

Worship by Non-Christian Faiths

Suitable alternative uses

17.1 Central to the Christian faith is the unique revelation of God in Jesus Christ and the restoration of humankind's relationship with God through Christ. Any consideration of suitable alternative uses must be placed in this context. Moreover, ecclesiastical buildings and consecrated places bear enduring public witness to the faith and values of the Christian community.

Disposal to other faith communities

17.7 Proposals for the use of church buildings by other faith communities for worship can be controversial and need to be treated with sensitivity. Consideration is set within the context of 17.1 and use for worship by adherents of a non-Christian faith would not tend to be preferred to other types of use. If, nevertheless, the DMPC with the clear support of the Bishop recommends that the Commissioners publish a draft pastoral (church buildings disposal) scheme with a view to authorising a disposal of the property for such a use, the DMPC should have taken account of all the relevant circumstances as well as the principles referred to in 17.8.

The relevant circumstances will include:-

- The views of formally constituted Anglican and Christian bodies in the locality. (The views of PCCs and the deanery synod should be ascertained following debates on clearly expressed motions with votes being taken);
- The effect upon the life and mission of the church locally and more widely;
- The beliefs and practices of the community in question which should be considered carefully, particularly where it is not from one of the main world faiths or is of a particular tradition whose practices might not find wider acceptance within society;
- The effect upon relationships between Christian communities and between them and other world faiths locally and more widely in other countries;
- The historic and architectural nature and importance of the closed building and its contents; the effect of any structural alterations needed to facilitate the proposed use; and the general significance of the building in the local and wider Christian community;
- The views of the local Member of Parliament, the local authorities and other representative figures, and the views of the local residents so far as these have been made known;
- The availability or prospect of other alternative uses for the closed building, including use by another Christian denomination;

- The availability of other suitable buildings to the proposed user.

The Human Rights Act 1998

- 17.8 (i) Counsel has advised that, when carrying out their functions under the 2011 Measure, the Commissioners and other Church bodies (such as DMPCs) are public authorities for the purposes of the Human Rights Act 1998. A refusal to dispose of a closed church for use for worship by members of another denomination or faith by reason of their beliefs would, prima facie, be incompatible with the European Convention on Human Rights and so, if made by a public authority for the purposes of the 1998 Act, unlawful under s.6(1) of the 1998 Act.
- (ii) However, Counsel advised that any such breach of the 1998 Act could be successfully defended in the courts if, as the case may be, the Commissioners or other Church body were able to show objective and reasonable justification for the decision (for example, any opposition on theological grounds of those who wished the future use of the building to take account of its distinctively Christian history or on aesthetic grounds for maintaining Christian artefacts or symbols) provided it could be demonstrated that a fair and proportionate balance had been struck between the aspirations of the would-be users of the property and the legitimate aims of any opponents of the use.
- (iii) It may be more difficult to show a fair balance if another (non-worship) use has been preferred over a use for worship by another denomination or faith but objective and reasonable justification in writing for such a decision should suffice.
- (iv) Refusal to dispose of a closed church building to members of another faith could be held to be a breach of the Equality Act 2010, which prohibits discrimination on grounds of religion in the disposal or letting of premises. However, as in the case of the Human Rights Act, a claim of discrimination could be successfully defended if there is objective and reasonable justification for the decision. Everyone exercising functions under the Measure is required by section 1 to have “due regard to the furtherance of the mission of the Church of England”, and this is an important factor to weigh in the scales against the Equality Act requirements.
- (v) There can be no “blanket policy”. Each case must be looked at on its own merits.

The above guidelines must be interpreted in the light of the considerations set out above. Dioceses should seek advice from the Commissioners as necessary.

Objective and reasonable justification in writing for decisions is the key to the avoidance of risk.