



# Church Property Measure 2018

2018 No. 8

## PART 4

### MISCELLANEOUS AND GENERAL

#### *Formalities*

#### **46 Signification of consent**

- (1) The consent of the Church Commissioners or of the Parsonages Board or DBF of a diocese under this Measure must be signified in writing signed by a duly authorised person on behalf of the body in question.
- (2) The consent of a bishop under this Measure must be signified in writing under the bishop's hand.
- (3) The consent of each of the following under this Measure must be signified in writing—
  - (a) the incumbent of a benefice;
  - (b) the registered patron of a benefice;
  - (c) a PCC;
  - (d) the managing trustees of land vested in a DBF under section 3 of the Incumbents and Churchwardens (Trusts) Measure 1964.
- (4) The signification of consent in accordance with subsections (1) to (3) is conclusive evidence of that consent.
- (5) A document giving effect to a transaction under this Measure which requires the consent of the Church Commissioners or avoids the need for it by virtue of an exception in a provision of this Measure must state—
  - (a) that the consent has been obtained, or
  - (b) that it is not required by virtue of a specified provision of this Measure.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Where a document includes a statement under subsection (5)(b), the application of the seal of the Parsonages Board or the signature of a duly authorised person on its behalf is conclusive evidence that the consent of the Church Commissioners is not required.
- (7) Where a document giving effect to a transaction under this Measure does not comply with subsection (1) or include a statement under subsection (5)(b), the transaction is valid in favour of a person who in good faith acquires an interest in the property for money or money's worth (whether under the transaction or subsequently), regardless of whether any consent required from the Church Commissioners was given.

#### **47 Execution of documents**

- (1) Where a document giving effect to a disposition of land by a DBF or management subsidiary states that the requirements of this Measure relating to the disposition have been met, the application of the seal of the DBF or subsidiary, or the signature by a duly authorised person on its behalf, is conclusive evidence that the requirements have been met.
- (2) Where a document giving effect to a disposition of land by a DBF or management subsidiary does not include a statement to that effect, the transaction is valid in favour of a person who in good faith acquires an interest in the land for money or money's worth (whether under the transaction or subsequently), regardless of whether the consent of the Church Commissioners was required.
- (3) The application of the seal of the Parsonages Board, or the signature of a duly authorised person on its behalf, to a document giving effect to a transaction under this Measure is conclusive evidence that the requirements of this Measure relating to the transaction have been met.