

REDUNDANT CHURCHES*

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PART III of the Pastoral Measure, 1968, and the Redundant Churches and other Religious Buildings Act, 1969, introduce a new procedure for dealing with churches of architectural or historic interest no longer required for worship. The Measure and the Act represent a new partnership between Church and State in the handling of a vexed problem. The new procedure takes the place of all other provisions for dealing with this problem. In theory it should mean that for the future no church of architectural or historic interest will be lost even though no longer required for worship. It will either be appropriated to some other use or preserved as a monument; only if it does not possess sufficient architectural or historic interest to require its preservation will it be demolished. Such is the theory, but so often have the intentions behind statutes been reversed in practice that it will be as well to wait for a few years before proclaiming that there is no longer a problem of churches of architectural interest.

The historical origin of the new procedure is the 1956 decision of the trustees of the Historic Churches Preservation Trust, taken by a majority of eight to three with most of those present abstaining, to confine the help of the Trust in future to those churches which were in use or would be brought back into use when repairs were carried out. This decision led to the formation in 1957 of the Friends of Friendless Churches with the object of saving "churches and chapels of architectural or historical interest irrespective of pastoral considerations", sometimes alternatively described as "churches and chapels of architectural or historic interest falling outside the scope or policy of other organizations". The Trust's decision of 1956 led the Archbishops of Canterbury and York in 1958 to appoint a commission under the chairmanship of the late Lord Bridges "to consider the problems arising in

*Based on an address to the Ecclesiological Society.

connexion with churches regarded as redundant but having a claim to preservation on historic or architectural grounds, and to make recommendations as to the procedures for handling such matters and the financial problems involved". This commission reported in 1960, and its report became the subject of long debates in the Church Assembly. One reason why considerable delay elapsed in giving effect to the recommendations is that another commission under the chairmanship of Sir Geoffrey Hutchinson, now Lord Ilford, was considering the consolidation, with amendments, of all the measures relating to pastoral reorganization and it was felt essential that the new legislation should be embodied in a single statute. For this reason the Ilford Commission suspended its own proceedings until the Bridges Report was available, and knitting the two together into a single Pastoral Measure was no easy task for the draftsmen. But an even more potent cause of delay was the reluctance of many members of the Church Assembly to accept the fundamental principle of the Bridges Report that "The Church has a partial and continuing responsibility for redundant churches of historic or architectural interest". The Bridges Commission thought that this principle required not only a sufficient annual contribution from central Church funds for the purpose, to be matched by a contribution from the State, but that the proceeds of sales of sites of unwanted churches not of architectural interest should be divided equally between the diocese and the new fund for preserving redundant churches whose preservation was necessary. It was over this latter point that the fiercest debates in the Church Assembly took place, and eventually a compromise was reached whereby the fund was to receive one-third up to a maximum of £100,000 in the first five-year period and the diocese was to receive the remainder.

One other difference in the new procedure from the Bridges recommendations is of less significance and has solid arguments on its side. The Bridges Commission would have given the Church Commissioners the task of seeking new uses for unwanted churches, but in the passage through the Church Assembly the task was given to the diocese acting through a Redundant Churches Uses Committee; but the Church Commissioners can assume the task themselves if they think it desirable.

With these modifications the Bridges recommendations have been embodied in the Pastoral Measure, 1968, which received the Royal Assent on 30th May, 1968, and was brought into force by the Archbishops of Canterbury and York in accordance with Section 96-(3) on 1st April, 1969. Though schemes begun under previous enactments could be completed, these previous enactments have been repealed. A corresponding Bill to give effect to the State's share of the bargain was introduced into Parliament and became law as the Redundant Churches and other Religious Buildings Act, 1969, on 16th May, 1969. So rapid is legislative change that in two particulars this Act amends the Pastoral Measure brought into force less than seven weeks earlier, but this need not detain us. It is time now to describe the new procedure.

In it there are normally three stages:

- (1) A "declaration of redundancy".
- (2) A "waiting period" of between one and three years in which an alternative use is sought for the redundant church.
- (3) A "redundancy scheme" in which the decision is taken whether the redundant church (in whole or part) shall be appropriated to another use, shall be preserved as a monument on account of its architectural or historic interest with only occasional use, or shall be demolished.

