**EXPLANATORY MEMORANDUM TO**

**THE GRANTS TO THE CHURCHES CONSERVATION TRUST ORDER 2016**

**2016 No. [XXXX]**

## 1. Introduction

1.1 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.

## 2. Purpose of the instrument

2.1 This Order provides the statutory basis for the Government's financial support of the Churches Conservation Trust. The Trust was established in 1968 as the Redundant Churches Fund and is now called the Churches Conservation Trust. 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 66% of the Trust's statutory funding, the remaining 34% being provided by the Church Commissioners.

## 3. Matters of special interest to Parliament

***Matters of special interest to the Select Committee on Statutory Instruments***

3.1 None.

***Other matters of interest to the House of Commons***

3.2 This entire instrument applies only to England and Wales.

3.3 This instrument applies only to England and Wales because the Redundant Churches and other Religious Buildings Act 1969[1] ("the 1969 Act") extends to England and Wales[2]. The instrument does not have minor or consequential effects outside England and Wales.

3.4 In the view of the Department, for the purposes of House of Commons Standing Order 83P, the subject-matter of this entire instrument (to the extent that it is characterised as being concerned with churches of historical or architectural interest) would be within the devolved legislative competence of the Northern Ireland Assembly if equivalent provision in relation to Northern Ireland were included in an Act of the Northern Ireland Assembly as a transferred matter and the Scottish Parliament if equivalent provision in relation to Scotland were included in an Act of the Scottish Parliament.

[1] 1969 c.22.

[2] The Church of Wales was disestablished in 1920 as a result of The Welsh Church Act 1914 (1914 [4&5 GEO.5.] c.91). There are a small number of churches in the Welsh counties of Monmouthshire and Radnorshire close to the border with England which are part of the Church of England, having remained attached to parishes in the Diocese of Hereford when the Church of Wales was disestablished.

## 4. Legislative Context

4.1 Section 1(1) and (2) of the 1969 Act provides that the Secretary of State may, with the approval of the Treasury, make grants to the Redundant Churches Fund (now known as the Churches Conservation Trust) during such period and not exceeding such aggregate amount as specified by Order. In accordance with section 1(4) of the 1969 Act, a draft of the Order was laid before and approved by a resolution of the House of Commons.

4.2 Since the 1969 Act was passed, the Government has provided statutory funding to the Trust 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 in the Trust by 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 1st April 2016 as the previous Order[3] only covers the period for grants up until the end of 31st March 2016.

## 5. Extent and Territorial Application

5.1 This instrument extends to England and Wales.

5.2 The territorial application of this instrument is set out in Section 3 under "Other matters of interest to the House of Commons".

## 6. European Convention on Human Rights

6.1 Tracey Crouch, the Minister for Sport, 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 2016 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 20 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

[3] S.I. 2015/908.

facilities, capacity building and support for volunteering, community cohesion and regeneration.

7.3 Government funding for heritage church buildings continues to be a priority. 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, the First World War Centenary Cathedral Repair Fund, the Listed Places of Worship Roof Repair Fund and funding made available by the Heritage Lottery Fund.

7.4 In July 2014, the General Synod approved the Church of England's contribution to the Trust for the period 1st April 2015 to 31st March 2018. 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 for a four year period.

***Consolidation***

7.6 The instrument revokes the Grants to the Churches Conservation Trust Order 2015[4].

## 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 statutory authority for Government grants to the Churches Conservation Trust.

## 10. Impact

10.1 The impact on business, charities or voluntary bodies is considered to be nil.

10.2 The impact on the public sector is considered to be nil.

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

11.1 The legislation does not apply to small businesses.

## 12. Monitoring & review

12.1 DCMS and the Churches Conservation Trust have a joint Management Agreement which sets out the priorities for both DCMS and the Church Commissioners, the indicators which will be used to measure performance and the way the organisations work together. The Department also has bi-annual funding meetings with both the Church Commissioners and the Churches Conservation Trust.

[4] Ibid

## 13. Contact

13.1 Gill Graham at the Department for Culture, Media and Sport Tel: 020 7211 2319 or e-mail: gill.graham@culture.gov.uk can answer any queries regarding the instrument.