



Guideline Leaflet PC01: Churches and Land Registration

Most land in England and Wales is registered with the Land Registry. This leaflet explains the system of Land Registration, and gives guidance about Voluntary Registration for churches with land that is not registered.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

PC01: Churches and Land Registration

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

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[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

REGISTERED LAND

Before a system of land registration was introduced people relied on bundles of deeds to prove their ownership of property. Now the Land Registry (a Government Agency) provides a computerised register of title and a title plan as evidence of ownership of registered land. These documents show the general location of the property as well as certain rights or obligations affecting the land.

Land in England and Wales is now registered with the Land Registry and each parcel of land has its own unique title number.

It is now compulsory to register legal titles with the Land Registry whenever a purchase, mortgage, or other disposal takes place.

VOLUNTARY REGISTRATION

The Baptist Trust Corporations ran a scheme of Voluntary Land Registration between 2006 and 2012.

Baptist churches, particularly those with private individuals as Holding or Property Trustees, should check their land is registered. Voluntary Land Registration used to be difficult to arrange but now this is encouraged because of the benefits of having a registered title, for example, reducing the risk of property fraud.

CHARITY COMMISSION GUIDANCE

Charity Commission guidance now suggests that Charity Trustees should carefully consider registering their land. The purpose of the guidance is to deliver a message to Charity Trustees that matches the encouragement being offered by the Land Registry and help Charity Trustees and Property Trustees (also called Holding Trustees) in reaching decisions about expenditure on this area of work that may have previously been considered unnecessary.

BENEFITS FOR CHURCHES

Many church deeds are very old and sadly some are deteriorating over time. These handwritten parchment documents can be very difficult to read and interpret. The Land Registry extracts relevant details from the older deeds and prepares a summary and a plan in a modern format.

A registered title is guaranteed by the government. The computerised records and plans are more easily understood, and copies can be obtained from the Land Registry for a small fee. This makes it easier for problems to be resolved. The name of the property owner is included so they can be contacted more

easily. The conveyancing process when property is bought, sold or leased should be more straightforward.

Once registered there is no longer any need to store all the deeds relating to the property except where the deeds show additional information not on the Register, such as trust details. Trust details do not normally appear on the registered title so trust deeds still need to be carefully stored.

In recent years the Land Registry rules on possessory title have changed. It is now preferable for land to be registered in order to have the fullest protection against a claim from an unscrupulous person that they have obtained adverse possession (squatter's rights) over the land. Registration can also act as a deterrent to squatters as some people believe quite wrongly that land that is not registered is actually vacant land which can simply be claimed by anyone.

Where someone claims some form of 'squatter's rights' (officially known as Adverse Possession) many hours of time and a lot of money can be wasted.

LOCAL KNOWLEDGE – EXTRA LAND – INFORMAL ARRANGEMENTS

The church's ownership of land is fundamentally linked to the documentary evidence, the Land Registry records, and details of the land actually used and occupied by a church. The extent of the land that a church may be entitled to register as its property also depends on these factors. For example, if there is a large plot but the church has for many years only used a small portion of the land with the spare land being taken over by neighbours it may already be almost impossible to recover the land even if an application for Land Registration is made.

However, in contrast, the church may have been using an area of land that is larger than the land described in the title documents. They may have acquired rights over neighbours' land and taken possession of it. These rights to use land are sometimes called 'squatter's rights' (or more formally possessory title or obtaining adverse possession). If your church has used some extra land informally for many years it might be possible to achieve registration of that portion of the site as well. If you think you may have acquired land in this way it will be necessary to highlight this fact and seek registration with the Land Registry.

If there are any unusual rights of access or shared facilities these can also be registered.

This is a complicated area but local knowledge is important to resolving any issues.

STATUTORY DECLARATIONS AND STATEMENTS OF TRUTH

Older members of your church may have information about the exact boundaries of your church site, shared access routes and shared drainage systems that are vital. The information can be preserved for the future if a formal document called a Statutory Declaration is prepared. The Land Registry will also accept information on a form called a Statement of Truth.

A Statutory Declaration or Statement of Truth would normally be prepared by a Solicitor, Licensed Conveyancer or Legal Executive. It would contain an up-to-date plan to confirm the boundaries and a description of the formal and informal arrangements that affect the property.

A Statutory Declaration or Statement of Truth is also necessary if deeds have been lost or extra land has been acquired informally. In these circumstances long term knowledge of the site is vital.

LOST DEEDS

If deeds have been lost a Voluntary Land Registration is a very useful way to overcome the problem.

WHAT HAPPENS TO THE OLD DEEDS AFTER LAND REGISTRATION?

Some deeds will need to be retained at the Trust Corporation particularly if they contain details of the trust arrangements for the church. Many founders of Baptist churches specified in the purchase

documents how the property should be used as well as recording the transfer of land to the first named trustees.

Some older church title deeds will no longer be needed as evidence for property ownership. It may be possible to return these to the church, or the County Archivist for local storage, particularly if they are of historic interest.

In many cases the documents are of mainly local interest and the County Archivist would probably be happy to advise as to storage and may be keen to receive the documents and store them on behalf of the church. This would mean the documents were stored in the optimum conditions and remain available to the general public for future research.

Some churches are of particular historic interest and may be invited to deposit their papers with a special library in Oxford called the Angus library which keeps records for the Baptist denomination. We recommend that older deeds are stored in an appropriate library or County Archive office.

SHOULD CHURCHES REGISTER THEIR CHURCH LAND?

Individual churches will need to check with the Baptist Union Corporation (or their own property trustees) as to whether or not their land is already registered. Most Baptist churches have already done this.

ENVIRONMENTAL CONSIDERATIONS

As part of our call to share in God's mission to all of creation, when considering maintenance and development of church premises, manses and land, we should include a consideration of the environmental impact. Statutory requirements will mandate adherence to a range of environmental standards but churches are also urged to take a broader view of the impact of the use of their property and development of their buildings on the environment, seeking to make them and church life in general as sustainable and environmentally friendly as possible. Churches considering projects such as building insulation, solar panels or heat pumps should take a balanced view, giving thought not only to the proposed environmental benefits but also to any wider consequences, including costs, and seek professional advice before proceeding, to ensure that they are acting in the best interests of the church charity.

The Baptist Union Environmental Network ('BUEN') webpage [here](#) has links providing general advice regarding buildings and land. Further advice can be found in the Baptist Union's [Transform leaflets](#) in the "Environmental Issues" section. Churches may wish to undertake their own environmental audit using online resources such as the survey provided by A Rocha for their [Eco Church scheme](#) or BMS Worldmission's [Carbon Calculator](#), but appropriate professional advice should always be sought in connection with the planning of any building works or projects. Grants may be available from national and local governments.

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Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

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