

THE BISHOP OF ELY'S REGISTRY

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To: Clergy, churchwardens, parish officers
and PCC members in the Diocese of Ely

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LAY RECTORS AND CHANCEL REPAIR LIABILITY – A BRIEFING NOTE

A seminar on Chancel Repair Liability was held for church officers on 6th October 2012, and a number of documents from that are now available on the Diocese's website:

<http://www.ely.anglican.org/information/chancelrepair/index.html>.

Parishes making enquiries regarding Lay Rectors and Chancel Repair Liability are advised to read those documents. The documents provide advice and guidance to PCCs, particularly in two key areas: namely the practicalities and technicalities of researching and registering liabilities, and the principles of whether a PCC should register or not. Some general background is also given.

In considering the principles of whether a PCC should register or not, church officers will find the following-named documents of particular assistance, as available from the Diocesan website:

- The Charity Commission Guidance
- St Michael's Penkrige Chancel Repair Liability webpage – particularly the first 2 handouts (presentation and PCC action sheet)
- Pages 11 to 16 of the 'CRL Introduction'
- 'CRL PCC Correspondence with Charity Commissioners' – a presentation on the experiences of St Mary's Church, Ely in grappling with this issue
- Paragraphs 7 to 16 of the 'Opinion of Legal Advisory Commission of General Synod'
- Pages 18 to 19 of the 'RC Oct2008 Original Presentation'

A letter from the Diocesan Offices, drafted with assistance from the Diocesan Registry, has already been circulated earlier in the year. Individual parishes may request from the Registry (via the contact details above) a copy of this practical guidance note.

Please note that the Diocesan Registry cannot offer advice on individual parishes' situations regarding Chancel Repair Liability, but the Registrars' firm Lee Bolton Monier-Williams (LBMW) could be instructed (on a chargeable basis) to assist an individual PCC. LBMW's view on this is that it is not economic to instruct lawyers to assist with the research which needs to be undertaken as to where there may be land subject to chancel repair liability. If a PCC does not have this capability 'in house' (so to speak) then instructing a researcher at National Archives may be the better course of action. LBMW is developing a fixed fee package for dealing with registration of notices, or cautions against land which has been identified as subject to chancel repair liability. In terms of applying to the Charity Commission for their sign-off on a decision by the PCC not to register chancel repair liability against a parcel of land certainly LBMW can advise and assist in putting forward a case to the Charity Commission. The work that might be involved in this however will depend upon the particular circumstances and we would need to know what these were in order to give an estimate of the costs involved.

25/10/2012