

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

19<sup>th</sup> March, 2025

**Proposition No. P.2024/105**

**POLICY & RESOURCES COMMITTEE**

**RECTORIES IN PLURALITY**

**AMENDMENT**

Proposed by: Deputy A Brouard

Seconded by: Deputy S Aldwell

To delete Proposition 1 and substitute therefor:

- “1. To agree that any customary law duty to provide suitable accommodation for the Rector of a parish and the Rector's household shall be abolished and to amend the Parochial Church Property (Guernsey) Law, 2015, and any other relevant legislation, to give effect to such abolition on and from 1<sup>st</sup> January 2035.”

**Rule 4(1) Information**

- a) The proposition is neutral insofar as any contribution to the States' objectives and policy plans are concerned.
- b) In preparing the proposition, consultation has been undertaken with the Law Officers of the Crown, The Douzaines have been made aware and the Dean of Guernsey has been advised.
- c) The proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are not believed to be any financial consequences for the States.
- e) Drafting advice has been sought from the States' Greffier and notification given to the Officers of the Policy & Resources Committee and to the Committee, who have been made aware of this amendment, with discussions ongoing for some time, including through the Douzaine Liaison Group.

### **Explanatory Note**

Historically, the Parishes have as a matter of practice provided the rectors housing suitable for them and their households. The practice is believed to have been adopted in order to discharge a customary law duty or obligation placed on the Parishes which, although confirmed as such by court rulings made in the 18<sup>th</sup> and 19<sup>th</sup> centuries, has not been tested before the courts for nearly two centuries. In the 21<sup>st</sup> century with a more secular society, parishioners who are increasingly from more varied religious backgrounds and financial pressures on parish funds, the basis of a continued duty or obligation to provide rectors and their households with housing free of charge is difficult to justify.

Against the above background and bearing in mind past consultation which has taken place in relation to the obligation, this amendment proposes the abolition of the customary law duty to provide accommodation, but with effect from 1<sup>st</sup> January, 2035. Abolition would be by way of Projet de Loi as it is understood by the Proposer, having consulted with H M Comptroller, that changes in customary law obligations may only be made by a Law.

The long period before which abolition is to take effect is proposed for a number of reasons. It creates a lengthy transitional period during which it will be possible to negotiate arrangements for accommodation that do not necessarily involve free provision by those parishes that may wish to opt out of the traditional practice of the free provision of accommodation. It also provides a lengthy period of the provision of free accommodation in lieu of any compensation that might be payable to the Church of England were abolition to be immediate. The issue of compensation arises if it is accepted that the obligation to provide accommodation is a property right which is protected under Article 1 of Protocol 1 to the ECHR.