

DIOCESE OF ST ANDREWS, DUNKELD & DUNBLANE

PROCEDURAL ADVICE NOTE PREPARED BY THE DIOCESAN BUILDINGS COMMITTEE

1. Introduction

Canon 35 came into being because there were concerns that, unless the church in general (not just the Episcopal Church) adopted a more rigorous system of self-regulation, the exemptions afforded from planning control under the planning and associated legislation could be abolished. Please remember that local authority planning permission for relevant works will need to be obtained. The Canon allows a central advisory oversight aimed at eliminating significant conflicts relating to the alteration of church fabric and, whilst establishing Episcopal supervision provides for a spreading of the load through the appointment of Diocesan Buildings Committees (DBC).

Canon 35 - Of the structure, furniture and monuments of churches, and the due care thereof.

1. With the exception of minor works identified by the Provincial Buildings Committee, no change (whether by introduction, alteration or removal) shall be made in the structure, ecclesiastical furniture or ornaments, monuments, mural tablets or painted windows of any Church used for public worship, nor shall any scheme of redecoration or any alteration of lighting or heating system be undertaken unless the Vestry of the same with the consent of the Rector or Priest-in-Charge shall have obtained the approval in writing of the Bishop and of the Diocesan Buildings Committee; provided always that such approval does not violate any restrictions contained in the Constitution or titles of the Church. Subject to the Constitution or titles of the Church, a Vestry or twenty per cent of the members of the Communicants' Roll, as defined in Canon 41, Section 2, of the charge concerned shall have a right of appeal against the decision of the Diocesan Buildings Committee or of the Bishop to the Provincial Buildings Advisory Committee. Notwithstanding the above, the Vestry with the consent of the Rector or Priest-in-Charge, may undertake re-ordering of the ecclesiastical furniture or ornaments of the Church for an experimental period.

2. None of the holy vessels or ecclesiastical furniture or ornaments of any church shall be sold, exchanged, or otherwise disposed of without the written consent of the Bishop, Dean, and the Registrar of the Diocese.
3. The Vestry with the Rector or Priest-in-Charge shall cause all proper and reasonable care to be taken of the places of worship within its charge, and of the furniture and ornaments thereof, and shall use every endeavour to keep them decent, clean, and in good repair. The Vestry shall make provision for the adequate protection and insurance of all Church fabric and property.
4. No church that is consecrated or set apart for public worship shall be used for any purpose not religious or ecclesiastical without the consent of the Bishop.

2. Application

In advance of advice from the Province the DBC has decided that the Canon will apply in the following circumstances.

Any structural change, whether internal or external (as a rule of thumb if something is fixed and cannot be moved that would be classed as structural).

Alterations to paint work and wall finish colours in respect of Grades B and C listed Buildings and in Conservation areas.

Tree felling affecting the setting of the property (this will not affect work for safety reasons nor eliminate the need for felling licenses where needed).

Loose fixtures and fittings that contribute significantly to the character of the church particularly if they are of design merit.

These procedures also apply to church halls, rectories or other church properties as these are subject to the need for planning and building permissions under the relevant legislation.

The DBC is of the opinion that maintenance and the replacement of like with like should be referred to the DBC to make the Committee aware of any changes taking place and for the Committee to give any advice or opinion on the changes. It is imperative that any major structural changes are planned, designed and supervised by qualified personnel. The DBC cannot fulfil that professional role.

Submissions accompanied by the Application Form attached to this advice note are to be forwarded to the Diocesan Office. When completed a copy of the Application Form will be returned to the charge.

3. Procedure

a. Experimental Reordering (Resolution 2)

- The reordering of ecclesiastical ornaments and furniture of a church may be carried out for a minimum of 3 months and for no longer than 9 months, provided that all work is fully reversible and no structural alteration is undertaken.
- Notification of such actions must be given in writing to the Bishop and the DBC, through the Diocesan Office Manager, at least two weeks before the work is undertaken.
- If, after the experimental period, it is decided to proceed to a permanent change the procedures in (b) below should be followed.

b. Permanent reordering/alteration (Resolution 3 - 6)

Before submitting a formal application, the Vestry shall:

- Notify the Bishop/DBC through the Diocesan Office Manager by letter.
- Advertise the proposals to the congregation.
- In the case of a listed building, advise:
 - Historic Scotland
 - The Planning Authority
 - The Architectural Heritage Society of Scotland
 - The Scottish Civic Trust
 - Local Civic/Amenity Society
- Allow 4 weeks for written comments to be submitted.
- Consider all the comments and decide action.

Before proceeding with the work, the Vestry must make a formal application to carry out the works as originally proposed or as amended as a consequence of the comments received. This is to be done within 6 months of the end of the formal consultation period, referred to above.

The application should be submitted through the Diocesan Office to the Bishop/DBC and will include:

- Copies of all representations received.
- Copies of any plans and reports relevant to the application.
- Any further supporting material including the reasons for the proposed works.

The Bishop and the DBC shall determine the outcome of the application independently within four weeks of the application being received by the Diocesan Office Manager. This determination may be:

- Consent to the submitted application.
- Consent subject to conditions.
- Refusal of consent.

Should either the Bishop or the DBC decide to refuse consent the application will be deemed to have been refused.

c. Right of Appeal (Resolution 5)

An appeal, in writing to the Secretary General of the General Synod, may be made to the Provincial Buildings Committee (PBC) within 4 weeks of the determination of the application by the Bishop/DBC. The appeal may be:

- By the Vestry against one or more of the conditions attached to the consent.
- By no less than 20% of the communicant members against the refusal of consent.

Any appeal shall be determined by the PBC within twelve weeks and the decision shall be final.

d. Time Limitation (Resolution 6)

If work for which consent has been granted has not been begun within three years the consent is deemed to have lapsed.

4. General Considerations

- As indicated in 2, above, submission to the DBC does not eliminate the need for professional advice, particularly where structural changes are to be made.

- Although the Bishop and the DBC are required to determine the applications independently and may well use different criteria, the Bishop will be advised by the DBC and vice versa.
- Where there is a complicated or contentious application there may be a need for a site inspection.
- The plans and decisions should be kept in the Property Register of the Charge.
- This process is not intended to include normal maintenance. The DBC recommends that a regular programme of maintenance is carried out to obviate the necessity of major work being needed (e.g. The regular, and inexpensive, cleaning of gutters can save high expense of dealing with dry rot.)