

## THE CHURCHES MAIN COMMITTEE

The CMC is a body, based in London, which acts on behalf of all the main denominations in Britain in matters of new legislation. It regularly sends each diocesan office bulletins and advice notes on a range of subjects and the information is circulated to parishes via the Bundle.

The CMC has published (among other advice) the following booklets, which can be obtained direct from the CMC.

Fire Precautions Guide	[Circular no. 1998/2]	£2.00
VAT and the Churches	[Circular no. 1997/6]	£1.00
The Taxation of Ministers of Religion	[Circular no. 1996/2]	£1.00
Disability Discrimination Act 1995	[Circular no. 1999/4]	£1.00

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Church House  
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[www.cmainc.org.uk](http://www.cmainc.org.uk)

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**January 2006**

## **GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998**

The Regulations require all employers to ensure that gas appliances and pipework installed in a place of work are maintained in a safe condition; and that landlords ensure the same for premises let by them. In addition, appliances in let premises must be checked on an annual basis and records kept.

These provisions may affect PCCs in respect of church halls/offices as places of work, and houses owned by the PCC for assistant clergy or residential letting purposes. The Diocesan Board of Finance takes responsibility for checking gas installations in parsonages and houses occupied by sector clergy.

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**April 2006**

## HEALTH AND SAFETY FOR PLACES FOR WORSHIP AND CHURCH HALLS

### Background

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### Background

Since October 1<sup>st</sup> 2006 there has been a legal requirement (under the Regulatory Reform (Fire Safety) Order 2005) for places of worship, church-run halls and outdoor events to abide by certain fire safety requirements for the safety of all who use those facilities – staff, members and visitors. This separates fire safety from other health and safety matters both in law and enforcement. This section of the Diocesan Handbook has been revised to take account of this change. A number of factors are of common interest (access/egress and emergency lighting, for example) and the fire safety legislation takes precedence if there is any apparent conflict between the two. Please also see Section H4 for detailed advice on the Fire Safety provisions.

#### Health and Safety (excluding Fire Safety)

Every Parochial Church Council is urged to give consideration to health and safety issues and to draw up and periodically review a health and safety policy for its buildings. You are reminded that the Ecclesiastical Insurance Group and the Health and Safety Executive both recommend that voluntary workers are treated in the same way as paid employees for health and safety matters. Useful guidance, including sample policies for larger and smaller churches, can be obtained from the Ecclesiastical Insurance Group plc, Beaufort House, Brunswick Road, Gloucester, GL1 1JZ. Tel: 01452-528533; Fax: 01452-423557; Website: <http://www.ecclesiastical.co.uk>; E-mail: [ecclesiastical@eigmail.com](mailto:ecclesiastical@eigmail.com)

The notes which follow are intended as a basic guide which will be of use to all persons involved in the running of religious worship and associated buildings and were produced by East Herts. District Council, but have been amended to take account of the legislative changes mentioned above. They are not intended to cover all possible circumstances that may be encountered. A small number of references are provided for further reading at the end of this document (these will provide

more detailed advice). However, your local Environmental Health Officer can be contacted for detailed advice on specific matters.

All church buildings are subject to statutory duties imposed by the Health and Safety at Work etc. Act 1974. The responsibility for the enforcement of this Act is with your local Environmental Health Department, who appoint Environmental Health Officers and Technical Officers to discharge the function. A visiting Officer will assess your compliance with statutory duties and may also give guidance. A hazard analysis and risk assessment based approach is generally adopted in order to secure compliance with the duties and to encourage the highest possible standards.

### [What is the officer looking for?](#)

#### [In the surrounds to the church building\(s\) ...](#)

- Access around and about the church building(s) should be easy, well maintained, with handrails and steps where appropriate. You should also consider lighting and measures necessary to control hazardous conditions, such as the build up of ice during the winter season.
- The machinery used to maintain the surrounds of the building(s) should be well maintained and stored in a locked shed or other suitable secured area. Employees and others will need appropriate instructions, training and supervision when using work machinery and/or equipment. Any personal protective equipment provided must be appropriate to the risk and you should select good quality products made to a recognised standard. Some items of equipment like lawn mowers/gardening tools, may require additional precautions, for example a suitably sensitive residual current device (RCD) which can act as a safety trip when there is a fault with electrical equipment, preventing a fatal electrical shock (please note an RCD is not a substitute for proper installation).
- Where grave digging is undertaken a safe excavation method is necessary, which will be dependent upon the ground conditions. Any excavation of more than 1.2 metres should have supported sides before any further digging. Decisions must be reached regarding the form of temporary support to be employed and the precautions that are to be taken against trench collapse, and people falling into it. You should make enquiries and take suitable and sufficient steps to ensure that third parties are using a "safe system of work". With regard to exhumations, specialist advice should be sought from your Local Environmental Health Officer.

#### [Within the church building\(s\) ...](#)

- The church building(s) should be adequately lit and any steps provided with suitable handrails or handhold.
- The church building(s) should be free of tripping hazards eg. trailing cables and broken floor gratings.
- The floor surfaces should not be slippery so as to cause a hazard to people who use the church building(s).
- If ladders or stepladders are used for minor maintenance then they should be in a sound condition and should be adequately secured before use. Stringent conditions relating to the use of ladders or stepladders were imposed by the *Work at Height Regulations 2005*, which provide that: "Every employer shall ensure that a ladder is used for work at height only if a risk assessment under regulation 3 of the Management Regulations has demonstrated that the use of more suitable work equipment is not justified because of the low risk and -
  - the short duration of use; or
  - existing features on site which he cannot alter."

Please see Advisory Leaflet AC31 for full details of the provisions of the Work at Height Regulations.

- A visual check of the electrical system should indicate no defects. The fixed wiring installation should be subject to an inspection by a qualified electrical contractor (e.g. those on the Roll of Approved Electrical Installation Contractors issued by the National Inspection Council for Electrical Installations Contracting (NICEIC) or a member of The Electrical Contractors Association (ECA) every 5 years. All portable electrical appliances will require appropriate checks and maintenance to prevent danger.
- The heating system should be safe and capable of maintaining a reasonable temperature within the church building(s).
- Special care should be taken for candlelit or Christingle services; The Children's Society provides detailed guidance notes on the latter.
- Churchwardens should be encouraged to draw up written instructions for evacuations, assembly points and accident. The provision of a mobile phone at large and night time services is a wise precaution

### In the tower

- Access to this area should be limited to those with a bona fide reason to be in

it. At all other times the area should be kept locked.

- Access should be easy and well lit. Heavy trap doors at the top of vertical ladders should be avoided.
- Portable ladders should be tied or securely fitted at their base. If a permanently fixed vertical ladder is used, then it may require a safety cage and should conform with all relevant aspects of British Standard 5395.
- Low beams and archways that are in areas where regular access is needed should be padded. Where possible the restricted headroom should be hazard identified with black and yellow striping.
- Additional precautions should be taken in towers with bells.
- Safety notices warning of the dangers of touching the bell ropes should be prominently displayed in the ringing chamber.
- The state of the bells should always be indicated, especially if they are left *up* or *set*. Normally bells should be left in the *down* position.
- The belfry should be adequately lit for maintenance purposes.
- A very conspicuous notice must always be left on the bell ropes when people are in the belfry. It would be advisable to incorporate a permit to work system which would manage this situation.
- Ideally both the belfry and the ringing chamber should be kept locked.
- Tower clocks should be regularly maintained and clock weight wells must be adequately guarded.
- Access to the roof of the church building(s) should be restricted. If the roof parapet height is low, only contractors should be allowed access to the roof. You must ensure that the contractors use a *safe system of work*. It is in such circumstances (and in others eg, hot work) when it is worth writing down clear procedures for the job. A method of work known as a "*permit to work*" system should be adopted which states what work is to be done, when it is to be done and the precautions required. The permit should be signed by those doing the work to demonstrate that they understand the risks and precautions necessary.

[The provisions of the Construction (Design and Management) Regulations 1994 will usually also apply in such cases, involving the drawing up of a Safety Plan, appointment of a Planning Supervisor and possible notification to the Health and

Safety Executive. See Handbook Section C11 for further details].

### In the Boiler Room ...

- Oil fired boilers must have an automatic fuel shut off system which operates in the event of a fire. The isolating valve for the gas supply to a gas-fired boiler should be easily accessible and clearly labeled for quick location and use in an emergency.
- Gas and oil fired equipment will require maintenance from a competent person, for piped gas appliances this will mean a CORGI registered installer (it is important that you should check this.)
- This area should be kept locked and tidy with no storage of flammable liquids (including petrol-powered tools such as lawnmowers) or materials. The access should be of sound condition and if via a stairway then a suitable handrail or handhold must be provided.
- The area may contain asbestos. If you suspect its presence, then do not attempt to disturb it. So that nobody carries out work on asbestos materials unknowingly, a survey of the building should be undertaken by a competent person and a register produced and maintained, noting the location, form (e.g. lagging, ceiling tiles, partition board, etc.) condition and type of asbestos.

### Other matters ...

There are a small number of other matters which should be given attention: -

- Hygiene and welfare facilities, if provided by reason of law, must be adequately ventilated, illuminated and maintained.
- Chalices should be washed in hot water, with washing up liquid and a fresh cloth, and then stored in a clean environment.
- Chemical substances may be in use on the premises, requiring a risk assessment, for example cleaning detergents, polishes etc. With any chemical you should consider if the use can be eliminated or failing this, substituted, or if neither is possible then adequate control will be required.
- You should have on the premises a First Aid box with suitable contents.
- It is advisable to keep a record of all accidents and near misses which occur on the premises. Certain categories of injuries, diseases and dangerous occurrences have to be reported to your local Environmental Health Department

by law.

- If people are employed on the premises then you have a duty to provide certain specific health and safety information in a written form by law. You will also require Employers Liability insurance, a copy of which should be on display in a prominent position.
- If food is served on the premises then you need to comply with Food Hygiene Legislation. Further advice is available from your Environmental Health Officer.

## **Further reading and references for Health and Safety excluding Fire Safety**

### **1. Organising for safety**

L1 A Guide to the HSW Act ISBN0 7176 0441 1.

HSC2 HSW Act: The Act outlined\*.

HSE 4 (Rev) Employers Liability (Compulsory Insurance) Act 1969: A short guide\*.  
IND(G)163(L) Five Steps to Risk Assessment\*.

### **2. The Workplace**

L24 Workplace (Health, Safety and Welfare) Regulations 1992.

Deadly Maintenance: Roofs: A Study of Fatal Accidents at Work ISBN0 11 883804 0.

Managing Asbestos in Premises, Ref. INDG223

The Management of Asbestos in Non-domestic Premises Regulation 4 of The Control of Asbestos at Work Regulations 2002 Approved Code of Practice and Guidance, Ref. L127  
ISBN 0-7176-2382-3,

INDG401- The Work at Height Regulations 2005

INDG402 Safe use of ladders and stepladders

### **3. Machinery Safety**

L22 Work Equipment. Provision and Use of Work Equipment Regulations 1992. Guidance on Regulations ISBN 07176 0414 4.

