

CHURCH COMMISSIONERS
MISSION, PASTORAL AND CHURCH PROPERTY COMMITTEE

Terms of Reference

1. The Mission, Pastoral and Church Property Committee (“the Committee”) is a standing committee of the Board of Governors (“the Board”) of the Church Commissioners (“the Commissioners”) under Standing Order 12 of the Board.
2. The Committee, in addition to having the other functions that are specified in these terms of reference, is appointed by the Board, pursuant to section 56 of the Mission and Pastoral Measure 2011, to exercise on behalf of the Commissioners such functions in relation to buildings closed for regular public worship and the preparation of pastoral (church buildings disposal) schemes (including functions under section 55 of that Measure) as are assigned to it in these terms of reference.

Membership

3. The Committee has 15 members comprising:
 - (a) the Third Church Estates Commissioner (who is the Chair of the Committee under Standing Order 12 of the Board);
 - (b) members appointed by the Board as follows:
 - (i) two persons who hold the office of diocesan or suffragan bishop;
 - (ii) one person who holds the office of archdeacon;
 - (iii) four further clerks in holy orders;
 - (iv) one person who holds the office of diocesan secretary;
 - (v) four further lay persons;
 - (c) two additional members appointed by the Board, one of whom is nominated by the Secretary of State of the Department of Digital, Culture, Media and Sport.
4. The Board must specify the term of office of any member appointed by it under paragraph 3(b) or (c).
5. A majority of the members of the Committee must be Commissioners (and the Board must make appointments to the Committee as necessary to maintain that majority).

Deputy chair

6. The Committee shall have two Deputy Chairs to chair meetings of the Committee in the absence of the Chair.
7. At its first meeting in each calendar year or as soon as possible thereafter the Committee shall

elect one Deputy Chair from among its members.

8. The Committee shall elect a person from among its members to fill a vacancy in the office of the Deputy Chair elected under paragraph 7.
9. A person elected under paragraph 7 or 8 holds office as Deputy Chair until the anniversary of the date of his or her election, or until he or she ceases to be a member of the Committee, whichever is the sooner.
10. In addition to the Deputy Chair elected under paragraph 7 or 8, the QC Commissioner shall be a Deputy Chair and shall hold office until he or she ceases to be a member of the Committee.
11. If there are two Deputy Chairs, the Chair shall decide which Deputy Chair is to chair a meeting from which the Chair expects to be absent; but where no decision is taken by the Chair, the meeting shall take the decision.

Quorum

12. The quorum is four members, of whom at least two must be Commissioners.

Functions

13. The Committee is to exercise the functions of the Commissioners relating to:
 - (a) changes in benefices, parishes, archdeaconries and deaneries;
 - (b) team and group ministries;
 - (c) churches other than those which have been closed for regular public worship;
 - (d) buildings which have been closed for regular public worship;
 - (e) churchyards, parsonage houses, other clergy housing, parsonage land, diocesan glebe and parish property; and
 - (f) transfers and exchanges of patronage interests.
14. The Committee is also to exercise such functions of a financial nature (including the administration of grants and loans) as the Board may by resolution assign to it and subject to such conditions as the Board may by resolution impose.
15. The Committee is authorised, pursuant to section 5(4) of the Church Commissioners Measure 1947, to do and complete any matter within its functions except for the following matters which are to be considered by the Committee and reported to the Board:
 - a. any matter requiring new legislation;
 - b. any matter of general policy;
 - c. any other matter which the Committee considers should be reported to the Board for decision or direction.

