

## **IN THE CONSISTORY COURT OF YORK**

### **DIOCESE OF YORK**

#### **GOLD SILVER AND OTHER VALUABLE ITEMS**

##### **GUIDANCE NOTE FROM THE CHANCELLOR OF THE DIOCESE**

#### **A. DEPOSIT OF GOLD, SILVER, PEWTER OR OTHER VALUABLE OBJECT IN A MUSEUM**

1. There already exists an established procedure to enable parishes to deposit valuable communion vessels in the Treasury at York Minster: usually these are of gold or silver. This part of the Guidance Note sets out some general guidance for cases where a parish wishes to deposit a gold, silver, pewter or other valuable metal object in a museum, or in a bank or other similar place for security reasons.
2. Since a parish is not allowed to part with possession of any of its property without higher authority a faculty is necessary wherever a valuable object is to be kept outside the parish church. In making an approach to a museum or bank the parish should make it clear that all negotiations are subject to a faculty being obtained.
3. Deposit with a museum. The museum should be asked to agree to put the object on display to the public for at least some part of each year, with a label identifying the parish from which it has come.

When the parish is ready to present its proposals for the deposit it should apply in the usual way for a faculty. The Chancellor will require to see the terms and conditions of the proposed deposit. There will need to be a provision for the return of the object to the parish if the museum ceases to operate. There will need to be a provision for a reasonable period of notice on either side to terminate the agreement. An agreement for loan should be in writing and should contain suitable terms as to the safe custody of the item, its insurance and the repair of the item if any damage occurs.

4. It is becoming common for museums to say that they will not take objects on loan at all, but only as outright gifts. The Chancellor may approve a proposal for an outright gift if for reasons of security it is dangerous for the item to remain in the church and/or if heavy charges would be incurred for it to be looked after by an institution such as a bank.
5. Deposit with a bank. A faculty will be required and there must be a written record of the deposit at the bank.

#### **B. SALE OF GOLD, SILVER OR OTHER VALUABLE OBJECT**

6. If the parish has a pressing need for financial resources and at the same time has a security problem it may wish to seek a purchaser for the item at market price. In such a case the petition would normally have to be referred to the Council for the Care of Churches (the national advisory body) for its advice and the Chancellor would have to give weight to that advice.
7. Where a sale is being contemplated the Chancellor would have to weigh the financial and other factors for and against a sale. A factor in favour of allowing the proposal would

be if the sale were to be to a museum which would display the item. Another factor would be whether the item is suitable for liturgical use (or has some other connection with Christian worship) or is a basically secular item. In the former case the Chancellor may be less likely to allow a sale. The connection of the item with the particular building and its provenance would need to be considered. The financial position of the PCC, including its accounts in recent years and any capital or trust funds available to it, and the reasons for sale would be relevant. There is Consistory Court case law on the sale of contents which would need to be considered by the parish. The leading judgments are Re St Gregory's Tredington [1972] Fam 236 and Re St Helen's Brant Broughton [1974] Fam 16. It would be useful for these to be read and considered. Early advice from the Archdeacon and the DAC should be sought in the case of an item proposed to be sold.

8. Where the parish wishes either to sell or to deposit a silver item or other metal item with a museum and is in doubt about the correct procedure it should consult the Archdeacon or the DAC secretary. These persons may also be able to advise on a suitable museum.
9. Churchwardens and PCC's should be cautious about making a "quick decision" to dispose of or remove an item from the Church either to realise its value or because of security issues – particularly if the item has a long history of association with the building or has some other artistic, archaeological or architectural merit. The decision in Re St Helen's Brant Broughton is an example of where the Court of Arches refused to grant a faculty for the sale of a picture despite it being extremely expensive to protect and insure.

**C. REPAIRS**

Valuable precious metal items sometimes need to be repaired by specialist craftsmen and taken away from the Church for that purpose. A faculty is required for the repair. The faculty will also authorise the removal of the item from the building for a temporary period of time

**D. CHURCHWARDENS, CONTENTS OF THE PARISH CHURCH AND THE INVENTORY**

11. The Churchwardens hold the title to the plate, ornaments, furniture and furnishings of the Church. They must keep the inventory up to date. They are required to check the items at least once a year to ensure that none has been lost. A Certificate to this effect in the inventory must be signed before every annual parochial church meeting. A report should be made at the meeting on the furnishings and fabric of the Church. Churchwardens must hand over all moveable goods to their successors. New Churchwardens should check and identify the location of all items on the inventory. The Churchwardens should ensure that the Church plate and other valuable furnishings, and any of the alms boxes are secure against theft (Canon E1).
12. When an item is removed and kept elsewhere under a faculty e.g. on loan to a museum, or is sold, full details need to be entered in the Inventory, together with the date of the faculty authorising the matter.

**His Honour Judge T A C Coningsby QC**  
**Chancellor of the Diocese**

**February 1999**  
**Revised March 2006**