

Q. I live near my local church. Does that mean I'm liable for chancel repairs?

By Julie White, director of Fortnam Smith & Banwell, team estate agent in Seaton (01297 23939):

A. If you had asked me this question a few years ago, I would probably have told you not to worry. Recently, however, a widely-publicised test case has seen a Warwickshire couple forced to auction their home to meet a chancel repair bill of almost £190,000.



So, what's all the fuss about? Basically, chancel repair liability is a hangover from medieval times, and relates to the fact that the ownership of certain lands in certain parishes still carries with it a legal obligation to pay for repairs to the local church.

Until recently, this remained something of an historical curiosity, and cases were a rarity. Now, however, chancel repair liability looks set to become quite a hot topic. Why? Well, firstly because the Land Registration Act of 2002 gave the church authorities a deadline of 2013 to formally register all such interests, or lose them altogether. Secondly, the test case I mentioned earlier has clearly demonstrated just how much those interests could be worth to a cash-strapped Church of England facing a backlog of repairs totalling almost £1 billion.

Not surprisingly, therefore, parochial church councils up and down the land are busily dusting off their records...

Actually, you may not be liable for chancel repairs at all. Not all parishes are "at risk," and in any case, closeness to the actual church is not necessarily the deciding factor. If, on the other hand, you *are* liable, then I'm afraid you're stuck with it – although insurance cover may be available, at a price.

The problem is finding out. There has never been a central register of such historic obligations, and title deeds rarely mention them. Solicitors and conveyancing professionals can access an automated service which will identify at-risk parishes – in which case, it may be advisable to take out specialist chancel repair insurance, just in case. However, to establish for certain whether your particular property is liable will require a full chancel repair search.

Meanwhile, it goes without saying that the last thing you or your solicitor should do is contact the church directly about your concerns. Much better to let sleeping dogs lie!