to preservation on historic or architectural grounds. We also recommend that the Church Commissioners should establish a Uses Committee to assist them in finding alternative use for redundant churches.

89. This brings us to finance. If churches no longer required for worship, but deserving of retention, are to be preserved, some arrangement must be made to pay the cost. At present the responsibility for meeting the burden in such cases rests with the parish—that is with the smallest unit in our national organization (whether speaking in ecclesiastical or lay terms). The parish is a unit far too weak in resources to stand a chance of meeting the cost of repairing and maintaining a redundant church without outside help, often on a substantial scale.

90. Our recommendations on finance (set out in Chapter 7) include the creation of a new organization, the Redundant Churches Fund, to be responsible for the maintenance of those redundant churches which are to be preserved and to administer the funds assigned or collected for this purpose. We suggest that its finances should be provided (a) by the Church as a whole, (b) by the State, and (c) by public subscriptions.

91. On the two major points covered by our report—procedure and finance—we have been guided in our proposals by the same underlying thought; namely, that the historic churches of England are regarded, and are rightly regarded, as part of the national heritage. The decision whether a church of historic interest should be retained or demolished should not therefore

be taken without the fullest consultation with representatives of those organizations in our national life which have a special concern with and possess expert knowledge of our architectural treasures and traditions.

92. But once a decision to preserve has been taken, after consultation with a body of the standing proposed, it is surely fair to ask that the nation, which already bears a substantial burden in respect of ancient monuments and historic houses, should be prepared to share with the Church the cost of preservation.

93. On these two major points, therefore, procedure and finance, we believe that the answer lies in a recognition that the issues at stake concern not merely the Church but the nation as a whole, and that they should be dealt with accordingly.

The Revised Procedure Proposed for Dealing with Redundant Churches

GENERAL OUTLINE OF WHAT IS REQUIRED

94. In Chapter 3 we have shown that there are three distinct procedures for dealing with redundant churches. There is the faculty procedure. Then there is the procedure under the Union of Benefices Measures and the Pastoral Reorganisation Measure. This can be initiated in three different ways—namely, by a commission of inquiry, by the Pastoral Committee (the most usual), or by the Church Commissioners. Finally there is the procedure under the Reorganisation Areas Measures.

95. No witness suggested that there is such a variety of circumstances as to justify different methods for handling certain specific types of cases. As we see the matter, certain points are essential to any satisfactory procedure. All the present procedures, in varying degrees, fall short of what we think is called for. We are convinced that the right course is to substitute for all the present arrangements a single new procedure.

96. We set out below what we regard as the weaknesses of the present arrangements and the outline of the system which we suggest should be set up in their place. But the argument will be clearer if we start by summarizing the essential points which must be covered in any new system, not all of which are adequately covered to-day.

97. Several questions fall to be considered in deciding whether a given church is to be declared redundant and if so what its fate should be.

- (a) First there is the pastoral question: namely, whether circumstances no longer justify the continued use of a

particular church or of one or more of a group of several churches. Subject to (e) below, this is a matter to be determined by the ecclesiastical authorities.

- (b) Secondly, there is the question whether any church, deemed unnecessary on pastoral grounds, is of such historic or architectural interest that it should be preserved. The Church has a great interest in this; but it is also a matter of profound concern to all those within and without the Church who care deeply for what is beautiful or of historic interest in the buildings of this country. We have to consider here not only individual citizens, but learned bodies, amenity societies, and also the responsibilities of Government. The present arrangements make it difficult to ensure that due weight is given to the views of all these bodies and interests, and that an authoritative judgement is made on the merits of the churches in question. We believe that this can be done only by setting up a strong advisory board which will be recognized as capable of expressing authoritative views on the historic or architectural interest of churches likely to be declared redundant.
- (c) If a church has to be declared redundant on pastoral grounds, notwithstanding that it is of historic or architectural interest, there must be due arrangements for considering what should be done with it. In particular, time must be given for alternative uses to be considered.
- (d) There must be some new body with adequate financial support, charged with the preservation of those redundant churches of outstanding historic or architectural interest for which no alternative use can be found.
- (e) While (a) and (b) above are distinct questions, they should not be considered in watertight compartments. Instances will arise in which on pastoral grounds the balance of argument as to which of two churches should be declared redundant is a narrow one; in such

cases it is right that a decision should not be reached without taking into consideration the historic and architectural interest of the churches concerned.

- (f) Finally there must be due publicity and opportunities for interested parties to state their views at appropriate stages before decisions are reached.

DEFECTS IN PRESENT ARRANGEMENTS

98. If these points are accepted, there are certain obvious weaknesses in the present arrangements.

Defects of the faculty procedure

99. The faculty procedure in relation to demolition cases appears to us to be open to criticism on a number of grounds.

- (a) Only a narrow body of persons "having an interest" are entitled to be heard as parties or witnesses. This means that not even the Pastoral Committee or the Diocesan Advisory Committee have a right to be heard unless asked, and that the chancellor is under no obligation to hear the opinions of amenity bodies.
- (b) There is little publicity beforehand with regard to proceedings of the Consistory Court. There may, therefore, be no opportunity for public or local opinion to make itself heard. Even where there is opportunity for such opinion to be organized, its further expression in the Press or otherwise would be difficult if contempt of court is to be avoided.
- (c) In demolition cases there may be a conflict between pastoral considerations on the one hand and aesthetic considerations on the other. These considerations weigh differently with different chancellors.

100. It has been suggested to us in evidence that the faculty procedure might be reformed by various means, including the widening of the class of persons entitled to be heard. A motion suggesting a number of reforms of the faculty jurisdiction was moved in 1959 at the autumn session of the Church Assembly.

Such reforms could do much to resolve the difficulties listed above. But there would remain what in our view is a fundamental objection to the faculty procedure in this context; namely, that the complex questions which arise from a proposal to demolish a church are inherently unsuitable for determination by a court of law. We therefore recommend that the jurisdiction of the Consistory Courts to authorize the demolition of churches should be abolished.

101. We do not suggest that any other part of the faculty jurisdiction is inappropriate in present conditions.

Defects of the present statutory procedures

102. The main weaknesses of the present statutory procedures may be summarized under four heads.

- (a) The Diocesan Committees do not at present necessarily receive information on the aesthetic or historic value of churches involved in their reorganization plans at an early stage before these plans have crystallized (see paragraph 97 (e)).
- (b) Although the Church Commissioners take the advice of the Central Council for the Care of Churches, of the two Government departments concerned with the preservation of buildings, and of the Royal Fine Art Commission (in cases under the Reorganisation Areas Measures) and these consultations are useful, they do not always satisfy opinion. Moreover, experience shows that consistent advice cannot be expected from so many bodies.
- (c) There is no provision for any except local publicity when a draft scheme is issued.
- (d) The possibility of finding alternative uses is not always sufficiently explored. There is no provision that a minimum period should be allowed during which alternative uses can be looked for; and the Church has no body organized to deal with this task.

To remedy these defects we recommend that the existing

statutory procedures be replaced by the single new procedure described below.

THE NEW PROCEDURE DESCRIBED

A. The proposed Advisory Board

103. We set out later the sequence of stages which any individual proposal would follow, but there are certain points which will be better understood if described first in general terms.

104. The biggest difficulty inherent in this whole matter (apart from the provision of finance) is to reconcile two points of view which may be, and indeed often are, in direct conflict; namely, a view based solely on strictly pastoral needs, and a view which seeks to preserve every church of historic or architectural interest.

105. We are convinced that these divergent points of view cannot be overcome by a division of powers. We are sure that the ultimate decision whether or not a church should be demolished must rest with a single body; and in our view this body should be the Church Commissioners. But the decision of these Commissioners should be reached only after consultation with an advisory body closely associated with them. It is an essential part of our scheme that the Advisory Board should be so strongly composed as to carry compelling weight with the Church of England, with the amenity societies, and with the Government. It would take the place of the various bodies which have to be consulted under existing procedures (see paragraph 102 (b)).

106. To ensure the highest standing for its members we suggest that while the Board must be appointed by your Graces, the appointments should be made after consultation with the Prime Minister, and that this should be publicly known. Having regard to the responsibilities of two Ministers of the Crown for preservation of historic buildings, such an arrangement seems to us to be inherently appropriate and to have much to commend it on practical grounds. Indeed, this would certainly be a

far happier solution, so far as concerns the State's responsibility for preservation, than the suggestion made in evidence that the law should be changed so as to prohibit the demolition of churches listed under Section 30 of the Town and Country Planning Act, 1947; for the lists do not purport to do more than draw attention to buildings which have claims to preservation and they include buildings of widely varying value. Nor can it be satisfactory to set up rigid rules about the retention of churches which would be divorced from the responsibility for ensuring their upkeep.

107. The establishment of the Advisory Board will provide something which is lacking under the present system, namely a single body which can give a balanced and authoritative view as to the weight to be attached to historic and architectural considerations and a focus where these can be discussed. It is true that the final decision will be left to the Church Commissioners; but we are confident that the Church Commissioners would pay regard to the advice of a body carrying the weight of the proposed Advisory Board. Moreover, although we have heard many criticisms of the existing statutory procedures, we have heard no criticism of the manner in which the Church Commissioners have played the part allotted to them.

108. We envisage that the Advisory Board will include not only persons who speak with authority on architectural and archaeological questions but also persons with wide general interests and experience but who do not necessarily possess expert knowledge.

B. Function of the Central Council for the Care of Churches

109. While we attach great importance to the proposed Advisory Board, it is also necessary that the Church should have an organization for advising the Pastoral Committees on the historic and architectural qualities of all churches which come under their survey. The Central Council for the Care of Churches, which already has a good deal of information about most churches, should be placed under a statutory duty to

obtain and furnish full information. Since this will mean an increase in staff, a larger grant of money to the Central Council will be required and in our judgement it is vital that this should be forthcoming. The Central Council would also be free to consult any persons or bodies (including amenity bodies) and the Ministers of Works and Housing and Local Government about the churches concerned, and should have discretion to express views on the preservation of a particular church or churches.

C. The sequence of the new procedure proposed

110. We now set out the stages which we suggest should be followed. In essence the scheme is based on an adaptation of the procedure under the Union of Benefices Measures and the Pastoral Reorganisation Measure. We refer in paragraphs 112, 113, 114, and 118 to due publicity at various stages in the procedure. We think that it should be a statutory requirement that full particulars of the stages in question should be published by advertisement in a local newspaper. We would also urge that the Church Commissioners should make it a practice to send copies of the advertisement to all such interested bodies as ask for this to be done, and should notify the national Press.

111. The *first stage* as at present would be pastoral consideration directed to establishing whether or not a given church was redundant. The Diocesan Pastoral Committee when preparing its recommendations for pastoral reorganization pursuant to Section 3 of the Pastoral Reorganisation Measure, 1949, would first obtain and consider the views of the Central Council for the Care of Churches on all the churches coming under review, and would then submit the diocesan proposals together with the Central Council's views to the Church Commissioners through the bishop. Where it appeared to the Pastoral Committee that a church in the area under review was no longer regularly required for public worship, the Committee should have the power to include in its recommendations a proposal that a declaration of redundancy should be made in respect of that church.

