

Your Legal Questions

Stephen Soper
Partner & Solicitor



Q. My house is near a parish church and a neighbour has told me about something called Chancel Repair Liability. What is this please?

A. Chancel Repair Liability allows approximately 5,200 Church of England and Church of Wales parishes to demand money from owners of properties on former church land to fund repairs to the Church. The Chancel itself is the space around the altar. This liability dates back to the time of Henry VIII and the dissolution of the monasteries. Before then the Church Rector was charged with repairing the Chancel. When the monasteries were dissolved the obligation then fell on the local parish.

Very often nobody is aware of this although alarm bells may ring where historic conveyances refer to the Church as once having owned the land. In one case owners were ordered to pay more than £200,000 toward the upkeep of their local church.

Mortgage companies often require solicitors to ascertain whether a property is affected by Chancel Repair Liability. While there is no definitive register stating whether a property is liable to make a payment, a search can reveal whether it is located in a parish which could charge for repairs. Insurance can then be obtained to cover any potential liability.

From October 2013 Chancel Repair Liability will only affect buyers of properties if the liability has been registered at the Land Registry. Churches have until that date to register their right to recover any money otherwise the right is lost.

If you are looking to buy a house seek advice from your solicitor about making a search.

Stephen Soper is a Partner and Solicitor in the Commercial and Property Department of Powells Solicitors.

Stephen Soper is a Partner and Solicitor in the Commercial and Property Department of Powells Solicitors

Direct dial 01934 637915
soper@powellslaw.com