



Parochial Church Councils and Chancel Repair Liability **Advice from the Charity Commission**

The Commission concedes that it is not expert in this area of the law and refers PCCs to the opinion of the Legal Advisory Commission of the General Synod for further information. The Commission does, however, set out a useful framework for trustee decision-making which, in the Commission's opinion, should help PCC members to act in accordance with their legal duties. Under the Commission's framework PCC members must:

- *act within their powers*, which means:
 - *only making decisions which advance, or support activities that advance, their charity's purpose for the public benefit;*
 - *using the correct procedures*, which may be those set out:
 - under the general law
 - specifically in the charity's governing document
 - under the established rules and procedures for dealing with issues of the kind under consideration;
- *act in good faith and only in the interests of the charity;*
- *adequately inform themselves;*
- *take into account all relevant factors* (their 'duty of consideration') and
- *disregard any irrelevant factors;*
- *make decisions that are within the range of decisions that a reasonable trustee body would make;* and
- *avoid conflicts of interest* (eg where members of a PCC *themselves* live in properties which are subject to chancel repair liability).

The Commission concludes by pointing out that the decision about whether or not to register and enforce chancel repair liability is ultimately a matter for the trustees of the PCC in question and that PCCs are able to take that decision without involving the Commission. *However*, the Commission is prepared to offer advice to individual PCCs [under s 110 of the Charities Act 2011](#) and suggests that that may provide additional reassurance for PCC members that they have acted correctly and in accordance with their duties by protecting them against the possibility of any subsequent legal challenge to their decision.