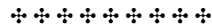


## **23/93 Use of Anglican Churches by Other Denominations**

(A reprint of a circular sent to Ministers and Churchwardens on 7 June 1995.)

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### **1. Introduction**

The Standing Committee has passed the Use of Church Property Ordinance 1995 (the "Ordinance") which allows for a church or congregation of another denomination which professes the apostolic faith ("Other Church") to use a consecrated or licensed Anglican church building on the terms set out in the Ordinance. The Archbishop has given his assent. A copy of the Ordinance is attached.

The purpose of this circular is to outline the terms on which the Ordinance allows for the Other Church to use an Anglican church building. You may not need the circular now but should you keep it for future reference.

### **2. Approval to Use a Church Building**

The Ordinance provides that the churchwardens of a church may allow the Other Church to use their church if -

- (a) the Archbishop, or an Assistant Bishop on behalf of the Archbishop if authorised by the Archbishop, has approved of that use and, if such approval is conditional, any conditions have been satisfied; and
- (b) a licence agreement (for a term not exceeding 2 years) approved by the Property Trust has been executed by or on behalf of the Other Church which regulates the terms on which the Other Church will use the Anglican church.

The Archbishop has authorised each Assistant Bishop to give the approval referred to in (a) on his behalf and has requested that all applications for approval be made to the Assistant Bishop of the area or region.

### **3. Obtaining Approval**

The procedure for obtaining the Archbishop's approval is prescribed in the Ordinance. In practical terms, that procedure is as follows -

- (a) Where you are asked to permit your church to be used by the Other Church you must discuss the proposal with your area Archdeacon. In particular, the Archdeacon will want information about the basis of the faith of the Other Church.
- (b) An agreement to regulate the terms of the use of the church by the Other Church must be prepared, negotiated with the Other Church and approved by the Property Trust (see item 4 below). Then a copy of the draft agreement must be provided to the Archdeacon.
- (c) The Archdeacon must prepare a report on the basis of the faith of the Other Church and certify that he has a copy of the draft agreement.
- (d) The minister and the majority of the parish council must consent in writing to the proposed use of the church by the Other Church. If there is no parish council the minister and the majority of the churchwardens must approve of that use.
- (e) The report and certificate of the Archdeacon referred to in (c) and the consent referred to in (d) must be sent to the Assistant Bishop.
- (f) The Assistant Bishop will then consider the matter on the Archbishop's behalf. The Ordinance requires that before the Assistant Bishop can approve an application he must be satisfied that the Other Church professes the Christian faith in the way which is consistent with the 39 Articles of Religion. As noted in item 2(a), the Assistant Bishop may issue an approval which is subject to conditions.
- (g) If the Assistant Bishop gives approval on the Archbishop's behalf, the licence agreement referred to in item 2(b) should then be executed by or on behalf of the Other Church.

The Archbishop-in-Council has power to make guidelines relating to the use of an Anglican church by the Other Church. No such guidelines have yet been made.

#### **4. Form of Licence Agreement**

The parish must obtain specific legal advice in the preparation of a suitable licence agreement and it is reasonable to ask the Other Church to agree to reimburse the parish for the reasonable cost of that advice. To assist parishes, the Property Trust has approved a proforma licence agreement, a copy of which is attached. It is suggested that parishes and their legal advisors use the proforma agreement although amendments may be necessary in the particular circumstances. If the proforma agreement is to be amended, the amendments must be approved by the Property Trust before a copy of the draft agreement is provided to the Archdeacon (see item 3(b)).

The Property Trust has confirmed its policy that it requires all licence agreements forwarded to it for execution to be

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accompanied by a certificate from a solicitor stating that the document is in order for execution by the Property Trust.

**5. And Finally**

The procedure under the Ordinance means that it is not necessary for an ordinance to be promoted each time it is proposed that an Anglican church be used by a church or congregation of another denomination. It is still open for a parish to promote a specific ordinance to allow another denomination to use a church if the proposed use is not permitted by this Ordinance.

For and on behalf of the Standing Committee

MARK PAYNE  
*Legal Officer*

7 June 1995