

## **CANON 35**

### **PROPOSED ALTERATION**

Canon 35 applies to any changes to structure, furniture or ornaments etc, as well as redecoration or alteration to heating and lighting etc. in 'Any Church used for Public Worship'. It thus has a wider scope than just the buildings that fall within the remit of the 'ecclesiastical exemption', which only refers to the interiors of Listed Buildings.

Most Scottish Episcopal Churches have some sort of curtilage round them, and in many rural parishes this probably includes a graveyard, defined by a surrounding wall and fence, too. Often the setting of a church building, or its relation to other buildings, is part of its architectural importance, and the listing of a church building sometimes specifically includes its curtilage, or churchyard, but there are non-listed buildings/churchyards where the setting is important and enhances the environment.

At present there is some confusion as to what is included under the terms of Canon 35. The Canon does not currently make any reference to church curtilages. Consequently, for example, whereas the addition of an external ramp abutting the church building would be regarded as falling within the current Canon 35 (because it forms part of the church structure), the tarmacking of part of the church grounds to create a car park might not (there is some ambiguity in cases where the listing of the church includes the curtilage). The Buildings Committee is of the view that the inclusion of church curtilages within the scope of Canon 35 would help to bring clarity.

The Committee accepts, however, that some changes to the surroundings of a church ought not to require Canon 35 approval. The Canon already provides for an exemption from the Canon for "minor works", as defined in a list determined by the Buildings Committee. The Committee would intend to expand that list if the Canon is changed to include curtilages. Set out in the appendix below is a revised "Minor Works" list showing the additions which the Buildings Committee would propose to include within the scope of the exemption.

The proposed alteration to Canon 35 is set out in a separate paper and a motion for a first reading of that canonical change is included in the Synod agenda.

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Convener, Buildings Committee  
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## Appendix

### **Draft list of minor works under Canon 35 which the Buildings Committee would intend to adopt to replace the existing list if the alteration to Canon 35 to include curtilages is accepted**

*The text to be deleted is scored through and the text to be inserted is shown in italics.*

The following is a list of minor works identified by the Provincial Buildings Committee as referred to in Canon 35, Section 1. *Items are included on the list only in the event that they do not require planning permission. Where any matter does require planning permission it is not to be regarded as a minor work exempted from the scope of Canon 35.*

#### **A. Furniture and Fixtures**

1. Decorative banners (*in the church or curtilage*) used for displays not lasting more than three months.
2. Fire Extinguishers (subject to the recommendation of the local Fire Officer as to location).
3. Introduction of movable bookcases or display stands.

#### **B. Items of Work/Maintenance**

1. Works of routine maintenance on the fabric of the church *or in the curtilage of the church* not involving demolition or additions of any sort, except where in the opinion of the Diocesan Buildings Committee they will result in a material alteration either externally or internally to the appearance of the church or affect its setting. This permitted work includes, for example, the replacement like-for-like of broken roof tiles or slates, clear, stained, painted or coloured window glass, the re-surfacing like-for-like of an existing path, the cleaning of gutters and down pipes.
2. Works of maintenance, repair and minor alterations to existing heating systems and electrical equipment and fittings which do not alter the appearance of the exterior or interior of the building (and for the avoidance of doubt this permission does not include alterations to light fittings).
3. Modification to an existing, or installation of a new, heating system for the church building which does not involve disruption to the fabric or any alterations to the appearance of the exterior or interior of the building (the introduction of new radiators are regarded as alterations to the appearance of the interior for this purpose).
4. Installation of a certified loop system for the hard of hearing (but if the system requires placement of loudspeakers approval must be sought).

5. External or internal decoration or redecoration (but only in the same colour scheme as the existing decoration) and replacement of carpets and curtains in the same colour as existing.

**C. Items in the Curtilage of a Church**

1. *The erection of fencing.*
2. *The erection of signage.*
3. *The installation of portable garden items such as benches, planters, solar lights.*
4. *General gardening but not the planting of new trees nor the creation of a new memorial garden.*
5. *The creation of new drainage or service trenches.*
6. *The erection of gravestones.*
7. *The erection of a storage shed.*
8. *The interiors of detached halls or detached rectories within the curtilage of the church.*

## CANON THIRTY-FIVE

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

*The current text of Canon 35 is set out below for information. The text to be deleted is scored through and the text to be inserted is shown in italics.*

1. With the exception of minor works identified by the Provincial Buildings Committee, no change (whether by introduction, alteration or removal) shall be made in the structure, ecclesiastical furniture or ornaments, monuments, mural tablets or ~~painted~~ *stained* windows of any Church used for public worship *or within the curtilage thereof*, nor shall any scheme of redecoration or any alteration of lighting or heating system be undertaken unless the Vestry of the same with the consent of the Rector shall have obtained the approval in writing of the Bishop and of the Diocesan Buildings Committee; provided always that such approval does not violate any restrictions contained in the Constitution or titles of the Church. Subject to the Constitution or titles of the Church, a Vestry or twenty per cent of the members of the Communicants' Roll, as defined in Canon 41, Section 2, of the charge concerned shall have a right of appeal against the decision of the Diocesan Buildings Committee or of the Bishop to the Provincial Buildings Committee. Notwithstanding the above, the Vestry with the consent of the Rector, may undertake re-ordering of the ecclesiastical furniture or ornaments of the Church for an experimental period.
2. None of the holy vessels or ecclesiastical furniture or ornaments of any church shall be sold, exchanged, or otherwise disposed of without the written consent of the Bishop, Dean, and Registrar of the Diocese.
3. The Vestry with the Rector shall cause all proper and reasonable care to be taken of the places of worship within its charge, *including the curtilage thereof*, and of the furniture and ornaments thereof, and shall use every endeavour to keep them decent, clean, and in good repair. The Vestry shall make provision for the adequate protection and insurance of all Church fabric and property.
4. No church that is consecrated or set apart for public worship shall be used for any purpose not religious or ecclesiastical without the consent of the Bishop.