#### **4. Noise**

IND(G)75(L)(Rev) Introducing the noise at work Regulations\*.

#### **5. Electricity**

HS(G)107 Maintenance of Portable and Transportable electrical equipment ISBN 0 1776 01715 1.

PM31 (Rev) Safe Use of Portable Electrical Apparatus ISBN 0 11 885590 5.

IND(G)160(L) Maintaining Portable Electrical Equipment in Offices and Other Low Risk Environments\*.

#### **6. Harmful Substances**

IND(G)136(L)COS8H: A brief Guide for Employers\*.

#### **7. Accidents and Emergencies**

COP 42 First Aid at Work. Health and Safety (First Aid) Regulations 1981.

HS(R)23 Guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 ISBN 0 1776 0432 2.

#### **8. Personal Protective Equipment**

L25 Personal Protective Equipment at Work Regulations 1994. Guidance on regulations ISBN 0 17176 0415 2.

### **How to obtain publications**

Health and Safety Executive Publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6SS, telephone 01787-881165. Free leaflets and other items which are available from HSE Books are marked with an asterisk\*.

Please refer to the Environmental Health Officer of your local authority for further information.

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January 2007

## FIRE SAFETY IN PLACES OF WORSHIP AND CHURCH HALLS

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### [Application of the Regulatory Reform \(Fire Safety\) Order 2005](#)

The Order replaces most fire safety legislation with one simple order. It means that any person who has some level of control in premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire. All church buildings, including places of worship, halls, parish centres etc., count as 'Places of public assembly' and are graded as 'Small' if the capacity is below 60, 'Medium' if the capacity is between 60 and 300 and 'Large' if 300 or more. These sizes also refer to the use of tents, marquees or other temporary buildings for any function held by the church. In addition outdoor activities, such as services, fairs, barbecues and other social events are also counted as 'public assemblies' and appropriate precautions are to be taken.

### [What are the main rules under the order?](#)

You must:

- carry out a fire-risk assessment identifying any possible dangers and risks;
- consider who may be especially at risk;
- get rid of or reduce the risk from fire as far as is reasonably possible and
- 
- provide general fire precautions to deal with any possible risk left;
- take other measures to make sure there is protection if flammable or explosive materials are used or stored;
- create a plan to deal with any emergency and, in most cases, keep a record of

- your findings; and
- review your findings when necessary.

### [Who is responsible for meeting the order?](#)

Under the order, anyone who has control of premises or anyone who has a degree of control over certain areas or systems may be a 'responsible person'. For church buildings and outdoor venues, the PCC is the 'Corporate Body' and is responsible for seeing that legislative requirements are implemented. It is recommended that someone is appointed by the PCC to be the 'Responsible Person' on their behalf.

### [How do I meet the order?](#)

If you are the responsible person, you must insure a fire-risk assessment is carried out, although you can pass this task to some other competent person. However, you will still be responsible, in law, with the PCC, for meeting the order. The responsible person must as far as is reasonably practical make sure that everyone on the premises, or nearby, can escape safely if there is a fire. This is different from previous legislation in that you must consider everyone who might be on your premises, whether they are employees, visitors (including workmen) or members of the public, for example. You should pay particular attention to people who may have a disability or anyone who may need special help.

If the PCC hires out part of the building for others to use, then the hirers are legally responsible for the safe conduct of their activities while they are using the building. The Conditions of Hire must ensure that such users are aware of their responsibilities. Regular users, for example a play-group using a church hall, should appoint their own 'responsible person' and co-operate with you in maintaining a fire-safe environment for all.

If your church is using premises hired from someone else, then you are under a similar obligation to co-operate with the building's owner or landlord or agent and other users of the building. You should be supplied with information on the fire safety risk assessment, and may need to carry out your own assessment for your particular activity.

The order says that you must manage any fire-risk in your premises. Fire authorities no longer issue fire certificates and those previously in force will have no legal status. You must still carry out a fire-risk assessment but any fire certificates you have may be useful as a good starting point.

If your premises have been designed and built in line with modern building regulations (and are being used in line with those regulations), your structural fire precautions should be acceptable. You will still need to carry out a fire-risk assessment and make sure that you keep up all fire precautions and maintenance routines. The guides to the requirements of the Order all acknowledge that historic buildings may not be capable of structural modification and other ways of managing the fire-risk may be needed instead.

## **Fire Safety Risk Assessment**

### **Step 1 – Identify the hazards within your premises**

You need to identify:

- sources of ignition such as naked flames, heaters, cooking, electrical equipment or arson;
- sources of fuel such as waste materials, display materials, textiles (including vestments and choir robes), stored candles; and
- sources of oxygen such as air conditioning.

### **Step 2 – Identify people at risk**

You will need to identify those people who may be especially at risk such as:

- people working near to fire dangers;
- people working alone or in isolated areas (such as in ringing chambers, storerooms);
- children or parents with babies; and
- the elderly or infirm and people who are disabled.

### **Step 3 – Evaluate, remove, reduce and protect from risk**

Evaluate the level of risk in your premises. You should remove or reduce any fire hazards where possible and reduce any risks you have identified. For example, you should:

- replace highly flammable materials with less flammable ones;
- make sure you separate flammable materials from sources of ignition;
- have a no-smoking policy; and
- minimise materials and opportunities for an arsonist to use.

When you have reduced the risk as far as possible, you must assess any risk that is left and decide whether there are any further measures you need to take to make sure you provide a reasonable level of fire safety.

### **The general fire precautions you may need to take**

It is impossible to give detailed guidance for every building. However, the minimum you should consider will include the following.

#### **A fire-detection and warning system**

You must have a suitable fire-detection and warning system. This can range from a shouted warning to an electrical detection and warning system.

Whatever system you have, it must be able to warn people in all circumstances.

And don't forget those in remote areas.

#### **A way of fighting a small fire**

It may be acceptable to have sealed multi-purpose fire extinguishers with a guaranteed shelf life.

As a rule of thumb you should have one 9 litre (or equivalent) extinguisher for

every 200 square metres (m<sup>2</sup>) of floor space with at least one on each floor. It is preferable for all extinguishers to operate the same way. The following extinguishers are suitable for use in church buildings:

Water, water with an additive (eg 'Hydro spray'), foam (particularly for oil fires in boiler rooms), foam or AFFF spray extinguishers, Carbon Dioxide (CO<sub>2</sub>) particularly for electrical equipment fires.

The following extinguishers are not recommended: Dry powder - can be very expensive to clean up after one has been used; Halon - no longer allowed in the UK.

### Safe routes for people to leave the premises

The ideal situation is when there is more than one escape route from all parts of the premises, although this is not always possible.

If only one route is available, you may need to make it fire-resisting (protected) or install an automatic fire-detection system on the route and adjacent areas.

The distance people need to go to escape (the travel distance) should be as short as possible. The travel distance should be measured from the farthest point in a room to the door to a protected stairway or, if there is no protected stairway, to the final exit from the building.

If there is only one escape route, the travel distance should not normally be more than 18 metres. This distance should be shorter (12 metres or less) in any parts of the premises where there is a high chance of a fire starting or spreading quickly. The distance can be longer (up to about 25 metres) where the chance of a fire starting or spreading quickly is very low.

If there is more than one escape route, the travel distance should not normally be more than 45 metres (around 25 metres in areas where the risk of fire is high and about 60 metres in areas where the risk of fire is very low).

Stairways, corridors and areas near the fire exits should be kept clear of obstructions and material which can catch fire.

The escape route should lead to a final exit and a safe place.

If the stairway is not protected, the travel distance should be in line with those suggested above for single escape routes and the final exit should be easy to see and get to from the stairway at ground-floor level.

High-risk rooms should not generally open directly into a fire-protected stairway.

If your fire-risk assessment shows that people using any floor would not be aware of a fire, you may need other fire-protection measures, for example, a warning system, perhaps with automatic fire-detection.

You should follow the above guidelines with caution. You must look at each part of the premises and decide how quickly people would react to a warning of fire. If you are in any doubt you should read the more detailed guidance published by the Government (see below) or get expert advice.

### Suitable fire exit doors

You should be able to use fire exit doors and any doors on the escape routes

without a key and without any specialist knowledge. In premises used by the public or large numbers of people, you may need push (panic) bars or push pads.

#### Other things to consider

- Whether you need emergency lighting.
- Suitable fire-safety signs in all but the smallest premises.
- Training for your staff, including volunteers or anyone else you may reasonably expect to help in a fire.
- A management system to make sure that you maintain your fire safety systems.

Some very small and simple premises may be able to satisfy all these steps without difficulty. However, you should still be able to show that you have carried out all the steps.

#### **Step 4 – Record, plan, instruct, inform and train**

In this step you should record, plan, instruct, inform and train. You will need to record the dangers and people you have identified as especially at risk in step 1 and step 2. You should also record what you did about it in step 3. A simple plan can help you achieve this.

You will also need to make an emergency plan, tailored to your premises.

It should include the action that you need to take in a fire in your premises or any premises nearby. You will need to give staff and volunteers, including sidesmen and women, instructions including information and training about the risks in the premises. You may wish to appoint 'fire marshals', who will need more thorough training, for special events.

Arrangements need to be made to give contractors and other workmen who visit your premises, either regularly or casually, the necessary information on your fire safety arrangements.

#### **Step 5 – Review**

You should make sure your fire-risk assessment is up to date.

You will need to re-examine your fire-risk assessment if you suspect it is no longer valid, such as after a 'near miss' - an incident in which you almost had a fire - and every time there is a significant change to the level of risk in your premises. This could include:

- alterations to the building,
- if you store more materials which could catch fire easily;
- a change in the type or number of people using your premises.

#### If you alter your premises

In most cases you will be able to change your premises. However, you must remember that you will be responsible for managing the risk you create and you will still have to follow the planning process and building regulations. You will need to look at your fire-risk assessment again and look at how the changes will affect the risk in your premises. You should assess if your risk-management measures are adequate and if you need to take any further action.

In some higher risk premises, for example, those in which the risk to life can be said to be higher than normal or where particularly complicated fire-safety arrangements are needed, the fire authority will be able to issue an alterations notice. Under the alterations notice, you must tell them about any changes you plan to make to premises if those changes would create a significant increase in the risk.

### **Enforcing the order**

Fire authorities will be the main agency responsible for enforcing all fire-safety legislation in non-domestic premises. They will target their resources and inspections at those premises that present the highest risk. All fire authorities will continue to look into complaints about fire safety, carry out investigations after fires where poor fire-safety management is discovered and may carry out targeted inspections.