112. Unless they considered that there was no prima facie case for the proposals, the Church Commissioners would give due publicity (on the lines mentioned in paragraph 110) to the diocesan proposals, including proposals for a declaration of redundancy. Copies of these proposals would be issued to the interested bodies as under the present procedure, and the Advisory Board would be notified. It would be made clear that these proposals had no legal force at this stage. It would be open to the Church Commissioners to consult the Advisory Board if they thought that any special circumstances justified such action at this stage. Any person or body could object to the proposals and all objections would be duly considered by the Church Commissioners.

113. If the Church Commissioners decided, after hearing objections and the comments, if any, of the Advisory Board, that a case had been established for declaring the church redundant, they would make a scheme to this effect. When the scheme had become law, due publicity should be given, the Advisory Board would be informed and directions should be given for protection of the church's contents and possessions.

114. If the church were to be declared redundant there would follow a waiting period during which no scheme for the demolition of the church could be prepared. This might be called the *second stage*. This waiting period, an entirely new feature, would be of not less than one year or more than three years, at the Church Commissioners' discretion, from the date when the scheme containing the declaration of redundancy became effective. During this period the Church Commissioners would be statutorily responsible for exploring the possibility of alternative use, with the help of the diocese and of an advisory Uses Committee appointed by them for the sole purpose of finding uses for redundant churches. The committee might consist of a small nucleus of permanent members with power to add one or more *ad hoc* members, chosen for their special or their local knowledge, for particular tasks. The alternative uses to be considered would include use for special Church of England

services or for services by other denominations, use for parochial or institutional purposes, and use for other suitable secular purposes. The Church Commissioners would be the statutory authority which would decide whether a use was seemly, but would consult with the Advisory Board on the architectural or archaeological implications of the proposed use. At this second stage all proposals would be given due publicity as soon as they had been embodied in a draft scheme.

115. A scheme authorizing an alternative use would provide that the church be sold, given, leased, or appropriated to the use, and might also, if suitable financial arrangements were made, provide for the expenditure of a specified sum on the fabric. Under a scheme for alternative use, it could be specified that the building could be used for occasional services, but the desire of the diocese to use the building occasionally should not be allowed to override a suitable use, unless future maintenance and repair were fully assured. Of course, if a satisfactory alternative use were to be found within twelve months the Church Commissioners would be free to prepare a scheme forthwith.

116. One of the reasons why we attach importance to this waiting period is that it is difficult to find alternative uses, and that due time must be allowed for the possibilities to be explored. If, however, after all proper inquiry, no satisfactory use could be found, the stage would have been reached (it might well be called the *third stage*) in which a decision would have to be taken between demolition and preservation as a monument under the new arrangements which we describe in the ensuing chapter.

117. While the Advisory Board would have been kept fully informed at earlier stages, at this point their views would be of crucial importance. If, in the light of the Advisory Board's report, or following objections received, the Church Commissioners decided not to proceed with a scheme for demolition, they should be required to prepare a scheme authorizing the preservation of the building as a monument. In deciding

whether to demolish or preserve, the Church Commissioners and the Advisory Board would, of course, have to consider whether it was likely that money would be available for the upkeep of the church (see paragraphs 155 and 156).

118. If the Church Commissioners were to proceed with a scheme for demolition, we contemplate that the draft scheme should be published and opportunity given for objections to be made and heard. If, after considering all objections, the Church Commissioners were to decide to certify such a scheme, this decision, with the reasons for it, would be given due publicity and notice would be sent to all objectors.

119. Since we have heard of only one case under the Union of Benefices Measures where the right of appeal to the Privy Council has ever been exercised on the issue of demolition, and of no case on the issue of use, we doubt whether it is necessary to provide that there should be a right of appeal to the Privy Council covering either use or demolition. The right of appeal, however, should remain unaffected in respect of schemes made in the first stage (broadly, covering the pastoral issues). We consider, moreover, that the provision in the Union of Benefices Measures, that draft schemes providing for the demolition of churches must be laid before Parliament, should continue as at present.

OTHER MATTERS

The vesting of redundant churches during the second stage

120. During the second stage, or interim period between a declaration of redundancy and the scheme proposing a new use, or demolition, we consider that the church should vest in the Diocesan Board of Finance on a caretaker basis, with particular reference to the care of furniture and monuments. We have heard in evidence of cases where the parochial authorities have not been able to save closed churches from vandalism or to ensure that furnishings are properly looked after. We therefore consider it important that some responsible body, outside the parish but not too remote, should act as caretaker of

redundant churches until such time as their future has been decided.

The sale, gift, or lease of redundant churches for which alternative uses are found

121. As the law stands there is no power to provide in schemes for churches to be transferred or leased as standing buildings. We think that there should be such power, since there might be cases where alternative uses for redundant churches could more easily be found if they could be transferred or leased to other bodies. Leasing would present little difficulty, since the future of the church could be protected by the covenants in the lease. But the sale or gift of a church raises problems. It is clearly desirable to impose restrictions designed to ensure that the buildings once transferred are not pulled down or used for unseemly purposes. We recognize that there are difficulties in ensuring that these restrictions will be effective. If no means can be found of overcoming these difficulties, the power to transfer churches by sale or gift should be used very sparingly.

The removal of the legal effects of consecration

122. We have mentioned in paragraph 50 the legal limitations peculiar to those buildings of the Church of England which have been consecrated. It seems essential to us that there should be a clear statutory authority for the removal of the legal effects of consecration where a consecrated building is turned to other uses or where the site of a demolished church is sold. We recommend that provisions to this end should be made in the statute embodying the new procedure.

Leasing of redundant churches by Diocesan Boards of Finance

123. Where it is found possible to arrange for the church to be leased or appropriated to some other use, we think that the church might continue to be vested in the Diocesan Board of Finance. We assume that the body using the church would be responsible for its upkeep; the Board would have the benefit of the rent payable and the duty of enforcing the covenants.

We think that Diocesan Boards of Finance should not have power to sell any redundant church vested in them under a scheme, nor any power to lease such a church for any purpose other than that provided in the scheme. Any variation in the scheme would fall to be made by the Church Commissioners.

Sale of redundant churches

124. Where a church is to be transferred by way of sale or gift we think it should vest in the Church Commissioners for the purposes of the conveyance. The Commissioners would then be responsible for dealing with the proceeds of sale on the lines suggested in the next paragraph.

The proceeds of sale

125. At present proceeds of sale of a church site belong to the Diocesan Board of Finance for the benefit of benefices in the diocese or the building of new churches. Should the proceeds of sale of a standing church be so used or made available for maintaining redundant churches? In order that the decision to sell as a standing building or demolish and sell as a site should not be prejudiced by comparisons of local financial benefit, we suggest that all proceeds of sale, either of a site or a standing building, should be divided equally between the diocese and the proposed Redundant Churches Fund (see paragraphs 146 to 149).

Ownership of churches declared redundant but preserved as monuments

126. In those cases where no use can be found for redundant churches and it is decided to preserve them as monuments, they will vest in the new statutory body, the Redundant Churches Fund, referred to in the ensuing chapter.

Use of redundant churches by other denominations

127. If it is to be made possible for redundant churches to be leased or sold as standing buildings with a view to making easier the finding of alternative uses, we suggest that serious thought must be given to the use of such churches by other

Christian denominations. We cannot see that there should be any objection in principle to such use, although we recognize that every individual case would have to be judged carefully on its merits. There will be serious difficulties to overcome, the resolution of which is, however, a matter for the Church.

Churchyards

128. We have not dealt with the future of churchyards of redundant churches. Under the Measures referred to in Chapter 3, churchyards used for burials are excepted from the vesting provisions affecting churches appropriated to other uses or the sites of churches which are pulled down. We do not suggest that this position should be altered. The closure of churchyards, moreover, is governed by the burial law and any change relating to it would require amendment of the law. We are informed by the Ministry of Housing and Local Government that the burial law as a whole is so complicated that clarification by consolidation is regarded as essential before particular reforms can be considered. We understand that the possibility of consolidation is under examination by the Ministry.

The closing of churches

129. We have been told in evidence that diocesan bishops sometimes exercise the power of closing churches and that this practice may result in such churches not being properly looked after and falling into disrepair (see Appendix 3, paragraph 3-1). The longer a church is closed, the greater the likelihood that its upkeep and restoration will become increasingly serious problems. If the bishop's power to close churches continues to be exercised, a church may in effect be rendered redundant without there being any machinery to ensure that anybody outside the parish is responsible for the furniture and fittings and for the upkeep of the fabric or that within a reasonable time steps are taken to provide for its future. The closing of churches, in short, is inconsistent with the procedure which we have recommended. We think, therefore, that the Church should give

serious consideration to the question whether the closing of churches other than on a declaration of redundancy should continue.

Procedure where churches are in a dangerous condition

130. We have heard in evidence of cases where churches have been in such a dangerous condition that a faculty for demolition of a portion of the church was prayed as a matter of urgency and granted in a matter of days. If the Inspection of Churches Measure proves effective, such cases should rarely arise in the future. Nevertheless, we feel that it would be prudent to suggest some procedure to deal with cases of this kind. We consider that it might be appropriate for the archdeacons to be authorized to grant a certificate permitting such works to be carried out as are urgently necessary in the interests of safety or health or for the preservation of the church or of neighbouring property, provided that such works should involve only such minimum demolition of any part of the fabric of the church as might be absolutely necessary to make such works effective.

Financial Questions

131. In Chapter 5 we have stated our general conclusion that the care of those redundant churches which have a claim to preservation on account of their historic or architectural interest is a task which must be shared between the Church and the State. In this chapter we develop this argument and set out our recommendations.

132. It will not, we think, be disputed that the Church has an absolute responsibility for the upkeep of churches required for public worship. As explained in Chapter 3, the general position is that the legal liability for the maintenance of churches rests with the parishes. We are directly concerned only with those churches which are or may become redundant. But even from this limited point of view we have an interest in how the general system works.

133. In recent years it has been recognized that the responsibility for keeping in good repair the churches which are undoubtedly required for public worship has often involved a financial burden beyond the resources of the parish. It was for this reason that the Historic Churches Preservation Trust was set up in 1952. The Trust has rendered invaluable service by making grants in respect of such churches, and the help which it has provided has often given the necessary support or stimulus to help from other sources.

134. Looking at the matter from the point of view of our inquiry, we wish that the resources at the disposal of the Trust were more ample and we hope that the possibility of some special help to this Trust will be borne in mind. For it must be remembered that a well-maintained church is less likely to become redundant than one that has fallen into disrepair. It is

hoped that matters in this respect will be improved under the Inspection of Churches Measure, 1955, with its provision for quinquennial surveys.

135. Once a church has become redundant, it may be demolished or it may be appropriated to some other use (the body using the church being responsible for its upkeep). If, however, neither of these courses is practicable, there is at present no specific procedure for arranging for its upkeep. All that can be done to-day is to retain the church as a chapel of ease of a parish (probably an enlarged parish formed under a Union of Benefices Scheme) which already has another church.

136. It is the last type of case which particularly concerns us; and it is not unfair to say that under present arrangements the burden for maintaining a redundant church adjudged worthy of preservation falls on the unit which is least likely to be able to bear it. For the parish in which it is a chapel of ease has to carry the costs of its own church, which, by definition, suffices for its pastoral needs. It is clear that the present system provides no answer at all to the financial problem.

