



## Paying for Church repairs, really?

So you're buying a home and your solicitor or conveyancer has recommended that you have a Chancel Repair Check, do you need one? What's it for?

Chancel repair liability is a legal obligation on some property owners in England and Wales to pay for certain repairs to the local parish church if the church was built before 1536. This is a historic law dating back to the days of Henry the 8th that means that if your home is situated within the parish you may have a restriction on your property to help pay for repairs, up until the 13th October 2013 this liability was passed with the Land from owner to owner and didn't even need to be entered as a restriction at the Land Registry, so many purchasers did not even know what they were inheriting from the previous owner.

In the recent 2009 case of Parochial Church Council of the Parish of Aston Cantlow and Wilmcote with Billesley, Warwickshire (Appellants) v Wallbank and another (Respondents), Mr and Mrs Wallbank were made to pay £250,000 after a lengthy 18 year battle under this law and this ruling was upheld by the House of Lords.

The Government have had a spruce up of the law and it is now much tougher for the church and although claims have become less and less, there are still loop holes which mean that between exchange and completion of your property the church can enter the restriction and if you inherit or are gifted a property the liability may still pass on, leaving many unsuspecting homeowners in limbo.

### So what's the solution?

There is a simple search that can be carried out a 'chancel repair check' that will search the area to confirm whether or not there is any liability attached to the house or land you are purchasing. If are liability does come back you can also take out a chancel repair indemnity that will cover you if the church entered the restriction on your property.

Buying a home is one of the biggest purchases you will make in your life time, don't cut corners. Have the Chancel Repair Check carried out with your solicitor's advice and if the search does bring up a liability get the indemnity to cover yourself, indemnities are relatively well priced (ask your solicitor they should be able to get a quote for you from specialist legal insurers) and in the long run could save you hundreds of thousands!

