

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)

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.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

2 In section 1—

(a) after subsection (3A) there shall be inserted the following subsection—

“(3AA) The consent of the Church Commissioners shall not be required under subsection (3)(ii) above to the exercise of the power conferred by subsection (1)(ii) where the exercise of the power consists only of pulling down the residence house and outbuildings or any of them or any part thereof.”;

(b) in subsection (6), for the definition of “connected person” there shall be substituted the following definition—

““connected person” means the incumbent, the bishop, any member, officer, agent or employee of the parochial church council of any parish within the benefice in question or of the diocesan board of finance concerned or the spouse or any child, parent, grandparent, brother or sister of any such person;”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

3 In section 2(1)(ii), for the words “under the preceding paragraph or any house acquired by way of exchange under the provisions of this Measure” there shall be substituted the words “ or acquired as property of the benefice under any powers conferred by or under this Measure or any other enactment ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

4 In section 7 there shall be added at the end the words “ within the period specified in the notice ”.

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Commencement Information

I4 Sch. 1 para. 4 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

5 In section 9 after subsection (2B) there shall be inserted the following subsection—

“(2C) Where any transaction under this Measure affecting property does not contain a statement under subsection (2A) or (2B) above then in favour of a person who (whether under the transaction or afterwards) in good faith acquires an interest in the property for money or money's worth the disposition effected by the transaction shall be valid whether or not any consent of the Commissioners or the Board which was required to the transaction has been given.”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

6 In section 11(1) for the words “of this Measure” there shall be substituted the words “conferred by this Measure or any other enactment”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

F17

Textual Amendments

F1 Sch. 1 para. 7 repealed (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 5; S.I. 2018/718, art. 2

SCHEDULE 2

Section 6

AMENDMENT OF REPAIR OF BENEFICE BUILDINGS MEASURE 1972

1 The Repair of Benefice Buildings Measure 1972 (1972 No. 2) shall be amended as follows.

Commencement Information

I7 Sch. 2 para. 1 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

2 In section 1(2) there shall be added at the end the words— “ Provided that no person appointed as a surveyor after the coming into force of section 6 of the Church of England (Miscellaneous Provisions) Measure 2005 shall be considered to be a fit person for the purposes of this subsection unless that person is registered under the Architects Act 1997 or is a corporate member of the Chartered Institute of Building

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or the Royal Institution of Chartered Surveyors or a member of such other body as the Commissioners may determine and appearing to them to be suitably qualified.”.

Commencement Information

I8 Sch. 2 para. 2 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 3 In section 14(1) after the word “Board”, in the first place where it occurs, there shall be inserted the words “ is satisfied that a parsonage house may be sold or exchanged without the consent of the Commissioners under the Parsonages Measure 1938 or ” and for the words “sale, exchange or demolition” in each place where they occur there shall be substituted the words “ sale or exchange ”.

Commencement Information

I9 Sch. 2 para. 3 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 4 In section 14(1)(b) the words “in a case where the parsonage house is to be sold or exchanged,” shall be omitted.

Commencement Information

I10 Sch. 2 para. 4 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 5 In section 14(2) for the words “sale, exchange or demolition” there shall be substituted the words “ sale or exchange ”.

Commencement Information

I11 Sch. 2 para. 5 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 6 In section 15(4) for the words “shall not constitute a charge on the Parsonages Fund established under section 17 hereof” there shall be substituted the words “ shall be met by any fund or funds capable of being used for the purposes in question ” and the proviso shall be omitted.

Commencement Information

I12 Sch. 2 para. 6 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 7 In section 16 there shall be added at the end the following subsection—
“(4) The Board shall in respect of any building in the diocese (other than a parsonage house or other residence of an incumbent in the diocese) used as a residence by any person declared by the bishop to be engaged in the cure of souls within the diocese have power to defray on behalf of the Diocesan Board of Finance for the diocese the cost of any such payments as are referred to in paragraphs (a) to (d) of subsection (1) above and the costs, charges and expenses of any sale.”.

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Commencement Information

I13 Sch. 2 para. 7 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

8 (1) For section 17 there shall be substituted the following section—

“17 Expenditure of the Board

All expenditure of the Board, except expenditure defrayed out of a specific trust fund, shall be defrayed out of any fund or funds capable of being applied for the purposes in question.”.

(2) On the date of the coming into force of this paragraph every Parsonages Fund for a diocese shall be dissolved and all moneys held in the Fund shall be paid into any fund or funds which may be used for the purposes of defraying the cost of the provision, improvement or repair of parsonage houses.

Commencement Information

I14 Sch. 2 para. 8 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

9 Section 18 shall cease to have effect.

Commencement Information

I15 Sch. 2 para. 9 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

10 In section 19(3) and (6) for the words “the Parsonages Fund”, in each place, there shall be substituted the words “any fund or funds capable of being applied for the purposes of the provision, improvement or repair of parsonage houses”.