At the national level there are three bodies to carry out the stipulated procedure:

(1) The Church Commissioners, who may assign any of their functions under this part of the Measure to a committee, and have appointed a Redundant Churches Committee with Mrs. Betty Ridley, a well-known member of the Church Assembly, as its Chairman.

(2) The Advisory Board for Redundant Churches. The Board consists of "not less than six nor more than ten other members, and the chairman and other members shall be appointed by the Archbishops of Canterbury and York jointly after consultation with the Prime Minister and First Lord of the Treasury". The Archbishops have appointed as chairman Sir Eric Fletcher, known to some as a former Deputy Speaker of the House of Commons and to others as an authority on Anglo-Saxon churches, and as members Mr. Brandon-Jones, the Rev. Basil Clarke, Sir Francis

Hill, the Rev. R. L. P. Milburn (Master of the Temple), Sir Nikolaus Pevsner and the Dowager Countess of Radnor. The functions of the Board are defined in the Measure as "to give information and advice to the Commissioners on or concerning the historic and architectural qualities of any church or part of a church as respects which the question arises whether it ought to be declared redundant, or as respects which questions arise as to its use, demolition or preservation on or in the event of its being declared redundant".

(3) The Redundant Churches Fund. This consists of a chairman and not more than six other members, "and the chairman and other members shall be appointed by Her Majesty, and before any such appointment the advice of the Archbishops of Canterbury and York shall be submitted to Her Majesty through the Prime Minister and First Lord of the Treasury". The subtle difference between the appointment of members of the Advisory Board and the Fund means that although Church and State are involved in both bodies, in the case of the Board the emphasis is on the Church and in the case of the Fund the emphasis is on the State. The Crown has appointed as chairman your present speaker and as members the Marquess of Anglesey, Mr. Edward Bishop, M.P., the Very Rev. Walter Hussey (Dean of Chichester), Mr. Patrick Gibson, Sir Edward Muir (a member of the original Bridges Commission) and Mr. Paul Paget.

Let us now look at the stages in turn:

(1) *Declaration of redundancy.* Though the term has been loosely used in the past, this is the first time that "redundant church" has been given a legal meaning. Normally the first step to declare a church redundant is a recommendation to that effect by the Pastoral Committee of the diocese, and it will be one of a set of proposals for a "pastoral scheme": among other proposals may be a union of benefices or a group or team ministry. The Pastoral Committee has to ascertain the views of interested parties (incumbents, patrons, parochial church councils, archdeacons, rural deans and the local planning authority or authorities) and must obtain information from the Council for the Care of Churches about the church and other churches in the area, and their contents. The Pastoral Committee's proposals are forwarded to the Bishop

—a formality as he is normally chairman of the Committee—and the Bishop sends them to the Church Commissioners, with or without amendment, and with the Council's comments annexed, as a draft pastoral scheme. We need not consider the actions the Commissioners have to take except the important new feature that they must now consider any written representations made to them so that the amenity societies can now at least state their case. In due course the Commissioners make the pastoral scheme and submit it for confirmation to Her Majesty in Council. An appeal can be made and would be heard by the Judicial Committee of the Privy Council.

The pastoral scheme can normally do no more about redundancy than include a simple declaration of redundancy in respect of a particular church and this, like other aspects of the scheme, could be the subject of an appeal to the Privy Council.

Normally the architectural and historical aspects of a church do not enter into the question whether it is redundant or not. An ugly church may no longer be wanted for worship no less than a beautiful one. There is an exception where either of two churches in the same area (perhaps two churches in the same churchyard) could equally well be declared redundant leaving the other in use; in such a case it would be appropriate to keep in use that which has the greater interest. It is presumably for this reason that the authors of the measure ask for the comments of the Council for the Care of Churches at this stage.

Though a declaration of redundancy is normally contained in a pastoral scheme (Section 28) there is an exception. Section 54 provides that where a bishop certifies that at the commencement of the measure (1st April, 1969) a church has not been used for divine service for at least five years, and the incumbent, parochial church council and patron give their consent, the Commissioners may make an order declaring the church redundant immediately, and this declaration has the same effect as if it were embodied in a pastoral scheme. The measure unfortunately does not specify who is to obtain the consents, and the value of this section has been reduced in practice because in many such cases the benefices have been united but the parishes have not been. Though the measure permits a parish to be without a parish church, the bishop has to

make provisions for public worship by licensing some other building, and the Commissioners take the view (though it is not specifically stated in the measure) that the other building must be in the same parish. In practice this condition cannot be fulfilled, and in all these cases the declaration of redundancy must therefore await the slow progress of a pastoral scheme.

