



Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 3

CARE OF CHURCHES ETC.

The list of places of worship

41 Application: requirements for consent etc.

- (1) An application within section 40(1)(b) (peculiar, building for religious community or public or charitable institution, where applicant has general control of building) relating to a building which is not subject to a tenancy may not be made without the consent of the owner.
- (2) An application within section 40(1)(b) relating to a building which is subject to a tenancy may not be made without the consent—
 - (a) if the applicant is the owner, of the tenant;
 - (b) if the applicant is the tenant, of the owner;
 - (c) otherwise, of the owner and the tenant.
- (3) Subsections (1) and (2) do not apply if the Church Buildings Council is satisfied that—
 - (a) the owner cannot be found after reasonable efforts to find the owner have been made, or
 - (b) it is impracticable to seek the owner's consent.
- (4) Subsection (2) does not apply if the Church Buildings Council is satisfied that—
 - (a) the tenant cannot be found after reasonable efforts to find the tenant have been made, or
 - (b) it is impracticable to seek the tenant's consent.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 41. (See end of Document for details)

- (5) In the case of a building within section 38(2)(a) (peculiar) or (2)(d) (public or charitable institution) in relation to which there is a Visitor, an application for inclusion in or removal from the list may not be made without the consent of the Visitor.
- (6) In the case of a building within section 38(2)(b) (episcopal house of residence), an application for inclusion in or removal from the list may not be made without the consent of the Church Commissioners.
- (7) Nor may an application of the kind mentioned in subsection (6) be made—
 - (a) in the case of Lambeth Palace or Old Palace Canterbury, during a vacancy in the see of Canterbury;
 - (b) in the case of Bishopthorpe Palace, during a vacancy in the see of York;
 - (c) in any other case, during a vacancy in the see of the bishop of the diocese in which the building is situated.
- (8) In the case of a building within section 38(2)(c) (building for religious community), an application for inclusion in or removal from the list may not be made without the consent of the superior of the religious community concerned; and the superior may consult the Visitor before deciding whether or not to consent.
- (9) In the case of a building within section 38(2)(e) (shared church), an application for inclusion in or removal from the list may not be made unless the requirements of the sharing agreement concerned, or of any arrangements made under it, relating to consultation or consent in the management of the building have been met.
- (10) In the case of a building which is part of a prison, an application for inclusion in or removal from the list may not be made without the consent of the Chaplain-General of Prisons.
- (11) An application for inclusion in or removal from the list must be made in the manner specified by rules.
- (12) “Owner”, in relation to a building, means the person who is for the time being the estate owner of the fee simple in the building.
- (13) “Tenant”, in relation to a building subject to a tenancy, means the person who is for the time being entitled to the tenancy.

Commencement Information

II S. 41 in force at 1.9.2018 by S.I. 2018/720, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Section 41.