Commencement Information

I16 Sch. 2 para. 10 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

11 In section 21—

- (a) in subsection (3) the words after “to do so” to the end shall be omitted; and
- (b) at the end there shall be added the following subsection—

“(5) Any notice under this section shall inform the incumbent or the person or representative as the case may be, of the right to make representations and the date by which the representations must be made, which shall be not less than one month from the date on which the notice is sent, and section 4(5) above shall apply to the consideration of any representations duly made and the Board shall then decide whether or not to proceed with the notice.”.

Commencement Information

I17 Sch. 2 para. 11 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

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SCHEDULE 3

Section 7

AMENDMENT OF ENDOWMENTS AND GLEBE MEASURE 1976

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

Commencement Information

I18 Sch. 3 para. 1 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 2 In section 20—
- (a) after section (1) there shall be inserted the following subsection—
- “(1A) The consent of the Commissioners shall not be required for any disposition of land other than any such disposition as is specified in Schedule 3 to this Measure.”;
- (b) after subsection (2C) there shall be inserted the following subsection—
- “(2D) Where the tenant of any diocesan glebe land is entitled, under any enactment, to acquire from or be granted by the Diocesan Board of Finance any interest in the land or to have any existing interest renewed or extended by them the consent of the Commissioners shall not be required to any disposition which gives effect to the tenant's entitlement and subsections (2A), (2B) and (2C) above shall not apply in relation to that disposition.”;
- (c) in subsection (5) for the words from the beginning to “subsection (1) above” there shall be substituted the words “ Before a Diocesan Board of Finance seeks the consent of the Commissioners under subsection (1) above to a transaction specified in Schedule 3 except any transaction to which subsection (2D) above applies ” and immediately before the words “a notice” there shall be inserted the words “ and on the parochial church council of that parish ”;
- ^{F2}(d)
- ^{F2}(e)
- (f) in subsection (9) the words “the terms of” shall be omitted and for the words “those terms” there shall be substituted the words “ that transaction ”;
- (g) in subsection (10) the words “the terms of” shall be omitted; and
- (h) after subsection (11) there shall be inserted the following subsection—
- “(11A) Where any such document as is mentioned in subsection (11) above does not contain such a statement as is there mentioned then in favour of a person who (whether under the transaction or afterwards) in good faith acquires an interest in the diocesan glebe land in question for money or money's worth the disposition effected by the transaction shall be valid whether or not the consent of the Commissioners was required to the transaction.”.

Textual Amendments

F2 Sch. 3 para. 2(d)(e) omitted (1.7.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018](#) (No. 4), [ss. 11\(4\)\(b\)](#), 14(3); S.I. 2018/722, art. 2(d) (with Sch. para. 4)

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Commencement Information

I19 Sch. 3 para. 2 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 3 In section 24 for the words “holding the office of vicar in a team ministry or assistant curate or a deaconess or lay worker” there shall be substituted the words “declared by the bishop to be engaged in the cure of souls within the diocese” and for the headnote to that section there shall be substituted the following headnote “**Rent free homes on diocesan glebe land for those declared to be engaged in the cure of souls**”.

Commencement Information

I20 Sch. 3 para. 3 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 4 Section 26(3) shall cease to have effect.

Commencement Information

I21 Sch. 3 para. 4 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 5 In section 32—
- (a) in subsection (1) after the words “shall so notify” there shall be inserted the words “the parochial church council and”; and
 - (b) in subsection (2) after the words “the Board” there shall be inserted the words “, the parochial church council”.

Commencement Information

I22 Sch. 3 para. 5 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 6 Section 42 shall have effect as if it had not been repealed by section 8 of and paragraph 12 of Schedule 5 and section 20 of and Part II of Schedule 8 to the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No. 1).

Commencement Information

I23 Sch. 3 para. 6 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 7 In section 45(1), in the definition of “pastoral scheme” the words “and confirmed by Order in Council” shall be omitted.

Commencement Information

I24 Sch. 3 para. 7 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

- 8 Schedule 3 shall have effect as if it had not been repealed by section 20 of and Part II of Schedule 8 to the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No. 1).

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Commencement Information

I25 Sch. 3 para. 8 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

F3 SCHEDULE 4

Section 8

Textual Amendments

F3 Sch. 4 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Sch. 8); S.I. 2012/1, art. 2

SCHEDULE 5

Section 10

REPEALS

Commencement Information

I26 Sch. 5 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

<i>Measure</i>	<i>Extent of repeal</i>
1960 (8 & 9 Eliz. 2 No. 2) Church Property (Miscellaneous Provisions) Measure 1960	In section 20, subsection (4).
1972 No. 2, Repair of Benefice Buildings Measure 1972	Section 18. In Schedule 1, paragraphs 2(6) and (7) and 3(b).
1975 No. 1, Church Commissioners (Miscellaneous Provisions) Measure 1975	Section 2.
1976 No. 4, Endowments and Glebe Measure 1976	In section 26, subsection (3).
1983 No. 1, Pastoral Measure 1983	In section 50, subsection (8).
2000 No. 1, Church of England (Miscellaneous Provisions) Measure	In Schedule 2, paragraph 6. In Schedule 4, paragraph 7. In Schedule 5, paragraphs 5(d) and 7(b). In Schedule 6, paragraphs 4 and 5(b).

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