EXPLANATORY MEMORANDUM TO

THE GRANTS TO THE CHURCHES CONSERVATION TRUST ORDER 2011

2011 No.

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before the House of Commons by Command of Her Majesty.

This memorandum contains information for the Select Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Order provides the statutory basis for the Government's financial support of the Churches Conservation Trust pursuant to section 1 of the Pastoral Measure 1983 (1983 No. 1) . The Trust was established in 1968 as the Redundant Churches Fund under provisions currently embodied in the Pastoral Measure 1983 as amended. The Trust cares for Church of England churches of historic or architectural interest no longer required for regular worship and for which no suitable alternative use can be found. The Government currently provides 70% of the Trust's statutory funding, the remaining 30% being provided by the Church Commissioners.

3. Matters of special interest to the Select Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order is made in exercise of the powers conferred on the Secretary of State by section 1(1), (2) and (3) of the Redundant Churches and other Religious Buildings Act 1969 ("the 1969 Act"). A draft of the Order is being laid for approval by the House of Commons in pursuance of section 1(4) of the 1969 Act.

4.2 Since the establishment of the Churches Conservation Trust as the Redundant Churches Fund in 1968, the Government has provided statutory funding in line with its policies towards preserving and maximising access to the historic built environment. The Trust's main objective is the conservation of the churches in its care and those newly vested by the Redundant Churches Committee of the Church Commissioners. The Trust will also investigate and facilitate appropriate uses of the church buildings where appropriate.

4.3 A new Funding Order is required from 1 April 2011 when the Order covering 2008/9 to 2010/11 (SI 842 of 2008) expires.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

John Penrose, the Minister for Tourism and Heritage, has made the following statement regarding Human Rights:

In my view the provisions of The Grants to the Churches Conservation Trust Order 2011 are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 The Government's policy is to financially support the work of the Churches Conservation Trust, in line with its general objectives concerning the conservation of the historic built environment. Churches represent a large proportion of the listed buildings in England and Wales. Due to demographic changes and other factors, an average of about 25 Anglican churches per year become redundant, following due process undertaken by the Church Commissioners. While a larger proportion of the churches becoming redundant are either found a new use or are demolished, those considered most architecturally or historically significant are vested in the Trust by the Commissioners.

7.2 While the primary objective of the Trust is conservation of the churches in its care, alternative uses are sought where appropriate. It is an aim of the Trust that such alternative use would not only reduce the dependence of buildings on the Trust, thus releasing funding for other projects, but would also produce benefits in line with the aims and objectives of other Departments in terms of the provision of community facilities, capacity building and support for volunteering, community cohesion and regeneration.

7.3 Government funding for heritage church buildings continues to be of high profile. Funding for the Trust is part of a wider suite of funding for ecclesiastical heritage buildings which includes the Listed Places of Worship Grant Scheme and funding made available by English Heritage.

7.4 In July 2008, the General Synod approved the Church of England's contribution to the Trust for the period 2009/10 to 2011/12, and approval will be sought at the July 2011 Synod for the Church's funding of the Trust from 20012/13 to 2014/15. The Department for Culture, Media and

Sport has a funding agreement with the Trust which outlines the Department's requirements for the Trust for the funding period, including how the Trust is expected to contribute to the Department's Strategic Objectives. Agreements are made jointly with the Church Commissioners, and encompass the Commissioners' targets for the Trust.

7.5 This instrument provides the authority for funding over a four year period because this is the duration of current Government spending plans as determined during the 2010 Spending Review. Previous instruments have covered three year periods.

8. Consultation Outcome

8.1 No consultation has been undertaken given the nature of the instrument.

9. Guidance

9.1 No guidance is required to accompany this instrument given its sole purpose in providing the legislative authority for the funding of the Trust.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

10.2. There is no impact on the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 A review of the outcome or success of this instrument is considered inappropriate given its limited purpose.

13. Contact

Jeremy Dann at the Department for Culture, Media and Sport Tel: 020 7211 2348 or e-mail: Jeremy.dann@culture.gsi.gov.uk can answer any queries regarding the instrument.