

# GENERAL SYNOD

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## JULY GROUP OF SESSIONS 2014

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### ELEVENTH NOTICE PAPER

#### **Text of section 6 of the Parochial Church Councils (Powers) Measure 1956, as amended by the draft Church of England (Ecclesiastical Property) Measure and items 552 to 554 on Order Paper II**

(1) After the commencement of this Measure, a council shall not acquire any interest in land (other than a short lease as hereinafter defined) or in any personal property to be held on permanent trusts, without the consent of the diocesan authority.

(2) Where, **before the commencement of the Church of England (Ecclesiastical Property) Measure**, a council **held or acquired** an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts, such interest shall, **subject to subsection (4B)**, remain vested in the diocesan authority subject to all trusts, debts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite for giving effect to the provisions of this subsection.

(3) Where **a council holds or acquires an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts (whether or not that interest is vested in the diocesan authority pursuant to subsection (2) of this section)**, the council shall not sell, lease, let, exchange or charge the property without the consent of the authority; but save as aforesaid, nothing in this section shall affect the powers of the council in relation to the management, administration or disposition of any such property.

(3A) Where any property which is occupied by a member of the team in a team ministry is vested in the diocesan authority pursuant to subsection (2) of this section and the council proposes to alter or dispose of the property or any part thereof, the council shall—

- (a) keep that member informed of matters arising from the proposal;
- (b) afford that member an opportunity to express views thereon before taking any action to implement the proposal; and
- (c) have regard to those views before taking any such action.

(4) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall keep the authority indemnified in respect of:

- (a) all liabilities subject to which the property is vested in the authority or which may thereafter be incident to the property;
- (b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the property;
- (c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the property or as trustee thereof;
- (d) all costs, proceedings, claims and demands in respect of any of the matters hereinbefore mentioned.

(4A) The requirement for consent under subsection (1) or (3) does not apply if the consideration on the transaction in question is less than such amount as may be specified in, or determined in accordance with, an order made by the Archbishops' Council.

**(4B) Where—**

- (a) an interest in land or in personal property held on permanent trusts which belongs to a council is vested in the diocesan authority under subsection (2), and**
- (b) the council requests the authority to transfer that interest to it,**  
**the diocesan authority may transfer that interest to the council on such terms as to costs as may be agreed between the authority and the council.**

**(4C) Where subsection (4A) does not apply and a council—**

- (a) makes a request in writing to the diocesan authority for its consent under subsection (1) or (3), and**

**(b) certifies that it has consulted the archdeacon and has had regard to any advice received from the archdeacon before deciding to make the request,**

**such consent shall be deemed to have been given at the end of the prescribed period unless the diocesan authority has given written notice to the council that such consent is withheld and has set out in the notice its reasons for withholding such consent.**

**(4D) Nothing in subsection (4C) shall prevent the diocesan authority giving its consent under subsections (1) and (3) before the end of the prescribed period.**

**(4E) Where the diocesan authority gives written notice under subsection (4C), that subsection shall not apply to a further request in writing by the council for consent under subsection (1) or (3) which is substantially the same as the request in respect of which that notice was given.**

**(4F) For the purposes of subsections (4C) and (4D) the prescribed period shall be a period of 28 days commencing on the day on which the council's request was received by the diocesan authority, or such other period as may from time to time be specified in, or determined in accordance with, an order made by the Archbishops' Council.**

**(5) The consents required by subsection (3) of this section are additional to any other consents required by law.**

**(6) In this section the expression "short lease" means a lease for a term not exceeding seven years, and includes any tenancy from week to week, from month to month, from quarter to quarter, or from year to year.**

**(7) Any question as to whether personal property is to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop or, during a vacancy in a see, the guardian of the spiritualities".**