



Department for Levelling Up,
Housing & Communities

**Department for Levelling Up, Housing and
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Dear Shelley Parker,

Dear Shelley Parker,

Thank you for your email of 19 September to my colleague Sandra Popoola regarding the Government amendment on church funding moved at the Lords Report stage of the Levelling Up and Regeneration Bill. I am responding as my team hold responsibility for this policy area.

We appreciate the huge contributions you and your colleagues continue to make in the Parish sector and would like to express our gratitude. I should first explain, and as you know, that we cannot give legal advice or an authoritative interpretation of what the legislation means, as only the courts are empowered to do this. The Government had listened carefully to the concerns that were expressed at Committee stage that some parish councils believe that they are prohibited from providing funding to churches.

The Government do not think that there is any general or specific provision in the Local Government Act 1894 which prohibits parish councils funding the maintenance and upkeep of churches and other religious buildings. As such the Government's amendment does not make any substantive changes to the existing legal provision. Rather, it clarifies that the Local Government Act 1894 does not affect the powers, duties or liabilities of parish councils in England under any other legislation. This should give councils the comfort that, even if they disagree with the Government's interpretation of the 1894 Act, it cannot prohibit them from using their other powers to fund repairs or improvements to local places of worship, if they choose to do so.

As you may know, the 1894 Act sets out a clear separation of powers between the newly created civil parishes, which exercised secular functions, and what are now parochial church councils, which exercise ecclesiastical functions. In setting out the scope of the powers conferred on civil parishes, the Act gave parish councils powers over "parish property, not being property related to the affairs of the church or being held for an ecclesiastical charity".'

You may find helpful the *Hansard* record of the [debate of 01 February 1894](#), during which the then right reverend Prelate the Bishop of London explained why he had proposed including the wording of what is and what is not a parish property for the purposes of the powers of the 1894 Act.

As noted, the Government amendment applies only in relation to parish councils in England. It therefore does not apply to community councils in Wales because local government is a devolved matter within the legislative competence of the Senedd. It is for the Welsh government to decide what rules apply in their territory. However, as set out in the Minister's speech, it is the UK Government's view that the 1894 Act does not prohibit community councils from funding the maintenance and upkeep of churches and other religious buildings if they choose to do so.

I hope you will find this information helpful.

Yours sincerely,

Bailey