If you do not meet the order, the fire authority will provide practical advice or, if the risk is serious, a formal notice. Except in the most serious cases, the fire authority will work with you to achieve a satisfactory level of fire safety.

If there is a very serious risk to life, the fire authority can issue a notice preventing the premises being used for certain things (such as sleeping), or preventing people from using all or part of the premises. This power is shared with housing authorities in properties which several households live in.

In all cases you will have a right of appeal, both informally and formally.

An informal appeal, normally to a more experienced fire-safety manager, can sometimes identify a different way of meeting the order.

If this is not successful, you can appeal formally to a magistrate.

You can also agree with the enforcing authority to ask for a formal decision from the Secretary of State on a solution if you cannot agree about technical issues.

### **Vicarages, Rectories & other church housing**

These are usually single-family dwellings, and so exempt from the new legislation. But of course members of the public are often admitted to meet with the incumbent or another minister. It is not thought that this will make such buildings 'places of public assembly'. However where a parsonage is directly attached to, or actually part of a church building which does come under the new legislation then the risk assessment of the building should cover the parsonage as well.

Churches who run their own hostels for accommodating church workers and/or visitors will need to heed the new legislation as it applies to 'Sleeping accommodation'.

## **Advice and information**

If you need more practical advice or information after you have carried out your fire-risk assessment, your Fire and Rescue Service may be able to help you (see under 'Fire' in the phone book).

You can get the relevant official Guides; these are:

Small and medium places of assembly

Large places of assembly

Open air events and venues (still to be published as at Dec 2006)

For churches operating offices and/or shops: Offices and shops

For churches operating hostels or other sleeping accommodation: Sleeping accommodation

These guides can be obtained from good bookshops (£12 each) or by downloading them free of charge from the internet at [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk) .

Also available from:

DCLG Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB

Phone: 0870 1226 236

Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)

You can get advice on reducing the risk of arson from the Arson Prevention Bureau by phoning 020 7216 7525.

The Churches' Main Committee has a free down-loadable document 'Fire Risk Assessment Principles for Church Premises' available from [www.cmainc.org.uk](http://www.cmainc.org.uk) - follow the link from 'Fire Safety' on the home page index.

The DAC has a consultant on fire precautions - contact through the Pastoral and Advisory Secretary.

The DAC already has several Advisory Leaflets dealing with some aspects of fire safety: AC06 Fire Prevention; AC33 Fire Safety; AC28 Oil Storage; AC26 Storage of Petrol; AC36 No Smoking Regulations. It is likely these will be extended to give churches more detailed guidance on how to meet their obligations; this will be led by the queries that are received from churches.

Much of the above text is © Crown Copyright from 'A short guide to making your premises safe from fire', published by the Department for Communities and Local Government; its use is acknowledged with thanks.

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**January 2007**

## HEALTH AND SAFETY IN THE WORKPLACE

1. If an organisation has 5 or more employees, it must draw up a Health and Safety Policy Statement and bring it to the attention of all employees. A *guidance leaflet* produced by the HSE gives guidance to employers on writing a policy statement [HSC6].

A draft Health and Safety Policy specifically designed for churches is available from Ecclesiastical Insurance. (Telephone number 0845 777 3322 – local call rate)

2. The main legislation governing this area is the Health and Safety at Work, etc. Act 1974 and a Code of Practice is available from HMSI. However, much of the detail of the legislation is set out in Regulations, of which the following are particularly relevant:

The Workplace (Health, Safety and Welfare) Regulations 1992  
The Health and Safety (Display Screen Equipment) Regulations 1992

The approved code of practice for the first of these two sets of regulations [*Workplace Health, Safety and Welfare, HMSO for HSE, 1992*] is a good practical guide to matters such as lighting, workstations and seating, floors (trailing cables etc.) and toilet facilities.

3. The regional office of the HSE for Hertfordshire and Bedfordshire is at:

14, Cardiff Road,  
LUTON,  
Bedfordshire, LU1 1PP

Telephone: 01582-444200

4. A simple leaflet for employees is published by HSE Books as "Health and Safety Law: What You Should Know" (ISBN 0717608182).

HSE Books,  
PO Box 1999  
Sudbury,

Suffolk,  
CO10 6FS.

Telephone: 01787 881165  
Fax: 01787-313995

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**May 2006**

## DATA PROTECTION ACT 1998 A GUIDE FOR PARISHES

[Why do I need to read this?](#)

[What are the main differences from the 1984 Act?](#)

[Do I need to notify \(register\) and if so how?](#)

[What are the restrictions on the use of personal data?](#)

[What are subject access rights and how do they operate?](#)

[When did this all come into effect?](#)

[What do I therefore need to do to comply with the Act?](#)

[What are the penalties for not complying with the Act?](#)

[Why do I need to read this?](#)

The Data Protection Act 1998 has substantial implications for the Church of England which affect every parish. The Act is designed to protect the rights of identifiable living individuals concerning information about them (known as *personal data*). It covers basic factual information (such as names and addresses) and expressions of opinion (such as in references). The following important advice should be sufficient to enable most parishes to comply with the Act.

[What are the main differences from the 1984 Act?](#)

The new Act extends data protection to much of the personal data held in paper-based files (it previously applied only to information on computer). It also requires greater security where data is classified as sensitive (which includes a person's religious affiliation) and where information is passed beyond the European Union either directly or by being placed on the internet.

[Do I need to notify \(register\) and if so how?](#)

Notification used to be known as registration and is the process whereby a data controller informs the Data Protection Commissioner (DPC) that they are processing (handling) personal data. Each incumbent and each PCC is considered to be a data controller since they are separate legal entities who will be processing personal data. Each needs to decide whether they need to notify. PCCs should be exempt from notification. Incumbents (or priests-in-charge) should not need to notify *unless* records of pastoral care discussions (relating to beliefs, relationships, opinions etc. rather than dates of birth/baptism and other factual information) are held on

computer.

**It should be stressed that, even if the PCC and/or incumbent are exempt from notification, the remainder of the Act still applies to them and everyone in the parish handling personal data.**

To notify, you should telephone the DPC notification helpline (01625-545740). You will be asked certain questions and then sent a form to complete and return with a fee of £35 (payable annually). Those who are already registered under the 1984 Act need do nothing until asked by the DPC to convert their registration into a notification. You will be asked if you have an information security policy but should not get into trouble for not having one as this is primarily aimed at larger organisations; at parish level the application of common sense should be sufficient.

### [What are the restrictions on the use of personal data?](#)

The Act sets out eight principles under which personal data may only be obtained, held or disclosed to others if: -

1. Its use is fair and lawful.
2. It is to be used only for specified purposes. Individuals should be told, in broad terms, what you are going to do with the information (unless it is obvious) before you use it and given the opportunity to opt out of it being so used.
3. The information is adequate, relevant and not excessive in relation to the purpose for which it is to be used.
4. It is accurate and up-to-date - so periodically all information held should be checked to ensure it remains accurate.
5. The information is kept for no longer than necessary for the purpose - records of pastoral care discussions, for example, should not be kept for several years unless this can be justified.
6. Individuals' subject access rights are honoured - see later.
7. It is kept securely - addresses and phone numbers should not be left where they are open to abuse, and access to more sensitive information should be particularly restricted by either computer passwords or locks on filing cabinets etc. as appropriate.
8. Information should not be transferred to any country outside Europe

without adequate data protection being in place.

### [What are subject access rights and how do they operate?](#)

From 24 October 2001 an individual has the right to receive a copy of most paper-based information held about them by that organisation ('data controller') within 40 days of making that request. You may charge a fee of up to £10 for providing it. This covers all information held on computer and any correspondence and other papers from which that information might be deemed to be reasonably accessible. You do not, therefore, have to scour through minutes etc. for any mention of the individual but you would have to produce accessible information held by any church officers.

The general principle is that as much information as possible should be shared with the individual. There are, however, limited categories of material that you may withhold from the individual in the interests of protecting the rights of other individuals to privacy and for the protection of crime etc. You are able to withhold any references that you have given (but not any you have received). When sharing with an individual the information that you hold about them, you must remove anything which would identify a third party. You may also be entitled to hold back information containing serious allegations (for example, of child abuse) if to reveal that information would compromise the proper investigation of those allegations. In such cases you should always seek advice from your diocesan registrar or diocesan office.

### [When did this all come into effect?](#)

The Act came into effect on 1 March 2000. The new provisions of the Act (such as the extension to paper-based files) only applied from 24 October 2001. There was a limited extension to 2007 for paper-based files but there is no protection from subject access requests after October 2001.

### [What do I therefore need to do to comply with the Act?](#)

Incumbents and PCCs should: -

1. Identify a person responsible for compliance with the Act.
2. Identify who holds what data and ensure clergy/parish administrators/youth leaders etc. are all aware of the requirements and only record information that could be shared if a subject access request is made.
3. Work out whether or not you need to notify and do so if necessary.

4. Destroy material that you cannot justify still holding, especially if making the information available to the individual(s) concerned would create difficulties (but do bear in mind the archivists of the future).
  
5. Inform people broadly what information is held about them and the purposes for which it is used (for example if individuals' contact details appear on a parish web site this must be stated, and an opt-out offered). Also specify who should be contacted with any queries - this could be through a paragraph in a newssheet and/or on the church noticeboard.

### [What are the penalties for not complying with the Act?](#)

An individual has the right to complain to the DPC if they believe you have not handled their data properly. The DPC would then investigate and may require you to comply. Criminal offences apply in certain cases and the courts may impose fines. This, however, is most unlikely if you have made genuine attempts to comply with the legislation. You also need to bear in mind the pastoral difficulty that may result from honouring subject access requests if appropriate care has not been taken in what is kept on files.

### *Where do I seek further advice if I need it?*

In the first instance please contact your diocesan data protection officer at your Diocesan Office. If you wish to seek advice from the Data Protection Commissioner's office direct, their general helpline number is 01625-545745 and their web site address is [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)

This guide has been issued by the Archbishops' Council of the Church of England and is the product of liaison with dioceses and with the Data Protection Commissioner's office. No guide of this length can be comprehensive and you are advised to obtain further advice if appropriate. Liability rests with each legal entity concerned

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**January 2006**

## COPYRIGHT AND PERFORMANCE RIGHTS

### NOTE BY THE LEGAL ADVISORY COMMISSION OF THE GENERAL SYNOD

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  - [\(a\) Protected material](#)
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- [4. Performance rights](#)
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#### [1. The Risks](#)

The risk of breach of copyright is present whenever copying or public performance of **music, prose, poetry, drama, records** or **films** takes place without the appropriate consent. If a breach is committed the consequences are serious for those who are responsible. Legal proceedings may be brought against them and may result in an injunction to prevent repetition of the breach, an order for payment of damages for past breaches and an order to pay the costs of the legal proceedings. In general, it is no defence for those who are sued to say that copying or public performance was for church, charitable or other public purposes.

