

GS 1555B

Draft Church of England (Miscellaneous Provisions) Measure

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A DRAFT OF A MEASURE

To amend the Parsonages Measure 1938; to amend the Church Commissioners Measure 1947; to amend the Diocesan Stipends Funds Measure 1953; to amend section 2 of the Church Funds Investment Measure 1958; to amend section 7 of the Church Property (Miscellaneous Provisions) Measure 1960; to make new provision for the powers of the Church Commissioners relating to Farnham Castle; to amend the Ecclesiastical Jurisdiction Measure 1963; to amend Schedule 2 to the Synodical Government Measure 1969; to amend the Repair of Benefice Buildings Measure 1972; to amend the Endowments and Glebe Measure 1976; to amend section 8 of the Church of England (Miscellaneous Provisions) Measure 1978; to amend the Pastoral Measure 1983; to amend the National Institutions Measure 1998; and for purposes connected therewith.

1 Amendment of Parsonages Measure 1938

The Parsonages Measure 1938 (1 & 2 Geo. 6 No. 3) shall have effect subject to the amendments specified in Schedule 1 to this Measure.

2 Amendment of Church Commissioners Measure 1947

The Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) shall have effect subject to the amendments specified in Schedule 2 to this Measure.

3 Amendment of Diocesan Stipends Funds Measure 1953

(1) The Diocesan Stipends Funds Measure 1953 (1 & 2 Eliz. 2 No. 2) shall be amended as follows.

(2) In section 4(1)–

- (a) for paragraph (a) there shall be substituted the following paragraph—
“(a) the acquisition of any land to be held as diocesan glebe land of the diocese by the board or any subsidiary of the board set up under a scheme made under section 19 of the Endowments and Glebe Measure 1976 (1976 No. 4) or investment in any such subsidiary;” and
- (b) paragraph (aa) shall be omitted.

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- (3) For section 5(3) there shall be substituted the following subsection—

“(3) Before giving any directions under subsection (2) above with respect to the application of the said moneys in providing or augmenting the stipends or other emoluments of the persons mentioned in subsection (1) above, the bishop or the person so authorised shall have regard to any recommendations made by the Central Stipends Authority with respect to the forms and levels of the stipends and other emoluments of those persons.”

4 Amendment of Church Funds Investment Measure 1958

Section 2 of the Church Funds Investment Measure 1958 (6 & 7 Eliz. 2 No.1) shall have effect, and shall be deemed always to have had effect, as if the corporate funds of the Archbishops’ Council were included amongst the funds mentioned in paragraph (d) of that section

5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960

In section 7(1) of the Church Property (Miscellaneous Provisions) Measure 1960 (8 & 9 Eliz. 2 No. 1) for the words from “has not at any time been used” to the end of the subsection there shall be substituted the words “is no longer required for the purpose for which it was granted”.

6 Powers of Church Commissioners relating to Farnham Castle

- (1) Subject to subsections (3) and (4) below, Farnham Castle shall be held by the Commissioners as part of their corporate property and, accordingly, the provisions of the Farnham Castle Measure 1961 (9 & 10 Eliz. 2 No.1) (“the 1961 Measure”) mentioned in subsection (2) below are hereby repealed.

- (2) The provisions of the 1961 Measure referred to in subsection (1) above are the words “, but subject to the succeeding section” in section 1(2), section 2 and the definition of “approved” in section 3.

- (3) Before exercising any power to sell or otherwise dispose of Farnham Castle or any part thereof or any interest in or over it the Commissioners shall consider what consequences would be likely to result from the exercise of that power and what restrictive or other conditions, if any, should be imposed upon the purchaser, lessee or grantee and, if they consider that Farnham Castle or any part thereof may be prejudicially affected by the exercise of that power, they shall consult English Heritage and such other person or body qualified to advise on the matter as they think fit.

- (4) The Commissioners may enforce any covenants imposed on the sale, exchange or gift of the whole or, in the case of a partial disposition, on the sale, exchange or gift of the last remaining part, of Farnham Castle as if the Commissioners were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that land and, in the case of covenants of a positive character, as if they were negative.

