



## **Guidance for applications under Canon 35**

### **What is covered by the Canon?**

1. The canon states that "With the exception of minor works identified by the Provincial Buildings Committee, no change (whether by introduction, alteration or removal) shall be made in the structure, ecclesiastical furniture or ornaments, monuments, mural tablets or painted windows of any Church used for public worship, nor shall any scheme of redecoration or any alteration of lighting or heating system be undertaken unless the Vestry of the same with the consent of the Rector shall have obtained the approval in writing of the Bishop and of the Diocesan Buildings Committee; provided always that such approval does not violate any restrictions contained in the Constitution or titles of the Church. Subject to the Constitution or titles of the Church, a Vestry or twenty per cent of the members of the Communicants' Roll, as defined in Canon 41, Section 2, of the charge concerned shall have a right of appeal against the decision of the Diocesan Buildings Committee or of the Bishop to the Provincial Buildings Committee. Notwithstanding the above, the Vestry with the consent of the Rector, may undertake re-ordering of the ecclesiastical furniture or ornaments of the Church for an experimental period.
2. None of the holy vessels or ecclesiastical furniture or ornaments of any church shall be sold, exchanged, or otherwise disposed of without the written consent of the Bishop, Dean and Registrar of the Diocese.
3. The Vestry with the Rector shall cause all proper and reasonable care to be taken of the places of worship within its charge and of the furniture and ornaments thereof and shall use every endeavour to keep them decent, clean and in good repair. The Vestry shall make provision for the adequate protection and insurance of all Church fabric and property.
4. No church that is consecrated or set apart for public worship shall be used for any purpose not religious or ecclesiastical without the consent of the Bishop."

**There are minor works that are excluded and these are shown in Appendix 1.**

### **Making Changes - Whose consent is required?**

a) **Experimental Changes**

You can undertake an experimental reordering for a period of not less than 3 nor longer than 9 months as long as all work is fully reversible and no structural alteration is involved.

You must notify your intention to do this in writing, using the [Experimental Reordering form](#) which should be submitted to the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary **at least 2 weeks before such work begins.**

b) **Permanent Changes**

Two consents are required. One is from the Bishop. It is expected that the Bishop will be concerned with the pastoral implications of any proposal. The other is from the Diocesan Buildings Committee which will be concerned with architectural/aesthetic/practical implications.

It is possible that one of the two consents will be forthcoming but the other refused - a proposal might be pastorally acceptable but not aesthetically acceptable or vice versa. In such a case, the application would fail.

If you wish to make a formal application for any permanent change under the Canon to the Bishop and the DBC the following procedures are to be followed:

**Who can propose a Change?**

A proposal for alteration can be made only by the Vestry which must have the consent of the Rector or Priest-in-Charge. This does not stop anyone suggesting to the Vestry that an alteration might be made (e.g. someone might wish to give a stained glass memorial window) but any such suggestion must be adopted by the Vestry before it can be proposed.

**Advertisement, Notification and Consultation**

If a Vestry has decided that it wishes to propose an alteration it must then **in all cases**

- a) Advertise the proposal to the congregation and allow its members four weeks in which to make written representations.
- b) Notify the Bishop to allow him advance warning of what could prove a pastoral problem.
- c) Notify the Diocesan Buildings Committee in writing (email) of the proposal at an early stage as their approval will be required before the project can finally go ahead. This information should be sent through the Diocesan Secretary.

The vestry should submit as much information as possible about the proposed project but at this early stage detailed plans are not required. Notification to the Bishop and the Diocesan Buildings Committee must, however, include information on the likely costs of the proposed changes and how the vestry intends to meet them.

Vestries should feel free to ask for help and advice from the Diocesan Buildings Committee at any stage in the process. The Diocesan Buildings Committee may be able to provide advice on building matters and suggest possible sources of finance.

In the case of a listed building the Vestry must also advertise the proposal to [Historic Environment Scotland](#), (Longmore House, Salisbury Place, Edinburgh, EH9 1SH Tel: 0131 668 8600) and the local planning authority **allowing these bodies four weeks in which to make written representations.**

Please note that you are notifying these bodies in case they wish to offer some advice, you are not asking them for permission to carry out the work. In the case of internal alternations there is not a requirement to ask the local authority for permission. For external alternations the local authority may ask you to submit an application for Listed Building Consent.

Vestries should note that Historic Environment Scotland will not normally respond to their letter unless they have concerns. These bodies may have expertise which is relevant to a proposal and grant aid to listed buildings is potentially available from Historic Environment Scotland and local government. Vestries should at least be aware if a proposal would be likely to jeopardise a grant application either at present or in the future.

N.B. Notification of a proposed alteration to the Bishop and Diocesan Buildings Committee through the Diocesan Secretary and advertisement to Historic Environment Scotland, the local planning authority, the Architectural Heritage Society of Scotland, the Scottish Civic Trust and local civic or amenity societies should include information as to where any plans can be seen (e.g. the Diocesan Office or local public library) and a contact name and telephone number for anyone wanting access to the interior of the Church if it is usually locked.

Notification to the Bishop and Diocesan Buildings Committee should be accompanied by relevant architectural drawings and details for the proposed changes and photographs of professional standard showing what currently exists.

Notification to the Bishop and the Diocesan Buildings Committee must include information on the likely costs of the proposed changes and how it is intended to fund these costs.