137. A new system must therefore be devised and we are satisfied that the burden is one which should be shared between Church and State with the support of contributions from charitable bodies and the public.

138. First, as to the responsibility of the Church. We do not suggest that the responsibility of the Church for the upkeep of redundant churches which it is desired should be preserved is on a level with its responsibility for the provision and upkeep of churches required for pastoral purposes. This last, we have already suggested, is an absolute responsibility. But we are satisfied that the Church has a partial responsibility for the upkeep of redundant churches which are to be preserved on grounds of their historic or architectural interest.

139. To some this may seem rather hard doctrine in view of the fact that these churches are no longer required for regular worship and that there are many insistent demands on the finances of the Church; for example, the training, stipends, and

pensions of the clergy, the building of new churches in newly developed areas, the very heavy expenses of maintaining the churches that are in use, foreign missions, and manifold works of charity. The sum total of these burdens may lead some to suggest that the Church would be entitled to disclaim all responsibility for redundant churches.

140. We cannot think that it would be right or expedient for the Church to disown responsibility. These churches of historic and architectural interest have an important place in the life of the nation as a whole. They have also a very special place in the life of the Church. If the Church authorities were to disclaim all responsibility for such churches as were not required for current purposes, they would create a most unfavourable impression on public opinion in general and in particular on the many public-spirited persons, not necessarily members of the Church of England, whose contributions have for years played no small part in the maintenance of ecclesiastical buildings of beauty which are beyond the means of the parishes in which they stand. We believe, too, that many of its own members would be deeply distressed if the Church were to declare that it had no interest in these buildings which stand as witnesses to the greatness and glory of the Church. Further, we are convinced that an attitude of complete disclaimer would be short-sighted. It would virtually cut off the Church from any share in the oversight of such churches and would make it difficult for them to be claimed back should they once again be needed for worship. That a redundant church might once again be so required is a possibility that cannot be ignored; for no one can forecast with certainty the pattern of population over a long period.

141. It is clear, from what we have said in paragraphs 135 and 136, that the financial responsibility in this matter can no longer be left with individual parishes. Nor, in our view, could each diocese be made responsible for its own redundant churches, because the extent of redundancy is certain to vary widely and may indeed prove to be highest in dioceses which are

weakest in resources. The Church's share of the cost of redundant churches must therefore rest on the Church as a whole. We return to this point in paragraph 150.

142. It would not, however, be right that the Church should continue to bear the whole or perhaps even the major responsibility for the upkeep of these buildings which are no longer required for the purposes for which the Church exists. In so far as the churches are of architectural and historic interest they are of importance to the nation as a whole and not merely to the Church of England. The Church, moreover, given the calls on its resources already mentioned, could not undertake the whole burden itself. It is, therefore, both right and necessary that help should be sought from other sources.

143. The first source which we have in mind is the State. Under various Acts of Parliament the State has long since accepted responsibility for the preservation of national monuments. We can see no reason why this responsibility should not, in practice, extend to redundant churches, provided that a satisfactory and comprehensive arrangement is made to deal with redundant churches generally.

144. We think that it would also be right that any such arrangement should provide for voluntary contributions from those, whether within or outside the Church of England, who would wish to assist in the upkeep of buildings of architectural or historic interest.

OUTLINE OF NEW ORGANIZATION PROPOSED

145. Our proposals envisage action by the State as well as by the Church. It could be argued that, having been appointed by your Graces, it is not part of our duty to recommend action by Her Majesty's Government. Nevertheless, we think that, at the risk of touching on matters outside our purview, we should give the outlines of the kind of scheme which would be needed to give effect to our suggestions. These are based on the conclusion that some degree of State aid is called for and would be justified.

The Redundant Churches Fund

146. A new body would have to be established which, for the purposes of this Report, we have called the Redundant Churches Fund. Since public money would be involved, we think that it would be appropriate for the Fund to be a corporation established by Act of Parliament, and that it should be an exempt charity as defined in the Charities Bill now before Parliament. The trustees of the Fund would have to be of sufficient standing to secure the confidence of the Government, the Church, and the public. The method of their appointment would be laid down by the Act. We would suggest that the trustees should be a small body appointed by the Crown after consultation with your Graces.

147. The functions of the Redundant Churches Fund would be threefold. It would be the body in which would be vested those churches for which no use could be found but which it was desired to retain as monuments (see paragraph 126). It would be responsible for the repair and maintenance of the redundant churches in its care and would therefore need to have the necessary staff to see that the work was properly carried out. It would also receive the contributions from the various sources referred to in paragraphs 150 to 153 below and would be responsible for the investment and administration of these funds.

148. The entire financial responsibility for the upkeep of churches appropriated or leased to other uses (to be vested in Diocesan Boards of Finance; see paragraph 123) would normally fall upon the bodies using the buildings. But in some cases it might be necessary to call upon the Redundant Churches Fund to contribute towards the initial cost of putting the buildings into repair.

149. The heaviest calls upon the Redundant Churches Fund would arise from those churches for which no alternative use had been found, and which vested in the Fund for retention as monuments. In these cases the Fund would almost certainly have to bear not only the initial cost of putting the building

into repair but regular expenditure on the upkeep of the fabric and on caretaking.

Contributions from the Church

150. We have stated in paragraph 141 that we recommend that the Church's contribution to the Redundant Churches Fund should be the responsibility of the Church as a whole, since the burden could not generally speaking be met by the parishes or by the dioceses where redundancy occurs. Other local sources, such as available fabric funds or the contributions of individual members of the Church, are not likely to be large enough to meet the problem. It seems inevitable, therefore, that practically the whole of the Church's contribution should come from central funds. We fully realize that these funds are already heavily committed to such purposes as are set out in paragraph 139 and that our conclusion raises difficult and complex issues which can only be settled by the Church itself. But the fact that there may be several ways, all of them difficult, in which the Church's contribution to the Redundant Churches Fund might be found must not in our view be allowed to obscure two essential points. The first is that, in our opinion, if the Church expects to secure substantial aid from the State, it must be willing to make an adequate contribution itself. The second is that if the scheme is to be a success, the Church as a whole must undertake responsibility for a specific and regular contribution to the Fund. Whatever may be the Church's decision as to the source from which the money is found, unless the trustees of the Fund are able to rely on a secure and regular income from both the Church and State, it will be impossible for them to make forward plans for the upkeep not only of buildings already dependent on the Fund but also of those likely to become so in the future.

Contributions from the State

151. Under the Historic Buildings and Ancient Monuments Act, 1953, the Minister of Works has power to make grants to

churches; but as a matter of policy he does not exercise this power in respect of churches in use for ecclesiastical purposes or in respect of buildings which are not in use at all (see paragraph 54). We have expressed the view that the burden of supporting buildings which are of importance both to the nation as a whole and to the Church of England should be shared. If this view is accepted, the question will arise whether the State's assistance should be made by means of grants under the Act of 1953. Since no new legal powers would be involved, this solution is attractive. But grants under the Act can be made only in respect of individual buildings on the advice of the Historic Buildings Council. This would involve separate consideration of each case by the Advisory Board (see paragraphs 103 to 108), by the Redundant Churches Fund, and by the Historic Buildings Council before a grant could be made. It would therefore seem preferable that the Act which sets up the Fund should enable the State to make annual grants to the Fund, leaving to the trustees full discretion as to how the grants should be expended.

152. Our concern is with redundant churches of the Church of England. No doubt if our recommendations were to be adopted it would be necessary for consideration to be given to redundant churches of other denominations, and to redundant churches generally in Scotland and Wales. These matters lie outside our terms of reference and we do not, therefore, make any recommendations on them.

Other contributions

153. We suggest that the trustees of the Redundant Churches Fund should be empowered to launch periodic appeals for the Fund generally and also to support local appeals for particular churches.

Proportion of expenditure to be borne by different sources

154. We have not thought it right to make a recommendation on this point. This is a matter which must be left for dis-

cussion and settlement between the authorities of Church and State.

Relations between the Advisory Board and the Redundant Churches Fund

155. It is very important that the right relationship between the Advisory Board and the Redundant Churches Fund should be established from the outset. As pointed out (in paragraph 117), the Church Commissioners and the Advisory Board, in considering whether to demolish or preserve a church, will have to take into consideration the money available for the upkeep of the church. We do not in any way wish to imply that finance should be the sole or, indeed, the governing criterion in deciding which churches should be preserved and which should be demolished. But, clearly, from a practical point of view finance must enter into the process by which the Advisory Board sets its standards in these matters.

156. It is for this reason, among others, that we attach great importance to the provision of an assured income for the Redundant Churches Fund over a period of years from the Church and the State in addition to the sums they may be able to raise in other ways. The trustees of the Fund should keep the Advisory Board and the Church Commissioners informed of the state of the Fund and of the burdens on it which can be foreseen for as long ahead as possible. With this knowledge available to them, the Board should be able to establish certain standards of architectural and historic importance which they can apply in individual cases when advising the Church Commissioners. This is something which would come about gradually in the light of experience. We understand that in the somewhat analogous case of the operation of the Historic Buildings Act it has, in practice, been found possible for the Historic Buildings Councils to establish standards on which they make their recommendations for grants which are related to the finance likely to be available.

ESTIMATE OF COST INVOLVED

157. It is our duty to give some indication of what it would cost to give effect to a scheme on the lines suggested. In what follows we attempt to forecast the order of expenditure involved. To do more is impossible on the information available to us.

158. The starting point is the number of churches involved. According to the returns made to us (see paragraph 62), some 370 churches are now redundant and about 420 more are expected to become redundant in the next fifteen or twenty years, some 790 in all.

159. We have no means of saying how many of the 790 churches it would in the event be decided to preserve. The surveys of the Ministry of Housing and Local Government, confirmed by those made by the Ministry of Works, to which we have referred in paragraph 62, suggest that the number of redundant churches which should be considered for preservation might be about 450. It must not, however, be assumed that it would be decided that all these churches should in fact be permanently preserved. Furthermore, alternative uses would be found for a number of the churches adjudged worthy of preservation. Any figure given at this stage is largely guesswork. But it looks as though the Redundant Churches Fund, during the first twenty years of its life, might be asked to accept responsibility for somewhere between 300 and 400 churches, which would have been handed over at intervals throughout the period.

160. It is even more hazardous to give an estimate first of the average capital sum required to put these churches in reasonable repair, and, secondly, of the amount required for annual maintenance. We have before us several estimates under both heads which vary widely. It seems likely that the average cost of putting a redundant church into reasonable repair will fall within the range of £3,000 to £5,000. A great variation in the cost is, of course, to be expected, according to the size and state of the building.

161. If the figures given in the two preceding paragraphs are

combined, the result is to give a very wide spread for the estimates of total cost. On the whole, we have reached the conclusion that it would be unwise to assume that the total capital cost over twenty years would amount to less than a sum of between £1½ million to £2 million. The expenditure on maintenance seems likely to fall between £100 and £200 a year for each church and might be expected to build up by degrees to an annual sum which, at the end of twenty years, could not be safely put at less than, say, £60,000 to £70,000. All these figures are at present-day prices.

