



Church of England (Miscellaneous Provisions) Measure 2018

2018 No. 7

The Church Commissioners

2 Land registration: disposals of church land

- (1) Where immediately before the commencement of this section an individual register of title contains an inhibition reflecting the requirement of section 99 of the Land Registration Act 1925 (Church Commissioners' certificate), the proprietor of the title may apply for the inhibition to be replaced with a restriction in Form D in Schedule 4 to the Land Registration Rules 2003 ([S.I. 2003/1417](#)) (as amended or replaced from time to time).

- (2) In that Schedule, for Form D (dispositions of church land etc.) substitute—
“*Form D (parsonage, diocesan glebe, church or churchyard land)*”

No disposition of the registered estate is to be registered unless the instrument giving effect to the disposition contains either certificate (a) or certificate (b)—

(a) the disposition

[choose one of the bulleted clauses]

- is made in accordance with the Parsonages Measure 1938;
- is made in accordance with section 14 of the New Parishes Measure 1943;
- is made in accordance with section 17 of the New Parishes Measure 1943;
- is made in accordance with the Endowments and Glebe Measure 1976;
- falls within section 117(3)(a) of the Charities Act 2011;
- is made under the authority of a faculty granted under the common law power referred to in *In re St. Mary Magdalene's Paddington* 1980 Fam.99;
- is made in accordance with [specify other Act, Measure or authority];

(b) the Church Commissioners are a party to the instrument and have applied their seal to it.”

- (3) The reference in subsection (1) to the proprietor of the title is a reference to—

- (a) the registered proprietor of the title, or
 - (b) a person entitled to be registered as the proprietor of the title.
- (4) An application under subsection (1)—
 - (a) must be made to the Chief Land Registrar,
 - (b) must specify the title number to which the application relates,
 - (c) must specify the form of the restriction sought and explain why the applicant considers that to be the appropriate form of restriction to apply, and
 - (d) where the applicant is not the registered proprietor but is entitled to be such, must be accompanied by evidence to satisfy the Chief Land Registrar of that entitlement.
- (5) No fee may be charged for an application under subsection (1).
- (6) If the application is in order, the Chief Land Registrar must make the replacement sought.
- (7) In rule 93 of the Land Registration Rules 2003 (persons having sufficient interest to apply for restriction), in paragraph (g), after “applying for a restriction” insert “in Form D”.
- (8) The amendments made by this section to the Land Registration Rules 2003 do not affect the power to make further rules amending or revoking the provision made by those amendments.