16. Where a representation in respect of a draft pastoral (church buildings disposal) scheme, or in respect of provisions relating to a building closed for regular public worship contained in a draft pastoral church buildings scheme, is duly made to the Commissioners and raises objections to the proposed use of a closed building for non-Christian religious purposes, the Committee must:
 - a consult the Board of Governors before considering the representation,
 - b have particular regard to any views expressed by the Board in reaching its decision on the draft scheme, and
 - c report its decision to the next meeting of the Board.
17. The following written arrangements are approved by the Board and annexed to these terms of reference:

Annex A: Delegation and authorisation arrangements

Replacement of previous terms of reference and sunset

18. With effect from 1st October 2021 these terms of reference replace the terms of reference for the Committee approved by the Board on 22 November 2019.
19. But any person who was a member of the Committee or holds the office of Deputy Chair immediately before these terms of reference take effect continues to be a member until the expiry of the term for which the member or Deputy Chair was originally appointed.
20. Paragraphs 10 and 11 shall cease to have effect and the reference in paragraph 6 to two people shall be read as a reference to one from the date on which the term of office of the Third Church Estates Commissioner next commences, after the date on which these amended Terms of Reference are approved.

These terms of reference were approved by the Board on 16 September 2021

Annex A

Delegation and Authorisation Arrangements

I. Matters Reserved for Decision by Committee

Mission and Pastoral Measure 2011

- Representations against (and, where against, also in favour of) draft Schemes and Orders.

Proposals relating to publication of a draft Church Buildings (Uses and Disposals) Scheme:

Uses

- Where disposal for non-Christian worship is proposed;
- Where the use proposed, other than above, appears to be controversial;
- Where it is proposed not to follow the DMPC's recommendation;
- Where it is proposed to pursue an offer significantly lower than the highest in financial terms (where the latter would in principle be a suitable, achievable and sustainable use);
- Where the Committee did not deem in favour of freehold disposal and this is now proposed;
- Where the proposal is to vest a building permanently in the DBF without a use;
- Where the SAC has advised that proposed alterations are unacceptable.

Vesting in the Churches Conservation Trust

- To vest a church in the CCT;
- To divest a church from the CCT.

Demolition

- Where demolition of a listed building or an unlisted building in a conservation area is proposed;
- Where demolition of an unlisted building would be contrary to the advice of the Statutory Advisory Committee.

Other casework-related decisions

- Deeming that freehold disposal is appropriate;
- Taking over the use seeking function from a DMPC;
- Where a proposed variation or release of covenants is regarded as potentially controversial (or is not supported by the Diocese);
- Approval of terms of a proposed lease by the CCT (if more than five years or involving structural alterations);
- Approval of disposal of contents from a CCT church (where Rules agreed by Committee require this – see CB(15)11).

Financial

- Rules for the operation of the Closed Church Buildings Support Account (CCBSA);
- Applications for CCBSA grants where under the Rules a Committee decision is required;
- Proposals to the Board for funding the CCT and the CCBSA.

Church Property Measure 2018

- Representations from patrons and PCCs against the sale, purchase, building or adaptation of parsonages.
- Representations from patrons and PCCs against the proposed disposition of parsonage sale proceeds from Parsonages Building Fund accounts for other purposes.
- Representations from incumbents and PCCs against transfers of parsonage land to diocesan glebe
- Consents for transactions or dispositions in non-objection cases where staff are minded to withhold the Commissioners' consent; or where a connected person is someone, or related to someone, in a post of high sensitivity (e.g. Diocesan Secretary or Archdeacon).

Ecclesiastical Offices (Terms of Service) Measure 2009

- Representations regarding 'regulated transactions' in respect of the places of residence of office holders other than archbishops and diocesan bishops.

Repair of Benefice Buildings Measure 1972

- Representation by an incumbent or team vicar against a decision by the Parsonages Board not to undertake works identified in a Quinquennial Inspection.

General

- Sifting decisions on whether or not to hold hearings to consider representations against diocesan proposals, draft Schemes or Orders.
- Any matters of general policy or involving new legislation involving referral to the Board of Governors.
- Any other matters reserved by the Committee from time to time for decision.
- Any other matters referred to the Committee by staff (for example, matters which might be controversial).

Representations wholly without merit

- References in the foregoing paragraphs to representations do not include representations which are determined by the Committee's Sifting Panel to be wholly without merit.

