

CHANCEL REPAIR LIABILITY

You may ask, "What is this?"

Chancel Repair Liability, is a legal repairing liability left over from the middle ages, and which enables some churches to call upon the owners of properties that used to be on church or glebe land to repair the chancel, including the alter, communion table and the choir stalls.

In return for the land, the owners became lay rectors and responsible for the church's upkeep, a responsibility that future owners have inherited. There are over 5,200 pre-reformation churches within the United Kingdom and which retain chancel repair rights, and which should not be dismissed lightly.

In 2003, the parish church of Aston Cantlow in Warwickshire demanded £95,260.84 for repair work from the owner of a local property. The case went to the Courts, and ultimately the church's right was upheld by the House of Lords.

Whilst this was a victory for the church, a public outcry followed the Court's decision, and the days of chancel repair liability are now numbered. Churches have been given until 2013 to register such rights with the Land Registry. After that time, any unregistered rights will cease to exist.

According to the Land Registry, few churches so far have registered Chancel Repair Liability, and some diocese have actively discouraged their churches from doing so.

Over the last few years, a number of Chancel Liability search companies have come into the market and have made it easier for lawyers to check whether property owners are liable for charges, should a chancel fall into disrepair. A Chancel Repair Liability search can now be carried out upon the payment of a fairly nominal fee amounting to £11.75 inc V.A.T. If the search reveals that the property is within the parish of a pre-reformation church, then indemnity insurance can be acquired, which will pay up to £1,000,000 at a single premium of from £59.88

Whilst it is sometimes possible to approach the Dean of the church to enquire if any properties within the area of the church are affected by a Chancel Repair Liability, to do so would mean that it would no longer be possible to obtain indemnity insurance cover.

The Chancel Search is an optional search, and if you require one to be carried out, or any further information on this subject, then please contact our office.

I/We request that you carry out a chancel search

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