162. To relate these figures to what is provided to-day for comparable objects, we might mention that the amount available on the advice of the Historic Buildings Council for England for repair and maintenance grants during the year 1959/60 under the Historic Buildings and Ancient Monuments Act, 1953, was £400,000, while the provision for comparable work on ancient monuments in Great Britain was £534,000.

THE TAKING OVER OF REDUNDANT CHURCHES OF EXCEPTIONAL QUALITY BY THE MINISTRY OF WORKS

163. If a scheme on the lines proposed in this chapter were to be adopted, this should not preclude the taking over of some churches by the Ministry of Works. This form of State aid would be appropriate to redundant churches of such exceptional architectural quality as to deserve in particular the exquisite care for detail and surroundings which the Ministry of Works knows so well how to give, and in general a higher standard of restoration and maintenance than the trustees of the Fund might be able to afford. We do not suggest, however, that such buildings should be taken into guardianship by the Ministry. Guardianship has, unfortunately, one great disadvantage from the Church's point of view; namely, that once a church is handed over there is no power to hand it back. It is essential that the possibility of a standing church being used again for the purposes for which it was built should never be lost sight of. For

this reason we would hesitate to recommend the final alienation of a church which is to be preserved as a monument.

164. We are advised, however, that it would be legally possible for the Ministry of Works to accept a lease or a conveyance by way of sale or gift of a church under Part I of the Historic Buildings and Ancient Monuments Act, 1953, and make provision for its upkeep. There would be no legal bar to handing back a church taken in this way if it were once again required for services. We would express the hope, therefore, that Government policy be modified so as to permit churches of exceptional architectural interest being taken over by the Ministry in the manner suggested. To the extent, of course, that churches were taken over by the Ministry in this way, the charge on the new Fund and the estimate thereof given in paragraph 161 would be diminished.

Summary of Conclusions and Recommendations

165. We give below a summary of our recommendations and conclusions. This is intended as little more than an index and omits much which is needed to make our meaning clear. It does not override our findings as set out in the preceding chapters. Reference to the relevant paragraphs in these chapters is given in brackets.

166. Our general conclusions are given in Chapter 5, which should be read at this stage. This consists of a few pages only and is itself a summary.

167. Our recommendations are dealt with under two heads, Procedure (Chapter 6) and Finance (Chapter 7).

PROCEDURE

1. Under the present law, one basic weakness is that there are too many procedures under which redundant churches may be demolished. There is the faculty procedure and there are a number of statutory procedures laid down by Measures of the Church Assembly. (94)

2. The faculty procedure is unsatisfactory for various reasons. The procedure might indeed be reformed. Since, however, no reforms would meet the objection that the complex questions which arise from a proposal to demolish a church are inherently unsuitable for determination by a court of law, the abolition of the jurisdiction of the Consistory Court to authorize the demolition of churches (but not otherwise) is recommended. (99-101)

3. The present statutory procedures are defective in the following respects:

- (a) the diocesan committees responsible for diocesan reorganization make their plans without necessarily taking advice on the respective historic or architectural merits of the churches under survey;
- (b) the Church Commissioners, the body responsible for preparing a draft scheme giving effect to the diocesan recommendations, consult a number of bodies, but these consultations do not always satisfy public opinion or result in consistent advice;
- (c) there is no provision for any except local publicity when a draft scheme is issued;
- (d) the possibility of finding alternative uses for churches is insufficiently explored.

It is therefore recommended that the existing statutory procedures be replaced by a single new procedure which should be devised to meet these objections. (102)

4. The new procedure should be based on the existing procedure under the Union of Benefices Measures, 1923 to 1952, and the Pastoral Reorganisation Measure, 1949, but subject to the various points set out below. (110)

5. A new feature in the proposed procedure is the establishment of an Advisory Board to assess the claims of redundant churches to preservation. It would be appointed by the two Archbishops after consultation with the Prime Minister so that it would be sufficiently strong to carry compelling weight with the Church of England, the amenity societies, and the Government. This Advisory Board would take the place of the bodies which have to be consulted under the existing procedures. (103-8)

6. Another new feature would be that three stages would have to be passed through before a redundant church could be demolished.

7. In the first stage in the procedure the Pastoral Committee of the diocese would prepare proposals for pastoral reorganiza-

tion after obtaining the views of the Central Council for the Care of Churches. This body should be placed under a statutory duty to obtain and furnish full information to the Pastoral Committees in order to ensure that the proposals of these committees take into account the respective merits of all the churches in the areas subject to reorganization. The staff of the Central Council should be strengthened for this purpose and would need a larger grant. The Pastoral Committee would include in its proposals provision for a declaration of redundancy to be made in respect of any church no longer regularly required for public worship. The proposals would be submitted to the Church Commissioners who, after consultation if they so wished with the Advisory Board, would prepare a draft scheme giving effect to the proposals. (109, 111-13)

8. After the first stage, culminating in a declaration of redundancy, the second stage would follow. This stage would be a waiting period of between one and three years at the Church Commissioners' discretion, during which no scheme for the demolition of a church could be prepared. During this waiting period the Church Commissioners would attempt through a Uses Committee appointed for this purpose to find such alternative use for the church as in their opinion would be seemly. (114, 115)

9. If no alternative use could be found for the church, the third stage would then follow and a decision would have to be taken between demolishing the church and preserving it as a monument. The Commissioners would issue a draft scheme for demolition of the church only after full consultation with the Advisory Board. (116-18)

10. The Commissioners would be under a statutory duty to publish the various stages of the procedure in the local Press and would be expected to take any other steps necessary to ensure that interested bodies were kept informed. (110)

11. The recommendations set out below deal with consequential matters.

(a) During the second or waiting stage (see 8 above), a

- redundant church should vest in the Diocesan Board of Finance on a caretaker basis. (120)
- (b) There should be a power to provide in schemes for the sale, gift, or lease of a redundant church as a standing building in order to facilitate the finding of alternative use. (121)
- (c) The legal effects of consecration should be removed when a redundant church is turned to another use or when the site is sold. (122)
- (d) A church leased or appropriated to another use should vest in the Diocesan Board of Finance. The Board, however, should have no power of sale, and no power of leasing otherwise than as provided in the scheme. (123)
- (e) A church which is to be transferred by way of sale or gift should vest in the Church Commissioners, who should be responsible for making the conveyance and receiving the proceeds of sale. These proceeds and the proceeds of sale of a church site should be divided between the diocese and the new statutory body (see 14 and 15 below). (124, 125)
- (f) A redundant church which is to be preserved as a monument should vest in the new statutory body (see 14 and 15 below). (126)
- (g) The Church should give serious thought to the use of redundant churches by other Christian denominations. There appears to be no objection in principle to such use, but every case would have to be judged carefully on its merits. (127)
- (h) A church should not be closed except after a declaration of redundancy has been made. (129)
- (i) It should be lawful for minimum works of demolition to be carried out to a church on the authority of an archdeacon's certificate if the works are urgently necessary in the interests of safety or health or for the preservation of property. (130)

FINANCE

12. The present arrangements for the upkeep of redundant churches are wholly inadequate. (135, 136)

13. The Church has an absolute responsibility for churches in use. The Church has also a partial and continuing responsibility for redundant churches of historic or architectural interest. This latter responsibility should be shared by the State, which has already accepted responsibility for the preservation of ancient monuments. Further contributions should come from charitable bodies and the public. (138-44)

14. A "Redundant Churches Fund" should be established by Act of Parliament to be administered by a small body of trustees appointed by the Crown after consultation with the Archbishops of Canterbury and York. (146)

15. The Redundant Churches Fund would be the body in which churches retained as monuments would vest. It would be responsible for the maintenance of such churches and, where necessary, for the initial repair of churches appropriated to other uses. It would receive and administer the contributions from the Church, the State, and the public. (147-9)

16. The Church's responsibility for redundant churches should be borne by the Church as a whole, but it is for the Church itself to decide how its contributions are to be found. It is essential that the contribution should be adequate if substantial help is to be secured from the State. The contribution must be specific and regular in order to ensure an efficiently planned programme and a workable relationship between the Advisory Board and the Redundant Churches Fund. (150, 155, 156)

17. The contributions from the State should be authorized by fresh statutory authority rather than by the Historic Buildings and Ancient Monuments Act, 1953, since it is important that the trustees of the Redundant Churches Fund should have full discretion as to how the grant should be spent. (151)

18. The scheme outlined should not preclude the taking over by the Ministry of Works of some redundant churches, of

such exceptional quality that they deserve the highest standards of restoration and maintenance. Such churches should be taken over under Part I of the Historic Buildings and Ancient Monuments Act, 1953, rather than by being taken into guardianship under the Ancient Monuments Acts, 1913 to 1953, since it is important that there should be no legal bar to handing back such churches in the event of their being again required for public worship. (163, 164)

19. It is impossible to do more than suggest the order of expense involved. Of the 790 churches now redundant or estimated to become redundant during the next fifteen or twenty years, it seems likely that the Redundant Churches Fund might be asked to accept responsibility for between 300 and 400 churches. The capital cost of putting redundant churches into a reasonable state of repair could not be put at less than £1½ million to £2 million spread over twenty years. The yearly maintenance bill at the end of the same period might amount to between £60,000 and £70,000 at present prices. (157-61)

We submit this Report for consideration by Your Graces.

BRIDGES (Chairman)
KENNETH GRIMSBY
MALCOLM TRUSTRAM EVE
EDWARD MUIR
EVELYN SHARP
MORTIMER WHEELER
HENRY WILLINK

R. DITCHFIELD } Joint
R. HILARY ROGERS } Secretaries

1 June 1960

5 Little College Street,
London S.W.1.

APPENDIX I

Evidence Received

THE FOLLOWING bodies or individuals have expressed views to us orally or in writing. Those who gave oral evidence are marked with an asterisk. (See paragraph 5.)

Persons holding offices in the Church of England, and persons and bodies concerned with church administration

- *The Bishops of Durham, Bath and Wells, and Peterborough
- *Central Board of Finance of the Church of England, represented by:
Sir Arthur Forde
Captain D. H. Doig, C.B.E., R.N.
- *Central Council for the Care of Churches, represented by:
The Very Reverend Seiriol J. A. Evans, F.S.A., F.R.HIST.S., Dean of Gloucester
Miss Judith Scott, F.S.A.
- *Chancellor W. S. Wigglesworth
- *Church Commissioners, represented by:
Sir James Brown
Sir Mortimer Warren
Mr E. H. Johnson
Mr K. S. Ryle, M.C.
Mr O. H. Woodforde, M.B.E.
- *Commission on Pastoral Reorganisation Legislation, represented by:
Sir Geoffrey Hutchinson, M.C., T.D., Q.C.
The Venerable The Archdeacon of Lewisham
Mr J. A. Guillum Scott, T.D.