There are two exceptions to the principle that a pastoral scheme can do no more about a redundant church than make a declaration of redundancy. Section 46 provides that where a new church is to be built in the area of a church declared redundant (for example, one more conveniently situated for the inhabitants), the pastoral scheme may provide for its appropriation to some other use or may provide for its demolition if the Advisory Board certifies that (a) the redundant building is of small interest, or (b) that features of architectural or historic interest are to be incorporated in the new church. It may be presumed that no church included in the statutory list would be certified under (a), and (b) is obviously useful where a redundant church contains one or two worth-while features (say an arcade from an older church) but is otherwise uninteresting. It would be a misuse of the section, however, to employ it to authorize the demolition of an intact mediaeval church in tolerably sound condition (as at Kirk Sandall in Yorkshire) merely on the ground that elements are being incorporated in a new building. The right procedure in such a case is to let the old church be preserved intact by the Redundant Churches Fund.

The other exception is contained in Section 47. This provides that where a new use is immediately available, the pastoral scheme itself may provide for appropriation to that other use. This procedure is obviously sensible.

A consequence of these exceptions which may become important is that, as they are embodied in pastoral schemes, there can be an appeal against them to the Privy Council; that is to say, not merely against the declaration of redundancy but against demolition or the proposed alternative use. In other cases, as will be seen, there is no appeal from the decision of the Commissioners.

(2) *Waiting period.* Following a provision to which the Bridges

Commission attached great importance, the declaration of redundancy is normally followed by a waiting period in which the church cannot be demolished. As already stated, the pastoral scheme can do no more about a redundant church than make a declaration of redundancy. The details of what is to be done with the church declared redundant are left to a "redundancy scheme" to be prepared by the Church Commissioners. They may not normally prepare such a scheme until at least one year after the declaration of redundancy. There are two exceptions: (a) If the Advisory Board certifies that the church is of small interest, or if the Commissioners are satisfied that a suitable use for it will be found before twelve months, a redundancy scheme may be prepared forthwith for its demolition or appropriation as the case may be. If no alternative use has been found within three years from the declaration of redundancy, the Commissioners are required without further delay to draft a redundancy scheme providing for care by the Redundant Churches Fund or demolition according to the circumstances. The period of three years can be extended for a "minimum further period" if negotiations or a change of circumstances make this desirable.

Immediately upon a declaration of redundancy the church automatically vests in the Diocesan Board of Finance for the waiting period. In this period, as already stated, it is the duty of the Diocesan Redundant Churches Uses Committee "to make every endeavour to find suitable alternative uses for redundant buildings in their diocese". The committee reports to the Commissioners, who can require the committee to hand over this duty in any particular case to themselves.

Many of the churches declared redundant in the immediate future, having been neglected for years, are likely to be in a bad state of repair, but by an important provision for this initial period contained in Section 45.-(8) "the Redundant Churches Fund may contribute to the cost of the care and maintenance of a church or part of a church vested in a Diocesan Board of Finance under this Part of this Measure pending the coming into operation of arrangements under a redundancy scheme".

If a use is found for the church or any part thereof which involves architectural or structural changes, the Commissioners before

drafting a scheme are required to consult the Advisory Board; and, of course, they must consult the Board before taking the decision whether to preserve or demolish. Before giving its advice on any particular church the Board is required to consult the Redundant Churches Fund "as to the money available for its preservation".

(3) *Redundancy scheme.* The Commissioners are required to advertise a draft scheme and to consider written representations. When they have finally decided to make the scheme, it is submitted for confirmation by Her Majesty in Council, and there is no provision for appeal. Hitherto, when it has been proposed to demolish a church, there has been the possibility of a legal appeal to the Judicial Committee, or a prayer in either of the Houses of Parliament requesting that the scheme be not confirmed. The acid test of the new procedure will be whether it ensures that no church of architectural or historic interest is demolished even though no longer required for worship. The Redundant Churches Fund is setting out in the faith that any church of architectural or historic interest will either be appropriated to another use or handed over to it for preservation, and that the Fund will have the resources to preserve it.

