

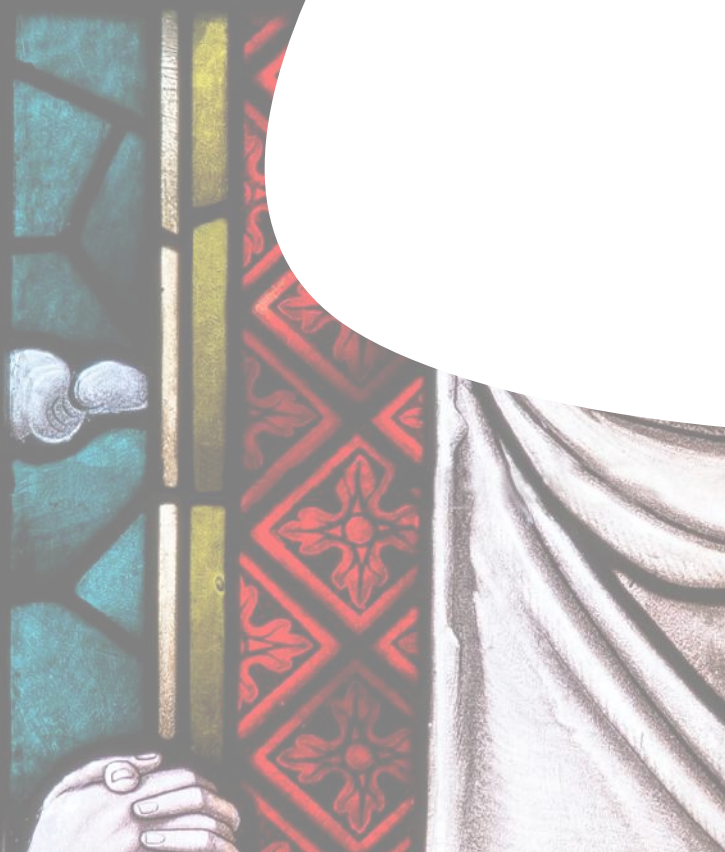
The Diocese of Truro Newsletter

Autumn 2019



DIOCESE OF TRURO

DISCOVERING GOD'S KINGDOM
GROWING THE CHURCH



Welcome to the Autumn 2019 Diocese of Truro Newsletter



Jos Moule
Partner - Diocesan Registrar

This publication has been produced by the Truro Diocesan Registry Team at VWV for clergy, churchwardens and other PCC officers in the Diocese of Truro. The aim of the Newsletter is to keep you up to date with the latest legal issues affecting the Diocese, and also to highlight some of the key issues we have seen in the Registry over the past few months.

The articles are not comprehensive, but aim to provide a brief overview of the issues arising in respect of each topic in order to highlight the key points to you and draw on our

experience as Registrar and legal advisors to Church of England Dioceses.

Although you may find that not all of the articles below are directly relevant to you and your parish, we believe that it is still helpful to have some awareness of the current issues.

We hope you find the Newsletter helpful. Please do let us know if you have any comments or thoughts on other areas that you would find helpful if we covered in future editions.



Legislative Reform (Patronage of Benefices) Order 2019

The *Legislative Reform (Patronage of Benefices) Order 2019* is due to come into force on 1 January 2020. The Order will amend and simplify the procedural provisions relating to the filling of a vacancy in a benefice as currently set out in the *Patronage (Benefices) Measure 1986*.

Certain individuals or bodies have a right of patronage to present a priest to a benefice during a vacancy. The 1986 Measure sets out a highly prescriptive and lengthy procedure to be followed in order for the vacancy to be filled. In practice, delays are highly likely and it places onerous obligations on certain individuals, including the PCC secretary.

In November 2018, the Archbishop's Council began a consultation for proposed reform of the 1986 Measure. The consultation period ended in January 2019 and following consideration of the responses received, has

recommended that the process for filling vacancies is reformed with the overriding aim of simplifying the process for all those involved (in line with the wider Church of England simplification agenda). The new Order will remove undue delay, simplify parts of the process to make it easier for relevant parties, including PCCs, to carry out their respective duties and allow notices and other documents to be sent by email.