- (5) In this section—

“the Commissioners” means the Church Commissioners;

“English Heritage” means the Historic Buildings and Monuments Commission for England, known as English Heritage; and

“Farnham Castle” has the meaning assigned to it by the 1961 Measure.

7 Amendment of Ecclesiastical Jurisdiction Measure 1963

- (1) The Ecclesiastical Jurisdiction Measure 1963 (1963 No.1) shall be amended as follows. 5
- (2) In section 2(2) for the words “who has held high judicial office” there shall be substituted the words “holds or has held high judicial office or the office of circuit judge”.
- (3) In section 2A(1) and (2) after the word “chancellorships” there shall be inserted the words “or deputy chancellorships”.
- (4) In section 4(1A) the words “or any chancellor”, the words “in the former case, and the bishop of the diocese concerned in the latter,” and the words “or deputy chancellor of such diocese as the case may be” shall be omitted and for the words “in respect of which he is appointed to act as deputy” there shall be substituted the words “of Dean of the Arches and Auditor” 10
- (5) After section 4(1A) there shall be inserted the following subsections— 15

“(1B) Any chancellor may, with the consent of the bishop of the diocese, appoint, in writing, a fit and proper person to act as deputy chancellor of the diocese and any person so appointed shall have all the powers and perform all the duties of the office of chancellor.”

(1C) The appointment of a deputy chancellor appointed under subsection (1B) of this section shall continue so long as the chancellor who appointed the deputy chancellor continues in office and, thereafter, for the period of three months beginning with the date on which the chancellor ceases to hold office or until the deputy chancellor attains the age at which the chancellor would be required to vacate the office of chancellor under section 2(4) of this Measure, whichever is sooner, but a deputy chancellor— 20

 - (a) may resign the office of deputy chancellor by notice in writing addressed to the chancellor, 25
 - (b) may be removed by the chancellor, after consultation with the bishop, if the chancellor considers that the deputy is incapable of acting or unfit to act, and
 - (c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory court of the diocese during the course of which the deputy chancellor attains the said age or, as the case may be, the three months period referred to above expires, as if the date of the conclusion in the court of those proceedings or that cause, as the case may be, were the date on which that age is attained or, as the case may be, that period has expired.” 30

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8 Amendment of Synodical Government Measure 1969

- The Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2) shall be amended as follows— 40
- (a) for Article 4(2) there shall be substituted the following paragraph—

“(2) The Presidents shall, after consultation with the Appointments Committee of the Church of England, appoint from among the members of any House of the Synod a panel of such number of persons as the Presidents may determine, who shall be available to take the

- chair at meetings of the Synod, being persons who shall be chosen for their experience of chairing and ability to chair meetings; and it shall be the duty of one of the persons on the panel, in accordance with arrangements approved by the Presidents and subject to any special directions of the Presidents, to take the chair at meetings of the Synod at which neither of the Presidents take the chair”; and 5
- (b) for Article 5(4) there shall be substituted the following paragraph—
“(4) Without prejudice to Article 11(1) below, where a vote is to be taken by a division either of the whole Synod or by Houses, Standing Orders may provide for the vote to be taken either by physical separation of the members voting or by other means including such electronic method of voting as may from time to time be determined by the Business Committee.”. 10
- 9 Amendment of Repair of Benefice Buildings Measure 1972** 15
- In sections 20(5) and 31(2) of the Repair of Benefice Buildings Measure 1972 (1972 No. 2) for the word “patron”, in each place, there shall be substituted the words “registered patron”.
- 10 Amendment of Endowments and Glebe Measure 1976** 20
- The Endowments and Glebe Measure 1976 (1976 No. 4) shall have effect subject to the amendments specified in Schedule 3 to this Measure.
- 11 Amendment of Church of England (Miscellaneous Provisions) Measure 1978** 25
- In section 8 of the Church of England (Miscellaneous Provisions) Measure 1978 (1978 No. 3), in the headnote, for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance”, for the words “the fee simple of any ecclesiastical property is in abeyance, the fee simple” there shall be substituted the words “any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.
- 12 Amendment of Pastoral Measure 1983** 30
- The Pastoral Measure 1983 (1983 No. 1) shall have effect subject to the amendments specified in Schedule 4 to this Measure.
- 13 Amendment of National Institutions Measure 1998** 35
- Paragraph 9 of Schedule 1 to the National Institutions Measure 1998 (1998 No. 1) shall be amended as follows—
- (a) in subparagraph (1) the words “who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules)” shall be omitted and after the words “in the case of a lay person” there shall be inserted the words “who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules)”; and 40
- (b) in subparagraph (2) there shall be inserted before the word “member” the word “lay”.

