



THE CHURCH
OF ENGLAND

**Diocese of St Edmundsbury
and Ipswich**

Diocesan Advisory Committee for the Care of Churches

Dogs in churchyards

In the past, local authorities could make bye-laws with the effect of controlling dogs on certain areas of land.

New law is to be found in the Clean Neighbourhoods Environment Act 2005. Local authorities can make dog control orders on “any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment)”. The local authority can specifically or generally exclude certain categories of land from this part of the Act, if it so wishes. It could be debated at length whether the public are entitled or permitted to have access to churchyards, but it is assumed that most people believe that this is the case. It is correct that no-one can acquire rights or carry out work in a consecrated churchyard without a faculty. However, the fact of consecration does not thereby exclude the application of the general law of the land. If it did, churches would be outside licensing requirements.

Therefore, a local authority is able to make a dog control order over a churchyard. It is a bit of a nonsense because, having made such an order, if someone is given permission by the land owner (in this case, the church) to do something contrary to the provisions of the order, then that person has a valid defence to any criminal prosecution that may result for infringement of the order.

It is hoped that local authorities at district level are consulting with parish councils and that parish councils will consult with churches. At least a PCC should be given an opportunity to comment. What it now does in its own church yard is for the PCC to decide. It can let the local authority order apply as written or it can allow something else, or indeed prohibit or control dogs in a different way. If the matter is a sensitive one, then communication of the PCC’s policy by suitable notices will be important.

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