



# Parsonages Measure 1938 (repealed)

1938 No. 3 1 and 2 Geo 6

## 1 Powers of selling parsonage houses, etc.

- (1) Where the residence house, outbuildings, gardens, orchard and appurtenances belonging to any benefice shall be inconveniently situate or too large, or where for other good and sufficient reasons it shall be thought advisable to sell and dispose of the same or of any part thereof, the incumbent of such benefice, or during a vacancy the bishop, shall, subject to the provisions of this Measure, have the following powers, that is to say:—
- (i) power to sell such residence house, outbuildings, gardens, orchard, and appurtenances, or any of them, or any part thereof, with any land contiguous thereto belonging to the benefice either together or in parcels; or
  - (ii) power to pull down such residence house and outbuildings, or any of them or any part thereof and sell the materials and the site thereof, or either such materials or site or any part thereof.

[<sup>F1</sup>(1A) Where the incumbent of any benefice, or during a vacancy the bishop, has power under the foregoing subsection to sell the residence house of the benefice, the incumbent or bishop, as the case may be, shall also have the following powers, that is to say:—

- (i) power to exchange that house for any other house suitable for the residence and occupation of the incumbent of the benefice;
- (ii) power to pay and receive money in respect of equality of exchange; . . . <sup>F2</sup>
- (iii) . . . . . <sup>F2</sup>

For the purposes of this subsection the word “house” includes the outbuildings, gardens, orchards and appurtenances or any of them or any part thereof.]

- (2) Upon a sale [<sup>F3</sup>or exchange] under the powers of this Measure—
- (i) any hereditament, easement, right or privilege of any kind may be excepted, reserved or granted over or in relation to any land retained for the benefice affected, or disposed of . . . <sup>F4</sup>, or in relation to any part thereof; and
  - (ii) any restriction with respect to building on or other user of land or with respect to any other thing may be imposed and made binding, so far as the law permits, by covenant, condition, or otherwise . . . <sup>F4</sup>
- (3) No power conferred by this section shall be exercisable—

*Status: Point in time view as at 01/05/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Parsonages Measure 1938 (repealed), Section 1. (See end of Document for details)*

- (i) so that an area of more than twelve acres (including the site of any residence house, or other buildings) shall be sold or disposed of hereunder in any one benefice:
  - (ii) without the consent of [<sup>F5</sup>the Church Commissioners], the Diocesan Dilapidations Board, and (in cases where the power is exercised by the incumbent) the bishop respectively;
  - (iii) without the consent of the [<sup>F6</sup>Crown Estate Commissioners] in cases where the property proposed to be disposed of is held under any grant made by or on behalf of His Majesty in right of his Crown; <sup>F7</sup> . . .
  - [<sup>F8</sup>(iiia) in cases where the property proposed to be disposed of is occupied by a member of the team in a team ministry, without that member's consent; or]
  - (iv) Power or in respect of any property vested in trustees.
- (4) The powers conferred by [<sup>F3</sup>subsection (1) of] this section shall continue to be exercisable in respect of a house which has ceased to be the residence house of a benefice by reason of the constitution of a new residence house of that benefice under this Measure. [<sup>F9</sup>and in respect of any property belonging to a benefice, being property which consists of an outbuilding, garden or orchard of a house which has been sold or otherwise disposed of under this Measure, and any land contiguous to, or appurtenances enjoyed with, such a house or any part of such property.]
- (5) All moneys arising from any sale [<sup>F3</sup>or exchange] under the provisions of this section shall be paid to [<sup>F5</sup>the Church Commissioners], and the receipt of the treasurer of Queen Anne's Bounty shall be a sufficient discharge to the purchaser.

#### Textual Amendments

- F1** S. 1(1A) inserted by Church Property (Miscellaneous Provisions Measure 1960 (No. 1), s. 1
- F2** Word and s. 1(1A)(iii) repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8
- F3** Words inserted by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1), Sch.
- F4** Words repealed by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1), Sch.
- F5** Words substituted by virtue of Church Commissioners Measure 1947 (No. 2), s. 18(2)
- F6** Words substituted by virtue of Crown Estate Act 1956 (c. 73), s. 1(7) and Crown Estate Act 1961 (c. 55), Sch. 2 Pt. II para. 4(1)
- F7** Word in s. 1(3)(iii) repealed (1.5.1996) by 1995 No. 1, s. 8(2); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York
- F8** S. 1(3)(iiia) inserted (1.5.1996) by 1995 No. 1, s. 8(2); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York
- F9** Words inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), s. 4

#### Modifications etc. (not altering text)

- C1** S. 1 explained by Endowments and Glebe Measure 1976 (No. 4) s. 34

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**Changes to legislation:**

There are currently no known outstanding effects for the Parsonages Measure 1938 (repealed), Section 1.