

SCOTTISH EPISCOPAL CHURCH DIOCESE OF EDINBURGH

CANON THIRTY-FIVE

OF THE STRUCTURE, FURNITURE AND MONUMENTS OF CHURCHES AND DUE CARE THEREOF

Amendments to Procedures for Applications and Consents

General Synod in June 2010 amended Canon Thirty-Five to bring in a more effective system of control over alterations to Churches and their contents and one which should ensure proper consultation with members of the congregation affected and also with interested outside bodies where appropriate. The revised Canon is intended to ensure that both pastoral and architectural/aesthetic/practical concerns are taken into account.

In order to carry out the revised procedures the Diocesan Property Committee will in future be known and operate as the **Diocesan Buildings Committee**.

What is Covered by the Canon?

What is covered by the revised Canon is exactly the same as under the old Canon, i.e. 'the structure, ecclesiastical furniture or ornaments, monuments, mural tablets, or painted windows of any church used for public worship' and 'any scheme of redecoration or any alteration of lighting or heating system'. Light bulbs, vacuum cleaners or tables used for coffee mugs are not covered but the general fabric of the building, the pews, altars, pulpit, monuments etc., are.

- N.B. If you required permission under Canon 35 before, you require it now! There is no change in the scope of the Canon - see section 1 of the Canon.

Making Changes - Whose Consent is Required?

i. Experimental Changes

You can undertake an experimental reordering for a period of not less than 3 nor longer than 9 months as long as all work is fully reversible and no structural alteration is involved.

You must notify your intention to do this in writing to the Bishop and the DBC through the Diocesan Administrator at least 2 weeks before such work begins.

ii. Permanent Changes

Two consents are required. One is from the Bishop. It is expected that the Bishop will be concerned with the pastoral implications of any proposal. The other is from the Diocesan Buildings Committee (appointed by Diocesan Synod), which will be concerned with architectural/aesthetic/practical implications.

It is possible that one of the two consents will be forthcoming but the other refused - a proposal might be pastorally acceptable but not aesthetically acceptable or vice versa. In such a case, the application would fail.

If you wish to make a formal application for any permanent change under the Canon to the Bishop and the DABC the following procedures are to be followed:

Who can propose a Change?

A proposal for alteration can be made only by the Vestry which must have the consent of the Rector or Priest-in-Charge. This does not stop anyone suggesting to the Vestry that an alteration might be made (*e.g. someone might wish to give a stained glass memorial window*), but any such suggestion must be adopted by the Vestry before it can be proposed.

Advertisement, Notification and Consultation

If a Vestry has decided that it wishes to propose an alteration it must then, **in all cases**

1. Advertise the proposal to the congregation and allow its members four weeks in which to make written representations.
2. Notify the Bishop to allow him advance warning of what could prove a pastoral problem.
3. Notify the Diocesan Buildings Committee to allow its members to familiarise themselves with the proposal (and the building if necessary) and possibly to have informal discussion with the Vestry.

In the case of a listed building the Vestry must also:

4. Advertise the proposal to Historic Scotland, the local planning authority, the Architectural Heritage Society of Scotland, the Scottish Civic Trust, and any local civic or amenity society affiliated to the Scottish Civic Trust, allowing these bodies four weeks in which to make written representations. These bodies may have expertise which is relevant to a proposal and grant aid to listed buildings is potentially available from Historic Scotland and local government. Vestries should at least be aware if a proposal would be likely to jeopardise a grant application either at present or in the future.

N.B. Notification of a proposed alteration to the Bishop and Diocesan Buildings Committee through the Diocesan Secretary, and advertisement to Historic Scotland, the local planning authority, the Architectural Heritage Society of Scotland, the Scottish Civic Trust and local civic or amenity societies should include information as to where any plans can be seen (*e.g. the Diocesan Office or local public library*) and a contact name and telephone number for anyone wanting access to the interior of the Church if it is usually locked.

Notification to the Bishop and Diocesan Buildings Committee should be accompanied by relevant architectural drawings and details for the proposed changes and photographs of professional standard showing what currently exists.

Notification to the Bishop and the Diocesan Buildings Committee must include information on the likely costs of the proposed changes and how it is intended to fund these costs.

Applications for Consent

Vestry Action after Consultation

After the end of the four-week consultation period the Vestry should reconsider its proposal with reference to any representations received before deciding whether to make a formal application for consent for the original proposals or for an amended proposal (or to drop the matter altogether).

The decision as to what action to take must be made within six months, allowing time for full reconsideration, obtaining specialist advice and producing amended plans if necessary. The six month period is an outer time limit - in uncontentious cases the Vestry may decide to make a formal application immediately after the consultation period.

If the Vestry does decide to make a formal application for consent to the proposals from the Bishop and the Diocesan Buildings Committee, the application must be made through the Diocesan Secretary and be accompanied by all relevant plans and, if possible, photographs of what currently exists together with written representations received during the consultation period.

The application must include information on the results of the consultancy process, the support and objections received and the response of the vestry to the objections registered.

Decision Making

Once the formal application had been received by the Diocesan Secretary, the Bishop and the Diocesan Buildings Committee have four weeks in which to decide to grant consent unconditionally, or to grant consent with conditions, or to refuse consent.

If a proposal is approved by the Diocesan Buildings Committee, the Committee will issue a Notice of Approval to commence the agreed works. These must be completed within three years of the date of approval. An application for a Certificate of Final Completion must be submitted to the Diocesan Buildings Committee upon completion of the approved works. Subject to the works having been carried out to the satisfaction of the Diocesan Buildings Advisory Committee and in accordance with the agreed proposals and consents, a Certificate of Final Completion will then be issued by the Diocesan Buildings Committee.

If the proposal is approved by the Bishop, he will issue a Certificate of Consent.

Both consents are required for a proposal to go ahead.

If the approved works have not been completed by the end of the three year consent period a new application for consent will be required.

Appeals

If a Vestry is unhappy with the decisions made by the Diocesan Buildings Committee it may appeal in writing to the Provincial Buildings Committee (through the Secretary General of the General Synod), within four weeks of the decisions having been made. An appeal against a condition of consent or against a refusal of consent can be made only by the Vestry (the only body able to propose the alteration in the first place).

An appeal against a granting of consent can be made only if signed by not less than twenty per cent of members on the communicants' roll of the charge in question.

The Provincial Buildings Committee has 12 weeks in which to decide the appeal - its decision is final.

Time Limit on Consent

If consent has been granted, work must begin within three years, or that consent lapses.

General Remarks

- Vestries must never assume that, because a proposed alteration seems to them uncontentious, it does not require consent under the Canon - nor that it will in fact prove to be uncontentious. The DBC will always wish to be assured of such consultation and have clear evidence of it.
- Representations must be treated seriously. Individuals or bodies objecting to a proposal in whole or in part are unlikely to be mere mischief makers.
- The timescale is flexible. In the case of genuinely uncontentious proposals it could be under five weeks (initial proposal by the Vestry, consultation period producing no representations; formal application; decision). In the case of contentious proposals the Vestry can take its time in trying to produce a generally acceptable scheme.
- All documentation concerning any changes made under Canon 35 should be placed in the Property Register for future reference.

DBAC
Updated guidelines
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