



PETITIONS FOR A FACULTY FOR THE SALE/DISPOSAL OF ITEMS FROM CHURCHES

Paintings, silver, furniture, textiles, and a whole host of other items may well have been given to a church as a memorial to some local worthy, or to a long time worshipper, or in memory of a previous incumbent. However, it is acknowledged that fashions in church furnishings change, as does churchmanship, and sometimes church treasures simply become redundant. In extreme cases the sale price of the church silver might be seen as the only option to keep the church from falling down. This brief paper tries to give an idea of how to put together an application to the DAC for consideration and what information it and the Chancellor will need in considering an application for a faculty.

- ❖ Petitions for the sale of items from churches can often be contentious. It is not often from within the church itself that opposition arises but from outside organisations that have an interest in the faculty process. Under Rule 15 of the Faculty Jurisdiction Rules the Chancellor of the diocese must consult the Council for the Care of Churches (CCC) if he is of the opinion that the petition involves an item of historic or artistic interest. For listed churches Rule 13 requires the Chancellor to cite English Heritage, the local planning authority and the appropriate national amenity society if the removal of the item in question would affect the character of the building. Consideration should be given to these requirements as they add to the length of time any such petition will take.
- ❖ As much information as possible should accompany the petition. Photographs, precise descriptions of the object, a valuation (if appropriate) should all be supplied. It may be helpful to have a site visit by members of the DAC in order that they can see the item in question.
- ❖ If the item was given as a memorial, details of when and by whom should be included. Every effort to find as much information on the provenance of the item will be expected. It is acknowledged that in some instances items were simply given to the church and little or no record made of the donation: in such cases old inventories of photographs of the church can give some idea of how long it has been there. An effort should be made to trace any relatives of those commemorated by the item. Some items even though they are in the church and may have been for years do not actually belong to it. Monuments, for example, belong to the heir-at-law of the person commemorated. Having said that, a faculty would still be needed in order for him or her to remove it from the church.
- ❖ The parish should make it quite plain why it wishes to sell the item. Is the item redundant? For what purpose would any proceeds be put? If the funds are needed for repair work, what alternatives have been explored and what was the result of these enquiries? Is the sale because the parish fears for the item's safety if it remains in the church, or cannot afford to insure it if it does remain? A detailed risk assessment report should accompany such applications, as should documentation from the church's insurer to give their views on the matter.

- ❖ If the proposed sale is because it is too valuable to retain within the church, serious consideration should be given to loaning the item to an appropriate museum. A local museum would enable the item to remain in the community while taking the burden of security away from the church. Evidence that this approach has been looked at should be provided.
- ❖ A valuation from a competent authority should be supplied in every case of a petition for sale.

In all cases the sale of items of historic or artistic interest from churches will be looked at in the light of the Tredington Judgement. This item of case law was delivered by the Court of Arches, the provincial court of the Province of Canterbury, one of the highest ecclesiastical courts in the land. In short, the parish of St Gregory, Tredington had applied to sell two flagons that had been given to the church by the Rector in 1638. The funds raised were to be used in the repair of their medieval church building. The Court decided that in all such cases:

- a) The items should have become absolutely redundant;
- b) There is a real emergency in relation to the fabric of the church;
- c) Despite every serious attempt, there was no other way in which the church could raise the money needed for the repairs.

Serious consideration should be given to these criteria before any application is made since if they are not a petition may be refused even if unopposed.

Neither the DAC nor the Chancellor has an immutable policy against the sale of items from churches. **However, sales must always be the very last resort.** Supplying correct, accurate and full information in the first instance will allow the application to run more smoothly and a decision to be made more readily.