14 Miscellaneous Amendments of Acts

The enactments referred to in Schedule 5 to this Measure, being enactments which relate to functions of the Church Commissioners in connection with transactions affecting certain ecclesiastical property, shall have effect subject to the amendments specified in that Schedule.

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15 Repeals

The enactments mentioned in Schedule 6 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

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16 Citation, commencement and extent

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 200-

(2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.

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(3) This Measure shall extend to the whole of the Provinces of Canterbury and York, except that the Measure, apart from section 13 above, shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.

(4) Section 2 above, this section and Schedule 2 to this Measure shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 4, 7, 8, 12 and 15 above, and Schedules 4 and 6 to this Measure shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.

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(5) This Measure, except sections 1, 2, 3, 6, 7, 11, 13 and 14 above and Schedules 1, 2 and 5 to this Measure, may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.

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SCHEDULES

SCHEDULE 1

Section 1

AMENDMENT OF PARSONAGES MEASURE 1938

- 1 The Parsonages Measure 1938 (1 & 2 Geo. 6 No.3) shall be amended as follows. 5
- 2 In section 1(4) after the words “subsection (1)” there shall be inserted the words “or (1A)” and after the words “this Measure”, where they first occur, there shall be inserted the words “or under section 31 or 37 of the Pastoral Measure 1983”.
- 3 **In section 1(5) the words “in the first instance” and all the words after “purchaser” to the end shall be omitted.** 10
- 4 In section 3(1) for the words “the prescribed”, in the first place where they occur, there shall be substituted the word “written” and after the word “benefice”, in the second place where it occurs, there shall be inserted the words “stating that representations may be made within the prescribed time”. 15
- 5 For section 5 there shall be substituted the following section—
“Application of moneys derived from sales
- 5(1) The Board shall apply any moneys arising from any sale or exchange under this Measure of any part of the property of a benefice for the purposes set out below in the following order of priority— 20
- (a) in payment of the costs, charges and expenses of such a sale or exchange;
 - (b) in or towards repayment of any money expended with the previous consent of the Board for the purpose of rendering the property sold or exchanged more readily saleable or exchangeable; 25
 - (c) where the property sold or exchanged has been purchased, built or improved wholly or in part by means of a loan from or on the security of a mortgage or charge in favour of the Church Commissioners, in or towards repayment of any principal money or interest owing on such loan, mortgage or charge; 30
 - (d) where the property sold or exchanged has been purchased wholly or in part by means of a loan under section 17 of this Measure, in or towards the repayment of that loan;
 - (e) to the extent that the income derived from any money arising from the sale or exchange of the property sold or exchanged pending the application of the money under paragraphs (a) to (d) above shall be insufficient for this purpose, with the prior consent of the bishop and the Board, in or towards payment to the incumbent of the benefice in question of the whole or part of the expenses reasonably incurred in 35 40

