STATUTORY INSTRUMENTS

1999 No. 2111

ECCLESIASTICAL LAW, ENGLAND

The Care of Places of Worship Rules 1999

Made (Approved by the General Synod) *10th July 1999*

Laid before Parliament *27th July 1999*

Coming into force in accordance with Rule 1

In pursuance of section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991**(a)** and section 5 of the Care of Places of Worship Measure 1999**(b)** the Rule Committee constituted in accordance with section 25 of the said Measure of 1991 makes the following Rules:–

Citation and commencement

1. These Rules may be cited as the Care of Places of Worship Rules 1999 and shall come into force on the day appointed under section 7(2) of the Measure for the coming into operation of section 1 thereof.

Interpretation

2. In these Rules–

"application" means an application made for the purposes of the Measure and "applicant" shall be construed accordingly;

"the Council" means the Council for the Care of Churches;

"the Measure" means the Care of Places of Worship Measure 1999.

Mode of application

3.—(1) An application shall be in writing in a form approved by the Council, signed by or on behalf of the applicant or applicants, and shall be sent by post or delivered to the office of the Council.

(2) In the case of an application made in the name of a corporate body or an unincorporated body of persons, the application shall be signed by one or more members or officers of the body duly authorised to do so.

(3) An application shall not be regarded as made until it is received by the Council and, within fourteen days thereafter, the Council shall issue a written acknowledgement of its receipt to the applicant or applicants.

Contents of application for inclusion

4. An application for the inclusion of a building in the list shall contain or be accompanied by the material specified in the Schedule to these Rules and on receiving such an application the Council may require the production of such further material as it thinks fit for the purpose of establishing that the building is eligible for inclusion in the list.

(a) 1991 No. 1.
(b) 1999 No. 2.

Contents of application for removal

5. An application for the removal of a building from the list shall identify the building by reference to the relevant entry in the list and shall contain or be accompanied by the material specified in paragraphs 1, 15, 16 and 17 of the Schedule to these Rules.

Contents of list

6. The material specified in Part I of the Schedule to these Rules shall be contained in or attached to the list.

Notification of Council's decisions

7.—(1) Within the period of twenty-eight days following the receipt of an application the Council shall either–

(a) notify the applicant or applicants of its decision thereon and, if the application is rejected, the reasons for the rejection; or

(b) require the production of further material in pursuance of Rule 4 above.

(2) If further material is required in pursuance of Rule 4 above, paragraph (1) above shall apply with the substitution for the words "receipt of an application" of the words "receipt of further material".

Supplementary provisions re. removal from list

8. Where, in pursuance of section 2(2) of the Measure, the Council gives the relevant person or body an opportunity to show reason why a building should not be removed from the list, it shall allow the person or body at least twenty-eight days within which to do so and, if the building is removed from the list, shall, as soon as practicable but not later than twenty-eight days after its removal, notify the relevant person or body of its removal.

Guidance by diocesan chancellors

9. Any written guidance given by the chancellor of a diocese in pursuance of section 11(8) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 in relation to buildings, objects and structures in the diocese shall apply in relation to buildings, objects and structures in the diocese which are subject to the faculty jurisdiction by virtue of the Measure as it applies to those which are so subject otherwise than by virtue of the Measure.

Dated this 4th day of June 1999

Sheila Cameron
John Bullimore
William Hawkes
Joanna Ingram
Lionel Lennox
Julian Litten
John Owen
+ Ian Petriburg:
Frank Robson
Ian Russell

D M Williams
Clerk to the Synod

Approved by the General Synod this 10th day of July 1999

SCHEDULE

Rules 4, 5 and 6

MATERIAL REQUIRED IN CONNECTION WITH APPLICATIONS

PART I

For inclusion in the list

1. The name and address of the applicant or, if more than one, of each applicant.

2. The name, address and daytime telephone number of the person authorised to act on behalf of the applicant or applicants who is to be contacted in connection with the application.

