



Ecclesiastical Offices (Terms of Service) Measure 2009

2009 No. 1

7 Transactions by relevant housing providers relating to houses of residence

- (1) Subject to section 6(4) above, in this Measure a “regulated transaction” means—
- (a) any disposal of a house of residence or exchange of a house of residence for another house of residence;
 - (b) any works or other activity carried out to improve, demolish, reduce, enlarge or otherwise alter a house of residence or any part thereof; and
 - (c) in the case of a house of residence for an archbishop or a diocesan bishop, any acquisition (including any acquisition by gift) of a house or land intended for the provision of a new house of residence or of land for the provision of access to or for the improvement of the amenities of a house of residence or the erection of a new house of residence on land already owned by the relevant housing provider.
- (2) Before carrying out a regulated transaction a relevant housing provider shall serve notice, in accordance with Regulations, on—
- (a) any office holder in occupation of a house of residence or, in the case of an acquisition of a house or land intended for the provision of a new house of residence, any office holder for whom the house of residence is to be provided and, in the case of a team ministry, on every person serving in the team ministry;
 - (b) the bishop of the diocese in which the house of residence or other land is situated unless the bishop is the office holder referred to in paragraph (a) above; and
 - (c) in the case of a house of residence for a diocesan bishop, the bishop's council and standing committee.
- (3) Any person or body on whom notice is served of a regulated transaction under subsection (2) above shall have the right to object to the transaction in accordance with Regulations.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, Section 7. (See end of Document for details)

- (4) Unless subsection (7) below applies, before carrying out a regulated transaction to which subsection (5) below applies a relevant housing provider must—
- (a) if the relevant housing provider is not the Commissioners, obtain the consent of the Commissioners, or
 - (b) if the relevant housing provider is the Commissioners, obtain the consent of the Archbishops' Council.
- (5) This subsection applies to any disposal, purchase or exchange which—
- (a) is to or from a connected person or a trustee for or nominee of a connected person, or
 - (b) is not made on terms which a qualified surveyor has recommended are the best that can reasonably be obtained for the relevant housing provider.
- (6) In this section—
- (a) “connected person” means—
 - (i) any office holder in occupation of the house of residence or for whom the house of residence is to be provided,
 - (ii) the relevant housing provider or any member, officer, agent or employee thereof; and
 - (iii) a spouse, civil partner, child, parent, grandchild, grandparent, brother or sister of any person mentioned in sub-paragraph (i) or (ii) above; and
 - (b) “qualified surveyor” means, in the case of a house of residence provided by the Board, the diocesan surveyor or, in the case of any other house of residence, a surveyor who is a member of the Royal Institution of Chartered Surveyors or, in the case of a surveyor appointed under a scheme made under the 1972 Measure before the coming into force of section 6 of the Church of England (Miscellaneous Provisions) Measure 2005 (2005 No. 3), a fit person appointed under the scheme.
- (7) Before exercising any power to acquire or dispose of a house of residence the Chapter of a cathedral shall obtain the consent of the Commissioners and, in the case of a house which is allocated for the use of the holder of a dignity the right of presentation to which is vested in Her Majesty, of Her Majesty.
- (8) The Commissioners may lend money to any other relevant housing provider on such terms as they think fit for the purposes of carrying out a regulated transaction.
- (9) Schedule 1 to this Measure shall have effect in relation to the application of any money received by the Board in connection with a sale or exchange of a house of residence owned by it and to other matters relating to regulated transactions.

Annotations:

Commencement Information

II S. 7 in force at 31.1.2011 by [S.I. 2010/8](#), [art. 2](#)

Changes to legislation:

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