Societies concerned with the preservation of ancient buildings and the protection of amenities

- *Ancient Monuments Society, represented by:
Mr Ivor Bulmer-Thomas
The Reverend Edgar Clark, F.S.A.
Lt. Col. B. C. G. Shore, L.R.I.B.A.
- *Friends of Friendless Churches, represented by:
Mr Ivor Bulmer-Thomas
Mr Lawrence E. Jones
Mr Gerald Cobb, F.S.A.
- *Georgian Group, represented by:
Mr A. W. Acworth, F.S.A.
Col. R. A. Alec-Smith, T.D., D.L., J.P.
Miss M. L. Woodhead

- *Historic Churches Preservation Trust, represented by :
The Right Hon. the Viscount Crookshank, C.H.
Mr W. I. Croome, C.B.E., F.S.A.
Mr Rupert Gunnis
Mr H. Llewellyn Jones
- National Trust
- *Royal Institute of British Architects, represented by :
Mr Paul Mauger, F.R.I.B.A., M.T.P.I.
- *Society of Antiquaries, represented by :
Dr Geoffrey Bushnell, F.S.A.
Mr A. R. Dufty, F.S.A., A.R.I.B.A.
- *Society for the Protection of Ancient Buildings, represented by :
Mr John E. M. Macgregor, F.S.A., F.R.I.B.A.
Mr Marshall Sisson, C.B.E., A.R.A., F.S.A., F.R.I.B.A.
Mr Alan Reed, B.A. (Arch.) (Lond.), A.R.I.B.A.

Government departments, etc.

- *Ministry of Housing and Local Government, represented by :
Mr J. H. Street
- *Ministry of Works, represented by :
Mr F. J. Root, C.B.
- *Royal Commission on Historical Monuments for England, represented
by :
The Most Hon. the Marquess of Salisbury, K.G., P.C.
Professor G. F. Webb, C.B.E., F.B.A., F.S.A.

Other witnesses

- Mr John Betjeman, C.B.E.
- *Mr Ivor Bulmer-Thomas (who submitted evidence on his own behalf as well as on behalf of the Societies which he represented)
The Reverend N. R. M. Hawthorn (Rural Dean of Norwich)
- *Brigadier B. S. Watkins, C.B.E., O.B.E. (Lord Chancellor's Secretary for Ecclesiastical Patronage)

APPENDIX 2

Incidence of Redundancy

TABLE SHOWING the incidence of churches now redundant and expected to be redundant in the next fifteen or twenty years in three groups of dioceses. (See paragraphs 63 and 64.)

Group of Dioceses	Present Redundancy	Future Redundancy	Combined Total	Churches with high degree of special interest	Churches with lesser degree of special interest
Rural (8)	121	157	278	212	18
Mixed (21)	164	182	346	176	46
Urban (13)	82	82	164	50	22
	<u>367</u>	<u>421</u>	<u>788</u>	<u>438</u>	<u>86</u>

Note: For the purposes of this list the dioceses have been grouped as follows:

A. Mainly Rural Group

(Number of parishes: 3,431)

1. Bath and Wells
2. Ely
3. Gloucester
4. Hereford
5. Norwich
6. St Edmundsbury and Ipswich
7. Salisbury
8. Truro

B. Mixed Group

(Number of parishes: 7,150)

1. Blackburn
2. Bristol
3. Canterbury
4. Carlisle
5. Chester
6. Chichester
7. Derby
8. Exeter
9. Guildford
10. Leicester
11. Lichfield
12. Lincoln
13. Oxford
14. Peterborough
15. Portsmouth
16. Rochester
17. St Albans
18. Wakefield
19. Winchester
20. Worcester
21. York

C. Mainly Urban Group

(Number of parishes: 3,641)

1. Birmingham
2. Bradford
3. Chelmsford
4. Coventry
5. Durham
6. Liverpool
7. London
8. Manchester
9. Newcastle
10. Ripon
11. Sheffield
12. Southwark
13. Southwell

Note: The division into these groups is somewhat arbitrary. It is in the main based on the proportion of persons in each diocese living in ecclesiastical parishes with populations of over 5,000 and on the number of towns with populations of over 50,000.

APPENDIX 3

The Law and Practice

(See paragraphs 36, 46, 50, and 129)

1. The law and practice are considered under the following main headings:

The Law and the Church of England

The effect of consecration

The Faculty Jurisdiction

Schemes under Acts of Parliament and Church Assembly Measures

Liability for the upkeep of churches and the closing of churches

The State's interest in preservation

THE LAW AND THE CHURCH OF ENGLAND

2. In law the Church of England is that branch of the Holy Catholic and Apostolic Church which was founded in this country in the sixth and seventh centuries. The Church of England differs from the other religious bodies in England in that there is a special body of law which has particular application to it. This law may be common law or statute law. A part of the common law, in that wider sense which embraces all the ancient and approved customs of England and includes a part of the canon law of the pre-Reformation Western Church, deals specifically with church matters. Such subjects as the legal effects of consecration, the jurisdiction of the Bishop's Court, the liability for the upkeep of churches, are all covered in the first instance by the common law. A number of Acts of Parliament and all the Measures of the Church Assembly deal exclusively with Church of England matters. The Measures of the Church Assembly, which receive the Assent of Parliament and the Royal Assent in accordance with the provisions of the

Church of England Assembly (Powers) Act, 1919, have the force and effect of Acts of Parliament. The greater part of the statute law relating to the Church is a product of the nineteenth and twentieth centuries. It has amplified the common law and in many respects has modified it.

3. A church of the Church of England (but not of any other religious body in England) has a unique status in that, once consecrated by the bishop of the diocese, it is protected by law. It is this special status and the results flowing therefrom which require detailed consideration.

THE EFFECT OF CONSECRATION

4. The bishop's sentence of consecration has two legal effects. The consecrated church and its site are in the first place set aside to sacred uses for ever and in the second place are brought within the jurisdiction of the Bishop's Court.

5. The permanent nature of consecration creates a number of legal problems. There appears to be no method, short of an Act of Parliament or a Measure of the Church Assembly, by which consecrated land can be deconsecrated. There has indeed been issued under the authority of the Archbishops of Canterbury and York a form of prayer and declaration which may be used when a consecrated building or any consecrated ground has been surrendered to secular uses under lawful authority. This form of prayer may be effective from a theological point of view. The prayer, however, is not the "lawful authority" under which the consecrated land is surrendered to secular uses (this is referred to in paragraph 6 below) and can of itself have no effect from a legal point of view. So far as the legal aspects of consecration are concerned, a bishop can no more deconsecrate land which he has consecrated than a clergyman can unmarry persons he has bound together in holy matrimony.

An instance of legal incapacity is afforded by a church of the established Church of England. By the consecration of such a church the status of the building and of the soil is altered. The building is by the ecclesiastical law separated for ever

from the common uses of mankind. It is dedicated thenceforward to sacred services, and the law precludes it from being ever capable of use for ordinary secular purposes. (*Wright v. Ingle* (1885) 16 Q.B.D. 379 per Bowen, L. J., at pp. 399-400.)

6. This extreme position has been modified by Statute and (as appears later) by the exercise of the faculty jurisdiction. Schemes made pursuant to those Acts of Parliament and Measures of the Church Assembly which are further considered below may make provision for churches to vest in Diocesan Boards of Finance and be appropriated to other uses, or for churches to be demolished and for the sites to vest in the Church Commissioners or in the Diocesan Board of Finance for sale. There are, furthermore, a number of Acts, of which the most important are the Town and Country Planning Acts, which authorize the compulsory purchase of consecrated land. Once consecrated land has been compulsorily acquired, or has been sold under the direction of a scheme, it is freed from the restrictions which consecration imposes, although it continues to be consecrated.

7. It is to be noted that a scheme can authorize only the sale of a church site and not the sale of a church as a standing building, and that on compulsory purchase under the Town and Country Planning Acts the land becomes unrestricted only after any consecrated building thereon has been taken down. Until that occurs the land remains subject to ecclesiastical law and the land cannot be used without a faculty or the consent of the bishop.

8. An incumbent has no power to sell or lease consecrated land unless the view is accepted that such power is conferred by Sec. 29 (1) of the Settled Land Act, 1925, and can be exercised with the consent of the Consistory Court given by faculty. Subject, therefore, to the doubtful question of this power, which is discussed below, there can be no question of an incumbent or any other Church authority conveying away a church as a standing building. It follows, therefore, that under existing law

it would not be possible to sell unwanted churches to other denominations. This does not mean, however, that churches cannot be used by other denominations. There are a number of cases where churches have been appropriated in schemes to use by denominations in communion with the Church of England. Legally, there would be nothing to prevent use in this manner by denominations not in such communion. A church so appropriated, however, remains legally vested in the Diocesan Board of Finance and such denominations might not be prepared to accept the right to use a church without at the same time obtaining the legal ownership.

THE FACULTY JURISDICTION

9. The permanent effects of consecration, which can be mitigated to some extent by Statute or by schemes under the Church Assembly Measures, can be further modified by faculty. The consecration of land brings it within the jurisdiction of the bishop. This jurisdiction is exercised by the chancellor of the diocese who, as bishop's delegate, presides in the Consistory Court.

10. The boundaries of the faculty jurisdiction are not always clearly marked. The authority of the Court to authorize alterations and additions to consecrated buildings has long been clear, and the authorization of the demolition of churches by faculty is well established by case law of the nineteenth and twentieth centuries. There may, however, be some doubt as to the extent to which the Consistory Court can authorize the change of user of a church. According to Halsbury's *Laws of England* (3rd edition, 1955, Vol. 13, p. 396), a faculty should not be granted for applying a church to secular purposes. The editors, however, allow that deviations from this strict rule have frequently been permitted, and the view has been expressed that it is within the jurisdiction of the Court to authorize purposes "not inconsistent with consecration". It has furthermore been suggested to us that, where a new use is

allowed, the faculty may authorize the exercise of the use under licence.

II. There are a number of important limitations on the extent of the faculty jurisdiction. A faculty cannot issue so as to vary a scheme made under a Church Assembly Measure, since such a scheme amounts in effect to a local Act of Parliament applicable to the church covered by the scheme. It follows, therefore, that where a church has been appropriated to another use under a scheme, a change of use cannot be authorized by faculty but can be authorized only by another scheme. It appears, furthermore, that the Consistory Court has no power to authorize the sale or lease of consecrated land or buildings. The view, however, is held in some quarters, and was put to the Commission in evidence, that an incumbent has the power to sell or lease consecrated land by virtue of Sec. 29 of the Settled Land Act, 1925, and that the Consistory Court, as a Court of competent jurisdiction, can remove the fetters placed on sales and leases of charity lands imposed by the Charitable Trusts Amendment Act, 1855. These contentions, however, were considered by Chancellor J. H. Ellison in the Consistory Court of Norwich (in *re* the Parish of St Swithin's, Norwich (1959), 3 All E.R. 301) and were explicitly rejected. Chancellor Ellison, therefore, felt obliged to dismiss the Petition which had prayed for a faculty enabling the incumbent to grant an option for a lease of the church to a bank. The Chancellor concluded his judgement as follows:

By way of postscript, I should like to add these few words. Although I am left in no doubt that I must come to this decision as a matter of law, nevertheless the practical consequences are perhaps unfortunate. It means that this Court is unable to assist these parishioners by relieving them of the burden of a redundant church which might otherwise be put to better use by others. I hope that this case may be brought to the notice of the Commission now inquiring into the means of disposing of redundant churches. I am not advocating any extension of the Settled Land Act or the Charitable Trusts Acts, because I doubt very much whether those

branches of statute are an apt medium for approaching questions relating to redundant churches. But some extension of the present rather limited powers of the Consistory Court would unquestionably be of assistance in solving that general problem. St Swithin's is by no means the first case during my Chancellorship where difficulties of a purely legal nature have been experienced, preventing the Court exercising its discretion on the merits.