2. Matters Delegated to Staff

The following matters are delegated to staff:

Mission and Pastoral Measure 2011

- Validating for publication draft Pastoral Schemes and Orders prepared by diocesan officials.
- Drafting and publishing Pastoral (Church Buildings) Schemes and Pastoral Schemes and Orders to give effect to bishops' proposals.
- Being satisfied that a new church or place of worship is to be provided to take the place of a church being closed under s.58.
- Exercising the Commissioners' powers to:
 - seek information and give advice (including in Codes of Practice & training);
 - o determine boundaries and questions relating to patronage;
 - o make editorial amendments to draft Schemes or Orders to correct drafting mistakes or omissions;
 - make supplementary provisions to Scheme or Orders as necessary or expedient for giving effect to the purposes of the Scheme or Order; and
 - make and bring into effect Schemes either where no representations are received (or only representations in favour), or where the Committee has decided a Scheme should proceed notwithstanding representations against it or the Sifting Panel has deemed all representations against it to be wholly without merit.

Casework under Part 6 of the Measure

Proposals relating to publication of a draft Scheme:

Use

- Where a proposed use appears to be uncontroversial in principle and none of the matters necessitating referral to the Committee (see above) is involved.

Demolition

- Where a church is unlisted and not situated within a conservation area and the SAC has raised no objection to demolition.
- Representations against (and where against, also in favour of) draft Schemes where the only representations against a draft Scheme are determined by the Committee's Sifting Panel to be wholly without merit.

Other Casework related decisions

- Where a proposed variation or release of covenant appears to be uncontroversial.

Church Property Measure 2018

- Any parsonage or glebe transactions or transactions under Part III of the Measure where the Commissioners' approval is required except for those cases specifically reserved for decision by Committee.
- Approving a glebe management scheme.

General

- Preparing and issuing Statements of Reasons setting out the basis for Committee decisions.
- Preparing and submitting rebuttals to applications for leave to appeal to the Judicial Committee of the Privy Council
- Responding to routine queries and correspondence.
- Authorising deeds of indemnity relating to the Church Commissioners' Chancel Repair Liability
- Drafting and publishing Pastoral (Church Buildings Disposal) Schemes and providing clauses for settling the future of closed churches in Pastoral Church Buildings Schemes;
- Instructing solicitors, sign contracts and arrange transfers;
- Imposing and enforcing covenants
- Approval of terms of a proposed lease by the CCT (if less than five years or not involving structural alterations)
- Authorising disposal of contents from a CCT church (in accordance with the Rules agreed by Committee – see CB(15)11).
- Responding to routine queries and correspondence;
- Exercising the Commissioners' powers/duties to:
 - extend a use seeking period (for up to 5 years following closure);
 - agree terms of disposal in cases which do not necessitate Committee referral;
 - carry out statutory consultations with the Statutory Advisory Committee and the CCT;
acquire rights of way and other easements for benefit of land;
 - determine boundaries of land included in Schemes;
 - make editorial amendments to draft Schemes to correct drafting mistakes or omissions;

Financial Matters

- Authorising the variation or release of covenants primarily in relation to parsonage or glebe land.
- Approving the terms of any Value Linked Loans (and related terms of sale of VLL properties in conjunction with Property Investment Department).

- Incur routine expenses on a Diocesan Pastoral Account for the purposes of furthering disposal;
- Determine and apply net proceeds/premiums following disposal;
- Administer operation of the Closed Churches Building Support Account within the Rules authorised by the Committee;
- Make grants to the CCT under the terms of the Commissioners' Funding Order.

Representations wholly without merit

- Any matter mentioned in Part I (above) where the Committee's Sifting Panel has determined that the only representations which would otherwise result in the matters being reserved for decision by the Committee are wholly without merit.

3. Where there is any uncertainty regarding any matters not specifically identified above, the Committee Secretary should consult the Chair on how these should be handled.