3. The capacity in which the applicant or applicants is or are entitled, by virtue of paragraph 1 of Schedule 1 to the Measure, to make the application (together with a reference to the relevant provision of that paragraph).

4. The name or description and the address (including the postcode if any) of the building (together with the Ordnance Survey reference) in respect of which the application is made.

5. Whether the building is part of a larger building and, if so, the name or description of the larger building.

6. The category or categories mentioned in section 1(2) of the Measure relevant to the building.

7. Whether an adjoining building used wholly or mainly as a vestry or sacristy is to be included in pursuance of section 1(3) of the Measure and, if so, a description thereof sufficient to identify it and to show that it falls within that subsection.

8. Whether the curtilage, any monument within the curtilage or any object or structure forming part of the land within the curtilage is to be included in pursuance of section 1(4) of the Measure and, if so, a description thereof sufficient to identify it and, in the case of an object or structure, to establish that it falls within that subsection.

9. An Ordnance Survey map or site-centred plan (on a scale not smaller than 1:1250) marked so as to indicate (showing the boundaries where relevant)–

(a) the location of the building;

(b) where the building is part of a larger building, the location of the relevant part in relation to the larger building;

(c) where a vestry or sacristy to be included in pursuance of section 1(3) of the Measure, the location thereof; and

(d) where the curtilage is to be included in pursuance of section 1(4) of the Measure, the location and extent of the curtilage.

10. Whether the building is a listed building within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990 or is part of or attached to such a listed building.

11. Whether the building is in a conservation area within the meaning of the said Act of 1990 and, if so, the name of the conservation area.

12. A list of all objects and structures fixed to the building with a description sufficient to identify them for the purposes of paragraph 3 of Schedule 1 to the Measure.

PART II

Not for inclusion in the list

13. The name of the diocese in which the building is situated or is deemed pursuant to section 6(3) of the Measure to be situated.

14. The name of the local planning authority in whose area the building is situated.

15. Whether the building is subject to a tenancy.

16. Where the consent of any person to the application is required by paragraph 2 of the Schedule 1 of the Measure, the written consent signed by that person (together with the capacity in which the consent is given) or, in the case of a consent required by paragraph 2(6), full details of the attempts made to find the person concerned or the reasons why it is impracticable to seek his consent.

17. In the case of a building falling within section 1(2)(e) of the Measure (shared churches), a statement signed by the applicant to the effect that the requirements of paragraph 2(4) of Schedule 1 to the Measure have been complied with.

18. An undertaking to observe the provisions of the Measure and the law relating to the faculty jurisdiction of the consistory court.

19. A statement to the effect that the building does not fall within paragraph (a), (b) or (c) of section 1(5) of the Measure.

20. Where the building is, or is part of or attached to, a listed building within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990, a copy of the entry relating to the listed building in the relevant list.

EXPLANATORY NOTE

(This note is not part of the Rules)

The Rules are made under the Care of Places of Worship Measure 1999 ("the Measure"), which provides for certain buildings, land and structures which are not already within the faculty jurisdiction of the consistory courts of the Church of England to be brought within that jurisdiction on a voluntary basis. In order for the faculty jurisdiction to apply to such a building, it is to be included in a list kept by the Council for the Care of Churches ("the Council") on an application by the person or body connected with the building etc who is specified in the Measure. The same person or body may apply for it to be removed from the list, and the Council has restricted powers to remove buildings etc from the list without any application being made by the relevant body or person.

The Rules prescribe the manner in which applications are to be made under the Measure and their contents, and also prescribe certain matters to be included in or annexed to the list, which is to be open to inspection by members of the public. They provide for notification of the Council's decisions on applications and lay down procedural provisions regarding removal from the list without an application. In addition, they provide for guidance by a diocesan chancellor under section 11(8) of the Care of Churches Measure 1991 on what matters are of such a minor nature that they do not require a faculty to apply to buildings etc in the diocese which are brought within the faculty jurisdiction by inclusion in the list.

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£2.00

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under the authority and superintendence of Carol Tullo,
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WO 5168 8/99 ON (MFK)