Although, the filling of vacancies is not an everyday occurrence, the more flexible and simpler procedures to be brought in by the new Order will be welcome for those involved in choosing a new priest to fill a vacancy in a benefice.

If you have queries regarding the Order, please don't hesitate to contact the Registry.

How to Improve Your Chances of Obtaining a Faculty

A significant number of faculty applications that are considered by the Chancellor relate to relatively uncontroversial matters and therefore generally go through the faculty application process without any objections being raised. However, there are inevitably some cases where a rather more controversial proposal is submitted and which accordingly carry a greater risk of attracting complaints. Major reorderings, and in particular those that involve proposals to remove pews, pipe organs or rood screens from the church, are quite likely to be controversial even though such proposals may create significant missional opportunities.

Accordingly, if the faculty process is not carefully handled, it may result in a significant number of objections. If the strength of feeling is such that objectors elect to become parties to the faculty proceedings then this can carry the risk of significant additional consistory court costs and in some cases the withdrawal of the faculty application. What practical steps can a PCC therefore take in order to try and prevent objections from arising in the first place? The key is to prepare well but there are three important aspects to any application which are likely to assist with the smooth passage of a faculty application.

First, it is important that the PCC should engage with the Diocesan Advisory Committee (DAC) in relation to any major proposals at the earliest opportunity and certainly before any money is spent on architects or other professional advisers. The DAC will be able to advise on what realistically can be achieved and what is unlikely to garner the necessary level of support. The DAC will also be able to advise on whether advance consultation should be sought from one or more amenity bodies such as Historic England, the Victorian Society and the Society For The Protection Of Ancient Buildings. Again this can help to see off objections further down the line.

Secondly, the PCC should seek to engage with both the regular congregation and wider parish at the earliest opportunity. Indeed it will often be helpful to start by considering the mission of the church and how this can best be achieved in the parish rather than by presenting worked up proposals that potentially leave others feeling excluded. After all a parish church is for the benefit of the whole parish and the involvement of all parishioners helps to deflect any sense of exclusion. This is principally a hearts and minds exercise designed to ensure that everyone has the opportunity to have their say and to know that their



views will have been taken into account even if they are not ultimately adopted. The worst thing for a PCC to do is to attempt to introduce such proposals 'under the radar screen' by keeping a low profile. Experience shows that this is rarely effective and often results in fault lines developing between those with opposing views.

Thirdly, the PCC should understand the main principle on which faculty applications are assessed.

This is based on the test laid down in the case of *Duffield, St Alkmund* [2013] Fam 158. When the Chancellor considers a faculty application, his starting point will be to consider whether the proposals set out in the faculty application would, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest. If the answer to this is no, then the ordinary presumption in faculty proceedings that things should be preserved as they are can more easily be rebutted. However, if the answer to the question is yes, then the Chancellor will need to go on to consider how serious the harm would be. The Chancellor will then need to weigh up the level of harm against the resulting benefits arising from the proposals. The more serious the harm,

the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*.

It therefore follows that the PCC should work hard on making the case for the benefit that will flow from the proposals including, for example, enhanced opportunities for mission and putting the church to viable uses that are consistent with its role as a place of worship and mission. The more hard evidence that can be submitted in support of the proposal, the more likely it is that the Chancellor will be able to take this into account in weighing up whether the faculty should be granted.

If you would like to discuss any of the issues raised in this article then please call Sue Thorold, the DAC secretary on 01872 247216 or by email at Sue.Thorold@truro.anglican.org.



PCCs and Preparation of Financial Statements

Independent Examination

Under the *Church Representation Rules*, PCCs are required to prepare financial statements annually. These financial statements must be independently examined or audited.