The fact that the Consistory Court appears to lack jurisdiction to authorize the sale of consecrated land has a practical bearing on its undoubted power to authorize the demolition of churches. As has been seen, churches may be demolished under faculty or scheme. While, however, in the latter case the site can be sold under the authority of the scheme itself, in the former case, since the Court cannot authorize sale, the site is virtually sterilized unless a local authority can be moved to take it over under compulsory powers. It will be readily appreciated from the above limitations on faculty jurisdiction that the Court has no power to deconsecrate consecrated land.

12. Certain points of procedure in the Consistory Court are of importance. Only persons "having an interest" may make an application for a faculty or be heard in opposition to such a faculty; such persons are parishioners (including in particular the incumbent and churchwardens), non-residents whose names are on the electoral roll of the parish, and the archdeacon, a strictly limited body. Learned societies have no such interest. Anyone, however, may be called as a witness and give evidence in Court whether or not he is a party to the suit. The parties can call what witnesses they like and compel their attendance. The chancellor can, under Sec. 7 (1) (b) of the Faculty Jurisdiction Measure, 1978, of his own motion call a member of the Diocesan Advisory Committee or any other person to give evidence. He is not, however, bound to do so; nor is a witness called by the chancellor bound to give evidence. The chancellor may take the advice of the Diocesan Advisory Committee under Sec. 5 of the Measure, but he need not do so. Appeal from the

decision of the chancellor lies to the Archbishop's Court and thence to the Judicial Committee of the Privy Council.

SCHEMES UNDER ACTS OF PARLIAMENT AND CHURCH ASSEMBLY MEASURES

13. It has been seen that the effects of consecration can be modified by schemes made under the Acts of Parliament and Measures of the Church Assembly relating to the union of benefices: these schemes may authorize the demolition of churches, the sale of the sites, and the appropriation of churches to other uses. These Acts of Parliament and Measures are primarily concerned with the wider problem of pastoral reorganization and the Measures need to be considered in some detail.

The Union of Benefices Measures, 1923 to 1952, and Pastoral Reorganisation Measure, 1949

14. The powers in connection with pastoral reorganization exercisable under these Measures are as follows:

1. to unite two or more benefices;
2. to unite the parishes forming or comprised in the benefices into one parish for ecclesiastical purposes;
3. to divide any benefice and unite the parts thereof to other benefices;
4. to sever from any benefice any part thereof and to unite the part so severed to any other benefice;
5. to alter the boundaries of any parish by annexing thereto any contiguous areas;
6. to alter the boundaries as between any one or more of the parishes of the benefices and the parish of any other benefice;
7. to unite two or more parishes after a union of the benefices;

The Pastoral Reorganisation Measure, 1949, set up Diocesan Pastoral Committees whose duty it is "to make a general survey of the diocese either as a whole or in sections, and after

consultation so far as is practicable with the incumbents and Parochial Church Councils concerned to make recommendations for the better provision for the cure of souls within the diocese or any part thereof". In making its recommendations, the committee is to take into account, among other things, "the making of the best possible provision for the ministry of the Word and Sacraments in the diocese as a whole, including the provision of appropriate spheres of work and conditions of service for all persons engaged in the cure of souls and the provision of reasonable remuneration for such persons". The recommendations of a Pastoral Committee, as approved by the bishop and submitted to the Church Commissioners as provisional proposals, set in train the union of benefices procedure in place of the report of the Commission of Inquiry constituted under the Union of Benefices Measures, 1923 to 1936, which is now rarely used (see Schedule I to the Appendix).

15. A scheme of union may provide for any of the following matters:

- (a) the pulling down or removal in whole or in part of a church which shall have ceased to be used or is no longer required for the purposes of divine service;
- (b) the appropriation or sale of the materials of such church;
- (c) the appropriation of such church or any part thereof or the site of such church or any part thereof or any land annexed or belonging thereto (not being land which shall have been used for burials) or any part of such land to such other uses as may be specified in the scheme, subject, however, to any conditions so specified;
- (d) the sale, letting, or exchange of any land which forms the site of such church or any part thereof or of any land annexed or belonging thereto (not being land which shall have been used for burials) or any part of such land, subject, however, to any conditions specified in the scheme;
- (e) the closing of such church or any part thereof;

(f) any other matter incidental to such pulling down, removal, appropriation, sale, letting, or exchange.

16. The Union of Benefices (Disused Churches) Measure, 1952, furthermore empowers the Church Commissioners to make a scheme (without making any provision for pastoral reorganization) providing for any of the above matters where "under or in consequence of any proceedings under any Act or Measure or for any other reason any church shall have ceased to be used or be no longer required for purposes of divine service".

17. The procedure involved in the preparation of schemes is set out in Schedule I to this Appendix and the consultations by the Commissioners, the right of appeal and other safeguards against premature demolition are summarized in paragraph 24 below.

18. The Union of Benefices Measures, 1923 to 1952, do not apply to benefices wholly or partly within the City of London. The corresponding legislation in the case of benefices in the City of London is to be found in the Union of Benefices Acts, 1860 and 1898, but for reasons which appear in paragraph 19 it is not considered necessary to consider this legislation in detail.

The Reorganisation Areas Measures, 1944 to 1954

19. The Reorganisation Areas Measures, 1944 to 1954, were intended as temporary measures to deal with war damaged areas, and since 21 March 1957 only proposals for supplementary schemes may be received by the Church Commissioners. These Measures remain, however, of importance so far as the City of London is concerned. As already mentioned, the Union of Benefices Measures do not apply to the City, and as schemes under the Reorganisation Areas Measures have been made for the whole area of the City, future reorganization in the City can be dealt with by supplementary schemes under these Measures. Indeed, future reorganization in the City is likely to be dealt with by this method rather than by schemes under the

Union of Benefices Acts, 1860 and 1898, the procedure under which is somewhat complicated.

20. Under the Reorganisation Areas Measures the Church Commissioners had power to declare certain areas, affected by war damage or the action of planning authorities, ecclesiastical reorganization areas on proposals made to them by the Diocesan Reorganisation Committee. In respect of such areas, Diocesan Reorganisation Committees could submit proposals to the bishop for the rearrangement of their pastoral supervision on lines similar to those mentioned above in union of benefices schemes. The bishop might transmit the proposals, with or without modification, to the Church Commissioners with the request that they should prepare a draft reorganization scheme to give effect to such proposals. In addition to providing for pastoral reorganization schemes, it could include provisions for any of the following purposes:

- (a) the restoration or rebuilding of a church on the same site, or partly on the same site;
- (b) the substitution of a church to be built on another site;
- (c) the appropriation of—
 - (i) a church, or any part thereof; or
 - (ii) the site of a church, or of any part thereof (together, in either case, with any land annexed or belonging to the church) to such other uses as may be specified in the scheme, subject, however, to any conditions so specified;
- (d) the replacement of a church by the erection, on the same site or elsewhere, of a building to be devoted to purposes connected with pastoral work;
- (e) the complete or partial demolition of a church;
- (f) the sale, letting, or exchange of any land which forms the site, or a part of the site, of a church, but which under the scheme will no longer be required as such, subject, however, to any conditions specified in the scheme;
- (g) the closing of a church, or of a part thereof.

21. The procedure to be followed in connection with the preparation of schemes under the Reorganisation Measures is summarized in Schedule 2 to this Appendix.

22. It will be seen that this procedure differs in several respects from that under the Union of Benefices Measures. Expert opinion, for example, is received from the Royal Fine Art Commission and not from the Ministry of Works; appeal is to a special committee and not to the Privy Council. The special committee is a tribunal set up by the Church itself. The Measures provide for one being established in each province under a chairman and vice-chairman nominated by the archbishop of the province and containing four clerics nominated from the province by the standing committee of the House of Clergy and four laymen of the province nominated by the standing committee of the House of Laity.

The Hutchinson Commission

23. A Commission under the chairmanship of Sir Geoffrey Hutchinson was appointed in 1954 by the Church Assembly to prepare, in consultation with the Church Commissioners, a Measure to consolidate with such amendments as might seem necessary existing legislation relating to the rearrangement of pastoral supervision. It can be anticipated, therefore, that in the future there will be a single statutory code governing pastoral reorganization. In so far as the new Measure touches on the problem of redundant churches, the Hutchinson Commission have agreed to give consideration to the recommendations of the Archbishops' Commission. It is believed that, generally speaking, the recommendations of the Hutchinson Commission will follow the lines of the Union of Benefices Measures rather than the Reorganisation Areas Measures.

Safeguards against premature demolition or appropriation under faculty and statutory procedures

24. The following table summarizes the safeguards against ill-advised or premature demolition or appropriation under the faculty and statutory procedures:

Faculty	Schemes Union of Benefices Measures	Schemes Reorganisation Areas Measures
<p>1. Parishioners, non-resident electors, and the archdeacon, being persons "having an interest", may enter appearance in opposition to an application for a faculty and can call any person to give evidence (including amenity bodies).</p> <p>2. The chancellor can take advice of the Diocesan Advisory Committee if he so wishes and he may refer their advice to the Central Council for further consideration; he may on his own motion call a member of the Committee or any other person to give evidence.</p> <p>3. A Building Preservation Order may be made pursuant to the Town and Country Planning Act, 1947, by the local authority or Minister of Housing and Local Government or by the Minister of Works under the Historic Buildings and Ancient Monuments Act, 1953.</p> <p>4. Appeal lies to Provincial Court and thence to Judicial Committee of the Privy Council.</p>	<p>1. Consultations by the Commissioners prior to preparing scheme with Pastoral Committee, incumbent, patron, Parochial Church Council, and Central Council.</p> <p>2. If it appears to the Commissioners or is represented to them by the Central Council or any other body concerned with the care of ancient buildings that the scheme might affect prejudicially any building of historic, archaeological, traditional, architectural, or artistic interest they shall consider what provisions, if any, should be inserted in the scheme for the protection of that building and shall seek the advice of the Minister of Works. (The Commissioners in practice also consult the Ministry of Housing and Local Government.)</p> <p>3. Draft scheme when approved by bishop issued to Pastoral Committee, patron, Parochial Church Council and notice thereof fixed on church door. Any member of the public may object within twenty-one days.</p> <p>4. If objections not allowed by Commissioners, objectors may appeal to Privy Council.</p> <p>5. Schemes involving demolition of churches must be laid before both Houses of Parliament for two months.</p> <p>6. A church cannot be appropriated or the church site sold without</p>	<p>1. Before proposals for schemes transmitted to Commissioners, the Diocesan Reorganisation Committee consult with patrons, incumbents, Parochial Church Councils, and rural deans (in practice, the Committee also consults local planning authority).</p> <p>2. If it appears to the Commissioners or is represented to them by the Central Council or any other body concerned with the care of ancient buildings that the scheme might affect prejudicially any building of archaeological, historical, or artistic interest, they shall consider what provisions, if any, should be inserted in the scheme for the protection of that building and shall seek the advice of the Royal Fine Art Commission. (The Commissioners, in practice, also consult the Central Council, the Ministry of Housing and Local Government, and the Ministry of Works.)</p> <p>3. Draft scheme when approved by bishop, issued to patron, incumbent, Parochial Church Council, rural dean, and local housing authority. These bodies may object within six weeks.</p> <p>4. Any objections not withdrawn or allowed are referred to Special Committee of province consisting of chairman and vice-chairman nominated by archbishop of province.</p>

*Schemes
Union of
Benefices Measures*

the consent of the bishop and the archbishop.

