

## **Roman Catholic Diocese of East Anglia**

### **The Disposal or Alienation of Church Goods Policy**

Adopted by the Trustees March 2025

1.0 **GENERAL:** This is the 'Disposal or Alienation of Church Goods Policy' for the Roman Catholic Diocese of East Anglia (the 'Diocese') setting out the background, required methods, and due process, that must be undertaken in relation to the disposal and/or alienation of Church goods. This policy is drawn up in line with current recommendations, as set out by the Catholic Bishops Conference of England and Wales.<sup>1</sup>

1.1 Churches and their contents are an inheritance from the past of which we are merely the temporary custodians. We are indebted for them to past generations of the faithful who have dedicated them to God's service. We need to be very sure of our ground before we alienate them once and for all from that service. Therefore, there is a strong presumption in favour of retention. Even objects of no intrinsic value, whether monetary or artistic, may have a strong claim to be retained, on the grounds of historical interest and educational value.

1.2 However, It has been accepted that there will be cases in which objects from churches will have to be found new homes. In these cases it is essential that the Parish follow due process, and fully comply with both civil and canon law. The Canon law (Can. 1290-1298) basis upon which this policy draws are fully set out in Appendix 1. It must also be recognised that the requirements of due process will vary depending upon the circumstances of the proposed disposal/alienation, the religious, financial, or historical importance of the item(s) to be disposed/alienated, and the designated status of the building from which the item(s) are to be disposed/alienated from.

2.0 **JUSTIFICATION:** Canon law states the basic requirements for alienation, viz. '1. a just reason, such as urgent necessity, evident advantage, or a religious, charitable or other grave pastoral reason' (Can. 1293). To comply with the requirements of Canon law, and in light of the strong presumption in favour of retention (1.1), the Parish must create a strong case to justify their proposal to dispose/alienate the item(s). This should take the form of a brief written statement, explaining the reasons that the Parish have concluded that disposal/alienation is the best course of action for the Parish, and will cause no harm to the church or wider community.

3.0 **OWNERSHIP:** Ownership of the item(s) proposed for disposal/alienation should be determined. The 1983 Code of Canon Law states that 'under the supreme authority of the Roman

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<sup>1</sup> Consecrated for Worship: A Directory on Church Buildings, The Catholic Bishops Conference of England and Wales, Appendix C (Catholic Truth Society, 2006), pp.121-124

Pontiff, ownership of goods belongs to that juridical person which has lawfully acquired them' (Can. 1256).

3.1 Under canon law if an individual makes a donation for a specific purpose, or donates an item for a specific purpose, then the intentions of the donor are to be carefully observed (Can. 1300). Parish records should be consulted to determine whether the item(s) to be disposed/alienated was a gift or donation to the Parish. If it is determined that this is the case then the Parish should make all reasonable attempts to identify the original donor, and the item(s) should be offered back to the original donor, their heirs, or assignees.

3.2 If the original donor, their heirs, or assignees, do not wish for the return of the item(s) then their written consent for the disposal/alienation of said item(s) should be sought.

4.0 LIMITATIONS: It is stipulated under canon law that It is absolutely forbidden to sell sacred relics. Relics of great significance and other relics honoured with great reverence by the people cannot be alienated validly in any manner or transferred permanently without the permission of the Apostolic See. (Can. 1190)

4.1 It is further stipulated under Canon law that item(s) deemed to have a financial value in excess of £650,000, but beneath £6,500,000 require an Episcopal decision regarding their disposal/alienation. Item(s) deemed to have a financial value in excess of £6,500,000 require permission from the Holy See for their disposal/alienation.

5.0 INVENTORIES : Under Canon law it is requirement of each Parish to create and keep an accurate and up-to-date inventory of the goods and items that they are responsible for (Can. 1283.2). In the case of a proposed disposal/alienation the item must first be identified on the inventory, and note made of the proposed disposal/alienation on the inventory.

6.0 ASSESSMENT: The Parish must have an 'Assessment of Significance' carried out on the item(s) proposed for disposal/alienation. This must be undertaken by a suitably qualified individual, and take in to account the financial, liturgical, and historical significance of the item(s). The assessment should be presented to the Parish in writing. It is not deemed acceptable for the Assessment of Significance to be undertaken by any individual or organisation that has, or potentially might have, a commercial interest in the item(s) proposed for disposal/alienation.

6.1 Following the Assessment of Significance, the Parish should produce a short written statement that explores all possible avenues for disposal/alienation, and addresses a number of questions. Can the item(s) be returned to the original donor, their heirs or assignees? Can the item(s) be placed in store within the parish? Can the item(s) be loaned or gifted to another church? Can the item(s) be placed in an archive or museum? The permanent disposal/alienation of the item(s) should only be considered if no other reasonable options are available to the Parish, and subject to the limitations set out above.

