

Status: Point in time view as at 01/09/2010.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

AMENDMENT OF NEW PARISHES MEASURE 1943

1 The New Parishes Measure 1943 (6 & 7 Geo. 6 No. 1) shall be amended as follows.

Commencement Information

II Sch. 1 para. 1 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

2 In section 13—

- (a) in subsection (1), for the words “The Commissioners” there shall be substituted the words “ Subject to subsections (1A) and (1B) below, the diocesan board of finance ”;
- (b) after subsection (1), there shall be inserted the following subsections—

“(1A) The consent of the Commissioners shall be required to the exercise of any power to purchase buildings or land under subsection (1) unless—

- (a) no person who is a connected person or a trustee for, or nominee of, a connected person is a party to the proposed transaction, and
- (b) the person or body in whom or which, under section 16 of this Measure, the buildings or land are or is to vest has obtained and considered a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for that person or body and decided that he, she or it is satisfied, having considered the surveyor's report, that the terms on which the transaction are proposed to be made are the best that can reasonably be obtained for that person or body.

(1B) In subsection (1A)—

- (a) “connected person” means the incumbent, the bishop, the registered patron, 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 or of the registered patron or the spouse or civil partner or any child, parent, grandparent, grandchild, brother or sister of any such person; and
- (b) “qualified surveyor” means a person who is a member of the Royal Institution of Chartered Surveyors reasonably believed by the person or body in whom or which the buildings or land are or is to vest to have ability in, and experience of, the valuation of property of the particular kind, and in the particular area, concerned.”;

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- (c) in subsection (2), for the word “Commissioners” there shall be substituted the words “ diocesan board of finance ”; and
- (d) subsection (3) shall be omitted.”

Commencement Information

I2 Sch. 1 para. 2 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 3 In section 14—
- (a) in subsection (1), for the word “Commissioners”, in the first place where it occurs, there shall be substituted the words “ diocesan board of finance ”;
 - (b) in subsection (2), for the words “Church Commissioners” there shall be substituted the words “ diocesan board of finance ” and for the word “them” there shall be substituted the word “ it ”;
 - (c) in subsection (3), for the word “Commissioners” there shall be substituted the words “ diocesan board of finance ”; and
 - (d) after subsection (3) there shall be inserted the following subsections—
 - “(3A) The powers conferred by this section to grant buildings or land shall apply to grants to a Parsonages Board for the diocese for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009 (2009 No. 1) as they apply to grants to the diocesan board of finance.
 - (3B) Where any buildings or land vested in the diocesan board of finance are or is to be appropriated to any of the uses specified in section 13(1) the board shall execute a declaration specifying that use and, thereupon, the buildings or land to which the declaration relates shall vest in the incumbent or diocesan authority, as the case may be, in accordance with section 16.”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 4 In section 15, for the word “Commissioners”, in each place where it occurs, there shall be substituted the words “ diocesan board of finance ” and, in subsection (3), for the word “them” there shall be substituted the word “ it ” and for the word “are” there shall be substituted the word “ is ”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 5 In the heading to section 16, for the word “Commissioners” there shall be substituted the words “ diocesan board of finance ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

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- 6 In section 17—
- (a) in subsection (1), at the end of paragraph (i) of the Proviso the word “and” shall be omitted, in paragraph (ii) the words “the Commissioners and” and the words after “bishop” shall be omitted, at the end of paragraph (ii) the word “and” shall be added and, at the end of the Proviso, there shall be added the following paragraph—
 - “(iii) where the sale, exchange, appropriation, transfer or reconveyance takes place in the circumstances mentioned in subsection (1A), the consent of the Commissioners”;
 - (b) after subsection (1) there shall be inserted the following subsection—
 - “(1A) The circumstances referred to in paragraph (iii) of the Proviso to subsection (1) are that a person who is a connected person within the meaning of section 13(1B) or a trustee for, or nominee of, a connected person is a party to the transaction or that the person or body carrying out the transaction has not obtained and considered a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for that person or body or having obtained such a report, has not decided that he, she or it is satisfied, having considered the surveyor’s report, that the terms on which the transaction are proposed to be made are the best that can reasonably be obtained for that person or body.”;
 - (c) subsection (2) shall be omitted;
 - (d) in subsection (3)(b), for the words “Commissioners are” there shall be substituted the words “ diocesan board of finance is ” and for the word “Commissioners”, in the second place where it occurs, there shall be substituted the words “ diocesan board of finance ”; and
 - (e) in subsection (4), for the word “Commissioners”, in both places where it occurs, there shall be substituted the words “ diocesan board of finance ” and for the word “them” there shall be substituted the word “ it ”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 7 In section 20—
- (a) for the word “Commissioners”, in each place where it occurs, there shall be substituted the words “ diocesan board of finance ”;
 - (b) in subsection (1) for the word “their” there shall be substituted the word “ its ”; and
 - (c) in subsection (5) for the word “them” there shall be substituted the word “ it ”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 8 In section 21—

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- (a) in the heading, for the words “Ecclesiastical Commissioners” there shall be substituted the words “ diocesan board of finance ”;
- (b) for the word “Commissioners”, in both places where it occurs, there shall be substituted the words “ diocesan board of finance ”; and
- (c) for the word “their” there shall be substituted the word “ its ”.

Commencement Information

18 Sch. 1 para. 8 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 9 In section 29(1), after the definition of “bishop” there shall be inserted the following definitions—

“the expression “Commissioners” means the Church Commissioners;

the expression “diocesan board of finance” means the diocesan board of finance for the diocese in which the property in question is situated.”.

Commencement Information

19 Sch. 1 para. 9 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

- 10 In section 31, for the words “the Commissioners” there shall be substituted the words “ the diocesan board of finance ”.

Commencement Information

110 Sch. 1 para. 10 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

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