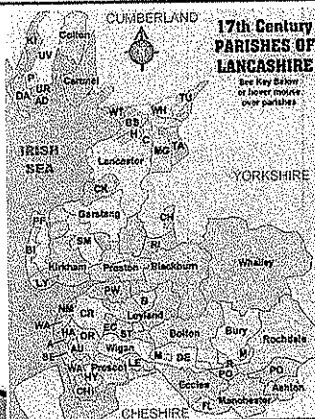


Investigating Chancel Repair Liability

Kathy Whyte

What is Chancel Repair Liability?

- › Part of medieval system for supporting church
- › Rector – got glebe land & tithe of all agricultural produce of parish
- › From this he maintained chancel of church
- › Laity maintained nave
- › Right to tithes given/sold from early times
- › After Dissolution many laymen held tithes
- › Tithes gradually done away with by Acts of 1836 and 1936 *but* CRL remained



How do we find out about CRL?

Liability for CRL today can be shown in:

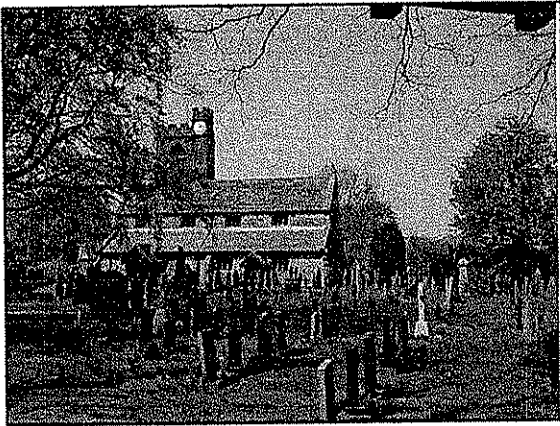
- › Record of Ascertainments (after 1936 Act)
- › Tithe records (after 1836 Act)
- › Enclosure awards (various earlier dates)
- › Leases, title deeds and other *ad hoc* sources

Chancel Repair Liability



Record of Ascertainments

- › Produced by Tithe Redemption Commission
- › Produced for every parish in country
- › Information taken from C19 tithe records
- › Held in National Archives, Kew
- › Bound in county volumes
- › Two for County Palatine, Lancashire
- › Summary of parishes produced



Example of Bolton-le-Sands

Handout

Record of Ascertainments - shows

- › Chancel to which liability relates
- › Tithe rentcharge due; 4 categories
- › Share of liability for each 1d of rentcharge
- › Names of tithe districts
- › If lucky - numbered plots (from tithe map)
- › If unlucky - names of people (Blackburn example - where are plots?)

Tithe records - 1

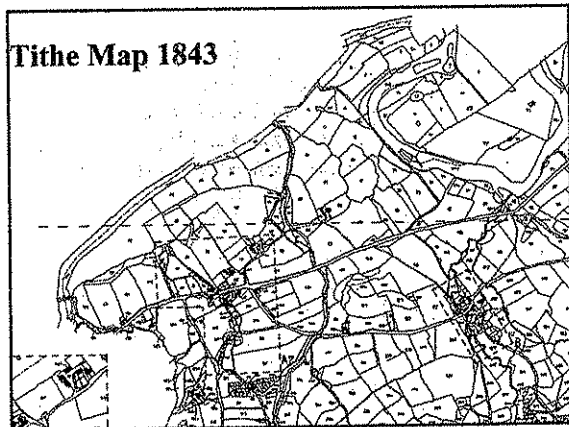
- › Produced by Tithe Commissioners
- › Based on tithe district
- › Can be several in parish (24 in Blackburn)

Tithe records - 2

If lucky:

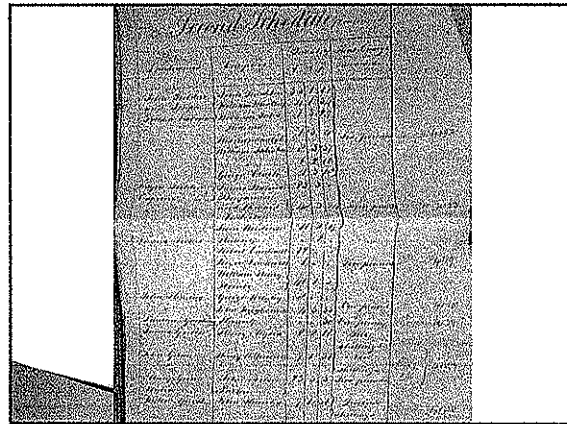
- › Map and apportionment (6 in Blackburn)
- › Maps of various sizes
- › Apportionment lists details about plots
- › Little detail on merged tithes
- › Available in Lancashire Record Office
- › Numbered plots in ROA tie in with map

Tithe Map 1843



Tithe records – 3

- If unlucky:
- › Special tithe award
 - › Available in National Archives, Kew
 - › Little specific detail
 - › Difficult to identify plots
 - › Used for ROA



Enclosure awards

- › Aston Cantlow liability arose from enclosure award
- › Areas often enclosed, by Act of Parliament, in C18 or C19
- › Sometimes grant of land given in lieu of tithes
- › Such a grant would be liable to CRL
- › Blackburn awards examined did not include this

Rectorial glebe

- › Medieval glebe – monastery to layman – liable
 - › Medieval glebe – monastery to vicar (e.g. Blackburn) – may not be liable
 - › Glebe remaining part of rectory until recently – no longer liable
- BUT
- › Complicated area

Extent of liability

- › From ROA – proportion for each field calculated
- › If fields subsequently divided – each liable for whole field (any to recoup from others – personal and several)
- › Tithes merged before 1836 – still liable; any liable for whole amount
- › Enclosure awards – any tithe allocation liable for whole amount
- › Glebe – depends on details

Ordnance Survey Maps

- › First edition 6" OS maps can be used to map plots from tithe maps
- › Similar date to tithe maps
- › Fields can be recognised from shape, size etc
- › Avoids problem of later changes in landscape
- › Can be used by Land Registry to identify modern titles



Registration

After location of liability identified:

- › To protect right to CRL must be registered with Land Registry
- › Can work from 6" OS but prefer larger scale
- › Charge for search in index map
- › Process of registration as per Diocesan guidelines – August 2012
- › Charges for some parts of process

Some key issues 1

- › Chancel is one named on ROA
- › May compete for funds and damage relationship with modern parishes
- › Problems in identifying areas not numbered
- › Income covers cost of chancel repair (not nave)
- › Costs of investigation and registration immediate
- › Can register but not charge (but see above)
- › Right will be lost if not registered

Some key issues 2

- › Charge due only when chancel needs repair
- › Unspecified amount at unspecified time
- › Danger of damaging reputation and thus free giving
- › Ethical issues of 'personal and several'
- › Ethical issues of targeting
- › Practical issues of obtaining cash
- › Possibility of legal challenges especially from companies

How much work is enough?

- › No definitive answer
- › 'Reasonable' efforts
- › How much information is available?
- › How clear is it?
- › In Blackburn tiny % of ROA liability identifiable
- › Balance ethical, mission, practical and financial factors
- › Make decision based on what is best for your church
- › Record information on which decision based and reasons for making it

Questions
Comments