

SCOTTISH EPISCOPAL CHURCH DIOCESE OF EDINBURGH

CANON THIRTY-FIVE

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

WHAT IS CANON 35?

Canon 35 is intended to provide two things:

- A system of control over alterations to Churches and their contents
- A means to ensure proper consultation with members of the congregation affected and also with interested outside bodies, where appropriate.

The Canon is intended to ensure that pastoral, architectural, aesthetic and practical concerns are taken into account.

WHAT IS COVERED BY THE CANON?

Mainly, the elements are:

- the structure
- the church curtilage (grounds)
- ecclesiastical furniture or ornaments
- monuments, murals, tablets, or decorative windows
- schemes of redecoration
- any alteration of lighting or heating system

WHO CAN PROPOSE A CHANGE?

A proposal for alteration can be made only by the Vestry, and must have the consent of the Rector or Priest-in-Charge. Applications cannot be considered during vacancies.

WHAT CONSENTS/CONSULTATIONS ARE REQUIRED?

Two diocesan consents are required.

1. The **Diocesan Buildings Committee**, which will be concerned with architectural/aesthetic/practical implications.
2. The **Bishop**. It is expected that the Bishop will be concerned with the pastoral or mission implications of any proposal.

Once you have submitted the application to the Buildings Committee, it will be passed to the Bishop, by the Diocesan Administrator.

A Vestry must in **all cases**:

1. Advertise the proposal to the congregation and allow its members **4 weeks** in which to make written representations.

Any representations need to be responded to by the Vestry, and details of those should accompany the Canon 35 application.

In the case of a **Listed Building** the Vestry must also:

2. Advertise the proposal to
 - 2.1. Historic Environment Scotland
 - 2.2. Local planning authority

*These bodies should be allowed **4 weeks** in which to make written representations. Any representations should be forwarded to the Diocesan Buildings Committee, which remains the final arbiter of those representations, due to what is known as “Ecclesiastical Exemption” (see note at the end)*

DECISION MAKING

Once the application is received at the Diocesan Office, The Diocesan Administrator will submit it to the Diocesan Buildings Committee and the Bishop.

If a proposal is approved, the Committee will issue a Notice of Consent.

Subject to the works having been carried out to the satisfaction of the Diocesan Buildings Committee and in accordance with the agreed proposals and consents, a Certificate of Final Completion will then be issued.

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.

Ecclesiastical Exemption

Extract from the Historic Environment Scotland Circular No.1:

“Section 54 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies an exemption from listed building controls to ecclesiastical buildings in ecclesiastical use. If agreement cannot be reached between the applicants, Historic Environment Scotland and the planning authority, the application should be referred to the decision-making body of the relevant denomination.” In the case of the SEC this is the Diocesan Buildings Committee.