

C/M/S/ Cameron McKenna

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Chancel Repair Liability – ignore at your peril

Any property might have chancel repair liability attached to it. Such liability can often be onerous and will affect the owner and any mortgagor of the property.

The heading to this article may appear to relate to some irrelevant medieval anomaly but chancel (church) repair liability is a very real, current issue and cannot be ignored, as highlighted in the recent case of *Aston Cantlow v Wallbank* (2009). Here a couple lost a 17-year legal battle to avoid paying £230,000 towards the cost of repairing a church next to their farmhouse. They now face legal fees of £250,000 and are having to sell their property at auction to pay the costs.

Anyone acquiring or funding an interest in residential or commercial property should ensure that his or her solicitor checks whether a chancel repair liability (an obligation to pay for or contribute towards maintenance of a church) attaches to the property. A simple search for a nominal fee will reveal whether the property is within a parish that continues to have a potential chancel repair liability based upon historical parish data.

If potential risk is revealed, in most cases the easiest solution is to obtain insurance against the risk, with modest premiums offered for standard cover, as opposed to carrying out a further detailed chancel repair liability search. This is to avoid the risk that the availability of insurance might be prejudiced by the discovery of *actual* liability for chancel repairs.