

Who owns the Churchyard wall at St Peter's?

As most readers of this magazine will be aware, there is currently a dispute playing out over some proposed maintenance of the Churchyard boundary wall at St Peter's, Kinver. South Staffs District Council want to do approximately £130k of work paid for by residents of Kinver. St Peter's PCC doesn't believe the work is necessary on that scale, or that the proposed way of funding the work is fair. This whole saga has raised lots of interesting questions - or utterly boring questions depending on your perspective on these things! One of these questions is this: Who owns the Churchyard wall at St Peter's? The answer (As best as I can work it out) gives a bit of an insight into the complicated structure of the Church of England.

It's a Church of England Church, so surely it's owned by the Church of England?

The first answer to that is another question – what is the Church of England?! There are the National Church Institutions, things like the Archbishops' Council, the Church Commissioners, the C of E Pensions board etc., who do lots of the national decision making and support services for the C of E. However, although they can give advice and support on our wall, they don't own it. Then there's General Synod (the C of E's parliament), and the Church of England also comprises of some 13,000 parishes, 16,000 Church buildings, and 43 Cathedrals. There is really no single thing that can be called 'The Church of England'

What about the Diocese of Lichfield?

The Church of England is made up of 42 Dioceses covering different regional areas, each of which is an independent entity and has its own structure, finances etc. Lichfield Diocese covers all of Staffordshire, the Northern half of Shropshire, and part of the Black Country. It has, amongst other things, a Diocesan Advisory Committee who oversee faculties (Church planning permission) on Churches and Churchyards. Ultimate control over what can be done with Church property and land lies with the Diocesan Chancellor on behalf of the Bishop, but the Diocese doesn't 'own' the wall.

So what about St Peter's Church itself?

St Peter's Church is an independent charity with a board of trustees (the Parochial Church Council, or PCC) who oversee the mission and ministry of the Church. The PCC is responsible for looking after the Church building, but not the Churchyard because it's closed for new burials (apart from burial of ashes) and so the maintenance responsibility lies with the District Council. Anyway the PCC doesn't 'own' the wall either!

Well what about the District Council?

If they are responsible for looking after the wall does that mean that they own it? To put it simply...no! The council has maintenance responsibility because as a closed churchyard it is a public green space for the whole community, but they don't own it and they still have to abide by the Church of England's faculty rules.

Who else is there...? What about the Church Wardens?

Church Wardens are elected officials in the Church and they have various legal responsibilities, including for Church contents, but they don't own the wall either.

Ah - what about the Rector?

Now we're getting somewhere. At their installation the Rector is inducted "into the real, actual, and corporeal possession of this Church and Benefice." This would imply that they have ownership of the Church and therefore the wall, however it does not give them the right to, for example, sell off the Church. In the case of St Peter's, at the time of writing we don't actually technically have a Rector yet – that won't happen until the Archdeacon comes on the 22nd January to 'install' me in that role. Until then I'm simply Priest-in-Charge (though how 'in charge' I am I'll leave for you to decide!)

The best answer I have found to the question of who 'owns' the churchyard wall is this: "ownership is vested in the incumbent, and held on trust by the PCC for the parishioners". In other words, ultimately the wall, like the rest of the Church, belongs to *everyone*, and I promise that the PCC and I will do our very best to look after it for you all!

Rev'd Rich