The Charity Commission has recently updated its guidance on the independent examination of accounts (*Independent examination of charity accounts: guidance for trustees* (publication CC31)). The new guidance is a lot shorter than the previous version and focuses on what independent examination involves, how to choose someone suitable to carry it out and how to prepare for the independent examination.

Related Party Transactions

The Charity Commission has also recently published a report on related party transactions. These are transactions of a charity which may involve an individual or organisation closely connected to the charity or its trustees. This may include, for example, the PCC entering into a contract for services with a business owned by a PCC member.

There is a requirement for PCCs, and other charities, to be transparent about their related party transactions. The Charity Commission

requires independent examiners and auditors to report to it if a related party transaction is not fully disclosed in the accounts they have seen.

The Charity Commission has recently undertaken a review of the reporting of related party transactions, which concluded that a “*significant proportion of charities are not fully reporting their related party transactions*”. This has led the Commission to contact the trustees of various charities to provide guidance in respect of disclosure requirements. The Commission is also working with the accounting profession to raise awareness of the charity reporting and accounting requirements.

PCC members, as charity trustees, have a duty to prepare accurate financial statements, be transparent in their transactions with related parties and at all times, act solely and exclusively in the best interests of the PCC. PCC members should be aware of the specific reporting and accounting requirements applicable to PCCs as charities and ensure that these are complied with in the interests of the PCC.

If you have any concerns regarding the preparation of financial statements, please contact the Registry.

Marriage Registration Changes in the Church of England

As you may be aware, legislation has recently been passed that will change the way marriages solemnised according to the rites of the Church of England are registered.

The legislation in question is the *Civil Partnership, Marriage and Deaths (Registration) Act 2019*, which received royal assent on 26 March 2019 and came into force on 26 May 2019. Section 1 of the Act gives the Secretary of State the power to make regulations that amend the *Marriage Act 1949* “to provide for a system whereby details relating to marriages in England and Wales are recorded in documents used as part of the procedure for marriage, and entered into and held in a central register which is accessible in electronic form.” The Act essentially enables a modernisation of the marriage registration process to take place, through the creation of further regulations.

In practice, this means that regulations could be introduced that would create a new process and system for registering marriages. It is not clear yet what the new process and system would be, but the Act provides

for changes to be implemented such as the creation of an electronic register of marriage registration records and the discontinuation of the current marriage register books. It also provides for members of the clergy who are solemnising marriages to be required to issue a specific document to enable the couple to register the marriage, which would then be recorded on the electronic register.

As of yet no regulations of the sort mentioned previously have been created, so discussions about the potential changes that will come about are mostly speculative. Any proposed regulations will have to be laid down in draft and approved by resolution by both Houses of Parliament.

Further updates will be issued by the Registry when more information in respect of the proposed regulations is available.



Changes to the Church Representation Rules

The Church Representation and Ministers Measure 2019 is due to come into force on 1 January 2020. In advance of that date, we look at some of the key changes to be effected by the new Measure. It is worth noting that there have been numerous changes to the existing *Church Representation Rules*, we focus on only a few of them in this article. However, we understand that Church House Publications is preparing a booklet of the new Rules, which will include an introduction on the key changes and various editorial footnotes.

In general, our view is that the new Rules are much clearer to follow and we therefore anticipate that they will be more user-friendly in practice than the current Rules.

PCCs should be aware of the changes set out below.

Admission to the Electoral Roll

Where a lay person wishes to have their name added to a parish electoral roll then they must now make one of three declarations. These declarations are:

- they are a member of the Church of England or a Church in communion with it and is resident in the parish; or
- they are a member of the Church of England or a Church in communion with it, but they are not resident in the parish, although they have habitually attended public worship in the parish during the preceding six months; or
- is a member in good standing of a Church which is not in communion with the Church of England but subscribes to the doctrine of the Holy Trinity, is also a member of the Church of England and has habitually attended public worship in the parish during the preceding six months.