- respect of removal from one residence house to another, the storage of the furniture and any rent paid for any temporary residence pending occupation of the new residence house;
- (f) in or towards repayment to the incumbent of such amounts as may have been paid to the Church Commissioners in reduction of any loan made by them for or towards the erection or purchase of a residence house; 5
- (g) in or towards repaying the Church Commissioners the whole or part of any grant made by them for or towards the erection or purchase of a residence house; 10
- (h) for or towards the exercise of any powers contained in sections 2(1)(i) and (ii) and 2A(1) of this Measure; and
- (i) in allocation of it to the capital account of the diocesan stipends fund of the diocese to which the benefice belongs or to the pastoral account of that diocese, or partly to the one and partly to the other, as the Diocesan Board of Finance may determine. 15
- (2) The Board shall provide the Church Commissioners with such information as they may require concerning transactions under this Measure affecting property.
- (3) As soon as practicable after the coming into force of Schedule 1 to the Church of England (Miscellaneous Provisions) Measure 200- the Church Commissioners shall transfer to the Diocesan Board of Finance for the diocese to which the benefice belongs any sums held by them in connection with the sale or exchange of property of a benefice under this Measure.”. 20
- 6 In section 6 the words after the word “accumulation” to the end shall be omitted. 25
- 7 In section 7 for the words “the prescribed” there shall be substituted the word “written”, after the word “affected” there shall be inserted the word “and”, the words “and to the Church Commissioners” shall be omitted, for the words “5(1)(ii) or (3)” there shall be substituted the words “5(1)(h) or (i)” and after the word “Measure”, in the second place where it occurs, there shall be inserted the words “stating that representations may be made within the prescribed time”. 30
- 8 In section 9(4) for the words “Church Commissioners”, in the second place where they occur, there shall be substituted the word “Board”. 35
- 9 In section 15(6) after the word “above” there shall be inserted the word “be”.

SCHEDULE 2

Section 2

AMENDMENT OF CHURCH COMMISSIONERS MEASURE 1947

- 1 The Church Commissioners Measure 1947 (10 & 11 Geo. 6 No.2) shall be amended as follows. 40
- 2 For the headnote to section 9 there shall be substituted the following headnote “Sealing and execution of documents by the Commissioners” and at the end of that section there shall be added the following subsections –

- “(3) A document signed by two members of the Board and expressed (in whatever form of words) to be executed by the Commissioners shall have the same effect as if executed under the common seal of the Commissioners.
- (4) A document executed by the Commissioners which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed. 5
- (5) In favour of a purchaser a document shall be deemed to have been duly executed by the Commissioners if it purports to be signed by two members of the Board. 10
- (6) In subsection (5) above “purchaser” means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee or other person who, for valuable consideration, acquires an interest in property.”
- 3 In section 18(1), in the definition of “dean”, the words “or provost” shall be omitted. 15
- 4 (1) In Schedule 1 –
- (a) in paragraph 1(b) the words “or provosts”, in both places where they occur, and the words “and provosts” shall be omitted, after the words “who are not deans” there shall be added the words “, whether or not those clerks are members of that House” **and after the words “House of Laity of the General Synod” there shall be inserted the words “, whether or not those persons are members of that House”;** 20
- (b) in paragraph 2, in the first sentence, for the words from “at such time” to the end of the sentence there shall be substituted the words “in accordance with the Standing Orders of the General Synod” and for the word “April” there shall be substituted the word “January”; 25
- (c) in paragraph 5 the words “or provost” shall be omitted; and
- (d) in paragraph 5A –
- (i) in sub-paragraph (1) after the words “General Synod” there shall be inserted the words “who is a member of that House”; and 30
- (ii) in sub-paragraph (2) for the words after “shall be held” to the end there shall be substituted the words “in accordance with the Standing Orders of the General Synod”.
- (2) Sub-paragraph (1)(b) above shall apply to the term of office of any Church Commissioner who holds office on the date of the coming into force of that sub-paragraph as if that term of office expired on the thirty first day of December immediately preceding the date on which it would otherwise expire. 35

SCHEDULE 3

Section 10

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AMENDMENT OF ENDOWMENTS AND GLEBE MEASURE 1976

- 1 The Endowments and Glebe Measure 1976 (1976 No.4) shall be amended as follows.

