

Search: Chancel Repair Liability Search

This search is commissioned to reveal whether or not the property you are proposing to purchase may be affected by a potential "Chancel Repair" obligation to the local Parish Church. Such obligations stem from mediaeval times where land, previously owned by the Church to fund the local rector, had been sold and the new owner took on the repairing obligation attached to that land. This means that any property located within the boundaries of a Parish where such a liability exists could be required to pay for a proportion of the costs associated with the upkeep of the Chancel of the local mediaeval parish church. The *Aston Cantlow v Wallbank* case related to the Church seeking payment from the owners of the rectorial land to repair the chancel of the local mediaeval Church. The Wallbanks, as owners of the rectorial land (known as lay rectors), refused to pay what was originally a £6000 bill in 1991. The Wallbanks lost the case and on 5th February 2007 the House of Lords ruled that the final cost for repairs would be £189,969 +VAT as the structure has slowly disintegrated. This does not include the legal costs of approximately £400,000. ChancelCheck® is an online search facility that screens for chancel repair liability at tithe district level. This service identifies a potential risk but does not confirm if the subject property is located on "liable land". However, to identify an actual risk would mean the registration of the property with the Land Registry and an increase in insurance premiums as an identified risk.

You have a number of options open to you should the search reveal that it is, indeed, located in a "risk tithe district".

- a) Choose not to take any action as the risk is judged to be so low as for it not to be relevant
- b) Carry out further investigation of the National Archive records to find out if the subject property is responsible for these repair costs. Such a search would cost a further £100 plus VAT and would not solve the problem if it is found to be responsible
- c) Take out indemnity insurance to cover the possible costs of repair. In such an instance Indemnity Insurance of the appropriate cover amount (normally commensurate with the price of the property) is recommended. Indemnity Insurance ranges from approximately £60 to £160 and is a one-off fee.

Where you are obtaining Mortgage or other finance for the purchase, you actually have no choice, as your mortgagee will **insist** upon it as a precondition to your drawing down the advance.

We will include the cost of this in your draft Completion Statement and Commission the Insurance for you (and your Mortgagee) on Completion.