

Parish Council Funding for Places of Worship

As part of the Lords Report Stage of the Levelling Up and Regeneration Bill, the government made an amendment to the Local Government Act 1894 with the aim of clarifying that there is nothing to prevent local councils from funding churches and other places of worship.

The amendment, which will be inserted after section 19 of the Local Government Act 1894 is:

19A Powers under other enactments (1) Nothing in this Part affects any powers, duties or liabilities conferred on a parish council by or under any other enactment (whenever passed or made). (2) This section does not apply in relation to community councils (see section 179(4) of the Local Government Act 1972

Parliamentary Explanatory Note: This amendment inserts a new section into the Local Government Act 1894 to clarify that the powers conferred on parish councils under Part 1 of that Act do not affect any powers, duties or liabilities of parish councils conferred by or under any other enactment (whenever passed or made).

To seek further clarification, particularly around what funding can be used for, whether it applies to town and community councils in Wales and if it applies to all faiths, SLCC wrote to the Department of Levelling, Housing and Communities (DLUHC).

The DLUHC response reiterated that there was nothing in the 1894 Act prohibiting parish councils from funding the maintenance and upkeep of churches and other religious buildings should they wish to do so. Also, that this new amendment clarifies that the Local Government Act 1894 does not affect the powers, duties or liabilities of parish councils in England under any other legislation. It also confirmed that the amendment applies to England only. Furthermore, the amendment does not limit funding to any denomination.

SLCC with the National Association of Local Councils (NALC) has long campaigned for a change in the legislation. We interpret this amendment as confirming that parish councils can continue to use existing specific powers in respect of church property (e.g. powers to maintain open churchyards and church clocks). What remains less clear is whether it creates a power to fund any maintenance or improvement works relating to affairs of the church or an ecclesiastical charity. Neither is it clear if S137 of the 1972 Local Government Act can be used for such work. Of course, as the DLUHC response points out, only the courts are authorised to give an authoritative legal interpretation of the legislation.

Relevant updates to existing SLCC advice will be made soon