

Chancel Repair (Church Commissioners' Liability) Measure 2025

No. 1

A Measure under the Church of England Assembly (Powers) Act 1919

£5.78



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A Measure of the General Synod of the Church of England to provide for any liability of the Church Commissioners to repair the chancel of a church to have effect as a statutory duty. [3rd April 2025]

1 Existing liabilities on title or under contract

(1) Where, immediately before the commencement of this section, a liability of the Church Commissioners to repair the chancel of a church had effect as an interest in or over land or as a contractual obligation, the liability—

(a) ceases on the commencement of this section to have effect as such, and

(b) takes effect instead as a duty imposed on the Commissioners by this section.

(2) A liability imposed on the Church Commissioners under this section is of the same extent as it was immediately before the commencement of this section.

(3) Any instrument or agreement, in so far as it concerns a liability of the Church Commissioners to repair the chancel of a church, ceases to have effect on the commencement of this section.

(4) Any Land Registry entry in respect of a liability of the Church Commissioners to repair the chancel of a church ceases to have effect on the commencement of this section.

(5) The references to the Church Commissioners include a reference to a subsidiary of the Commissioners.

2 Existing statutory liabilities

(1) The liability of the Church Commissioners under each of the Acts mentioned in subsection (2) continues to have effect and be enforceable after the commencement of section 1 as it did immediately before the commencement of that section.

(2) The Acts referred to in subsection (1) are—

(a) the Walton-on-the-Hill Rectory Act 1843;

(b) the Wolverhampton Parish Act 1848;

(c) the Ecclesiastical Commissioners (Fen Chapels) Act 1875;

(d) the Walton-on-the Hill Rectory Amendment Act 1877;

(e) the Winwick Rectory Act 1884;

(f) the Burnley Rectory Act 1890;

(g) the Handsworth Rectory Act 1891;

(h) the Sutton Coldfield Rectory Act 1907;

(i) the St. Mary Stockport Rectory Act 1910;

(j) the St. Mary Radcliffe Rectory Act 1911;

(k) the St. Mary Prestwich Rectory Act 1911.

(3) The liability referred to in subsection (1) remains the liability of the Church Commissioners even if land affected by the liability is transferred to another person after the commencement of section 1.

(4) The reference in section 1(3) to an instrument does not include an Act mentioned in subsection (2).

3 Future liabilities

(1) Where, after the commencement of this section, the Church Commissioners acquire land and, immediately before the acquisition, a liability to repair the chancel of a church had effect as an interest in or over that land, the liability—

(a) ceases on the acquisition to have effect as such, and

(b) takes effect instead as a duty imposed on the Commissioners by this section.

(2) A liability imposed on the Church Commissioners under this section is of the same extent as it was immediately before the acquisition.

(3) Any Land Registry entry in respect of a liability to repair the chancel of a church which, but for this section, would on the acquisition have become a liability of the Church Commissioners having effect as an interest in or over land, ceases to have effect.

(4) The references to the Church Commissioners include a reference to a subsidiary of the Commissioners.

4 Liabilities on cathedrals

(1) Any liability of the Chapter of a cathedral to repair the chancel of a church in respect of which the Church Commissioners had, before the commencement of this section, been making grants under section 28(6) of the Cathedrals Measure 2021 and that had effect immediately before that commencement (whether or not as an interest in or over land)—

(a) ceases on that commencement to be a liability of the Chapter, and

(b) takes effect instead as a duty imposed on the Church Commissioners by this section.

(2) A liability imposed on the Commissioners under this section is of the same extent as it was immediately before the commencement of this section.

(3) Any Land Registry entry in respect of a liability referred to in subsection (1) ceases to have effect on the commencement of this section.

(4) Section 28(6) of the Cathedrals Measure 2021 ceases to have effect.

5 Supplementary matters

(1) A duty or liability imposed by this Measure is enforceable under the Chancel Repairs Act 1932.

(2) Any difference in determining the extent of a liability for the purposes of this Measure is to be referred to a single arbitrator who—

(a) is to be agreed between the parties, or

(b) if there is no agreement, is to be appointed on the application of either party, after giving written notice to the other, by the President of the Royal Institution of Chartered Surveyors.

(3) A reference in this Measure to a "Land Registry entry" is a reference to an entry in the register of title or the register of cautions against first registration kept by the Chief Land Registrar.

(4) In this Measure—

"land" includes mines and minerals, whether or not held apart from the surface, with "mines and minerals" having the meaning given in section 205(1)(ix) of the Law of Property Act 1925, and

"subsidiary" has the same meaning as in the Companies Act 2006 (see section 1159 of that Act).

6 Short title, commencement and extent

(1) This Measure may be cited as the Chancel Repair (Church Commissioners' Liability) Measure 2025.

(2) This section comes into force on the day on which this Measure is passed.

(3) The other provisions of this Measure come into force on such day as the Church Commissioners may by order appoint; and different days may be appointed for different purposes.

(4) The power to make an order under subsection (3) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

(5) This Measure extends to—

(a) the whole of the province of Canterbury but not either of the Channel Islands (which has the meaning that "the Bailiwicks" has in the Channel Islands Measure 2020), and

(b) the whole of the province of York but not the Isle of Man.

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