

## Heart of England Baptist Association - Property Update September 2025

### Using HEBA Solicitors

- HEBA has appointed Anthony Collins Solicitors to act on its behalf going forward. In particular, the trustees of HEBA will engage Anthony Collins to review any documentation that they are required to sign on behalf of a church. The cost of such reviews will be borne by the respective church. However, any advice or documentation previously prepared by VWV Solicitors will not require review by Anthony Collins..

The following notes are offered to churches with responsibility for properties.

### Care of Trees

- Ensure tree maintenance complies with local authority regulations, especially if trees are subject to Tree Preservation Orders (TPOs).
- Risk assessments should be conducted to prevent injury or property damage.
- Church Trustees are responsible for ensuring legal compliance and safety, particularly where trees may affect neighbouring properties or public access.

Link to further information

<https://www.trees.org.uk/Help-Advice/Public/A-brief-guide-to-legislation-for-trees>

### Care of Burial Grounds

- Baptist churches managing burial grounds must comply with civil law regarding burial rights, exhumation, and maintenance. Although not governed by ecclesiastical law like Church of England sites, Baptist burial grounds must still maintain accurate records and ensure safe conditions. Trustees should be aware of liability risks and procedures for closure or transfer of maintenance responsibilities.
- Development on burial grounds is possible under the Disused Burial Grounds (Amendment) Act 1981 but must avoid disturbing remains and comply with planning and archaeological requirements. Moving headstones or altering layouts must be done with extreme sensitivity and legal oversight.
- Some burial grounds contain Commonwealth War Graves, which must be preserved according to national standards. Churches should liaise with the War Graves Commission for guidance and support.

Links to further information

<https://lawcom.gov.uk/news/law-commission-considers-changes-to-update-centuries-old-burial-laws/>

<https://lawandreligionuk.com/2018/05/03/re-use-of-institutional-burial-grounds/>

### Renters' Rights Act

- The Renters' Rights Act, expected to come into force in early 2026, will abolish Assured Shorthold Tenancies (ASTs) and Section 21 'no fault' evictions. All new and existing tenancies will become periodic assured tenancies, meaning any Churches acting as landlord's must rely on specific legal grounds (under Section 8) to regain possession. This will not affect traditional manse arrangements where no rent is paid.
- Churches letting residential property for rent must review tenancy agreements, ensure documentation is complete, and consider future plans (e.g. calling a minister or selling property). Once ASTs convert to assured tenancies, tenants will have stronger rights, and a court order may be needed to retake possession.
- If a Church intends to recover possession of a property for use by a minister of religion, it must serve a Ground 5 notice before the tenancy begins. This is a mandatory ground under the Housing Act 1988, but it requires clear evidence that the property is genuinely held for ministerial duties.

Links to further information

<https://www.gov.uk/government/publications/guide-to-the-renters-rights-bill/guide-to-the-renters-rights-bill>

[https://www.baptist.org.uk/Articles/368792/Guideline\\_Leaflet\\_PM04.aspx](https://www.baptist.org.uk/Articles/368792/Guideline_Leaflet_PM04.aspx)

<https://www.landlordlawblog.co.uk/2016/02/24/grounds-for-eviction-ground-5-lettings-to-ministers-of-religion/>

### New Fire Safety Regulations

- Under the Regulatory Reform (Fire Safety) Order 2005, churches must appoint a 'Responsible Person' to conduct Fire Risk Assessments. Trustees are legally accountable for fire safety compliance (regular fire risk assessments, implementation of any fire safety measures and ensuring staff and volunteers are trained in fire safety measures).
- Risks include arson, blocked exits, and inadequate detection systems. Regular reviews and staff training are essential to mitigate risks and avoid legal penalties.
- Churches with attached schools, community centres, or residential areas must ensure each space has its own FRA and evacuation plan.
- It is important to ensure that all building materials meet the new standards, especially during renovations or new builds.
- Churches and other public buildings must demonstrate proactive fire safety management to avoid reputational and legal risks.

Link to further information

<https://www.britsafe.org/safety-management/2025/2025-uk-fire-safety-regulation-updates-a-quick-guide>

### Invasive Plans (Japanese Knotweed & bamboo etc.)

- Baptist churches must manage invasive plants like bamboo responsibly. While bamboo is not legally classified as invasive, its spread can lead to litigious claims. Where Trustees may believe that knotweed is present or nearby they should contact a suitable knotweed specialist, monitor growth, and communicate with neighbours to prevent disputes. Improper disposal may breach environmental regulations.

Links to further information

<https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>

<https://japaneseknotweed.co.uk/who-we-help/commercial/>