#### [2. Consent](#)

The safest way to deal with any potential copyright problem is to obtain the prior consent of the person who controls the copyright. If they give their consent no breach of their rights will take place. Depending on the circumstances, consent may be given free of charge or subject to payment of a fee and subject to other conditions, such as acknowledgement of source.

It is usually easy to find out whose consent is required. Most copyright works, such as sheets of music, books, films and records, have a copyright notice printed on them e.g. at the foot of the sheet music, behind the title page of a book or on the sleeve or cover of a record or video. The notice usually takes the form of a symbol - ©, followed by the name of the person whose permission is necessary. It may be the author or the composer or the publisher. It may be a record or film company

which is named.

In some cases the copyright is controlled by a society which has been formed to collect fees and royalties for the copyright owners. For example, the Performing Right Society grants consents for the public performance of music; Phonographic Performance Limited for the public performance of recordings; and the Mechanical Copyright Protection Society for the recording of music. If the relevant Society gives its consent to the proposed use of copyright material, no breach will take place. (There are also other bodies which control or administer copyright on behalf of the copyright owners; for example, Christian Copyright Licensing International, of 26 Gildredge Road, Eastbourne, East Sussex, BN21 4SA, runs a licensing scheme for churches which covers the words and, to a very limited extent, the music of a substantial number of songs for worship).

The fees and charges payable for non-commercial, limited, local use, such as in church halls and at fetes, are usually reasonable in amount and almost certainly less than the costs of committing a breach of copyright which results in legal action.

In some cases, the Society in question may, in its discretion, waive the requirement of consent where the use is for an occasion of religious worship in a church or in any other place of worship.

### [3. Recognising a copyright situation](#)

It is impossible in these notes to explain all the elements of a situation in which a breach of copyright may be committed at the risk of the incumbent, members of the Parochial Church Council and other members of the congregation. The notes, are therefore, confined to identifying some "warning signs" which should alert those responsible to the need to obtain consent for the proposed use or to obtain legal advice about the situation.

#### [\(a\) Protected material](#)

Copyright protection is widely available e.g. for literary material of all kinds, not just books, but also printed lectures, talks, sermons and the words of hymns and songs. It is also available for music and for records of music and words, for films and videos, for photos, drawings and artistic designs and also for computer programs.

Protection is not confined to the works of British authors, composers and companies. It is available to most works of foreign origin.

Protection is not confined to material of recent origin. Copyright lasts for a long time: at least 50 years in most cases and, in many cases, for longer e.g. the life of

the author or composer plus 50 years after his death. Even very old or traditional works, such as carols and madrigals, may enjoy some copyright protection, e.g., if they have been arranged by a more recent composer. The same may apply to modern translations or versions of biblical and classical texts. Protection against photocopying is also given to the typographical arrangement of printed books and sheet music.

### (b) Restricted use

A breach of copyright may occur if only a part of the work in question is copied or publicly performed. Any "substantial" use without consent amounts to a breach e.g., one verse of a poem or a hymn. A use may be substantial, even though the material used is not copied or publicly performed word for word or note for note from the original material.

In the case of performance of copyright material, the performance may be "public", even though the audience is small and local and even though no charge is made to attend the function in the church or church hall where the performance takes place.

### (c) Legal liability for breach

Legal liability for a breach of copyright is not confined to the particular individual who actually copies or publicly performs the copyright material.

Other persons may also be liable if they have participated in the breach of copyright e.g., if they have authorised the breach or if the individual has committed the breach on their behalf or as their employee.

The incumbent and the Parochial Church Council may be liable for breach of copyright if they give permission for premises, such as the church or the church hall, to be used for a public performance for which the consent of the copyright owner has not been obtained e.g. a recital or concert or play reading in the church or a disco or performance of a play or presentation of a video in a church hall.

They may also be liable for breach if they supply apparatus for the performance (e.g. video or audio equipment) or if, as occupier of the premises, they give permission for apparatus to be brought into the church or church hall to be used for the performance in breach of copyright.

## 4. Performance rights

Live performers also have rights in their performances of drama, dance, mime, music and reading or recitation of prose, plays and poetry. A breach of those rights is committed if, without the consent of the performer, their performance is recorded

on tape or film, except for "private and domestic use". For example, the members of a choir, the organist, the actors in a play or the musicians in an orchestra are all performers whose consent is required for the making of an audio or video recording, unless the recording is simply being made for home listening or viewing by the person making it. Most recordings of weddings and baptisms fall within that exception, but there may be cases where the ceremony will attract more widespread interest and the recording may be shown on television or in some other commercial way. In these cases, consent must be obtained from the performers whose performances are taped.

## 5. Practical steps

The incumbent and Parochial Church Council would be well advised to take the following practical steps in order to minimise the risk of incurring personal liability for breach of copyright: -

- i) If any church activity involves any copying or public performance of copyright material outside the normal service of divine worship steps should be taken to identify the person who controls the copyright and to obtain the necessary consent for the proposed use. Remember that "copying" includes photocopying and recording of material.
- ii) If the activity involves the use of more than one piece of material, it may be necessary to obtain consent from a number of different authors, composers or publishers, depending on the nature of the material.
- iii) If consent is obtained make any payment which is required and also observe carefully any conditions which have been laid down by the person giving consent. It is wise to obtain the consent in writing in order to avoid possible misunderstandings.
- iv) If, by some oversight, consent has not been obtained prior to the use of the material, and a complaint of breach of copyright is made, be prepared to ask for consent then and apologise for the oversight promptly.
- v) If the incumbent or the Parochial Church Council is approached by a parishioner or other person who wishes to copy or publicly perform copyright material or to make an audio or video recording of a live performance in church premises, permission should only be granted to that person on terms that they obtain all the necessary consents for the use which they propose to make
- vi) If in any doubt about what to do in any situation which involves potential copyright problems, expert legal advice should be taken. The relevant

legislation is the Copyright, Designs and Patents Act 1988 which contains over 250 sections dealing with complexities of copyright and performance rights.

**ADDRESSES OF ORGANISATIONS FROM WHOM FURTHER INFORMATION MAY BE OBTAINED**

The Performing Right Society Limited, 29-33, Berners Street, LONDON W1	Public performance of music and lyrics
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The Mechanical Copyright Protection Society Ltd, 41, Streatham High Road, LONDON SW16 1ER	Recording of music and lyrics
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The Music Publishers' Association, 103, Kingsway, LONDON WC2B 6QX	Copying of published music
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The Publishers' Association, material 19, Bedford Square, LONDON WC1	Copying of typography of published in the last 25 years.
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The British Theatre Association, 9, Fitzroy Square, LONDON W1P 6AS	Public performance of plays
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Phonographic Performance Limited, recordings 14-22, Ganton Street, LONDON W1V 1LB	Public performance of sound
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The British Phonographic Industry Limited, 273-287, Regent Street, LONDON W1	Recording of sound recordings
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NOTE: In 2000, Christian Copyright Licensing (Europe) Limited and the Performing Rights Society (PRS) introduced new licensing arrangements for copyright music performed in churches.

Previously, CCLE issued annual church copyright licences and music reproduction licences. PRS had been issuing licences for the performance of music in churches and church halls.

CCLE now provides a “one-stop” resource for all aspects of copyright licensing, ie. the copyright of words and music and the performance rights for church use. Details of the new arrangements, including fees, can be obtained from CCLE on 01323-417711. CCLE also produces a guide “Copyright Licensing and the church” giving details of what is covered by the various licences they offer and what is excluded.

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**January 2006**

## FILMING IN CHURCHES OR CHURCHYARDS

### Script

This must be seen by someone on behalf of the diocese (e.g. the Archdeacon concerned) to ensure that there is nothing obscene or objectionable. Further, the Television Company must undertake that the film will be used only in connection with the approved script and not for any other purpose whatsoever. The Company's copyright must therefore be limited – see note below on Form of document.

### Damage

The Company must enter into undertaking to do no unnecessary damage and immediately to make good all such damage as is occasioned to the satisfaction of the incumbent's Surveyor. The Company must meet the Surveyor's costs and a reasonable time limit, say one month, is advisable.

### Indemnity

The Company must indemnify the incumbent against all costs, claims, actions, demands or proceedings arising, either wholly or in part by virtue of their use of the Church and Churchyard for filming.

### Consideration

This is a matter of negotiation between the incumbent and the Company concerned, but it should be borne in mind that the damage reinstatement and indemnity clauses are potentially worth far more than any consideration the Company are prepared to pay.

### Form of Document

This should be ideally under seal, if not, then the agreement must be carefully looked at to see that it is a binding Contract. It appears that the copyright department of the T.V. Company deal with these matters. It is felt that if pressed, they can probably produce a standard form of Agreement which will incorporate all the above items in a fair amount of detail. The document should state that the film and script will only ever be used together, and not give full freedom of copyright to the T.V. Company to dispose of them separately. The draft should be sent to the Archdeacon and if he wishes he will consult the Registrar.

Finally, if it appears that the Company are going to be difficult about the form of the Deed and that the incumbent is going to require legal assistance, then legal costs

reasonably incurred in the transaction should be met by the TV Company.

**PS:** It should be noted that strictly speaking, all such cases require a Faculty. However, provided the Archdeacon concerned is kept fully in the picture and the above points are covered, then it would seem that the de minimis rule would apply.

D.N. Cheetham  
Diocesan Registrar

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**February 2006**

## **VIDEO RECORDING IN CHURCHES**

### **Video Information Sheet 5**

#### **A: General Considerations**

The Archdeacons have issued the following guidance, which should be read in conjunction with the attached Information Sheet issued by the Central Board of Finance [Video Information Sheet 5].

1. Each parish priest should decide whether to allow recordings to be made in the church, for which he or she is responsible, in the same way as for photography. It is helpful to have a consistent policy, and to take steps to ensure that nothing is done to detract from the reverence of an act of worship or be a cause of offence to worshippers.
2. No recording may be made without the permission of the parish priest, and this should be made plain to couples early on in the wedding interviews. Permission should be sought well before the event, and the priest will make such conditions as he or she considers appropriate in the particular church building (eg. all recording to be taken from one fixed point). A suggested form of undertaking by an applicant is attached.
3. There is a distinction between video recordings made for private family purposes and those of a commercial nature. Paragraph D(9) of the attached notes refer to this. Further information is included in the handbook section on Copyright (Section H6).
4. Caution should be exercised about the charging of fees in regard to video recording. If a fee is charged as a 'licence' and part of it goes to the parish priest personally for the giving of his or her consent, the owner of the copyright or of the performing rights could seek an account from the priest concerned when there is likely to be a breach of such rights. In this respect, "facility fees" in the form of a donation to the church are to be preferred.
5. Please consult the Archdeacons or the Diocesan Registrar about any particular problem in this field.