- 2 In section 11(2) for the word “them” there shall be substituted the word “it”
and for the word “their” there shall be substituted the word “its”.
- 3 In section 14(1), at the end of paragraph (a) there shall be inserted the word
“or”.
- 4 In section 19A – 5
(a) for subsection (2) there shall be substituted the following
subsection –
“(2) Any such subsidiary shall, subject to the provisions of the
scheme, have, with respect to the holding, managing and dealing
with such diocesan glebe land as may be specified in the scheme or
from time to time held by it, the same powers and duties as the
Diocesan Board of Finance has with respect to diocesan glebe land
held by the Board.”; and 10
(b) after subsection (2) there shall be added the following subsection –
“(3) Any such subsidiary may – 15
(a) with the consent of the Diocesan Board of Finance acquire land to
be held as part of the diocesan glebe land of the diocese; and
(b) with the consent of the Diocesan Board of Finance appropriate for
use as diocesan glebe land of the diocese any land vested in the
subsidiary and any land appropriated under this subsection shall be
held by the subsidiary as part of such land.” 20
- 5 In section 20 –
(a) in subsection (2B)(b) after the words “would not be” there shall be
inserted the word “in”;
(b) in subsection (8) the words “under subsection (7) above” shall be
omitted; and 25
(c) in subsection (11) for the words “by a person duly authorised by the
Board or the subsidiary” there shall be substituted the words “or its
subsidiary by a person duly authorised by the Board or its
subsidiary, as the case may be,”. 30
- 6 In section 45(1) –
(a) in the definition of “diocesan glebe land” after the words “Board of
Finance” and the word “Board” there shall be inserted, in each case,
the words “or its subsidiary”; and
(b) in the definition of “parsonage land” – 35
(i) in paragraph (d) for the word “Commissioners” there shall be
substituted the words “Diocesan Board of Finance”; and
(ii) in paragraph (f) after the word “given” there shall be added the
words “or is not required by virtue of section 1(3A) of that Measure”.

SCHEDULE 4

Section 12

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AMENDMENT OF PASTORAL MEASURE 1983

- 1 The Pastoral Measure 1983 (1983 No 1) shall be amended as follows.
- 2 In section 4(2) for the words following the words “informing him” to the end
of the subsection there shall be substituted the words “that if the

- Commissioners prepare a draft scheme or order to give effect to the proposals he will be given an opportunity of making representations with respect thereto”.
- 3 In section 6—
- (a) in subsection (1) the words “Subject to subsection (2),” shall be omitted; and 5
- (b) subsection (2) is hereby repealed.
- 4 **In section 7(2) the words “, other than subsection (2),” shall be omitted.**
- 5 In section 59 after subsection (2A) there shall be inserted the following subsection— 10
- “(2B) Where a redundancy scheme or pastoral scheme to which section 46 or 47 applies provides for land annexed or belonging to a redundant building or the whole or part of the site of a **demolished** building or land annexed or belonging thereto to be appropriated for any ecclesiastical purposes of the parish the land or site shall on the date when any such provision comes into operation vest in the diocesan board of finance without any conveyance or further assurance to be held on trust for the parochial church council for that parish to be used for the said purposes.” 15
- 6 In section 77(1)(b) the words “, after consultation with the Commissioners,” shall be omitted. 20

SCHEDULE 5

Section 14

MISCELLANEOUS AMENDMENTS OF ACTS

Small Holdings and Allotments Act 1908 (8 Edw. 7 c.36)

- 1 For paragraph (8) of Part I of Schedule 1 there shall be substituted the following paragraph— 25
- “(8) Where the land is vested in the incumbent of a benefice of the Church of England the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated to be applied by the Board for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.” 30 35

Agriculture Act 1947 (10 & 11 Geo. 6 c.48)

- 2 In section 107(5) of the Agriculture Act 1947 for the words from “belongs” to the end there shall be substituted the words “is vested in the incumbent of a benefice of the Church of England, a copy thereof shall be served on the Diocesan Board of Finance for the diocese in which the land is situated” 40

Coast Protection Act 1949 (12, 13 & 14 Geo 6 c.74)

- 3 Section 33(1)(b) shall be omitted.