## **Applications for Consent**

### **Vestry Action after Consultation**

After the end of the four-week consultation period the Vestry should reconsider its proposal with reference to any representations received before deciding whether to make a formal application for consent for the original proposals or for an amended proposal (or to drop the matter altogether).

***The decision as to what action to take must be made within six months***, allowing time for full reconsideration, obtaining specialist advice and producing amended plans if necessary. The six month period is an outer time limit - in uncontentious cases the Vestry may decide to make a formal application immediately after the consultation period.

If the Vestry does decide to make a formal application for consent to the proposals from the Bishop and the Diocesan Buildings Committee, the Canon 35 [application](#) must be made through the Diocesan Office and be accompanied by all relevant plans and if possible, photographs of what currently exists together with written representations received during the consultation period.

The application must include information on the results of the consultancy process, the support and objections received and the response of the vestry to the objections registered.

### **Decision Making**

***Once the formal application had been received by the Diocesan Secretary, the Bishop and the Diocesan Buildings Committee normally have four weeks in which to decide to grant consent unconditionally, or to grant consent with conditions, or to refuse consent.***

If a proposal is approved by the Diocesan Buildings Committee, the Committee will issue a letter of approval to commence the agreed works.

***These must be completed within three years of the date of approval.***

If the proposal is approved by the Bishop, a letter will be issued with his approval.

**Both consents are required for a proposal to go ahead.**

Please note that if, after the approval has been granted, there are any significant changes to the proposal or increases in costs then the Bishop and Diocesan Buildings Committee must be informed through the Diocesan Secretary.

An application for a Certificate of Final Completion must be submitted to the Diocesan Buildings Committee upon completion of the approved works. Subject to the works having been carried out to the satisfaction of the Diocesan Buildings Committee and in accordance with the agreed proposals and consents, the Diocesan Buildings Committee will issue a Certificate of Final Completion.

**If the approved works have not been completed by the end of the three year consent period a new application for consent will be required.**

### **Appeals**

If a Vestry is unhappy with the decisions made by the Diocesan Buildings Committee ***it may appeal in writing to the Provincial Buildings Committee (through the Secretary General of the General Synod), within four weeks of the decisions having been made.*** An appeal against a condition of consent or against a refusal of consent can be made only by the Vestry (the only body able to propose the alteration in the first place).

An appeal against a granting of consent can be made only if signed by not less than twenty per cent of members on the communicants' roll of the charge in question.

***The Provincial Buildings Committee has 12 weeks in which to decide the appeal - its decision is final.***

## **Time Limit on Consent**

If consent has been granted, work must begin within three years or that consent lapses.

## **General Remarks**

- Vestries must never assume that because a proposed alteration seems to them uncontentious, it does not require consent under the Canon - nor that it will in fact prove to be uncontentious. The DBC will always wish to be assured of such consultation and have clear evidence of it.
- Representations must be treated seriously. Individuals or bodies objecting to a proposal in whole or in part are unlikely to be mere mischief makers.
- The timescale is flexible. In the case of genuinely uncontentious proposals it could be under five weeks (initial proposal by the Vestry; consultation period producing no representations; formal application; decision). In the case of contentious proposals the Vestry can take its time in trying to produce a generally acceptable scheme.
- All documentation concerning any changes made under Canon 35 should be placed in the Property Register for future reference.

## **Appendix 1**

### **List of Minor Works - Canon 35**

The following is a list of minor works identified by the Provincial Buildings Committee as referred to in Canon 35, Section 1.

#### **a) Furniture and Fixtures**

- Decorative banners used for displays not lasting more than three months.
- Fire Extinguishers (subject to the recommendation of the local Fire Officer as to location).
- Introduction of movable bookcases or display stands.

#### **b) Items of Work/Maintenance**

- Works of routine maintenance on the fabric of the church not involving demolition or additions of any sort, except where in the opinion of the Diocesan Buildings Committee they will result in a material alteration either externally or internally to the appearance of the church or affect its setting. This permitted work includes for example, the replacement like-for-like of broken roof tiles or slates, clear, stained, painted or coloured window glass, cleaning gutters and down pipes.
- Works of maintenance, repair and minor alterations to existing heating systems and electrical equipment and fittings which do not alter the appearance of the exterior or interior of the building (and for the avoidance of doubt this permission does not include alterations to light fittings).
- Modification to an existing, or installation of a new heating system for the church building which does not involve disruption to the fabric or

any alterations to the appearance of the exterior or interior of the building (the introduction of new radiators are regarded as alterations to the appearance of the interior for this purpose)..

- Installation of a certified loop system for the hard of hearing (but if the system requires placement of loudspeakers approval must be sought).
- External or internal decoration or redecoration (but only in the same colour scheme as the existing decoration) and replacement of carpets and curtains in the same colour as existing.

(The above is based on a document produced by the Diocese of Edinburgh. All matters of accuracy, however, are the responsibility of the Diocese of Brechin.)

## **Grants**

A list of bodies that may be approached for grants can be found on the [diocesan website](#) and the [provincial website](#). Grants and loans are also available from the [province](#). Each body has its own regulations for awarding grants and the maximum amount awarded. You should check these rules before submitting an application.

If your church is a listed building then [The Listed Places of Worship Grant Scheme](#) makes grants towards the VAT incurred in making repairs to listed buildings mainly used for public worship throughout the UK.

## **Links**

[Book of Canons](#)

[Provincial website](#)

[Diocesan website](#)

## **Contacts**

Diocesan Office email: [office@brechin.anglican.org](mailto:office@brechin.anglican.org). Tel.: 01382 562244