Representatives of Worshipping Communities Involved in Mission Initiatives

The new Rules recognise that individuals who are part of a worshipping community involved in a Bishop's mission initiative (ie a mission initiative which has been endorsed by a Bishop's Mission Order pursuant to the *Mission and Pastoral Measure 2011*) may now be eligible for election to a deanery or diocesan synod, or the General Synod.

Electronic Communication

The new Rules confirm that where a person provides an email address any communication required or authorised to be given by that person by or under the new Rules may be sent by email. Where a person's name and address is required to be disclosed under the new Rules, then there is also a requirement to disclose their email address. There is therefore no need to obtain specific consent from individuals to using their email address for communication purposes.

Personal Data

The new Rules provide that any person that handles personal data must ensure that it is held securely and in doing so, must have regard to related guidance issued by the Archbishop's Council.

The new Rules make it clear that where an individual provides an email address in their application for enrolment on the parish electoral roll, the roll must specify that email address.

However, if a request is made to the PCC to inspect the roll, then a copy must be made available but it should only include the names; no other personal data. Also in the case of publication of a new or revised roll, only the names should be published (no other personal data).

Model Rules for Parish Governance

The new Rules include 'model rules' for parish governance (relating to the APCM and PCC meetings). Generally, these model rules reflect the provisions of the current Rules, albeit they are set out much more clearly in one part of the new Rules.

An APCM or special parochial church meeting may make a scheme to amend, supplement or replace the model rules, subject to some exceptions listed in new Rule 12(2).

The current Rules require the PCC to hold at least four meetings each year. However, the new Rules relax this requirement and confirm that a PCC is to hold "sufficient number of meetings to enable the efficient transaction of its business".

The new Rules make provision for PCCs to conduct business “*by correspondence*”, rather than at a meeting, which may allow PCCs to conduct their business more flexibly and in urgent situations if required.

The model Rules make it clear that, whilst the Standing Committee can conduct business of the PCC between meetings, it does not have the authority to discharge a duty of the PCC or exercise a power of the PCC which is subject to the PCC passing a resolution or complying with another requirement.

Joint Councils

The new Rules allow “*connected parishes*” to make a scheme (at an annual meeting or special parochial church meeting) to establish a joint council comprising the minister of each parish involved in the arrangement and lay representatives elected, chosen or appointed from among those individuals on the roll of the relevant parishes.

For the purposes of this new Rule, parishes will be “*connected*” if:

- they each belong to the same benefice
- the benefice to which they belong is held in plurality (ie they have the same incumbent) with the benefice to which the other belongs; or
- they are in the area of the same group ministry

A joint council established by a scheme under the new Rules will have the same legal status as a PCC and the *Parochial Church Councils (Powers) Measure 1956* will apply to it as if it were a PCC.

The scheme must provide for the transfer of each relevant PCC to the joint council of all property, rights, liabilities or functions (or some of them). In order to reverse the arrangements, eg if future circumstances mean that one parish is no longer required to form part of the joint council, a further scheme will be required.

Any scheme made under the new Rules to create a joint council will not affect the status of any parish to which the scheme applies or any right which an individual has by being a parishioner or having their name on the parish electoral roll.

Other points to note are set out below.

Preparation of a New Electoral Roll

The next time a new electoral roll will need to be prepared is 2025 (and thereafter every six years).

Election of Parochial Representatives to the Deanery Synod

Parochial representatives are to be appointed to the Deanery Synod at the APCM held in 2020 (and thereafter every three years).

An individual may hold office as a parochial representative for a maximum of two terms of office. This rule does not apply to any term of office which commenced before 1 January 2020, where an individual has been appointed to fill a casual vacancy or where an annual meeting resolves that this limit on the length of service should not apply to the parish.

Election of Members of the House of Clergy and House of Laity of the Diocesan Synod

Deanery Synods will need to elect members to the House of Clergy and the House of Laity of the Diocesan Synod in 2021 (and thereafter every three years).

Where the General Synod has adopted an electronic voting system, the Diocesan Synod may also resolve to have a system of electronic voting to the Diocesan Synod.