National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo. 6 c.97)

- 4 In paragraph 1(4) of Schedule 1 for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “is vested in the incumbent of a benefice of the Church of England” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 5

Land Powers (Defence) Act 1958 (6 & 7 Eliz. 2 c.30)

- 5 In Schedule 2— 10
- (a) in paragraph 2(2) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”, the words “(not being land in Scotland, Northern Ireland, Wales or Monmouthshire)” shall be omitted, after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”; and 15
- (b) in paragraph 16 for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 20

Opencast Coal Act 1958 (6 & 7 Eliz. 2 c.69)

- 6 In section 42 —
- (a) in subsections (2) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 25
- (b) in subsection (2) the words “, not being land in Scotland, Wales or Monmouthshire,” shall be omitted;
- (c) for subsection (6) there shall be substituted the following subsection— 30
- “(6) Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and 35
- (d) in section (7) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”. 40

Weeds Act 1959 (7 & 8 Eliz. 2 c.54)

- 7 In section 6(6) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “is vested in the incumbent of a benefice of the Church of England” and for the words “Church Commissioners” there shall be inserted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 45

Land Compensation Act 1961 (9 & 10 Eliz. 2 c 33)

- 8 In section 34—
- (a) for subsection (1) there shall be substituted the following subsection— 5
“(1) Where ecclesiastical property in England is vested in the incumbent of a benefice which is vacant it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and
- (b) in subsection (2) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England” 10

Pipe-lines Act 1962 (10 & 11 Eliz. 2 c.58)

- 9 In section 51—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 15
- (b) in subsection (2) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”; 20
- (c) in subsections (3) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “it”; and
- (d) in subsection (5) for the word “they” there shall be substituted the word “it”. 25

Harbours Act 1964 (1964 c.40)

- 10 In section 49—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 30
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”; and
- (c) in subsection (4) for the word “them”, in both places where it occurs, there shall be substituted the word “it” and for the words “in such manner as they may determine” there shall be substituted the words “as if the land had been sold under the Pastoral Measure 1983”. 35

Gas Act 1965 (1965 c 36)

- 11 In section 26— 40
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsections (2) and (3) for the word “them”, in each place where it occurs, there shall be substituted the word “it” and **in subsection (3)** for the words “in such manner as they may determine” there shall be 45

substituted the words “as if the land had been sold under the Pastoral Measure 1983”; and

- (c) in subsection (4), for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”.

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Compulsory Purchase Act 1965 (1965 c 56)

- 12 (1) In section 11 for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.

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- (2) In section 31 for the words from the words “in the case of land which is not diocesan glebe land” to the words “in either case” there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and” and the last sentence shall be omitted.

Commons Registration Act 1965 (1965 c 64)

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- 13 In section 19(1)(g) for the words “Church Commissioners” there shall be substituted the words “the Diocesan Board of Finance for the diocese in which the land is situated” and any Regulations made under that section shall have effect accordingly.

Forestry Act 1967 (1967 c 10)

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- 14 In paragraph 3 of Schedule 2 –

- (a) for the words from the beginning to the words “Church Commissioners” there shall be substituted the words “In the case of diocesan glebe land the Diocesan Board of Finance in which the land is vested and, in the case of land which is part of the endowment of any other ecclesiastical corporation, the corporation, with the consent of the Church Commissioners, may”; and

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- (b) at the end there shall be added –
“Provided –

(a) the consent of the Church Commissioners shall be required to any transaction under this paragraph relating to diocesan glebe land if such consent would be required under the Endowments and Glebe Measure 1976 (1976 No. 4), and

30

(b) section 20(11) of that Measure shall apply to any transaction under this paragraph as it applies to any transaction under that Measure and as if the reference therein to the requirements of that Measure included a reference to the requirements of this paragraph.”

