

Your Legal Questions

Tim Hannah
Partner & Solicitor



Q As a property owner, can I be required to contribute towards the cost of repairs of my local parish church?

A Chancel Repair Liability has only come into prominence since 2003 when the House of Lords ordered Mr and Mrs Wallbank to pay a repair bill of some £250,000.00 (plus legal costs) for the Chancel of the Parish Church in the Warwickshire village of Aston Cantlow where they owned some land.

The relevant law is centuries old. It is only relevant in respect of older church buildings and only in respect of the chancel, that part of the church building situate around the altar.

Not all properties are affected, but it is thought that liability still attaches to some 3.8 million acres of land. Until 2003, the liability was considered to be lost in the mists of time. Since then, conveyancers dealing with the purchase of properties have commonly carried out a low cost screening search which discloses whether the property is within a parish 'which continues to have a potential Chancel Repair Liability' and if so, a fairly cheap insurance policy could be taken out.

A Parochial Church Council wishing to have the benefit of Chancel Repair Liability against neighbouring property owners must register this liability at the Land Registry before 3 October this year. Unless such a registration is made, then any purchaser after this date will take free of any potential liability which might exist.

Parochial Church Councils are, at the present time, investigating whether their parish church has the benefit of this old liability and, if so, whether they are required under charity law to register, bearing in mind that by doing so they risk becoming unpopular with their parishioners. It is likely that there will not be many registrations and that Chancel Repair Liability should, for the vast majority of property owners, return to being an obscure and mythical creature.

Tim Hannah is a Partner and Solicitor in the Commercial and Property Department.

Direct dial 01934 637 920 / hannah@powellslaw.com