

Extract of advice provided by the Ministry of Housing, Communities and Local Government to the National Association of Local Councils regarding financial contributions made by Parish Councils to the maintenance or improvement of Church property

“First of all, I should emphasise that the Department is unable to give an authoritative interpretation of the legislation concerned, as only the courts are empowered to do this. However, you may find the informal comments provided below helpful.

The Local Government Act 1894 was intended to provide a clear separation between parochial church councils and newly created civil parishes. As such, there was an expectation that the Church congregation, supplemented by the national Church, would provide for the maintenance and upkeep of church property and grounds. As time has passed, large parts of that Act have been superseded, although the general principle of separation between the two remains, in my view, correct. Separate provision exists for parish councils to maintain closed churchyards, but the overall expectation is that the church should provide for the upkeep of its property.

Following recommendations by the *English Churches and Cathedrals Sustainability Review* Task Force, a 2017 Department of Culture, Media and Sport (DCMS) consultation sought to explore barriers to church funding and support, and the 1894 Act was proposed as such a barrier. Since then, your organisation has published advice suggesting that the 1894 Act prevents parish councils from maintaining or improving, or contributing to the improvement and maintenance of, ecclesiastical buildings.

Whilst we would agree informally that the 1894 Act would prevent parishes from directly maintaining or improving such buildings, informally we believe that other powers available to parish councils would permit them to contribute to the maintenance of such buildings, if it were within their local communities’ interest to do so. Section 133 of the Local Government Act 1972 and Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 are powers which are not liable to be affected by the interpretation of earlier legislation. At this time, we have no plans to repeal the 1894 Act, however we understand that DCMS is looking to publish further guidance on this matter later this year.

I would emphasise that the parish council should seek to ensure that any such contribution would both serve the best interests of their local community and would not be likely to result in an increase to the precept, especially given that many parishes are already under financial pressure to take on services from principal councils in their area.”