If you have any questions or concerns regarding the new Rules, please contact the Registry.



Closed Churchyards - Interment of Cremated Remains

There is a common misunderstanding that interments of cremated remains in closed churchyards can be authorised with nothing more than the consent of the incumbent. This is not the case and this article explains what steps need to be taken in order to ensure that any such interment is lawful.

What is a Closed Churchyard?

A churchyard is 'closed' when it is full and can no longer be used for further burials. However, churchyards are only legally closed if an Order in Council has been issued by the Privy Council in accordance with the *Burials Act*. Once a churchyard has been closed in this way, the general position is that no further burials are permitted.

How to Check if a Churchyard is Closed

If you are uncertain as to whether your churchyard has been closed, you should contact the Diocesan Registry who have access to a spreadsheet which has been provided by the national church, and which records all known historic Orders in Council to close churchyards. You could also search the London Gazette website (www.londongazette.co.uk/) to see whether a closure order has been made but this is not an entirely straightforward process.

It is also possible to contact the Coroners and Burials Division of the Ministry of Justice as they hold a complete list of all closed churchyards.

Effect of a Closure Order

The effect of an Order in Council closing a churchyard or other burial ground is that no further burials can take place unless a specific exception applies. Such exceptions may include:

- The burial of the body of a person who has been granted a gravespace reservation during their lifetime in that reserved space.
- The burial of the body of a person in the same grave as a relative, provided that, following the second burial, there will still be a certain specified depth of earth above the second coffin.

- Burials in existing walled graves or vaults which have room for further burials, provided each coffin is adequately enclosed by brickwork or stonework.

Unless an appropriate exception applies, it will be unlawful for any further coffin burials to take place in the closed churchyard. It is therefore vital to check the terms of the relevant Order in Council closing the churchyard or other burial ground so as to be clear what, if any, exceptions apply. If there are no applicable exceptions then no coffin burials can take place and it is not possible to apply for a faculty for such purpose.

Options Available for the Interment of Ashes

Interments of cremated remains are not automatically exempt once a closure order has been made, although again the closure order may include limited exceptions. However, in contrast to coffin burials, even where there is no express exception under the terms of the closure order, the interment of cremated remains may be approved either:

- by the grant of a faculty on an individual and one off basis, or
- where the cremated remains are to be buried in an area already set aside as a Garden of Remembrance where that area has been approved by the grant of a faculty.

It is quite common for the exception found in closure orders to make provision for the burial of bodies only and not the interment of ashes. However, in such cases it is possible to apply to the Chancellor for a direction that the relevant exception be deemed to include cremated remains as well as bodies.

Although an Order in Council once granted cannot be revoked, the terms of the order can be varied. This could include, for example, changing the exceptions otherwise applicable to that order.

If you are in any doubt as to whether a burial or interment of cremated remains is permitted or if you require further information regarding any of the matters referred to in this article, please contact the Registry or the DAC.



Conflicts of Interest/Duty - Awareness and Management

Charity trustees have a fiduciary obligation of undivided loyalty towards their charity. Therefore, as charity trustees, all PCC members have a duty to act solely and exclusively in the best interests of their PCC at all times.

Conflicts are likely to take two forms: 'conflicts of interest' and 'conflicts of duty'. The Charity Commission defines conflict of interest as *"any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent them from making a decision only in the best interests of the charity"*, and a conflict of duty as *"a particular type of conflict of interest, in which a trustee's loyalty or duty to another person or organisation could prevent the trustee from making a decision only in the best interests of the charity"*.

We recommend that all PCC members read the Charity Commission's guidance on conflicts of interest (*Conflicts of interest: a guide for charity trustees* (publication CC29)).

Best practice is for PCCs to have a conflicts policy. There is an example policy available on the parishes resources website, which could be used by PCCs as a starting point. By adopting and following a policy, it will assist the PCC in being able to demonstrate that it takes the matter of conflicts seriously and takes steps in practice to manage them (where applicable).

