

200X No.

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Ecclesiastical Exemption (Registered Heritage Structures)
Order 200X**

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Laid before the National Assembly for Wales</i>	***
<i>Coming into force</i> - -	***

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Order in exercise of the powers conferred by sections 153(5) and (6) and 224(7) of the Heritage Protection Act 200X(a):

Citation and commencement

1. This Order may be cited as the Ecclesiastical Exemption (Registered Heritage Structures) Order 200X and comes into force on [].

Interpretation

2. In this Order—

“the Act” means the Heritage Protection Act 200X;

“church building” means a building whose primary use is as a place of worship;

“ecclesiastical exemption” means the exemption of ecclesiastical structures from the provisions mentioned in section 153(2) of the Act;

“ecclesiastical structure” means a registered heritage structure which is ecclesiastical and for the time being used for ecclesiastical purposes;

“the Measure” means the Care of Cathedrals Measure 1990(b);

“the Methodist Church” means the Methodist Church as defined in section 2(1) of the Methodist Church Act 1976(c).

Exclusion and restriction of ecclesiastical exemption

3.—(1) Ecclesiastical exemption is excluded in respect of ecclesiastical structures other than those—

(a) falling within the descriptions in article 4; or

(a) 200X c. [].
(b) 1990 No. 2.
(c) 1976 c. xxx.

(b) to which article 6 applies.

(2) In respect of ecclesiastical structures falling within the descriptions in article 4, ecclesiastical exemption is restricted in accordance with article 5.

Ecclesiastical structures retaining ecclesiastical exemption

4. The descriptions of ecclesiastical structures referred to in article 3(1)(a) are—

- (a) ecclesiastical structures within the faculty jurisdiction of the Church of England;
- (b) ecclesiastical structures subject to the Measure;
- (c) ecclesiastical structures of the Church in Wales vested in the Representative Body of the Church in Wales or any other representative body under section 13(2) of the Welsh Church Act 1914^(a);
- (d) ecclesiastical structures held in trust by the diocesan trustees of the Roman Catholic Church;
- (e) ecclesiastical structures owned or held in trust for or for the purposes of the Methodist Church or any connexional or local organisation of the Methodist Church;
- (f) ecclesiastical structures held in trust for a Church in membership with the Baptist Union of Great Britain or the Baptist Union of Wales by one of the trust corporations set out in Schedule 1 (whether alone or jointly with another person or persons); and
- (g) ecclesiastical structures situated within one of the Provinces of the United Reformed Church set out in Schedule 2 held on the trusts set out in Part 1 of Schedule 2 to the United Reformed Church Act 1972^(b) or Part 1 of Schedule 2 to the United Reformed Church Act 1981^(c).

Extent of ecclesiastical exemption

5.—(1) Subject to paragraphs (3) and (5), ecclesiastical exemption for ecclesiastical structures falling within the descriptions in article 4(a) and (c) to (g) is restricted to—

- (a) any ecclesiastical structure that is a church building;
- (b) any ecclesiastical structure whose primary function is ancillary to a church building that is a registered heritage structure.

(2) In the case of ecclesiastical structures falling within the description in article 4(b), ecclesiastical exemption is restricted, subject to paragraphs (3) and (5), to any ecclesiastical structure within the precinct of a cathedral church within the meaning in the Measure.

(3) Subject to paragraph (4), ecclesiastical exemption is not retained in respect of a registrable structure which is itself a registered heritage structure (apart from any status which it has by virtue only of section 222 or 223 of the Act).

(4) Ecclesiastical exemption is retained for any object or structure which is treated as part of the registered heritage structure referred to in paragraph (3) by virtue only of section 222 or 223 of the Act.

(5) Exemption from sections 86 to 91 and 152 of the Act is restricted in respect of ecclesiastical structures falling within the descriptions in article 4(c) to (g)—

- (a) to works carried out by or on behalf of a church or body, or constituent part of a church or body referred to in those paragraphs; or
- (b) where the ecclesiastical structure is on any premises forming part of a university, college, school, hospital or public or charitable institution, to works carried out on behalf of the governing body or the trustees of that institution.

(a) 1914 c. 91.
(b) 1972 c. xviii.
(c) 1981 c. xxiv.

Extent of ecclesiastical exemption: special cases

6.—(1) Ecclesiastical exemption is retained, subject to paragraph (3), for ecclesiastical structures to which this article applies.

(2) This article applies to—

- (a) ecclesiastical structures within the jurisdiction of the Fabric Advisory Committee of St George's Chapel, Windsor Castle;
- (b) ecclesiastical structures within the jurisdiction of the Fabric Commission of Westminster Abbey; and
- (c) ecclesiastical structures used for worship according to the rites, doctrinal standards, principles or usages of the Church of Scotland.

(3) Subject to paragraph (4), ecclesiastical exemption is not retained in respect of a registrable structure which is itself a registered heritage structure (apart from any status which it has by virtue only of section 222 or 223 of the Act).

(4) Ecclesiastical exemption is retained for any object or structure which is treated as part of the registered heritage structure referred to in paragraph (3) by virtue only of section 222 or 223 of the Act.

Date *Name*
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

Date *Name*
Minister for Heritage, one of the Welsh Ministers

SCHEDULE 1

Article 4(f)

TRUST CORPORATIONS

The Baptist Union Corporation Limited

The Bristol and District Association of Baptist Churches (Incorporated)

The Devon and Cornwall Baptist Corporation Limited

The East Midland Baptist Association (Incorporated)

The Lancashire and Cheshire Association of Baptist Churches (Incorporated)

The London Baptist Property Board Limited

The Welsh Baptist Union Corporation Limited

The West Midland Baptist (Trust) Association (Incorporated)

The Wilts and East Somerset Baptist Association (Incorporated)

The Yorkshire Baptist Association (Incorporated)

SCHEDULE 2

Article 4(g)

PROVINCES OF THE UNITED REFORMED CHURCH

Northern

North Western

Mersey

Yorkshire

East Midlands

West Midlands

Eastern

South Western

Wessex

Thames North

Southern

Wales

EXPLANATORY NOTE

(This note is not part of the Order)

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