## **VIDEO INFORMATION SHEET 5**

**Revised August 1992**

## VIDEO RECORDINGS OF WEDDINGS AND BAPTISMS

Advice is often sought on recording weddings and baptisms, particularly with regard to questions of copyright. What follows is extracted from The Opinions of the Legal Advisory Commission of the General Synod of the Church of England (6th edition 1985; 1st supplement 1990) (on sale at Church House Bookshop, Great Smith Street, London, SW1P 3BN). For recordings of services other than weddings and baptisms and of performances such as plays or concerts, reference should be made to the complete text of the Opinions or to the Commission's Short Notes on Copyright and Performance Rights (obtainable from the Secretary of the Commission, Church House, Great Smith Street, London, SW1P 3NZ - please send a stamped, self-addressed envelope at least 8 1/2" x 12").

### A. SOME GENERAL CONSIDERATIONS ON RECORDINGS IN CHURCHES AND CHURCH HALLS

1. The incumbent has no authority to give a copyright licence for a recording to be made in church e.g. authorising or permitting the recording of a copyright work in a church may put him or her at risk of being sued for an infringement (unless the necessary permissions have been obtained). Nevertheless, copyright aside, no recording can be made in church without the incumbent's permission. If the incumbent gives permission for recording equipment to be brought into church he or she is at liberty to impose conditions concerning the manner in which the recording is to be made. For example: -

- (a) the number of cameras to be used inside the church;
- (b) whether only fixed camera positions may be used or whether mobile cameras will be permitted;
- (c) whether extra lighting will be permitted and, if so, where it is to be sited;
- (d) any directions for the turning on and off of extra lighting;
- (e) any directions for recording specified parts of the service or event e.g. the signing of the register;
- (f) any necessary licences, e.g. from the Mechanical Copyright Protection Society Limited ("MCPS"), and consents of performers, to be produced before the day on which the recording is to be made (see paragraphs 3 to 7).

### B. PERMISSION TO RECORD A WORK

#### Literary Works

2. Application for permission to record any copyright work should be made in the first instance to the publisher of the work. If the event, performance or service includes more than one copyright work, consideration needs to be given to whether permission of more than one copyright owner is required for the recording to be made. (But see paragraphs 8-13).

## Music and Lyrics

3. The permission of the copyright owner is required for the recording of music and lyrics. The MCPS - MCPS-PRS Alliance, Copyright House, 29-33 Berners Street, London, W1T 3AB. Telephone: 020 7580 5544 or [www.mcps-prs-alliance.co.uk](http://www.mcps-prs-alliance.co.uk). - administers the rights of its members in this area. It is necessary therefore to obtain a licence from the MCPS before copyright material which the MCPS controls may legally be recorded. Mechanical recordings include records, video or audiotape. Such a licence affords a high degree of legal protection for the recordist who bears the prime responsibility in this respect.

4. Tapes made by a professional recordist: the term "professional recordist" is used here to describe a recordist who is commissioned to make a recording in consideration of a payment of a fee for his services. Professional recordists should hold a current licence issued by MCPS. Where the professional production of videotape recordings of church services is involved, the responsibility for ensuring compliance with the requirements of the law rests primarily with the professional recordist. In the event of there being an infringement of copyright and the professional recordist not holding a current MCPS licence it is possible for the incumbent, if the recording was made in church, to be held to have authorised the infringement.

5. Tapes made by an amateur recordist: the term "amateur recordist" is used here to describe a person who makes a tape for his personal use and for use by members of his family and for which he receives no fee or payment. A strict application of the Copyright, Designs and Patents Act 1988 ("the 1988 Act") implies the same requirements in relation to a tape made by an amateur recordist e.g. of a wedding or christening. It is not usually necessary for the incumbent to ask to be shown a current MCPS licence: the considerations involved are different and reflected in current legal practice. In such cases it would probably be sufficient for the incumbent, if asked by an amateur recordist, to draw attention to the existence of the 1988 Act and to advise him of the name and address of the MCPS, from whom he might wish to obtain detailed advice on aspects of copyright.

## C. RIGHTS IN PERFORMANCES

6. The position of performers may also have to be given consideration. This is separate and distinct from the question of infringement of copyright in the work performed. Part II of the 1988 Act confers rights on a performer, by requiring his consent to the exploitation of his performances. It also confers rights on a person having recording rights in relation to a performance, in relation to recordings made without his consent or that of the performer. The performances protected include dramatic and musical performances and the reading or recitation of a literary work given live by one or more individuals. The performer's rights are infringed by a person who, without his consent, makes a recording of the whole or a substantial part of the performance or includes the performance in a live broadcast or cable programme service. It is not an infringement, however, to make a recording for private and domestic use. A performer's rights are also infringed by a person who, without his consent, shows or plays in public the whole or any substantial part of his performance by means of a recording which was, and which that person knows or has reason to believe was, made without the performer's consent. The rights of a person who has exclusive recording rights may also be infringed the making of recordings of performances without appropriate consents. Criminal liability may also be incurred by dealing in illicit recordings.

7. Therefore Part II of the 1988 Act applies to organists, musicians choristers, members of a church orchestra, and other singers and performers in churches. The prior consent of all these persons, if their performance is recorded or videotaped with the intention of making any public or commercial use of the tape, would have to be obtained. Obtaining such consents would not be the direct concern of the incumbent or parochial church council, unless they had given authority for the making of a record or tape and such authority envisages its possible publication. In such circumstances they might, if no consents were obtained, be held to be liable along with the makers of the record or tape. The performers will usually have a right of action against the recordist, but it should not be assumed that the incumbent or P.C.C. would escape liability if they were held to have permitted or caused the offence.

## D. RECORDINGS OF WEDDINGS AND BAPTISMS

8. Certain "blanket" arrangements have been made to facilitate the recording in church of the text of marriage and baptism services. Without prior application having to be made to the copyright owners, copyright

permission, subject to the conditions in paragraph 9 below, has been given for the recording on either videotape or audiotape of the following material -

Common Worship  
Solemnization of Matrimony from The Book of Common Prayer  
Solemnization of Matrimony First Series  
The Marriage Service in The Alternative Service Book 1980  
Baptism of Infants from The Book of Common Prayer  
Baptism Second Series  
The Baptism of Children in The Alternative Service Book 1980  
The Psalter in The Book of Common Prayer  
The Revised Psalter

9. The conditions on which a tape of the material specified in paragraph 8 may be made without prior application are as follows: -

- (a) No rights in the recording and no copies of it shall be transferred or assigned in consideration of money or money's worth i.e. the rights in the recording and copies of the recording shall not be sold commercially except that the original recording and copies may be sold to the couple or parents who commissioned the recording.
- (b) No more than three copies of the recording shall be made.
- (c) The recording, including an extract from it, shall not be exhibited in public.

10. The copyright owners of the material listed in paragraph 8 charge no fee for this permission. Provided the three conditions referred to in paragraph 9 are met, it will not be necessary for a couple who want an audio or video recording of their wedding or child's christening to make their own application for copyright permission for the material listed.

11. These "blanket" arrangements and the permissions relating to the material listed in paragraph 8 do not extend to any part of the service other than the text of the authorised service and psalms from the three Psalters. Thus hymns, anthems, additional prayers etc. are not covered by these permissions and it is for the couple concerned to obtain permission for such other copyright material which is included in the service.

12. If a professional recordist is employed to record the wedding or baptism then it is for the couple to ensure that the professional recordist complies both with the three conditions in paragraph 9 and any directions of the incumbent (see paragraph 1).

13. By acting as the agent of the couple the professional recordist is not in breach of condition (a) in paragraph 9 by selling the audio or video recording and copies of it to the couple. However, both the couple and the professional recordist would be liable in law for any breach of copyright.

14. If the incumbent permits a recording of a wedding or baptism to be made he or she is recommended to supply in writing to the couple and any professional recordist:

- a description of the works for which blanket permission has been arranged i.e. the material listed in paragraph 8 and the three conditions listed in paragraph 9;
- any directions made by the incumbent concerning the manner in which the recording is to be made;
- notice that the incumbent has no authority to permit the lawful recording of any copyright work other than the works covered by the blanket permission.

A precedent of a notice for use by an incumbent is attached.

15. It is recommended that the incumbent needs to be especially vigilant if the service has a more than usual significance. This might be the case if the wedding is of special interest to the media (e.g. weddings of public figures or local heroes). It is convenient to note that a licence from the Performing Right Society is not required to record any public performance at religious worship, which includes weddings and christenings.

16. Generally neither the recording nor the copyright in it would belong to the incumbent or the P.C.C.; and certainly they would have no claim in the copyright of the works recorded.

17. Parochial Fees Orders do not prescribe a fee for granting permission to record a wedding or baptism. It is for the P.C.C. to determine whether a fee should be charged for using audio or video recording equipment inside the church, but the incumbent retains the right to refuse to allow a particular service to be recorded. Any fees paid by either the couple or recordist are payable to the P.C.C. and not to the incumbent.

**NOTE** The material in this information sheet is copyright ©. The Central Board of finance of the Church of England 1985, 1990, 1992. However, the Board has given permission for incumbents and parishes to

reproduce the notice on page 6 to 8 without prior application and without payment of a fee.

**Model Notice to permit use in church of video recording equipment for marriage and baptism services**

FOR USE WITH SERVICES OF MARRIAGE AND BAPTISM ONLY

Parish of [Insert name of parish]

Video Recording of [Insert name of service (see paragraph 2)]

on [Insert date]

of [Insert name of couple or child]

This notice is issued by the incumbent to give permission for recording equipment to be brought into and used inside the church for the purpose of recording the above service subject to the following conditions:

[insert local conditions: see page 1]

The attention of the recordist is drawn to the following matters:

1. The law of copyright is complex. It is most important that it is recognised that neither the incumbent nor the Parochial Church Council has any authority to give copyright permission for the lawful reproduction or recording of any work - literary or musical - which is protected by copyright, or to give consent on behalf of any performer or person having an exclusive recording right.
2. Certain "blanket" arrangements have been made to facilitate the recording in church of the texts of the marriage and baptism services. Without prior application having to be made to the copyright owners, copyright permission, subject to the conditions in paragraph 3, has been given for the recording on either videotape or audiotape of the following material:

Common Worship

Solemnization of Matrimony from The Book of Common Prayer

Solemnization of Matrimony First Series

The Marriage Service in The Alternative Service Book 1980

Baptism of Infants from The Book of Common Prayer

Baptism Second Series

The Baptism of Children in The Alternative Service Book 1980  
The Psalter in The Book of Common Prayer  
The Revised Psalter  
The Liturgical Psalter

3. The conditions on which a tape of the material specified in paragraph 2 may be made without prior application are as follows:

(a) No rights in the recording and no copies of it shall be transferred or assigned in consideration of money or money's worth i.e. the rights in the recording and copies shall not be sold commercially except that the original recording and copies may be sold to the couple or parents who commissioned the recording.