35

Leasehold Reform Act 1967(1967 c.88)

- 15 In section 31 –

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- (a) in subsection (2) for the words from “and the Church Commissioners” to the end of the subsection there shall be substituted the words “provided that the consent of the Church Commissioners shall only be required if their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976 or the Cathedrals Measure 1999”; and

45

- (b) in subsection (4)(c) for the words “the Church Commissioners”, in both places where they occur, there shall be substituted the word “board” and for the word “their” there shall be substituted the word “its”.
- Mines and Quarries (Tips) Act 1969 (1969 c.10) 5
- 16 In section 31 –
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) for the word “them”, in each place where it occurs, there shall be substituted the word “it” and for the word “their”, in both places where it occurs, there shall be substituted the word “its”; 10
- (c) in subsection (4) for the words “in such manner as they may determine” there shall be substituted the words “as if the land had been sold under the Pastoral Measure 1983”; and 15
- (d) in subsection (5) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”, for the words “are owners” there shall be substituted the words “is the owner” **and for the word “are”, in the second place where it occurs**, there shall be substituted the word “is”. 20
- Agriculture Act 1970 (1970 c 40)
- 17 In section 61 –
- (a) in subsection (3)(a) for the words “incumbent of the ecclesiastical benefice to which the land belongs” there shall be substituted the words “Diocesan Board of Finance in which the land is vested” and after the words “Church Commissioners” there shall be added the words “in a case where their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976”; and 25
- (b) subsections (4) and (5) are hereby repealed. 30
- Land Compensation Act 1973 (1973 c.26)
- 18 (1) In section 13(1) for paragraphs (a) and (b) there shall be substituted the words “to the Diocesan Board of Finance for the diocese in which the land is situated” and the words “(in either case)” shall be omitted. 35
- (2) In section 13(2) the words from “or being diocesan glebe land” to the end shall be omitted.
- Agricultural Statistics Act 1979 (1979 c.13)
- 19 In section 5(5) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “is vested in the incumbent of a benefice of the Church of England” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 40

Ancient Monuments and Archaeological Areas Act 1979 (1979 c 46)

- 20 In section 51 –
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated” and in subsection (4) for the word “them” there shall be substituted the word “it”; and 5
 - (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance, **the fee simple**” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant **it**”. 10

Local Government, Planning and Land Act 1980 (1980 c 65)

- 21 (1) In section 169 –
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; and 15
 - (b) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”. 20
- (2) In section 171, in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”.

Highways Act 1980 (1980 c 66) 25

- 22 (1) For section 87(6) there shall be substituted the following subsection –
- “(6) Where land is –
- (a) glebe land, the Diocesan Board of Finance in which the land is vested, with the consent of the Church Commissioners (unless such consent would not be required under the Endowments and Glebe Measure 1976 if the transaction were carried out under that Measure), 30
 - (b) land belonging to an ecclesiastical benefice of the Church of England, the incumbent of the benefice, with the consent of the Diocesan Board of Finance, or 35
 - (c) part of the endowment of any other ecclesiastical corporation, the ecclesiastical corporation, with the consent of the Church Commissioners,
- may enter into an agreement under this section relating to the land either for consideration or gratuitously and any payment made in respect of such agreement may be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale”. 40
- (2) In paragraph 1(4) of Schedule 6 after the word “benefice” there shall be inserted the words “of the Church of England” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 45

New Towns Act 1981 (1981 c.64)

- 23 (1) In section 76—
- (a) for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”, and 5
 - (b) In subsection (1) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”.
- (2) In section 80(1), in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”. 10

Acquisition of Land Act 1981 (1981 c.67)

- 24 (1) In section 12(3)— 15
- (a) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”; and 20
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.
- (2) In paragraph 3(3) of Schedule 1—
- (a) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 25
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”; and 30
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.