PCC members should also be asked to declare their interests both on an annual basis and in the context of specific business to be considered by the PCC.

In some serious cases (referred to in the Commission's guidance as 'serious conflicts'), an individual may not be able to put the best interests of the PCC before their personal interests. If such circumstances arise, it would be prudent to ask that individual to resign their position. However, we acknowledge that this may not always be possible, for example, where a PCC has difficulty in attracting members.

The awareness and management of conflicts of interest are important principles for PCC members to understand in carrying out their duties as charity trustees. All PCC members should be regularly reminded of their duties and in particular the requirement that they act solely and exclusively in the interests of the PCC at all times.

For more information regarding conflicts of interest, please contact the Registry.

Upcoming Changes to the Faculty Jurisdiction Rules 2015

The *Faculty Jurisdiction Rules 2015* ('2015 Rules') were introduced with the intention of simplifying faculty procedures and reducing the burden of administration, in particular for churchwardens and others in parishes with responsibility for church buildings.

A major innovation of the 2015 Rules was the introduction of Lists A and B, which are essentially lists of matters that can be undertaken without a faculty. Matters in List A may simply be undertaken by a parish without a faculty and without the need for any form of consultation. Matters in List B may be undertaken without a faculty provided the archdeacon is consulted and gives written authorisation.

The *Faculty Jurisdiction (Amendment) Rules 2019* ('2019 Rules') have been introduced in order to simplify and improve the overall efficiency of the faculty procedures. The 2019 Rules are due to come into force on 1 April 2020.

Although the 2019 Rules make a number of changes to the 2015 Rules, there are two particularly important changes that are worth highlighting.

The first is that they substantially expand Lists A and B. In some cases this has been to widen their scope and in others to clarify their meaning. In particular, all maintenance of church buildings, as well as repairs that do not affect the fabric or historic material, is now covered by matter A1(1) in List A, whereas more major repairs to church buildings continue to be covered by matter B1(1) in List B. The existing requirement that such repairs must be identified as routine items in the most recent quinquennial inspection report has been removed. Instead, it is replaced with conditions that relate to the nature and scope of the proposed repairs.

In addition, a number of matters have been moved from List B to List A. In some cases a distinction is made between listed and unlisted buildings, with a wider range of works to unlisted buildings being included in List A.

The second major change introduced by the 2019 Rules is the substitution of a new Part 4 for the existing Part 4 of the 2015 Rules.

Under the existing Part 4, when the diocesan advisory committee (DAC) considers a faculty application, it will issue a notification of advice which states whether the DAC recommends or does not recommend proposals for approval by the consistory court or that it does not object to the proposals being approved. The notification of advice then goes on to state whether, in the DAC's opinion, proposals are likely to affect the character of a listed building, or the archaeological importance of the building or of archaeological remains associated with it. Where the DAC is of the opinion that that is the case, it then goes on to recommend that the parish consult Historic England, amenity societies, the local planning authority, the Church Buildings Council and any other body, as appropriate.

This way of proceeding has been in operation for many years, and considerably pre-dates the 2015 Rules. However, it is generally considered unhelpful for parishes to be told at the end of the DAC's involvement in a case that one or more other bodies need to be consulted. Having obtained their notification of advice, a parish may go on to consult bodies as advised by the DAC only to find that one or more of them raises issues that have not previously been considered by the parish or the DAC. That may mean that the parish has to revise its plans and that the case has to go back again to the DAC for further consideration.





Alternatively, parishes may fail to consult bodies as advised in the notification of advice and simply proceed to submit a petition for a faculty to the diocesan registry. In that situation, where a body which ought to have been consulted has not been, the chancellor is obliged to give special notice of the faculty petition to the body concerned, in response to which the body may raise objections in the consistory court.

The new Part 4 seeks to avoid these problems by requiring the DAC to assist and support parishes through the consultation process, including by ensuring that all necessary consultations are completed, and so far as possible any issues resolved, before the DAC issues its notification of advice.