(b) No more than three copies of the recording shall be made.

(c) The recording, including an extract from it, shall not be exhibited in public.

4. The copyright owners of the material listed in paragraph 2 charge no fee for this permission.

5. These "blanket" arrangements and the permissions relating to the material specified in paragraph 2 do not extend to any part of the service other than the text of the authorised service and psalms from the three Psalters. Thus hymns, anthems, additional prayers etc. are not covered by these permissions and it is your responsibility to obtain permission for such other copyright material which is included in the service. Copyright subsists in a work at least until the end of the period of 70 years from the end of the calendar year in which the originator (author, composer, etc.) died. Where there is doubt whether material is copyright the publisher will usually be able to assist. So far as copyright music and lyrics are concerned detailed advice of aspects of copyright is available from the Mechanical Copyright Protection Society Limited, MCPS-PRS Alliance, Copyright House, 29-33 Berners Street, London, W1T 3AB. Telephone: 020 7580 5544. [www.mcps-prs-alliance.co.uk](http://www.mcps-prs-alliance.co.uk)

\*6. The fee of £     is payable to the Parochial Church Council for the incumbent's permission to bring into and to use recording equipment inside the church. Cheques should be drawn in favour of .....

I have read the whole of this notice. I accept that the incumbent has only given me permission to bring into and to use video recording equipment inside the church subject to the conditions specified above. I acknowledge that the incumbent has

not given copyright permission or authorised the recording of any material or performance which may be protected by law.

Date .....

Signed .....

Recordist

\* To be deleted or completed

Note: The guidance on this matter is due to be revised by the Copyright Department of Church House Publishing but this has not yet been done (Jan 2006)

**January 2006**

## ECUMENICAL MATTERS

### Guidelines to Ecumenical Canon B43 for every parish

The following notes offer an introduction to the provisions of **Canon B43** - they are not a comprehensive statement of the law.

Who? - **Canon B43** applies to every Church of England congregation and place of worship.

Why? - To allow churches of different Christian traditions to share with one another the particular treasures of their traditions as they worship together.

- To help churches of different Christian traditions to draw closer to one another and to grow in fellowship together.

- To enable local churches to work together more effectively in mission and service.

What? - **Canon B43** allows Churches of the Church of England to invite ministers or lay people of other churches, who are baptised and in good standing with those churches, to participate in the worship of the Church of England through:

- (a) saying or singing Morning or Evening Prayer or the Litany;
- (b) reading the Holy Scriptures at any service;
- (c) preaching at any service;
- (d) leading the Intercessions at the Holy Communion and leading prayers at other services;
- (e) assisting at Baptism or the Solemnisation of Matrimony or conducting a Funeral Service.
- (f) assisting in the distribution of the holy sacrament of the Lord's Supper to the people at the Holy Communion.  
if the minister or lay person is authorised to perform a similar duty in their own church.

**Canon B43** also allows Church of England clergy, lay workers or readers to accept invitations from partner churches to share in their worship, undertaking the kinds of role which they

perform in Church of England churches. In accepting such invitations it is necessary to obtain:

- the approval of the incumbent of the parish in which the service is to take place.
- the approval of both the bishop and the PCC if the invitation is to take part in leading worship on a regular basis.

**Canon B43** also allows incumbents, with the approval of the PCC and the bishop, to invite members of the designated churches to use Church of England churches for worship, according to their own forms of service and practice, on particular occasions. If a regular arrangement is envisaged, then it might be appropriate to draw up an agreement under the Sharing of Church Buildings Act.

How? - In inviting ecumenical partners to participate in Church of England worship, or in accepting invitations from other churches, it is important to obtain the necessary permissions - these vary, according to the nature of the invitation.

For most things, the permission of the incumbent of the parish and of the PCC is sufficient. But in the case of invitations to preside at the Holy Communion, to participate in an ordination or to share in worship on a regular basis, the permission of the bishop of the diocese is also necessary, and may be limited to special circumstances and occasions.

With whom? **Canon B43** includes relations with those other Christian churches designated under The Church of England (Ecumenical Relations) Measure:

- The Baptist Union
- The Methodist Church
- The Moravian Church
- The Roman Catholic Church in England & Wales
- The United Reformed Church
- The Congregation Federation
- The International Ministerial Council of Great Britain
- The Lutheran Council of Great Britain
- The Archdiocese of Thyateria and Great Britain  
(Greek Orthodox)
- The Council of African and Afro-Caribbean Churches
- The Free Church of England
- The Southam Road Evangelical Church, Banbury
- The member churches of the Evangelical Church in

## Germany (EKD)

The Assemblies of God in Great Britain and Ireland  
The New Testament Church of God  
The Russian Orthodox Church  
The Church of Scotland presbyteries in England

Where? - The provisions of **Canon B43** exist to help every Church of England congregation to relate to their ecumenical partners.

- In Local Ecumenical Partnerships, the addition of provisions of Canon B44 applies.

- **Canon B43** is important for developing ecumenical working in local Churches Together and or through the Declaration of Ecumenical Welcome and Commitment.

When? - **Canon B43** is intended to help congregations to grow in fellowship. If local churches worship together regularly, and develop a common life in witness and service, then it might be appropriate to think about establishing an LEP.

Further information and advice is available from Diocesan Ecumenical Officers or from the Council for Christian Unity, Church House, Great Smith Street, London, SW1P 3NZ.

## Sharing of Church Buildings

Guidelines to the Sharing of Church Buildings Act 1969 have been published by the Council of Churches for Britain and Ireland (CCBI) under the title "Under the Same Roof".

CCBI Publication: Tel 020 7654 7254 or see [www.ctbi.org.uk](http://www.ctbi.org.uk)

## Declaration of Ecumenical Welcome and Commitment

A Declaration suitable where an Anglican church is the only church in a village has been issued and agreed for use within the Diocese under the title "Where the parish church is the only church".

It is available from the Diocesan Office.

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**January 2006**

## ECUMENICAL MATTERS

### Guidelines to Ecumenical Canon B44 for every parish

#### **B44 Of local ecumenical projects**

1. (i) The bishop of a diocese may enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in a local ecumenical project established or to be established for an area comprising any parish in his diocese (not being the parish of a cathedral church) or part of such a parish.

(ii) Where the area of a local ecumenical project is extended so as to include a parish which was not previously included (not being the parish of a cathedral church) or to include part of such a parish, the Church of England shall not participate in the project in respect of that parish or part of a parish unless the bishop of the diocese has agreed thereto.

(iii) A bishop shall not enter into any agreement under sub-paragraph (i) or (ii) above as respects any parish or part of a parish unless the participation of the Church of England in the project in respect of the parish concerned has been approved –

(a) by the incumbent of that parish; and

(b) by 75 per cent of those present and voting at a meeting of the parochial church council of that parish; and

(c) by either the annual parochial church meeting or a special parochial church meeting of that parish; and

(d) by the diocesan pastoral committee after consultation with the deanery synod concerned or the standing committee of that synod.

2. (i) Any agreement made under paragraph 1(i) above shall have effect for such period of not more than seven years as may be specified therein, but may from time to time be extended by an agreement made by the bishop of the diocese concerned for such further period of not more than seven years as may be specified in that later agreement.

(ii) Where a local ecumenical project is amended so as to include a

Church which was not previously participating in the project, or to include an additional congregation of a participating Church, the Church of England shall not continue to participate in that project unless the bishop of the diocese concerned has agreed to that amendment or, if the area of the project comprises parishes or part of parishes in more than one diocese, the bishops of those dioceses have so agreed.

*Section B: Divine worship and the administration of the sacraments*

(iii) A bishop of a diocese shall not make any agreement under subparagraph (i) or (ii) above unless he has obtained the consent of –

(a) the incumbent of each parish concerned, and

(b) each parochial church council concerned, and

(c) the diocesan pastoral committee.

3. (i) A bishop may at any time revoke any agreement made under the foregoing provisions of this Canon after consultation with the appropriate authority of each participating Church, each parochial church council concerned and the diocesan pastoral committee.

(ii) Any agreement made under the foregoing provisions of this Canon shall be in writing.

4. (i) A bishop who has given his agreement to participation in a local ecumenical project under the foregoing provisions of this Canon may by an instrument in writing made after consultation with the parochial church council of each parish or part of a parish in the area of the project –

(a) make special provision as to the ministry in that area of clerks in holy orders, deaconesses, lay workers and readers beneficed in or licensed to any parish wholly or partly in that area;

(b) exercise in relation to that area his powers under Canon B 14A, Canon B 40 and Canon B43;

(c) authorize ministers of any other participating Church with the goodwill of the persons concerned to baptize in a place of worship of the Church of England in that area in accordance with a rite authorized by any participating Church;

(d) authorize a priest of the Church of England to preside in that area at a

service of Holy Communion in accordance with a rite authorized by any other participating Church;

(e) make provision for the holding in that area of joint services with any other participating Church, including services of baptism and confirmation;

(f) authorize the holding, in a place of worship of the Church of England in that area, of services of Holy Communion presided over by a minister of any other participating Church.

(ii) A bishop shall not by any instrument made under this paragraph authorize any rite to be used in any service mentioned in sub-paragraph (i) (d), or (e) or (f) above unless he is satisfied that the rite and the elements to be used are not contrary to, nor indicative of any departure from, the doctrine of the Church of England in any essential matter.

(iii) Where the holding of a service of Holy Communion is authorized under sub-paragraph (i) (f) above –

(a) notice of the holding of any such service shall, so far as practicable, be given upon the Sunday immediately preceding with an indication of the rite to be used and the Church to which the minister who is to preside thereat belongs; and

(b) no such service, notwithstanding that the form of service used may follow a form authorized under Canon B 1 or a form substantially similar thereto, shall be held out or taken to be a celebration of the Holy Communion according to the use of the Church of England;

(c) no portion of the bread and wine consecrated at any such service shall be carried out of the church in accordance with the provisions of Canon B 37(2) except at the express wish of the individual sick communicant, in which case this shall be done either during or immediately after the service, or as soon as practicable on the same day.

(iv) An instrument made under this paragraph with respect to any local ecumenical project may be amended or revoked by a subsequent instrument made after consultation with the parochial church council of each parish which is in, or part of which is in, the area of that project.

5. Before exercising his powers under paragraph 4 above in relation to any local ecumenical project the bishop shall consult the authorities of the other participating Churches, and he shall so exercise those powers as to ensure that public worship according to the rites of the Church of England

is maintained with reasonable frequency in a parish which is in, or part of which is in, the area of the project and in particular that a service of Holy Communion according to the rites of the Church of England and presided over by a priest of the Church of England or by an episcopally ordained priest in a Church whose Orders are recognised and accepted by the Church of England shall be celebrated at least on Christmas Day, Ash Wednesday, Easter Day, Ascension Day and Pentecost.