The Pastoral Measure provides for a much greater range of alternative uses than has hitherto been the case. It has been one of the defects of previous procedures that a standing church could not be disposed of outright for some other purpose; the church had to be demolished and the site disposed of for re-development or as an open space. (In practice the distinction was not so sharp, because a church could be leased for 999 years for suitable purposes, which comes to much the same thing as outright disposal.) In particular, a redundant church could not be given away or sold to another Christian body. This prohibition is now withdrawn, and a wide variety of uses is contemplated for redundant churches—not merely for religious use by some other body but as libraries, museums, halls, storage places, dwelling houses, and so on. It is not easy, however, as experience has shown, to find alternative uses for churches, and excessive reliance cannot be placed on this solution.

The Redundant Churches Fund is the long-stop to which a redundant church of architectural interest comes when no alternative use can be found. Such a church automatically vests in the Fund when the redundancy scheme takes effect. The Fund is empowered "to hold and manage all churches and parts of churches and other property vested in the Fund by this Part of this Measure and, in particular, to carry out all necessary works of maintenance and repair in respect of that property". The first question to be asked is whether the Fund will have the resources for the task. In the initial period of five years from 1st April, 1969, the Fund is virtually assured of £500,000. Of this £200,000 will be provided by the Church Commissioners and £200,000 by the Government—both the Commissioners and the Government have agreed to make their grants, in regular annual instalments of £40,000—and it may be expected that the ceiling of £100,000 from the sale of sites will be realized. In addition the Fund is empowered to appeal, either generally or for specific cases, and the members realize that this must be a main part of their work. Will these sources suffice? Members have been told from many quarters that their resources will be grossly inadequate, but such statements do not emanate from within the Fund and the members prefer to believe that in giving them a job to do Parliament and the Church Assembly have also made provision for the resources to do it. The fact is that no one can possibly know what the demands upon the Fund will be. The Bridges Commission estimated in 1960 that some 370 churches were then redundant and another 420 must be expected to become redundant in the next fifteen or twenty years, a total of 790. Of these many have no interest, others would be given a new use, and the Redundant Churches Fund might expect to become responsible for between 300 and 400. This estimate is as good as any other is likely to be. Some dioceses such as Lincoln and Chelmsford wish to declare many churches redundant, others such as Oxford will be anxious to keep as many as possible in the ecclesiastical system. Not all diocesan estimates should be accepted at their face value, for the parishioners still have to make their voices heard, and the closing of a beloved church nearly always arouses strong protest. Similarly, no one can tell how much money the Redundant Churches Fund will raise by its own efforts. The sum

might be considerable, especially for particular churches. (It may be noted in passing that trust funds for the repair of a church will continue to be applicable when it passes into the hands of the Fund, and the Fund is empowered to charge admission fees and to delegate functions to local trustees or bodies.) Although the members of the Fund may not be able to do all they would like in the initial period, they are confident that they will be able to keep in being all churches of architectural or historic interest for which no alternative use is found. After the first period of five years the financial provisions come up for renewal, and if in the light of experience greater resources are needed to discharge the appointed task no doubt they will be provided. It may be hoped therefore that no more will be heard of the suggestion that not all churches of architectural interest can be kept because the Fund will not have the means to do it.

Redundancy schemes can regulate the future of churchyards as well as of churches. It is greatly to be hoped that a redundant church, whether appropriated to some other use or handed over to the Fund, will be allowed to retain its churchyard if it possesses one. There is no better setting for a church than a well-kept churchyard. The new powers given in the Pastoral Measure for dealing with churchyards are ruthless and must rouse some anxiety about how they will be exercised in practice. Sections 30 and 51 provide that, notwithstanding the Disused Burial Grounds Act, 1884 (which prohibits the erection of buildings on disused burial grounds) a pastoral scheme or a redundancy scheme may allow a churchyard to be disposed of for development if one or other of the following conditions is satisfied: (a) no person has been buried there for fifty years; or (b) even if there have been burials in the past fifty years, no relative or personal representative objects. This provision was one of the few to give rise to an anxious debate in the Church Assembly but the sections were passed with comfortable majorities.