Administration of Justice Act 1982 (1982 c. 53)

- 25 In section 41—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “appropriate authority” and 35
 - (b) in subsection (3) there shall be added at the end the words “and “appropriate authority” means, in the case of funds held in trust for a cathedral, the corporate body of that cathedral established under section 9(1)(a) of the Cathedrals Measure 1999 and in the case of funds held in trust for a benefice the Diocesan Board of Finance for the diocese in which that benefice is situated”. 40

Town and Country Planning Act 1990 (1990 c.8)

- 26 In section 318— 45

- (a) in subsections (1), (2), (4) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” **and in subparagraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “it”;**
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated” and the words “(in either case)” shall be omitted;
- (d) in subsections (3), (4) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “it”; and
- (e) in subsection (6) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese” there shall be inserted the words “of the Church of England” and the words from “or being diocesan glebe land” to the end shall be omitted.

Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 c. 9)

- 27 In section 86—
- (a) in subsections (1) and (2) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
 - (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” **and in subparagraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “it”;**
 - (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “it”; and
 - (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese” there shall be inserted the words “of the Church of England” and the words from “or being diocesan glebe land” to the end shall be omitted.

Planning (Hazardous Substances) Act 1990 (1990 c. 10)

- 28 In section 34—
- (a) in subsections (1) and (2) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;

- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” **and for the words “the fee simple” there shall be substituted the word “it”**; 5
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “it”; and 10
- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese” there shall be inserted the words “of the Church of England” and the words from “or being diocesan glebe land” to the end shall be omitted. 15
- Coal Mining Subsidence Act 1991 (1991 c 45)
- 29 (1) In section 20—
- (a) for the words “Church Commissioners”, in each place where they occur, and for the word “Commissioners”, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 20
- (b) in subsection (1)(b) for the words “they give” there shall be substituted the words “it gives”;
- (c) in subsection (2)(b) for the word “them” there shall be substituted the word “it”; and 25
- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”.
- (2) In section 33(7) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”. 30
- Water Resources Act 1991 (1991 c 57)
- 30 In section 67—
- (a) in subsections (1), (3), (4) and (7) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; 35
- (b) in subsections (1) and (2) for the words “belongs to a benefice” there shall be substituted the words “is vested in the incumbent of a benefice”; 40
- (c) in subsection (4) for the word “them” there shall be substituted the word “it”;
- (d) in subsection (5) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance”, for the word “them”, in both places where it occurs, there shall be substituted the word “it” and for the words “in such manner as they may determine” 45

- there shall be substituted the words “as if the land had been sold under the Pastoral Measure 1983”;
- (e) in subsection (6)(a) for the words “the Church Commissioners are” there shall be substituted the words “a Diocesan Board of Finance is”; and
 - (f) in subsection (6) for the word “Commissioners”, in both places where it occurs, there shall be substituted the word “Board”.

Leasehold Reform, Housing and Urban Development Act 1993 (1993 c. 28)

- 31 In paragraph 8 of Schedule 2—
- (a) in sub-paragraph (2) after the word “required” there shall be inserted the words “, if their consent would be required if the transaction were carried out under the Cathedrals Measure 1999 or the Endowments and Glebe Measure 1976,” and the words from “and the Church Commissioners” to the end shall be omitted;
 - (b) in sub-paragraph (4)(b) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance in which the land is vested”; and
 - (c) in sub-paragraph (4)(c) for the words from “Church Commissioners” to the end there shall be substituted the words “Diocesan Board of Finance out of any money held by it”.

SCHEDULE 6

Section 15

REPEALS

<i>Measure</i>	<i>Extent of repeal</i>	
1976 No. 4, Endowments and Glebe Measure 1976	In section 36, subsection (2).	25
1983 No. 1, Pastoral Measure 1983	Section 91.	
2000 No. 1, Church of England (Miscellaneous Provisions) Measure 2000	In Schedule 1, paragraph 7. In Schedule 2, paragraphs 4(b) and 5(a).	30