6. (i) Where a local ecumenical project is established or is to be established for an area in which a cathedral church is situated, the bishop of the diocese may, after consultation with the dean and chapter or cathedral chapter of that cathedral church and after such other consultation as he considers appropriate, enter into an agreement with the appropriate authority of each participating Church with regard to the participation of that cathedral church in the project.

(ii) The provisions of paragraphs 2 to 4 above shall apply in relation to an agreement made or project participated in by virtue of sub-paragraph (i) above subject to the following modifications –

(a) sub-paragraph (3) of paragraph 2 shall not apply but the bishop before making an agreement under sub-paragraph (i) or (ii) of that paragraph with respect to a project in which a cathedral church is participating shall consult the dean and chapter or cathedral chapter of that cathedral church;

(b) in paragraph 3 (i) for the reference to each parochial church council concerned and the diocesan pastoral committee there shall be substituted a reference to the dean and chapter or cathedral chapter of the cathedral church concerned;

(c) in paragraph 4 for the reference in sub-paragraphs (1) and (4) to the parochial church council of each parish or part of a parish in the area of the project there shall be substituted a reference to the dean and chapter or cathedral chapter of the cathedral church concerned and for the reference in sub-paragraph (1) (a) to clerks in holy orders, deaconesses, lay workers and readers beneficed or licensed to any parish wholly or partly in the area there shall be substituted a reference to clerks in holy orders, deaconesses, lay workers and readers ministering in or licensed to the cathedral church concerned; and

(d) before exercising his powers under paragraph 4 in relation to a project participated in by virtue of sub-paragraph (i) above the bishop shall consult the authorities of the other participating Churches.

(iii) Nothing in this paragraph shall affect the requirements of Canon B 10 or Canon B 13 regarding services in cathedral churches.

7. (i) Where a local ecumenical project is established or to be established for an institution and a clerk in holy orders is licensed under section 2 of the Extra-Parochial Ministry Measure 1967 in respect of that institution, the bishop of the diocese may, after such consultation as he considers appropriate, enter into an agreement with the appropriate authority of each participating Church with regard to the participation of the Church of England in that project.

(ii) A bishop shall not enter into an agreement under sub-paragraph (i) above as respects any institution unless the participation of the Church of England in the project concerned has been approved by the diocesan pastoral committee.

(iii) The provisions of paragraphs 2 to 5 above shall, so far as applicable, apply in relation to an agreement made or project participated in by virtue of this paragraph as they apply in relation to an agreement made or project participated in by virtue of paragraph (i) above, subject to the following modifications –

(a) for any reference to the area of the project there shall be substituted a reference to the institution concerned;

(b) for the reference to clerks in holy orders, deaconesses, lay workers and readers beneficed in or licensed to a parish there shall be substituted a reference to any clerk in Holy Orders, deaconess, lay worker or reader licensed in respect of the institution concerned; and

(c) any reference to an incumbent or to a parochial church council shall be omitted.

8. The powers of a bishop under this Canon may be exercised only in respect of a local ecumenical project in which every other Church participating in the project is a Church to which the Church of England (Ecumenical Relations) Measure 1988 applies.

9. In this Canon –

‘incumbent’, in relation to a parish, includes –

(a) in a case where the benefice concerned is vacant (and paragraph (b)

below does not apply), the rural dean, and

(b) in a case where a suspension period (within the meaning of the Pastoral Measure 1983) applies to the benefice concerned, the priest-in-charge, and

(c) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the bishop, that vicar;

'local ecumenical project' has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988;

'minister', in relation to any other participating Church, means any person ordained to the ministry of the word and sacraments;

'participating Church', in relation to a local ecumenical project, means a Church which is participating in that project.

**Note:** *The Churches to which the Church of England (Ecumenical Relations) Measure 1988 applies (see paragraph 8 above) are reproduced at page 203 of **the Canons of the Church of England, 6<sup>th</sup> Edition.***

*From the Canons of the Church of England, 6<sup>th</sup> edition © The Archbishops' Council 2000*

**For more detailed guidance on the procedure to be followed within this Diocese, please contact the Diocesan Registrar or the Pastoral Team at the Diocesan Office.**

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**February 2006**

## THE DISABILITY DISCRIMINATION ACT

### Policy

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### Policy

The Disability Discrimination Act 1995 (DDA) brought in measures to prevent discrimination against people with disabilities. Those concerned with the provision of services to the public (service providers) must not discriminate against people with disabilities in the way they offer access to their services or buildings. The Church is a service provider within the meaning of the DDA, not just in relation to services in the sense of acts of worship, but also to all the other activities offered, such as meetings, concerts and displays. Since 1999 all service providers, including churches, have had a duty to make reasonable adjustments for people with disabilities in the way they provide their services: this might include, for example, making large print versions of hymn books available.

From 2004 the more onerous and potentially more expensive duty comes into force requiring service providers to make reasonable adjustments in relation to the physical features of their premises to overcome physical barriers to access. Since October 2004, PCCs should be able to demonstrate that they have made every reasonable effort to comply with the law and should have completed reasonable adjustments to any physical features of their church buildings, which make it impossible or unreasonably difficult for people with disabilities to access the building and the services offered to the public there.

The Diocesan Advisory Committee (DAC) recommends that every PCC undertakes an Access Audit of its churches as soon as possible. This will then expose the existing barriers to access and enable the PCC to consider how they might be overcome. An Access Plan should then be drawn up to establish priorities for improving access. PCCs must contact the DAC for advice about possible alterations, including what work would be realistic, whether a faculty will be needed and what other consents are required.

#### [The Mission and Ministry of the Church](#)

Disabled access is guaranteed by the general law but the whole Church should also understand that it is an issue which affects its ministry and mission. Providing for individuals with disabilities is a positive contribution to the Church's mission of bringing people closer to God and of enabling all members of the local community to participate fully in the worshipping life of the Church. Every community or congregation includes many people who will

potentially benefit from the provisions of the DDA in terms of their experience of worship and all the other services that the Church provides.

About 15% of the population experience a permanent impairment which affects their daily living and 85% of us are likely to at some point in our lives. Much of what is suggested will help everyone feel the Church is more open and inclusive, including many who are not strictly speaking disabled within the terms of the DDA, such as the frail, the elderly and those with children in pushchairs.

### [Undertaking an Access Audit](#)

- An Access Audit is not simply about getting wheelchairs in and out of the church. The definition of disability in the DDA is very broad. It covers people with a mental or physical impairment which affects their normal day-to-day activities in terms of their mobility, manual dexterity, physical co-ordination, continence, ability to lift and carry, speech, hearing or eyesight, memory or ability to learn and understand and their perception of the risk of physical danger. The Access Audit should consider the needs of all these various aspects of disability. The duty is owed to the population at large so it is no excuse that, for example, there is no visually impaired person or epileptic in the congregation at the moment.
- "Widening the Eye of the Needle" and the "Through the Roof Roofbreaker Guides" (see below for details) both give helpful advice on how to undertake an audit and provide useful checklists.
- In undertaking an Access Audit, the PCC should seek the views both of experts and of local parishioners. People with visual, hearing or mobility impairments could be invited to say where they experience difficulties with the church building and suggest ways in which these might be overcome. For example, can they point to the seats with the better lighting and a good view of the preacher so lip-reading is a possibility if they cannot hear well?
- Don't think just about the building itself; consider wider issues such as hymn books, sound systems, use of contrasting colours, surfaces and lighting.
- Bear in mind all the services offered by the Church. These might include the Sunday worship, occasional services e.g. funerals, concerts, mother and toddler groups, visits from the local schools, bookstalls, displays and the ancillary facilities of toilet and kitchen. Bear in mind all the other uses of the building by community groups.
- The DAC, local access groups, the local government access officer, the conservation officer and the church architect can all offer advice in order to identify the full range of barriers present and suggest ways of designing a barrier free environment.

### [What are "reasonable adjustments"?](#)

Having completed the Access Audit, the service provider (PCC) is required by the DDA to make reasonable adjustments for people with disabilities in order to overcome barriers to access. From 2004, where a physical feature is a barrier to access, a service provider must take reasonable steps to remove the feature. If that proves impossible or unreasonable to

achieve then it may be altered. If that alteration is unreasonable then a reasonable means for avoiding it should be provided. The last resort is to provide a reasonable alternative method of making the service available to disabled persons. However, it is much better always to achieve inclusive design whereby everyone is treated equally rather than making special provision for the disabled.

What then is it reasonable to require a PCC to do? The legislation is too new for this to have become firmly established but the Disability Rights Commission have published a Code of Practice setting out guidelines for good practice. In determining whether or not it is reasonable to require a service provider to make particular adjustments, the following factors may be considered: the practicality of making the adjustment and the disruption it would cause; the financial and other costs, bearing in mind the extent of the service provider's resources and availability of financial or other assistance. In other words, the larger the organization the more it will be expected to do. The failure to address the issue of disabled access, to plan and to budget even on the part of a small organization with limited resources is unlikely to be viewed sympathetically by a court.

The issue of reasonableness is also considered in a recent court case:

*I therefore conclude that there is a duty on churches to provide, if at all possible without unreasonable expense, full access to and from the church (by, for example, eliminating steps and doors that are difficult to open, or making it possible to avoid them without a major detour) and to and from all the principal parts of it (including the communion rail in the main worship area, all or at least most subsidiary areas such as side chapels, meeting rooms, toilets, and areas where refreshments are served) and as much as possible of the churchyard - since without such access the services offered by the church are not available to the disabled. There is not, however, an obligation to enable a disabled person to use every seat or pew in the church - provided that there is a degree of choice as to where he or she may sit. On the other hand, it will not usually be acceptable for a disabled person to be forced to sit right at the back or the front.*

*What this means in any particular case must be a matter for judgement, to be exercised sensitively in each case - unless and until more detailed guidance is issued on the implementation of these provisions of the Act (possibly in the form of a further code of practice issued by the Secretary of State under section 51(2))*

*(re Holy Cross, Pershore [2001] 3WLR 1521)*

## [PCC responsibilities](#)

### [1 Getting permission](#)

In relation to listed buildings such as churches, one must also consider whether the proposed alteration adversely affects the historic, cultural or architectural character of the building. The duty to obtain a faculty and, in the case of external works, planning permission still applies. Access proposals, for example to widen an entrance or to fit textured warning surfaces to the top and bottom of steps may be refused the necessary faculties and consents because of concerns for the historic fabric or unique character of the building. In this case it will be necessary for the PCC to consider other ideas.

## 2 Responding constructively

PCCs must think about the many changes that could be made relatively inexpensively and without delay. e.g.,

- ▶ Making notices and pew sheets available in large print format (i.e. font 16)
  - ▶ ensuring that service books, bookstalls and display racks can be found and reached easily by the visually impaired or wheelchair user.
  - ▶ ensuring that sidesmen and women know how to relate to and communicate with all kinds of people with disabilities including where they should sit, what books they need, how they receive communion.
  - ▶ ensuring that the aisles and doorways are kept clear of furniture and equipment so that there are no hazards to access
  - ▶ checking the sight lines and lighting in the church for members of the congregation who are visually impaired or need to lip-read.