Under the new rules, when a parish consults the DAC on its proposals, the DAC must consider whether it should give the parish initial advice to assist it in relation to its proposals. Whether initial advice is needed will depend on the nature of the particular proposals. In some cases, where proposals are of an entirely straightforward nature, or do not involve a listed building, a DAC might take the view that initial advice is not needed and – if the parish has provided what is needed for the DAC to make a recommendation – simply proceed to give its final advice in the form of a notification of advice.

In other cases, for example where proposals are complex or involve making changes to a listed building, the DAC is likely to take the view that it should give initial advice to a parish. The range of matters on which a DAC might give initial advice is not limited by the new Part 4. But where changes that will have an impact on the significance of a listed building are proposed, the DAC must advise the parish of the need to provide statements of significance and needs (if it has not already provided them). It must also advise the parish of any applicable requirements as to consultation with Historic England, amenity societies, the local planning authority and the Church Buildings Council.

The DAC will not issue its notification of advice on proposals under the new rules until any applicable consultation requirements have been complied with, and the DAC has all the information needed for it to give its final advice. The intention is that the issue of a notification of advice to a parish should mean that the applicable consultation requirements have been complied with, so that when the faculty petition reaches the chancellor for decision there will, in the majority of cases, be no need for the chancellor to issue special notice to various bodies inviting objections. This should assist in reducing delays once a faculty petition has been submitted to the diocesan registry and mean that in the vast majority of cases a faculty can be issued without the need for further proceedings.

Do you have any questions regarding the new Rules? If so, please contact the Registry.



Update to the Churchyard Regulations

The purpose of the churchyard regulations is to preserve suitable and harmonious surroundings for parish churches and maintain the dignity of the burial grounds. They are binding on all who use the churchyard including the clergy, funeral directors and members of the PCC, and apply in every churchyard within the Diocese. It is therefore essential that proper consideration be given to these regulations when considering what is or is not permitted in a churchyard.

Recent Changes

The Chancellor of the Diocese of Truro has recently approved an amendment to the churchyard regulations so as to address concerns relating to the requirement that ledger stones and memorial tablets be laid flush with the ground (regulations 7d & 7e). This was not a requirement of the churchyard regulations previously made in 2010.

The main reason for this requirement is to facilitate the maintenance of the churchyard as it will normally be possible for a lawnmower to pass over such flush stones thereby avoiding the need to cut the grass around each individual memorial.

However, it is recognised that there can be a tendency for grass to encroach more readily over the top of a stone that has been laid flush which can lead to puddles of water forming on the surface, thereby accelerating the natural weathering of the stone and causing silt to accumulate. As a result, there have been a number of requests for raised and sloping tablets. The general rule is that such tablets are not normally permitted but it is recognised that where the churchyard already includes a significant number of such tablets, it might be unfair not to allow further markers of this type of design.

As a result of these concerns, the churchyard regulations have been amended so as to authorise the parish priest and PCC to waive the requirement for ledger stones and memorial tablets to be laid flush. In exercising their discretion in this regard, the minister and PCC should give due consideration to the extent to which it would be appropriate to authorise such a relaxation. This should take into account in particular the extent to which raised stones have previously been introduced in the past, and the impact that any such relaxation may have on the future maintenance of the churchyard. Particular caution should be exercised where there are currently no or very few such raised stones in the churchyard. If any priest is in any doubt as to whether or not to grant such approval, guidance should be sought from the archdeacon in the first instance.

An additional problem has also been identified in relation to families adding plant pots, jam jars or stone 'cubes' (with flower receptacles) in front of vertical headstones. The regulations provide that, except where the design of a headstone includes an integral receptacle, plants or cut flowers may be placed in a removable container which must be sunk flush with the ground. In order to address the accumulation of such receptacles in churchyards, the regulations have now been amended so as to provide that the parish priest may authorise the removal of any containers which do not comply with the regulations or which have otherwise become redundant.

