

Chancel Repair Liability Guide

What is it?

The history of chancel repairs is ancient and relates to the responsibility for the upkeep of part of a church.

Historically rectors were responsible for the upkeep of the churches and as the land was sold off to private ownership the responsibility to repair the chancel passed with the land.

The land does not need to be adjacent to the church just previously in the ownership of the rector.

What does it mean?

Under the Chancel Repairs Act 1932 a church council may serve a demand for the cost of or a contribution towards the cost of repairing the church chancel.

How many churches are affected?

It is thought that approximately one third of parish churches could be entitled to claim. The liability only affects land in parishes where the church is medieval or earlier.

How do you know if your property is affected?

It is very unpredictable, partly because the land previously only by the rectors is so fragmented, and property addresses do not necessarily give an indication.

There are web based searches, costing approximately £20, which can be carried out based on the national archives and these give an indication as to whether the parish could be affected but not the individual properties.

A full chancel repair search can be carried out, costing approximately £150.

What if a property is affected?

It is possible provided that only a basic search has been carried out to obtain an insurance policy which provides indemnity against the cost of any repairs demanded up to certain limits, the higher the level of cover the higher the premium. It is not possible however to obtain indemnity insurance if a full chancel repair search is carried out.

Clearly the situation is unsatisfactory. However the church councils are now required to register chancel liabilities against affected properties before 13th October 2013.

It is difficult to know how many of the church councils will try to register such interests.

Provided that your property is registered at the Land Registry the Land Registry will contact you to advise you that a registration is proposed and give you the opportunity to object.

If your property is not registered at the Land Registry it is possible for an entry to be made by the church councils at the Land Registry as a caution against first registration, about which you will not be notified.

Obtaining an indemnity policy as referred to above will not prevent an entry being made against your property but will provide you with protection should a request for payment be made.

Does it really happen?

Yes. In a village near Stratford upon Avon and the case of Aston Cantlow and others v Wallbank (2003) it showed just what can happen.

The owners of a property were ultimately held liable for repairs to the parish church of over £95,000 despite fighting all the way through the courts.