## 3 Keeping records

It is essential to keep a record of all discussions and documentation as evidence of the PCC's commitment to the DDA. Such documentation would include the Access Audit and Access Plan, PCC minutes, correspondence with the church architect, DAC, English Heritage and planning authority. This is particularly important where the PCC have identified a physical feature as a problem to access but have been unable to remove or alter it because the costs are prohibitive or a faculty has been refused.

### How can the PCC respond to the DDA?

- Do an Access Audit as soon as possible to identify the existing physical and communication barriers to access
- Examine the access needs of users
- Get advice from the local authority, DAC, Church Architect and English Heritage (where appropriate) about how access can be improved and whether faculties or other consents are required
- Draw up an Access Plan which addresses the accessibility problems, and prioritises them over the coming five years.
- Keep all relevant documentation which shows the PCC's commitment to addressing

accessibility issues raised by the DDA

### **Further information**

*The DDA 1995 Code of Practice, Rights of Access, Goods, Facilities, Services and Premises*

The Stationery Office, PO Box 29, Norwich NR3 1GN. Tel: 0870 600 5522; [www.tso.co.uk](http://www.tso.co.uk) ISBN: 0-11-702860-6; (£13.95)

*This is very clearly written, sets out the principles clearly and provides numerous examples.*

*Widening the Eye of the Needle: Access to Church Buildings for People with Disabilities*

John Penton, 2nd edition (2002), Church House Publishing, (£10.95)

*An illustrated booklet aimed at incumbents, PCCs, congregations and church architects with useful checklists to assist the task of undertaking the Access Audit.*

*Churches for All*

pack available from Through the Roof, PO Box 353, Epsom, Surrey, KT18 5WS. Tel: 01372 749955; [www.throughtheroof.org](http://www.throughtheroof.org)

*Through the Roof Roofbreaker Guides* (details as above)

*Another guide containing useful checklists.*

*Disability Rights Commission web site:* [www.drc.gov.uk](http://www.drc.gov.uk)

*Centre for Accessible Environments web site:* [www.cae.org](http://www.cae.org)

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**January 2006**

## The Licensing Act 2003

### Public Entertainment

- **Religious services and places of worship**
- **Church halls, parish halls and community halls**

### Sale of Alcohol

### Converting an existing public entertainment and/or sale of alcohol licence

### Occasional events

### Clubs

## Introduction

1. The Licensing Act 2003 establishes a single integrated scheme for licensing premises used for the supply of alcohol, to provide regulated entertainment or to provide late night refreshment. Permission to carry on some or all of these licensable activities will now be contained in a single licence and this replaces the various licences previously applicable to theatres, public entertainment, alcohol and so on. Local authorities (district or borough councils) are the licensing authorities under the Act and they have now drawn up licensing policies applicable in their area.

### Public Entertainment

2. ***Religious services and places of worship***: The Act provides an exemption for places of public religious worship as follows:

“The provision of any entertainment or entertainment facilities: -

(a) for the purposes of, or for purposes incidental to, a religious meeting or service, or

(b) at a place of public religious worship, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.”

The guidance to the Act makes clear that this exemption is intended to cover not only, for example, the singing of hymns during a service, but also a classical concert in a church.

3. ***Church halls, parish halls and community halls***: These premises will need a licence if they are used for public entertainment.

However, regulations made under the Act provide that *no fee shall be payable* in the case of an application for public entertainment only if the premises concerned are a church or community hall. The provision is as follows:

“(1) In respect of an application under paragraph 2 or 14 of Schedule 8 to the Act which relates to the provision of regulated entertainment only, no fee shall be payable and accompany the application if the conditions of this article are satisfied in respect of that application.

(2) The conditions referred to in paragraph (1) are: -

(a) [schools, where the entertainment is by the school itself]; or

(b) that the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.”

## Sale of Alcohol

4. If the authority for use of the church or community hall also requires permission to sell alcohol or provide late night refreshment, then the fee for a premises licence or a temporary event notice for the supply of alcohol or the provision of late night refreshment will be payable. The level of fees has been set by the Department for Culture, Media and Sport and is based on the rateable value of the premises.

## Converting an existing public entertainment and/or sale of alcohol licence

5. If an existing licence is held, you are required to convert it into a premises licence. At the same time it is possible to vary the licence, for example to include another licensable activity. All applications for the conversion of existing licences should have been submitted within the transitional period up to November 2005.

6. A corporation such as a PCC can apply to be the holder of a premises licence and this is to be recommended (rather than an individual PCC member doing so) for reasons of any liability that may arise. However, if alcohol is to be sold on the premises, the applicant must name an individual as the “designated premises supervisor” and as a point of contact.

7 A person appointed as a designated premises supervisor must hold a **personal licence** issued under the Act and, if an existing licensee, should apply for the licence to be converted within the present transitional period. Existing licence holders will be deemed appropriate but new applicants will

have to obtain an accredited qualification first.

## Occasional events

8. A light-touch system of permitted temporary activities replaces the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing. The system involves an event organiser (the "premises user") giving a temporary event notice (TEN) to the licensing authority and copying it to the police. TENs can be used to authorise relatively small-scale ad hoc events in or on any premises (including outdoors in a park or street) provided the following criteria are met:

- the event involves no more than 499 people at any one time
- the premises user must, no later than 10 working days before the day on which is to start, give duplicate copies of the notice to the relevant licensing authority, together with the proposed fee of £21. A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start
- anyone aged 18 or over can give a maximum of 5 TENs per year (it is also possible to obtain a personal licence under the Act and personal licence holders can give a maximum of 50 TENs per year).
- each event can last up to 96 hours and no more than 12 TENS can be given in respect of any particular premises in any year. The aggregate duration of events at any particular premises must not exceed 15 days in any year. There must be a minimum of 24 hours between events.

## Clubs

9. It may be of interest to know that three main categories of licence are provided for in the Act. As well as premises licences and personal licences as mentioned, there are also club licences for premises owned and used by sport, social and political-affiliation clubs providing alcohol for their members.

### **Obtaining a Licence; Further Information**

10. Each licensing authority should be able to supply details of the procedure for obtaining a premises licence or a TEN, as well as guidance on its own policy and on making an application. Many now include information about the Licensing Act 2003 on their website. For further guidance on specific issues, please contact the Diocesan Registry on 01727 865765.

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## MARRIAGE LAW AND THE CHURCH OF ENGLAND

All clergy should have available copies of the national guidance on marriage law as it concerns marriages conducted by clergy of the Church of England. The main sources of guidance are:

### ***Anglican Marriage in England and Wales – a Guide to the Law for Clergy***

- Issued by the Faculty Office of the Archbishop of Canterbury  
[The Faculty Office \[faculty.office@1thesanctuary.com\]](mailto:faculty.office@1thesanctuary.com)  
1 The Sanctuary, Westminster, London SW1P 3JT  
Telephone 020 7222 5381 (10.00 am to 4.00 pm on weekdays)  
Fax 020 7222 7502
- Covers matters including the issuing of licences and enquiries about second marriages

### ***Suggestions for the Guidance of the Clergy with reference to the Marriage and Registration Acts etc.***

- Issued by the Registrar General  
General Register Office  
Smedley Hydro, Trafalgar Road, SOUTHPORT, PR8 2HH  
0845 603 7788  
[www.gro.gov.uk](http://www.gro.gov.uk)
- Includes guidance on how to complete marriage registers (e.g. the change in terminology from "spinster" or "bachelor" to "single" and guidance on recent legislation including the Civil Partnership Act 2004)

### ***Diocesan Registry***

For advice about specific matters, including the issuing of licences and guidance in individual cases involving a foreign national (and which may be affected by the procedure in the Asylum and Immigration (Treatment of Claimants, etc) Act 2004) please contact the Diocesan Registrar.

- Diocesan Registrar  
Holywell Lodge, 41 Holywell Hill, ST ALBANS, Herts. AL1 1HD  
Telephone 01727 865765  
Fax 01727 844736  
[dcheetham@claytonssolicitors.co.uk](mailto:dcheetham@claytonssolicitors.co.uk)

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### [Church Government](#)

Synodical Government Measure 1969 (as amended)

Church Representation Rules (as made under the 1969 Measure): *published separately by Church House Publishing*

Parochial Church Councils (Powers) Measure 1956

Incumbents and Churchwardens (Trusts) Measure 1964

Church Commissioners Measures 1947, 1964 and 1970

Churchwardens Measure 2001

### [Church Buildings and their Contents and church halls](#)

New Housing Areas (Church Buildings) Measure 1954

Inspection of Churches Measure 1955

Faculty Jurisdiction Measure 1964

Church Property (Miscellaneous Provisions) Measure 1960

Sharing of Church Buildings Act 1969

Sharing of Church Buildings Measure 1970

Parochial Registers and Records Measure 1978

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

Faculty Jurisdiction Rules 2000

Disability Discrimination Act 1995

Licensing Act 2004

### [Parsonage Houses](#)

Parsonage Measure 1938

Parsonages (Amendment) Measure 1947  
Repair of Benefice Buildings Measure 1972

## Clergy

Episcopal Endowments and Stipends Measure 1943  
Diocesan Stipends Funds Measure 1953  
Clergy Pensions Measure 1961  
Clergy Pensions (Amendment) Measure 1967  
Clergy Pensions (Amendment) Measure 1972  
Endowments and Glebe Measure 1976  
Ecclesiastical Jurisdiction Measure 1963 (as amended)  
Ecclesiastical Office (Age limit) Measure 1975  
Incumbents (Vacation of Benefices) (Amendment) Measure 1993  
Patronage (Benefices) Measure 1986  
Priests (Ordination of Women) Measure 1993  
Clergy Discipline Measure 2003

## Pastoral Reorganisation

Pastoral Measure 1983  
Dioceses Measure 1978  
Team and Group Ministries Measure 1995  
Dioceses, Pastoral and Mission Measure 2007

## Worship and Doctrine

Church of England (Worship and Doctrine) Measure 1974  
Admission to Holy Communion Measure 1972

## Education

Church Schools (Assistance by Church Commissioners) Measure 1964  
Diocesan Boards of Education Measure 1991

## Finance

Diocesan Board of Finance Measure 1925  
Church Funds Investment Measure 1958  
Ecclesiastical Fees Measure 1986

NB: All General Synod Measures may be obtained through

The Stationery Office Bookshop,  
123, Kingsway,  
LONDON, WC2B 6PQ

Telephone Orders: 020 7873-9090

or through a bookseller.

They are also available via the Legal Section of the Church of England's website  
[www.c-of-e.anglican.org](http://www.c-of-e.anglican.org)

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