Vandalism will be a major problem with which the Fund will have to contend. Isolated country churches within reach of big towns are liable to be the prey of marauding gangs, and urban churches in central areas from which the population has moved are liable to be visited by stone-throwing urchins. But thoughtless

vandals must not be confused with professional thieves bent on stripping a church of its lead or copper roofing. That is a more difficult problem. Vandalism can be countered, if necessary by bricking up the openings, preferably with alternate bricks and spaces to allow ventilation as the Friends of Friendless Churches have done at Wolfhamcote. This method has effectively prevented the vandalism and beatnik parties once common there. Some reliance can also be placed on the hope that vandals will respect a church which is obviously being cared for. A deserted and unused church for which the ecclesiastical authorities have ceased to care is naturally considered fair game. In any case, it is no answer to vandalism to destroy the church or turn it into a ruin. This is to surrender to vandalism and to become a vandal oneself. The Redundant Churches Fund will regard it as a primary task to protect the churches in its care, and their contents, from hooliganism.

The Fund will obviously have much to learn from the experience of the Ancient Monuments Department of the Ministry of Public Building and Works and also from the National Trust. It is unlikely, however, that the Fund's resources will permit it to maintain a paid custodian at many of the churches in its care. It is more likely that the church will have to be kept locked, and that visitors will be directed to a place where the key can be obtained on payment of, say, two shillings, as is done at many of the Ministry's lesser monuments. The Fund will hope to produce guides or leaflets for as many churches as possible in its care.

In order to discharge its task the Fund could have its own architect or staff of salaried architects and its own labour force, but it would seem wiser and more economical, in the early days at least, to rely on architects and contractors in normal practice. Many of them will have been familiar with the building in question over long years.

When a church or part thereof is vested in the Fund it will cease to be subject to the faculty jurisdiction, but it is important to notice that save in this respect it will continue to be subject to the legal effects of consecration.

The Fund can permit the occasional use of churches in its ownership for purposes considered by it to be suitable, and with the consent of the bishop this use can include occasional worship.

The members hope it will always be possible to arrange a service on or near the feast of title.

Where a church comes into the possession of the Fund, the redundancy scheme may authorize that the font, communion table and plate remain, and may also authorize that the other contents remain. (There is a special procedure for tombstones, monuments and memorials but this appears only to arise when bodies are removed and should not therefore arise in the case of churches vested in the Fund.) The members of the Fund, anxious to administer a church as a consecrated building and not as an empty shell, trust that unless there are very good reasons to the contrary the font, communion table, plate and other contents will be allowed to remain in the churches to which they belong. The font is very often a survival from an earlier building, and it would be tragic if in the eighth decade of the twentieth century such fonts should be dispersed. Monuments also have a special claim to remain in the church to which they belong historically, for they are often an integral part of the architecture and should stay over or near the bodies they commemorate. The modern desire to sweep them into some London museum should be resisted.

This argument is reinforced by the fact that churches in the Fund's possession can be used for occasional worship. Moreover, if the church should again be wanted for regular worship—and in these days of rapid movement of population who can say this will not happen?—it can again be brought into the ecclesiastical system by an amending scheme. It would be folly to scatter the historical contents and then bring in alien fittings.

If some permanent secular use can be found for the building, it can be appropriated to that use by an amending scheme. It may seem unlikely that a use will be found when intensive search over at least twelve months has failed to reveal one, but in that period the church was probably in a bad state of repair. When it is restored to a good state by the Fund there may be a greater desire to use it both for ecclesiastical and for secular purposes.

The Measure, as amended by the Act, provides that a church vested in the Diocesan Board of Finance or in the Fund may, by agreement, be taken over by the Minister of Housing and Local Government. It is unlikely that the Minister would wish

to exercise this power except in cases of exceptional architectural or historic interest, but the fact that the power exists is a useful reassurance for the future of such outstanding churches.

The members of the Fund, knowing the magnitude of the task given to them, are determined not to be empire-builders. We shall thank God when any church of architectural interest is kept for worship instead of being declared redundant; we shall rejoice when a seemly secular use that will not destroy its architectural interest is found for a church declared redundant; we shall be happy when a church that we have repaired is taken back for worship or found some permanent alternative use; but every church that comes into our possession, whether permanently or temporarily, shall receive all the skill and devotion that we can bring to it. We regard it as our task to see that no church of architectural or historical interest is demolished or reduced to a ruin when no longer required for worship and when no alternative use can be found for it; and with the help of God we shall discharge this task imposed upon us by Parliament and the Church Assembly "in the interests of the nation and the Church of England".