



## **Guidance Note – Providing Financial Assistance to a Church**

Hampshire Association of Local Councils (the ALC) is of the opinion that Parish and Town Councils have powers to provide financial contributions to their local Church, but the ALC recommends that the purposes of the grant are clearly specified and demonstrate a benefit to all or some of the community.

### **Examples of purposes:**

- General maintenance of the fabric of the Church, but not the goods or ornaments within.
- General maintenance of the Churchyard (open or closed)

**The Parish Council does not have power to execute any works on the fabric of the Church unless the Church building could be regarded as a meeting place or a recreational facility, but can contribute to costs of works.**

### **Relevant Powers**

- **Local Government Act 1894, Section 6(1) (c)**

This confirms the powers, duties and liabilities, conferred on parish councils including the holding and management of parish property 'not being property relating to affairs of the church or held for an ecclesiastical charity'.

AND

#### **Local Government Act 1894, Section 8 (k)**

This gives the Parish Council the power to contribute to any works on the fabric of the Church, but they do not have the power to execute the works.

- **Open Spaces Act 1906, Sections 9-12**

A Parish Council can take a transfer or lease of or control of a burial ground and execute works or make payments towards such facilities.

- **Local Government Act 1972, Section 111 (Ancillary powers)**

A Parish Council is a burial authority (s.214) and may do anything which is conducive to or ancillary to the discharge of its functions of providing for the disposal of the dead.

- **Local Government Act 1972, Section 137 (1)** (Power to incur expenditure, for certain purpose not otherwise authorised)

Using this power, the Parish Council must demonstrate the funds will directly benefit the area, or to all or some of its inhabitants. The contribution must be commensurate with the benefit.

- **Local Government Act 1972, Section 137 (3) (powers to contribute to charities)**

Parochial Church Councils charged with the maintenance of churches and their churchyards are charities.

- **Local Government Act 1972, Section 214 (6), (8)** (Power to contribute towards any expenses incurred by any other person in maintaining a cemetery (which includes a burial ground), which the inhabitants of the authority's area maybe buried)

Using this power, the Parish Council can contribute to the maintenance of an open churchyard to either improve the appearance of an unkempt Churchyard, or remove the financial burden of churchyard maintenance from the Parochial Church Council helping to improve the appearance of the church.

- **Local Government Act 1972, Section 215** (Duty to maintain a closed churchyard in the council's area if requested to do so by a parochial church council)

Using this provision, the Parish Council must maintain a closed churchyard by keeping it in good order and its walls and fencing in good repair.

- **Charities Act 2011, Section 297**

A Parish Council has wide powers to co-ordinate its functions with those of charities and co-ordination might include property transfers, payments or works.

- **Localism Act 2011, Section 1, General Power of Competence** (Power to do anything that any individual general may do).

This power is only available for those Parish Councils who have met the criteria and formally adopted the GPC. This should not override existing legislation.

## Useful Links

<https://www.churchofengland.org/about/leadership-and-governance/legal-services/legal-opinions-and-other-guidance>

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