



# Church Property Measure 2018

2018 No. 8

## PART 3

### NEWLY ACQUIRED LAND

#### **34 Consent to dealings under section 33**

- (1) In the case of land vested in the Church Commissioners, a power under section 33 may not be exercised without—
  - (a) the consent of the incumbent of the benefice (if the benefice is full), and
  - (b) the consent of the bishop of the diocese to which the benefice belongs.
- (2) In any other case, a power under section 33 may not be exercised without the consent of the Church Commissioners unless the following two conditions are met.
- (3) The first condition is that no person who is a party to the proposed transaction is a connected person or a trustee for or nominee of a connected person.
- (4) The second condition is that the person entitled to exercise the power—
  - (a) has obtained a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for that person, and
  - (b) having considered the report, is satisfied that the terms of the proposed transaction are the best that can be reasonably obtained for that person.
- (5) In the case of land which has vested in the incumbent of a benefice, a power under section 33 may not be exercised without the consent of the bishop of the diocese to which the benefice belongs.
- (6) In the case of land acquired by gift or for a nominal consideration, a power under section 33(1)(c) or (d) may not be exercised without the consent of the grantor or the grantor's successors in title unless—
  - (a) the purpose of appropriating or transferring the land is to widen the highway, or
  - (b) the DBF is satisfied that it is not reasonably practicable to apply for the consent.

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*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 34. (See end of Document for details)*

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- (7) A certificate to the effect that the DBF is satisfied as mentioned in subsection (6)(b), and to which the seal of the DBF has been applied, is sufficient evidence that the DBF is satisfied accordingly.
- (8) A person whose consent is required under subsection (1), (2) or (5) may not give that consent unless satisfied that the land or part in question is no longer required for the purpose for which the land was acquired.

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**Commencement Information**

**II** S. 34 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 34.