*Schemes
Reorganisation Areas
Measures*

four clerics and four laymen nominated respectively by the standing Committees of the House of Clergy and the House of Laity.

5. Scheme laid before both Houses of Parliament where it may be annulled by a resolution of either House made within twenty - eight days

25. It will be seen that while under the Union of Benefices Measures and the Reorganisation Areas Measures the Commissioners are required in certain circumstances to consider representations of the Central Council for the Care of Churches and to consult the Minister of Works in the one case and the Royal Fine Art Commission in the other (and in practice consult the Ministry of Housing as well), the chancellor has not the benefit of expert advice unless he chooses to consult the Diocesan Advisory Committee or an expert is called in evidence by the chancellor or by a party to the proceedings. While any persons may object to a scheme under the Union of Benefices Measures, only specified bodies may object under the Reorganisation Areas Measures procedure and only a very limited class of persons may oppose applications for faculties. The appeal in Reorganisation Areas Measures cases is not to a court of law as under the faculty and Union of Benefices Measures procedures, but to a special body of ecclesiastical complexion appointed under the provisions of the Reorganisation Areas Measures.

LIABILITY FOR THE UPKEEP OF CHURCHES AND THE
CLOSING OF CHURCHES

26. The existing legal safeguards against the premature demolition of churches may or may not be considered adequate. They are clearly useless, however, in the face of neglect; dry

rot does not wait for a faculty; death watch beetles do not consult the Central Council for the Care of Churches. It is relevant, therefore, to consider where the legal liability for the upkeep of churches lies and to what extent this liability is enforceable.

27. Until the beginning of this century the rector was responsible for the upkeep of the chancel and the inhabitants at large were liable for the rest of the church. This position has been considerably modified by Statute.

28. The liability of ecclesiastical rectors passed to the parishioners under Sec. 52 of the Ecclesiastical Dilapidations Measure, 1923. The same Measure enabled lay rectors to compound with Parochial Church Councils for their liability.

29. In the case of other lay rectors where the liability was attached to the ownership of tithe rent charge, it was extinguished by the Tithe Act, 1936 (a proportion of the Tithe Redemption Annuity issued under this Act being diverted to the Diocesan Board of Finance in discharge of the liability). This Act, however, did not extinguish the liability of certain corporate owners of lay rectories; namely, the Church Commissioners, ecclesiastical corporations, universities, and colleges. The rector's liability used to be enforceable in the Consistory Court, but is now enforceable in the County Court under the Chancel Repairs Act, 1932.

30. Except in so far as the liability for the repair of the chancel may remain vested in a lay rector or other person, the responsibility for the care, maintenance, preservation, and insurance of the fabric of the church of a parish has, since the passing of the Parochial Church Councils (Powers) Measure, 1921, rested upon the Parochial Church Council of the parish and now is the responsibility of that council under the Parochial Church Councils (Powers) Measure, 1956. The responsibility cannot extend, however, beyond the funds in the hands of the Council. There is, moreover, some doubt as to whether the legal liability of a Parochial Church Council always extends to a chapel of ease in the parish.

31. The financial limitation on liability is of great practical importance, since the Parochial Church Councils depend entirely on voluntary gifts, the Compulsory Church Rate Abolition Act, 1868, having put an end to compulsory contribution to church finances.

32. The Inspection of Churches Measure, 1955, provides that every diocese must establish a scheme to provide for the inspection of every church in the diocese at least once in every five years. The scheme must provide for the establishment of a fund by means of contributions, for the payment out of the fund of the cost of inspection of churches, for the appointment of an architect or architects to inspect and report on the churches in the diocese, for the delivery of copies of the report to the archdeacon and the Parochial Church Council and may contain such other provisions as the diocesan conference thinks fit. The quinquennial inspection is enforceable by the archdeacon.

33. It is a point of great importance that the legal liability to repair may not in practice be enforceable. A lay rector may be a man of straw or, with the break up of landed estates, may not be found. The Parochial Church Councils are liable only to the extent of funds in their hands, and these in poor parishes may be negligible. Schemes under the Inspection of Churches Measure may prove valuable in that they will reveal states of disrepair reasonably early; but this is useless if there is no money available to carry out the repair.

34. The position is likely to be most serious in those parishes where, either as a result of past munificence or of a union scheme, there are two or more churches. Such a position may result in a financial burden which the parishioners cannot or will not bear. The likelihood that surplus chapels of ease will be neglected is increased if they are closed. Provision for the closing of a church may be made in a scheme. It appears, furthermore, that the bishop may order the closing of a church on his own authority so long as it is a chapel of ease and not a parish church. The closing of a church may be intended as a temporary

measure pending a scheme for demolition or appropriation or pending a readjustment of parochial boundaries or a housing programme which will bring back the church into use again. The closing, however, may also be a counsel of despair. In any case, once a church is closed its chances of sharing in any funds available for the upkeep of churches in a parish are greatly reduced. There have been a number of cases where closed churches have been neglected and become structurally dangerous, where faculties for demolition have been sought as a matter of urgency and where chancellors have felt that in the light of the urgency the faculty could not be refused.

THE STATE'S INTEREST IN PRESERVATION

35. Reference is made in paragraph 18 to the House of Lords Debate on the passage of the Ancient Monuments Consolidation and Amendment Act, 1913. The Act (as did the Bill itself at all stages) excluded from its protective provisions any "ecclesiastical building which is for the time being used for ecclesiastical purposes". This example was followed in the various Acts considered below.

Ancient Monuments Acts, 1913 to 1953

36. These Acts give the Minister of Works a comprehensive range of powers and responsibilities for preserving ancient monuments. As a matter of policy and financial necessity, however, their use is generally confined to monuments of special national importance.

37. Churches no longer in use as such could be dealt with as ancient monuments under these Acts if their preservation were in the public interest, but it must be recognized, as stated in evidence to the Commission by the Ministry of Works, that the trend of policy in recent years has been to restrict guardianship to monuments of really first-class importance in their particular field.

Historic Buildings and Ancient Monuments Act, 1953

38. This Act enables the Minister of Works to make grants (after consulting the Historic Buildings Council) towards the

whole or part of the cost of repair and maintenance of buildings which appear to the Minister to be of "outstanding historic or architectural interest". The Act also empowers him to acquire such buildings by agreement and to make any arrangements he thinks fit for the management or custody of any property thus acquired.

39. Although the Act is drawn widely enough to enable grants to be made to disused buildings including churches, it is Government policy to make grants only to buildings which are in use or which are to be brought into use after repair; (in this connection public opening as a "show place" is accepted as a use). The reason is that, unless a use has been found for the building, it is unlikely to be satisfactorily maintained after the repairs for which the grant has been made have been carried out. So far only two grants have been made for Church of England churches¹ which have been put to secular use.

Town and Country Planning Act, 1947

40. Under this Act the Minister of Housing and Local Government is required to compile for the guidance of local authorities lists of buildings of special architectural or historic interest; he is assisted in this duty by an advisory committee composed of eminent antiquaries and architects with special knowledge of such buildings. Churches are included in these lists, and the Church Commissioners and incumbents are notified that a church has been listed. Owners of listed buildings have to give two months' notice to the local planning authority of their intention to carry out any works of demolition or alteration which would seriously affect the character of the building. This requirement applies only when a church has ceased to be used. In practice the Church Commissioners inform the Ministry of any proposal to demolish a listed church of

¹ St John's Church, Ousebridge, York: disused for twenty years, now used as the headquarters of the York Institute of Architectural Study—grant £1,000; Chapel at Dodington House, Gloucestershire: ceased to be used as parish church in 1953, but the owners of Dodington House accepted responsibility for it—grant £2,500.

which they receive notice. The views of the Ministry can thus be taken into account when the Church Commissioners consider any proposals for demolition included in a scheme. Where authority for demolition is obtained by faculty procedure, there is no similar consultation, but if the building is listed the statutory two months' notice must be given to the local planning authority before demolition commences.

41. The Act also empowers a local authority (or the Minister using default powers granted by the Act) to prevent the demolition of any building of special architectural or historic interest by means of a building preservation order. Such an order has to be submitted to the Minister for confirmation and if there are objections a public local inquiry is held. The effect of the order is to require any person wishing to alter or demolish the building to obtain the consent of the local authority (as distinct from simply serving notice of his intention under the normal procedure). If consent is refused, there is a right of appeal to the Minister. Provision is made in the order for compensation to be paid for loss incurred as a result of refusal of consent. Where consent is refused for demolition, compensation is payable only if the building is compulsorily acquired or if the owner can show that he has been deprived of reasonably beneficial use of his property and serves a "purchase notice" on the local authority.

42. A building preservation order cannot be made in respect of a church whose demolition had been authorized by a scheme, but such an order can be made where the demolition has been authorized by faculty. It would appear, however, that an order would not be effective where demolition had been sanctioned by faculty on grounds of safety and would not in practice be made.

43. Neither the Act nor a building preservation order places any responsibility on the owner of a listed building to maintain it in good repair. The local authority can, however, acquire such a building by agreement and the Minister can authorize the compulsory acquisition by the local authority or by the Minister

of Works of a building which is the subject of a preservation order and which is not being properly maintained.

SCHEDULE I

Procedure under the Union of Benefices Measures, 1923 to 1952, and the Pastoral Reorganisation Measure, 1949

Stage 1

The Church Commissioners receive either (a) request from the bishop (in cases under the Union of Benefices (Disused Churches) Measure, 1952, where no union involved), (b) provisional proposals via the bishop following consultations by Pastoral Committee with incumbent and Parochial Church Council (Pastoral Reorganisation Measure, 1949), or (c) report of a local commission of inquiry (now rarely used) (Union of Benefices Measures, 1923 to 1936).

Stage 2

If (b) involves union, Commissioners first satisfy themselves that case for union made out. Commissioners consult Pastoral Committee, incumbent, patron, Parochial Church Council, Central Council (all statutory), Ministry of Works (statutory in certain cases), and Ministry of Housing and Local Government (non-statutory) as to redundant church. Any representations considered by Commissioners who may decide to visit area.

Stage 3

If Commissioners authorize preparation of scheme, draft prepared and approved by them and bishop.

Stage 4

Draft scheme issued to Pastoral Committee, patron, and Parochial Church Council with notice specifying twenty-one days for objections. Notice also sent to Parochial Church Council to be fixed to church notice board. Copy of draft scheme sent to incumbent for information.

Stage 5

Objections, if any, considered by Commissioners after consultation with bishop. Commissioners may decide to visit area or otherwise consult objectors. Commissioners may then either (1) uphold objections and withdraw draft scheme, (2) amend draft scheme with bishop's consent and reissue, allowing twenty-one days for objections, or (3) overrule objections. If objections are overruled, objectors informed that they will have right of appeal to Privy Council.

