



# Church Property Measure 2018

2018 No. 8

## PART 3

### NEWLY ACQUIRED LAND

#### **33 Land no longer required for purpose for which acquired**

- (1) Where the owner of land acquired by the Church Commissioners or a DBF for a purpose specified in section 28(1) is satisfied that the land or a part of it is no longer required for that purpose, the owner—
  - (a) may sell the land or part;
  - (b) may exchange the land or part for land which would be more suitable for that purpose and may pay or receive money for equality of exchange;
  - (c) may appropriate or transfer the land or part for an ecclesiastical purpose for the benefit of the parish in which it is situated or for an educational, charitable or public purpose relating to the parish;
  - (d) may transfer the land or part to the DBF for it to hold as part of the diocesan glebe land, if the DBF so agrees (and is not already the owner of the land);
  - (e) if the land was acquired by gift, may transfer the land or part back to the grantor, or the grantor's successors in title, for no consideration.
- (2) “Owner”, in relation to land, means—
  - (a) the person in whom the land is vested, or
  - (b) if there is a vacancy in the benefice after the land was vested in the incumbent for the time being of the benefice, the bishop of the diocese.
- (3) In the case of land of which a DBF is the owner (otherwise than in its capacity as “the relevant diocesan body” under section 32), it may execute a declaration that, from the date on which the declaration is made, the land is to be held as part of the diocesan glebe land.
- (4) The proceeds of a sale or exchange under this section must be paid to the DBF and applied by it for such purposes as it agrees with the bishop after consulting the owner

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*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 33. (See end of Document for details)*

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(if neither the DBF nor the bishop is the owner); but the purposes for which they agree the proceeds are to be applied must be—

- (a) for the benefit of the benefice to which the parish in which the land is situated belongs, or
  - (b) charitable purposes relating to that parish.
- (5) The reference in subsection (1) to an acquisition is a reference to an acquisition either before or after the commencement of this section and either for valuable consideration or by gift; and the reference to an acquisition by the Church Commissioners includes a reference to an acquisition by the Church Building Commissioners.
- (6) The reference in subsection (1) to the purposes specified in section 28(1) does not include a reference to—
- (a) the purpose specified in paragraph (i) or (j) of that provision (acquisition of parsonage house etc.), or
  - (b) the purpose under paragraph (k) of that provision of providing access to or improving the amenities of a parsonage house.
- (7) This section does not authorise a sale or other disposal of consecrated land.
- (8) This section does not affect the jurisdiction of the consistory courts.
- (9) This section does not affect any power at common law to sell land to which the power of sale under this section applies.

**Annotations:**

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**Commencement Information**

**II** S. 33 in force at 1.3.2019 by S.I. 2019/97, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Church Property Measure 2018, Section 33.