
STATUTORY INSTRUMENTS

1994 No. 1771

The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994

Extent of ecclesiastical exemption

- 5.—(1) Subject to paragraphs (3) and (5), ecclesiastical exemption for buildings falling within article 4 is restricted, except in the case of buildings subject to the Measure, to—
- (a) any church building;
 - (b) any object or structure within a church building;
 - (c) any object or structure fixed to the exterior of a church building; and
 - (d) any object or structure within the curtilage of a church building which, although not fixed to that building, forms part of the land.
- (2) In the case of buildings subject to the Measure, ecclesiastical exemption is restricted to—
- (a) any building, object or structure within the precinct of a cathedral church for the purposes of the Measure and enclosed within the red line shown on the plan relating to that cathedral church entitled “Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994”, signed by an Assistant Secretary in the Department of National Heritage, dated 21st June 1994 and deposited with the local planning authority;
 - (b) any church building, within the precinct of a cathedral church for the purposes of the Measure, which does not fall within sub-paragraph (a) above, and any object or structure within that church building, but excluding—
 - (i) any object or structure fixed to the exterior of that church building, and
 - (ii) any object or structure within the curtilage of that church building which, although not fixed to that building, forms part of the land; and
 - (c) subject to paragraph (4), any monument which—
 - (i) does not fall within sub-paragraph (a) above,
 - (ii) is not itself a listed building (apart from any status as a listed building which it may have solely by being treated as part of a cathedral church or other church building by virtue of section 1(5)(a) or (b) of the Act),
 - (iii) is within the precinct of a cathedral church for the purposes of the Measure, and
 - (iv) is situated in a churchyard, graveyard or other land which is or has been used for the purposes of burial.
- (3) Subject to paragraph (4), ecclesiastical exemption is not retained by virtue of paragraph (1) in respect of—
- (a) any object or structure fixed to the exterior of a church building; or
 - (b) any object or structure within the curtilage of a church building which, although not fixed to that building, forms part of the land,

where that object or structure is itself a listed building (apart from any status as a listed building which it may have solely by being treated as part of the church building by virtue of section 1(5)(a) or (b) of the Act).

(4) In paragraphs (2)(c) and (3), the reference to a monument or to an object or structure fixed to the exterior of a church building or within the curtilage of a church building does not include any object or structure which falls to be treated for the purposes of the Act as part of that monument, object or structure by virtue only of section 1(5)(a) or (b) of the Act.

(5) Exemption from the provisions of sections 7 to 9, 59 and 74 of the Act is restricted in respect of buildings falling within paragraphs (c) to (g) of article 4—

- (a) to works carried out by or on behalf of a church or body, or a constituent part of a church or body, referred to in those paragraphs; or
- (b) where the buildings are on any premises forming part of a university, college, school, hospital or public or charitable institution, to works carried out by or on behalf of the governing body or the trustees of that institution.