

Advice About Re-opening Church Buildings

Who has the legal right to decide whether or not to re-open the church?

The freehold of the church is vested in the Incumbent of the benefice. This means that the Incumbent is the legal owner and therefore has the right to decide what happens in the building and surrounding churchyard, subject to the rights of the parishioners for some purposes. The Incumbent, as owner, has a legal responsibility to ensure that the building is safe to people who enter it and the way in which it is used.

The PCC have a legal responsibility, with the Incumbent for the maintenance repair and day to day administration of the church and it is the PCC that has the legal duty to ensure that health and safety regulations are observed when the church is being used. The PCC has a responsibility to insure the building and to make sure that there is cover for public liability. It is therefore a joint decision between the Incumbent and the PCC as whether or not a church should be opened and if so on what basis. They both need to agree.

What if there is disagreement?

It is anticipated that in the vast majority of parishes the Incumbent and the PCC will be able to agree the way forward. However there is always the possibility that an Incumbent may not wish to open a church but a PCC does, or vice versa. What happens then?

Given the respective responsibilities and liabilities for both parties it is not realistic for one party to have precedence over the other. Therefore if there is no collective mind on the issue, the church must remain closed. At the current time the need to ensure health protection for all is paramount.

It does need to be borne in mind that if a church is opened then clergy and lay ministers will be working in a potentially unsafe environment and it is therefore important that those people who are responsible for the life of the church are not put at risk against their will. Everyone is entitled to be safe at work. Equally, ensuring the safety of parishioners, church officers, and other members of the public entering the church building is a principal consideration.

Mission communities and multi-parish benefices

Since many of the benefices in the Exeter Diocese comprise more than one parish and thus more than one church, it is encouraged that decisions about which church to open and how and when they open should be made collaboratively across the benefice and across mission communities.

Communion

At some future time congregations will be able to receive communion in church again, though initially this will only be in one kind. The giving of communion puts the ministering priest at risk as it will be difficult to socially distance from members of the congregation. Therefore it must be the Incumbent's decision about whether or not the giving of communion is resumed in church. Again it would be wrong to force a worker to put themselves at a greater health risk than they are prepared to accept whilst they are carrying out their work.

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