7.0     **CONSULTATION:** While in certain circumstances the permission of the Holy See is required for disposal/alienation, in all circumstances it is proper to obtain the agreement of the Diocesan authorities, the Parish Priest, and the parishioners. This is achieved by a process of consultation.

7.1     A written recommendation for the disposal/alienation of the item(s), including details of the proposed method of disposal/alienation, and details of the Assessment of Significance, should be presented to the wider Parish for consultation. The written recommendation and any supporting documentation should be made available via parish publications and websites, and a public notice placed on the church noticeboard. The document must include clear avenues for individuals or interested parties to make their views known. The consultation should be for a minimum of eight (8) weeks.

7.2     The report containing the initial recommendation, the Assessment of Significance, and subsequent local feedback, should be circulated to the ‘Diocesan Liturgy Commission’ for consultation. The Liturgy Commission are at liberty to seek further consultee comments from any individual or organisation, or relevant sub-committee, as they see fit. The consultees will then inform the Parish in writing of their own recommendations. It is the role of the consultees to determine if the disposal/alienation of the item(s) can be justified, and that in doing so no harm shall come to the church. The Diocesan Liturgy Commission will respond in writing to the Parish expressing either support or opposition for the proposed disposal/alienation. The Diocesan Liturgy Committee will also communicate their views to the (a) the Bishop, and (b) the Diocesan Trustees, with a recommendation of whether the disposal/alienation should proceed.

7.3     If the church is designated as a listed building then the view of the Secretary of the Historic Churches Committee should be sought as to whether a Faculty will be required for the disposal/alienation of the item(s)?

8.0     **DETERMINATION:** The Bishop will make a determination on the proposed disposal/alienation of the item(s) based upon the recommendations of the Liturgy Commission. This determination will be communicated to the Diocesan Trustees and the Parish.

8.1     The Diocesan Trustees will assess all of the information gathered during the process, including the Assessment of Significance, and consultee responses, before reaching a determination. The determination of the Diocesan Trustees will be communicated to the Parish in writing.

8.2     If the church is designated as a listed building, and the Honorary Secretary of the Historic Churches Committee deems that a Faculty is required, it should be applied for via the Honorary Secretary. The application should include the justification for the disposal/alienation of the item(s), the Assessment of Significance, a summary of the consultee responses, and the decisions of (a) the Bishop, and (b) the Diocesan Trustees.

9.0 DISPOSAL/ALIENATION: Only once all the relevant permissions have been put in place can the Parish legally carry out the disposal/alienation of the item(s). The item(s) must be immediately removed from the Parish inventory. The Parish must also inform the Diocese of the disposal/alienation of the item(s) and ensure that they are removed from any centrally arranged insurance inventories (if applicable). Copies of all the related reports and documentation should be retained in the Parish Archive, and copies must be sent to the Diocesan Archive.

#### Appendix 1: The Canon Law background to this policy

Can. 1290 The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same effects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon law provides otherwise, and without prejudice to the prescript of can. 1547.

Can. 1291 The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridic person and whose value exceeds the sum defined by law.

Can. 1292 §1. Without prejudice to the prescript of can. 638, §3, when the value of the goods whose alienation is proposed falls within the minimum and maximum amounts to be defined by the conference of bishops for its own region, the competent authority is determined by the statutes of juridic persons if they are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance council, the college of consultors, and those concerned. The diocesan bishop himself also needs their consent to alienate the goods of the diocese.

§2. The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

§3. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid.

§4. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations.

Can. 1293 §1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

1/ a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;

2/ a written appraisal by experts of the asset to be alienated.

§2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church.

Can. 1294 §1. An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.

§2. The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of the alienation.

Can. 1295 The requirements of cann. 1291-1294, to which the statutes of juridic persons must also conform, must be observed not only in alienation but also in any transaction which can worsen the patrimonial condition of a juridic person.

Can. 1296 Whenever ecclesiastical goods have been alienated without the required canonical formalities but the alienation is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether and what type of action, namely, personal or real, is to be instituted by whom and against whom in order to vindicate the rights of the Church.

Can. 1297 Attentive to local circumstances, it is for the conference of bishops to establish norms for the leasing of Church goods, especially regarding the permission to be obtained from competent ecclesiastical authority.

Can. 1298 Unless an asset is of little value, ecclesiastical goods are not to be sold or leased to the administrators of these goods or to their relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.