



LEICESTER DIOCESAN REGISTRY

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REGISTRY UPDATE – June 2023

Welcome to our Spring Registry Update!

Update of Parochial Fees

During our last Update, we mentioned that the Archbishop's Council proposed that this year's fees be reduced to reflect the cost of living pressures on fee payers. This was discussed and accepted at General Synod in February and the revised fees were published, effective 01 March 2023.

Please see the revised [Table of Parochial Fees](#) for the updated full list of fees for 2023.

Amendments to the Treasure Act 1996

Have you ever thought what to do if something valuable is unearthed in your churchyard? The government has introduced legislation, which will be effective from 30 July this year that re-defines what treasure is!

Under [The Treasure Act 1996](#) the general rule is that all newly-discovered artefacts defined as "treasure" are the property of the Crown and therefore, any discovery of such artefacts must be disclosed to the relevant authorities within 14 days of the discovery. Treasure in this context may for example include objects or a number of coins over 300 years old containing some gold or silver .

[The Treasure \(Designation\) \(Amendment\) Order 2023](#), scheduled to come into force on 30 July 2023, extends the criteria of what treasure might be to include exceptional finds over 200 years old regardless of the type of metal of which they are made, so long as they provide an important insight into the country's heritage.

- Exceptional finds include rare objects, those which provide a special insight into a particular person or event, or those which can shed new light on important regional histories.

Any such treasure will undergo assessment by a coroner and be subject to a formal process which may result in their acquisition by a museum and being displayed to the public.

However, that's not the whole picture, particularly as it applies to finds on church and Diocesan land. The new 2023 Order additionally amends the designation of classes of objects which are **excluded** from the definition of treasure. This means that any objects that are subject to the faculty jurisdiction of the Church of England because of their particular historic, architectural, archaeological or artistic interest found in or on the following land or held in the following way:

- (i) subject to the faculty jurisdiction of the Church of England and
- (ii) held or controlled by an ecclesiastical corporation, Parochial Church Council or Diocesan Board of Finance

are excluded from the general rule.

Therefore, you may be relieved to know that under the new 2023 Order, treasures found on land subject to the faculty jurisdiction or held by an ecclesiastical corporation do not need to be disclosed to the

relevant authorities. If you uncover treasure which falls within the ecclesiastical exemption and wish to dispose of it, there are three types of disposal available:

1. disposal by loan where the treasure is placed on long term loan to a museum, art gallery or diocesan treasury;
2. disposal by limited sale where the treasure is sold to a museum, art gallery or diocesan treasury; and
3. disposal by outright sale where the treasure is sold, regardless of who the purchaser is, to whoever will pay the highest price

When discussing the different options of disposal, the [Court of Arches](#) advocated for a sequential approach, with the disposal by loan being the favoured option and disposal by outright sale being used as a last resort.

New Guidebook for Clergy

The General Register Office has published a new version of the [Guidebook for Clergy](#), dated February 2023. This has been updated to reflect the new legal minimum age for marriage from 16 to 18 which was introduced by law on 27 February 2023 through [The Marriage and Civil Partnership \(Minimum Age\) Act 2022](#).

The guide has helpful appendices including the procedure for checking someone's EU settled status, a flow chart for establishing nationality and examples of how to fill in the Marriage Document.

Solar Panels

The recent successful applications to install solar panels on the roofs of King's College, Cambridge and York Minster offers encouragement to PCCs and all those seeking to implement the [Church of England's Route Map to Net Zero Carbon by 2030](#).

A recent [article written](#) by Stone King's Senior Associate Frances Godden explores the impact of such faculty decisions and the impact they may have on churches wishing to contribute towards the reversal of climate change.

Review of Contested Heritage Guidance

The Church of England Cathedral and Church Buildings Division is reviewing the [Contested Heritage guidance](#) issued by the Cathedrals Fabric Commission for England the Church Buildings Council first published in May 2021.

You can have your say by completing the [survey](#). For further information on the guidance review and any questions, or if you would rather provide feedback via email and not through the survey, please email Janet Berry, Head of Conservation and Collections Policy at Janet.Berry@churchofengland.org

The survey is available until 17.00 on Monday 05 June 2023.

The Protect Duty

In our previous Update, we mentioned the proposed Protect Duty (otherwise known as Martyn's Law) which seeks to place a requirement on those responsible for certain venues to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The Government has now published the draft [Terrorism \(Protection of Premises\) Bill](#). As expected, the legislation treats places of worship as "standard duty" premises, regardless of their capacity, so that compliance obligations are much less onerous than for some other premises.

However, please note, it is proposed that the standard duty will not apply to places of worship that charge admission fees.

The draft bill will be subject to pre-legislative scrutiny by the Home Affairs Select Committee ahead of formal introduction.

The law quoted in this update is as of June 2023. Please do get in touch if you have any queries at registry@stoneking.co.uk