If you would like to discuss any of the issues raised in this article, please contact the Registry.





Slips and Trip Hazards at Historical Buildings

Whilst filled with beauty and old-world charm, historic buildings can present many hazards that modern properties do not have to contend with. Such hazards are often unique to historic buildings and often challenge standard preventative and maintenance methods. Despite telling a story about the building's history, features and décor that cause a potential hazard need to be addressed. This article looks at the common slips and trip hazards to be aware of in historic buildings, including churches and how best to prevent them from becoming a risk.

What Hazards Could Be Encountered?

Slips and trip hazards are apparent in most historic buildings. Over time, carpets become worn and torn, flooring becomes uneven and with many historic buildings opening their doors to the public, this can cause issues. There can often be a large number of people at these buildings, for example at weddings. Whilst it is true that the actions of people cannot be controlled, many accidents tend to be caused by the environment that the people are in, rather than human fault. High footfall combined with small areas or passage ways can present a risk of injury.

The design of a building can also present many hazards, and particularly in the context of churches, this can present many difficulties. For example, there may be steep steps leading to the church or spiral staircases without the supportive hand rails that would have been fitted in a modern day building.

It is also important to be aware of the environmental factors such as lighting and weather conditions that can increase the risk of injury. Many historic buildings lack electrical lighting, which as a consequence, may conceal potential slipping and tripping hazards. Uneven flooring and the type of material used on the floor may also present risks, which may increase in adverse weather conditions such as rain, ice or snow.

How Do You Prevent These Hazards?

In order to ensure these hazards are dealt with, it is important to have a robust system of inspection and maintenance for the building in place. All areas within the building and any outside land, for example churchyards, should be routinely inspected for any defects presenting a possible hazard. It is also advisable for individuals with responsibilities in respect of the maintenance of the building to be adequately trained to spot and report on any defects. This may not only reduce the risk of injury to others but also to themselves. Once a hazard is reported, dealing with it in a timely manner is essential, prioritising hazards with the highest risk. Risk assessments should also be carried out where necessary in accordance with the relevant health and safety regulations.

As well as repairing and maintaining any defects that create a possible hazard, there are also precautions that can be put into place to minimise the chance of any slips or trips. For example, clearly visible warnings signs should be displayed and even physical barriers put in place where appropriate to make people aware of any challenging areas within the building. One way systems are also useful for managing the flow of traffic in narrow passageways and corridors, as well as sturdy handrails on steep staircases. Furthermore, it is important that both the inside and outside of the building is well illuminated in the appropriate areas, using quick activating sensor lighting where possible. More generally, many hazards can be eliminated with good cleaning and moving obstructing items from within and around the building.

Today, slips and trips make up a large number of claims in the UK and the precautions taken to prevent such accidents from occurring are all the more important in historic buildings. Many historic properties due to the way in which they were designed and their age may not meet modern day health and safety requirements without regular inspection and maintenance being carried out.

If you would like to discuss any of the issues raised in this article, please contact the Registry.



About the Registry Team

Jos Moule is the Registrar of the Diocese of Truro. Jos is supported by a team of lawyers and paralegals who together form the Registry team. Each individual within the team has a particular specialism, which allows us to deal with enquires more quickly and efficiently.

The Registry team can be contacted by email or telephone using the details below. The Registry team is always happy to help with enquiries, but as a first step, we would encourage you to consider the Pathway Referral System to check whether there is someone else in the Diocese that should be contacted initially. For more information in relation to the Pathway Referral System, please contact Church House.

The Diocese has arranged with the Registry Team to provide up to two hours of advice to parishes in respect of any enquiry. For example this could include advice in relation to the sale of PCC property or advice in relation to spending permanent endowment funds. Please contact the Registry Team directly if your PCC requires advice on any matter.



Con Alexander
Client Partner



Jos Moule
Partner - Diocesan Registrar



Oliver Pool
Partner - Deputy Registrar



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Get in Touch

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