Stage 6

If no objections, or if objections overruled, scheme signed by bishop and certified under the Commissioners' seal. Privy Council Office notified of certification and sent copies of any objections overruled. Scheme sent at same time (unless demolition of church involved, in which case Privy Council Office informed that scheme will be sent after it has been laid before Parliament for two months). If demolition of church involved, copies of scheme laid before Parliament for two months. Notices of certification sent to bishop, Pastoral Committee, incumbent, patron, Parochial Church Council, and objectors (if any). Notice also published in local Press. In objection case, the notice states that an objector may appeal against the scheme to the Privy Council within one month.

Stage 7

Privy Council Office notified, in objection case, of period within which appeal may be made.

Stage 8

In demolition case scheme, after it has been laid before Parliament for two months, sent to Privy Council Office.

Stage 9

If there is an appeal, an Order in Council directs the appeal to be heard by the Judicial Committee. Appellants present a Petition of Appeal to Queen in Council and lodge it with Registrar

of Privy Council. Commissioners receive a copy and lodge their answer with Registrar. Appeal heard by Judicial Committee who may recommend to Her Majesty in Council that the scheme be either (1) affirmed, (2) returned to the Commissioners for further consideration, or (3) dismissed.

Stage 10

If there are no objections or no appeal, or if on appeal a recommendation to affirm the scheme is made, the scheme becomes effective as from the date on which the affirming Order in Council is published in the *London Gazette*.

SCHEDULE 2

Procedure under the Reorganisation Areas Measures, 1944 to 1954

1. The Church Commissioners receive proposals from the bishop, following consultations by the Diocesan Reorganisation Committee with the patrons, incumbents, Parochial Church Councils, and rural deans concerned (statutory). The Commissioners also consult the local planning authorities (non-statutory). (No new proposals may be submitted to the Commissioners after 21 March 1957, other than proposals for supplementary schemes.)

2. The Commissioners consider the proposals and, if necessary, consult the bishop and the Reorganisation Committee about them. Where appropriate, a member of the Commissioners' staff may visit the area to assist the committee to settle proposals.

3. Where any church is affected either by demolition or appropriation the Commissioners consult the Central Council for the Care of Churches, the Ministry of Housing and Local Government, and the Ministry of Works (non-statutory). The advice of the Royal Fine Art Commission is sought where a church is of architectural, historic, or artistic interest (statutory).

4. The Commissioners decide whether to prepare scheme.

5. If they agree, a draft scheme is prepared, approved by

the bishop and the Diocesan Reorganisation Committee and issued to the patrons, incumbents, Parochial Church Councils, rural deans, and local planning authorities concerned (statutory). Six weeks given for objections, if any, to be made.

6. Copies of any objections are sent to the bishop for his observations and those of the committee. The Commissioners send copies of their replies to objectors (statutory).

7. Any objections not subsequently withdrawn or met are referred to the Special Committee for the province concerned.

8. The Special Committee holds a local meeting and determines whether or not the objections ought to be allowed. Its decision is reported to the Commissioners, who notify the objectors accordingly and, if no objection is allowed, proceed with the scheme. Where any objection is allowed, the Commissioners may amend the scheme accordingly and return it to the bishop, who may re-submit it to the Commissioners as proposals for a new scheme.

9. When objections, if any, are resolved, the scheme is confirmed by order under the Commissioners' seal and copies laid before both Houses of Parliament for twenty-eight days.

10. If not disapproved by resolution of either House, the Commissioners seal a further order appointing the operative day.

11. Notice of both orders is published in the *London Gazette* and copies of the orders and scheme sent to the bishop, Reorganisation Committee, patrons, incumbents, Parochial Church Councils, rural deans, and the Registrar-General. Copies are also sent to the Census Office, Inland Revenue, Ministry of Housing and Local Government, Pensions Board, Charity Commission, Central Board of Finance, the Diocesan Board of Finance, and the archdeacon(s) concerned.

NOTE ON THE PHOTOGRAPHS

Churches which have become redundant, or are in danger of so becoming, do not fall into clearly defined categories. But the eight photographs which follow have been chosen to illustrate the variety of circumstances which the Archbishops' Commission has been called upon to consider.

Four of the first five churches are in rural areas.

The first (All Saints, Aldwinckle) shows one of three churches belonging to a small united benefice in Northamptonshire with a population of little over a thousand.

The second (Albury Old Church) is an instance of a church standing in a park about a mile from the village, in which an ample church was built in the 1840's. The Old Church is no longer required for normal parochial purposes, and to all intents and purposes is redundant.

The third (Low Ham in Somerset) is a fine church in the fifteenth-century style but built in the reign of James I. It is now only used for two services a month.

The fourth (Portland St George, Dorset) shows a massive eighteenth-century church. The Island and Royal Manor of Portland has a population of about fifteen thousand, but there are five churches and the upkeep of St George's is a source of considerable anxiety.

The fifth plate shows two Lincolnshire churches which share a single churchyard and serve a community of some five hundred persons.

Christ Church, Salford (No. 6), of which the interior is shown, was a beacon in a comparatively poor neighbourhood in Salford.

It was found to be redundant and was pulled down recently.

The remaining two photographs show churches no longer

required for parochial purposes and for which other uses have been found.

St Peter, Hungate, Norwich (No. 7), is a city church in a city of many ancient churches, far more than are now required. St Peter's is an instance of successful adaptation to another purpose. It is now a museum of ecclesiastical art.

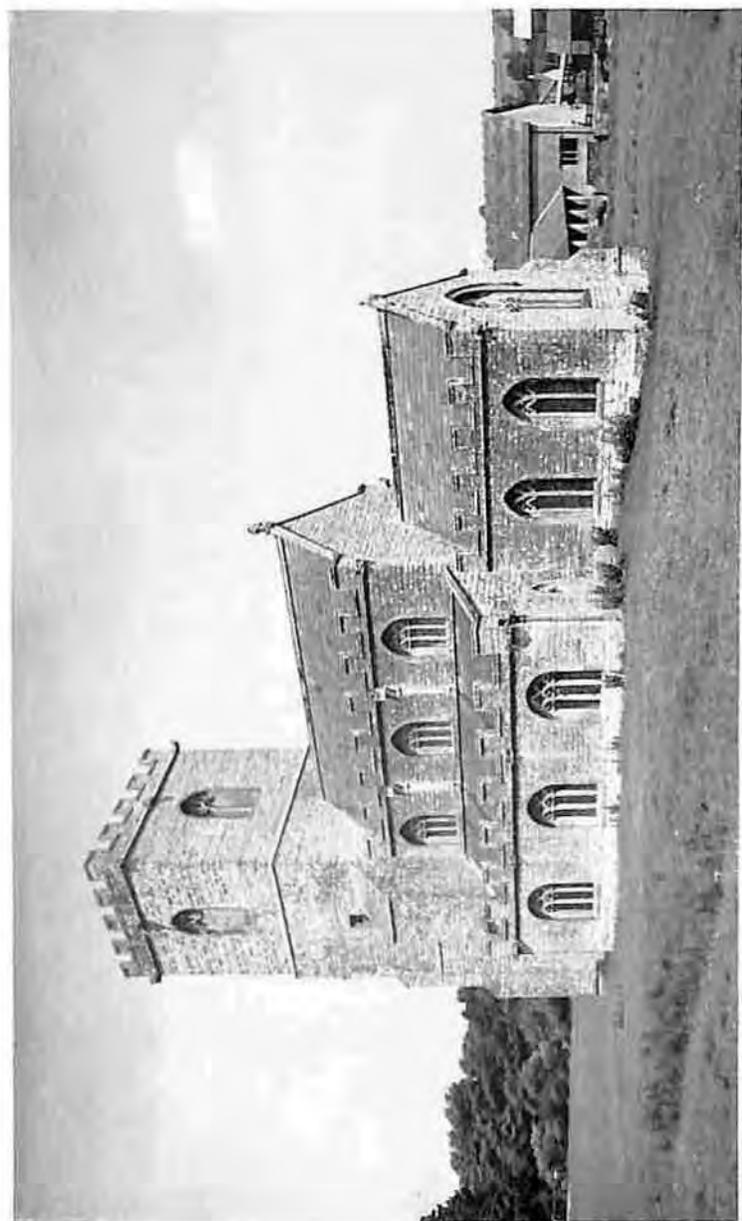
The eighth (All Saints, Camden Town) is used by the Greek Orthodox Church.



1. All Saints, Aldwinckle, Northants.



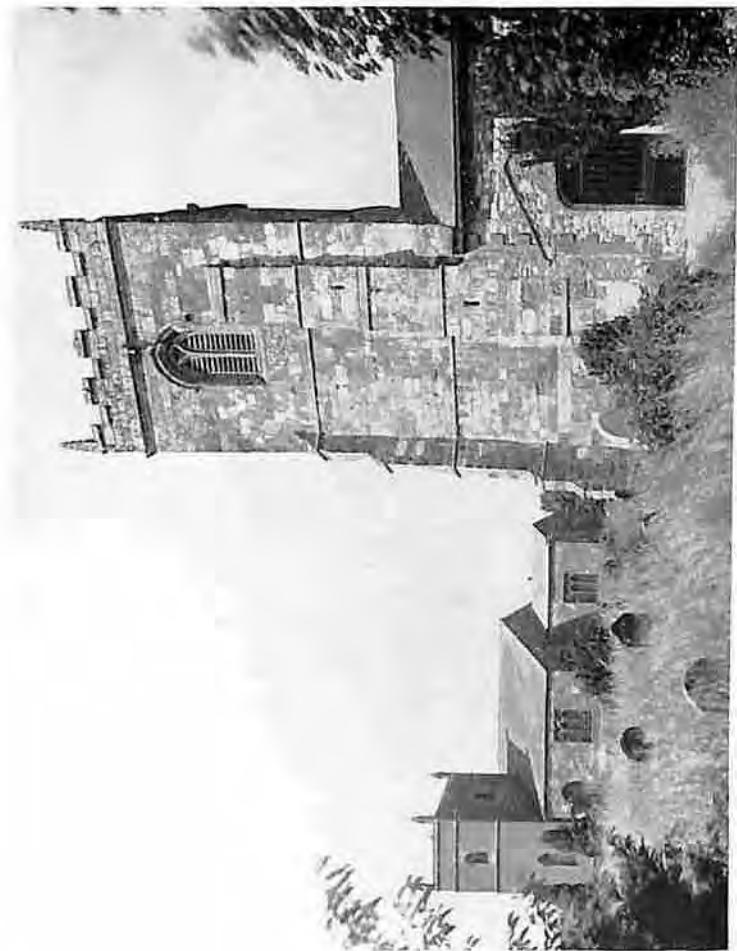
2. Aldbury Old Church, Surrey.



3. Low Ham Church, Somerset.



4. Portland St George, Dorset.



5. St. Mary, North Cockerington, and St. Adelwold, Alvingham, Lincolnshire.



6. Christ Church, Salford.



7. St Peter Hungate, Norwich.



8. All Saints. Camden Town.