EXPLANATORY MEMORANDUM TO

THE GRANTS TO THE CHURCHES CONSERVATION TRUST ORDER 2021

2021 No. 409

1. Introduction

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

1.2 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. The Trust was established in 1969 as the Redundant Churches Fund and is now called the Churches Conservation Trust. The Trust cases 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.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 This entire instrument applies to England and Wales only because the Redundant Churches and other Religious Buildings Act 1969 ("the 1969 Act") extends to England and Wales.

3.3 The instrument does not have any minor or consequential effects outside England and Wales.

3.4 In the view of the Department, for the purposes of Standing Order No. 83P of the Standing Orders of the House of Commons relating to Public Business, the subject-matter of this entire instrument 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.

3.5 The Department has reached this view because this instrument is concerned with the conservation of churches of historic and architectural interest, which is within the devolved legislative competence of the Northern Ireland Assembly and Scottish Parliament.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is set out in Section 3 under "Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)".

4.3 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 the parishes in the Diocese of Hereford when the Church of Wales of disestablished.

5. European Convention on Human Rights

5.1 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 2021 are compatible with the Convention rights."

6. Legislative Context

6.1 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 Churches Conservation Trust (formally known as the Redundant Churches Fund) 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.

6.2 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 find alternative uses of the church buildings where appropriate.

6.3 The Secretary of State has decided to extend the funding beyond the end of the current order. The new Funding Order will cover the period beginning with the 1st April 2021 and ending with 31st March 2022.

7. Policy background

What is being done and why?

7.1 Government's policy is the 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 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 funding for ecclesiastical heritage buildings which includes the Listed Places of Worship Grant Scheme and funding made available by the National Lottery Heritage Fund.

7.4 In November 2020, the General Synod approved the Church of England's contribtion to the Trust for the period 1st April 2021 to 31st March 2024. The Department for Digital, 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 one year period, further to the Chancellor of the Exchequer's announcement in 2020 of a fast-tracked one year Spending Round for 2021-2022.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument revokes the Grants to the Churches Conservation Trust Order 2020 (S.I 2020/403).

10. Consultation outcome

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

11. Guidance

11.1 No guidance is required to accompany this instrument as its sole purpose is to provide the statutory authority for the Government to make grants to the Churches Conservation Trust.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no impact on the private, voluntary or public sectors is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation will be determined by the joint Management Agreement between the Churches Conservation Trust and the Department for Digital, Culture, Media and Sport.

14.2 The regulation does not include a statutory review clause. The Management Agreement which sets out the priorities for both the Department and the Church Commissioners, also provides 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. This legislation will be monitored through these meetings and other regular meetings with the Churches Conservation Trust which monitor financial performance for the purposes of grant funding.

15. Contact

15.1 Gill Graham at the Department for Digital, Culture, Media and Sport: gill.graham@dcms.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ruth Andreyeva, Deputy Director for Heritage and Analysis at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Nigel Huddleston, the Minister for Sport and Tourism at the Department for Digital, Culture, Media and Sport can confirm that this Explanatory Memorandum meets the required standard.