



## DIOCESE OF CHELMSFORD

### FILMING IN CHURCHES OR CHURCHYARDS

Churches and churchyards are popular locations for filming. Careful planning is essential. The following guidelines are to assist Incumbents, PCCs and churchwardens in the Diocese to decide whether to agree to a filming request. Many requests will come out of the blue and at short notice. Incumbents, PCCs and churchwardens should not feel pressured into agreeing to the filming without having given careful thought to the necessary permission required and the practical considerations.

#### **Filming of a church from outside the church curtilage**

Filming of a church from outside the church curtilage i.e. from the roadside requires no permission.

#### **Permission required for non-commercial filming in the church or churchyard e.g. filming for TV news reporting, an educational project**

Where this involves the use of only minimal equipment, and the subject matter is not contentious, this may be undertaken without a faculty (and without a written contract), subject to the prior written permission of the Incumbent or Priest-in-Charge (or Area Dean in a vacancy) and PCC. If you are unsure whether the subject matter may be contentious or may be undertaken without written contract or faculty, please seek advice from your Archdeacon or the Diocesan Communications Team. All advice given by those persons should be followed.

#### **Permission required for commercial filming in the church or churchyard e.g. the church or churchyard is being used as a set to film a TV programme, film, advert or promotional film**

##### 1. Additional Matters Order

- If the filming company agrees to use the template filming agreement which has been approved by the Diocesan Registrar (with no changes made) and to pay the fixed fee for this then a notice may be given by the Archdeacon. A number of other specified conditions will need to be met concerning PCC consent, the script, remuneration, insurance, no physical works and the filming will not interfere with the rights of the public to visit, attend and use the church and churchyard.
- [Click here to view the Additional Matters Order](#)
- The template filming agreement is available on request from the Diocesan Registry [chelmsfordregistry@wslaw.co.uk](mailto:chelmsfordregistry@wslaw.co.uk) or 020 7593 0353

##### 2. Faculty

- If the filming company does not agree to use of the template filming agreement as approved by the Diocesan Registrar then the authority of a Faculty will be required.
- Please contact the Diocesan Registry about the process, [chelmsfordregistry@wslaw.co.uk](mailto:chelmsfordregistry@wslaw.co.uk) or 020 7593 0353

- Please note if a Faculty is petitioned for there will be a public notice period of 28 days.
- The Chancellor will want to see evidence that the PCC has obtained legal advice in respect of the proposed contract and has given consideration to the advice received.

## **Points to consider**

### 1. Basic principles

- Churches and churchyards are sacred spaces and must be respected. In particular, consecrated land is set apart as holy, and no incumbent or PCC should feel under any pressure to agree to filming, whether during divine service or not.
- Risks to the normal operation of the church and churchyard should be evaluated.
- Filming should not interfere with the rights of the public to visit, attend and use the church and churchyard.
- Any inconvenience to the neighbours and local community should be minimised.
- Safety of people, to the building, its contents and memorials in the churchyard should be given priority at all times.
- No filming or recording of clergy, church officers, members of the congregation or members of the public should be permitted without their prior agreement.
- Any filming of minors is likely to require the permission of a parent or legal guardian. Safeguarding policy and practice of the Church of England must be followed at all times.
- For the filming of a service the positioning of cameras should be agreed beforehand so that the congregation is not distracted.
- There should be no physical works and no fixed items within the church or churchyard should be moved (that would require the authority of a faculty). Any changes to the way in which the moveable furnishings are laid out should be agreed in advance and reversed before the location is vacated. Minor temporary changes may need to be authorised by your Archdeacon.

### 2. The script

- This must be reviewed in advance to ensure that there is nothing obscene, blasphemous, prejudicial or otherwise objectionable.
- Parishes are reminded that significant adverse publicity is risked if something particularly inappropriate is filmed within their church.

### 3. Remuneration

- Location fees are a matter of negotiation between the PCC (or its representative) and the filming company concerned.
- For commercial contracts you should always think commercially and be prepared to charge the going rate.
- Time and type of programme are the two main factors determining a location fee. Feature films, TV drama and commercials may command a higher fee than documentaries or education programmes, for example.
- A price per 'day' is often suggested. You should be clear what constitutes one day, and insist on a further hourly charge if the agreed hours are overrun. It may be simpler to charge per hour (or part thereof).
- Filming at night may also legitimately attract a larger fee.
- Documentary makers often wish to film a service, for example, a baptism or marriage, for a package they are putting together. In the case of such services you will need the permission of those involved. A film crew will often offer copies of the film in lieu of a fee for the couple. The PCC is still entitled to a fee.

- The filming company should be asked to pay any fees incurred by the PCC e.g. legal advice, the statutory Court fee to lodge a petition for Faculty.
- News items are unlikely to be subject to any fee, but they have the benefit of bringing publicity to the church.

#### 4. Facilities

- Bear in mind the difference between a small documentary which may only require 2 or 3 people and limited hand-held equipment, compared to a major film production which could involve scores of actors and technicians with much equipment and cabling, even to make a clip of a few seconds!
- Does the production company need to use other facilities such as the hall or car park?
- If filming is likely to be lengthy you need to discuss toilet facilities, dressing room areas etc.
- Use of your hall or car park for such things can a significant benefit to a production company and should be considered when you negotiate the fee.
- Do ask the production company what arrangements they have made for parking. If it is on a street with restrictions, they may need to have gained local authority traffic department approval.

#### 5. Supervision

- It is advisable to ensure the incumbent or their representative is present during the filming. If it is a day-long shoot, or longer, several people may be needed.
- Those present need to know what agreements you have made with those filming.

#### 6. Rules

- Film makers should work to clear site rules.
- Provide a copy of any rules to all crew members and do not be afraid to enforce them.

#### 7. Insurance

- You must ensure the PCC is insured against damage or accident. Your own insurance policy may not cover you. The PCC should inform its insurer and comply with any requirements they may have.
- Ascertain whether the filming company will underwrite any risk.
- Do carry out your own risk assessment and ensure all fire regulations are adequate and up to date.
- Inspect for any damage immediately on conclusion of the filming and report any issues immediately to the filming company.

#### 8. Contract

- Make sure the contracting parties are clearly named. The filming company is likely to be an ad hoc project subsidiary, not the broadcaster or film studio. The contracting party for the church should be the PCC.
- Make sure copyrights are clearly defined.