



New Parishes Measure 1943 (repealed)

1943 No. 1 6 and 7 Geo 6

PART II

GENERAL PROVISIONS APPLICABLE TO ALL ECCLESIASTICAL DISTRICTS

Acquisition of land for church sites, &c.

13 Power of [^{F1}Church Commissioners] to acquire land for churches, &c.

- (1) The Commissioners may acquire by way of gift, devise or purchase, . . . ^{F2}
 - (a) [^{F3}a church or a part of a church or any other building] fit to be used as or to be converted into a church;
 - (b) any land as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church;
 - [^{F4}(bb) any building to be used as a church hall or both as a church or other place of worship and as a church hall or any land for the site of a building to be so used or for enlarging the site of an existing building so used;]
 - (c) any land for providing a new or extending an existing churchyard or burial ground;
 - (d) any building or land for or for an extension of a house of residence for an incumbent or other ecclesiastical person;
 - (e) any land required for providing access to or improving the amenities of any such church, [^{F5}church hall,] churchyard, burial ground or house of residence.
- (2) The Commissioners may accept gifts and bequests of money to be laid out in the purchase of land for any of the purposes aforesaid, . . . ^{F6}
- (3) Any conveyance of land under this section shall be in such form as the Commissioners may prescribe.

Textual Amendments

F1 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\)](#), s. 18(2)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed), Cross Heading: Acquisition of land for church sites, &c.. (See end of Document for details)

- F2** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**
- F3** Words substituted by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1, SIF 21:8), **s. 5**
- F4** S. 13(1)(bb) substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 1(1)(a)**
- F5** Words inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 1(1)(b)**
- F6** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

- C1** S. 13 excluded by Sharing of Church Buildings Act 1969 (c. 38, SIF 21:8), **s. 3(3)**; extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)**
- C2** The “Commissioners” means the Church Commissioners: Church Commissioners Measure 1947 (No. 2, SIF 21:8), **s. 18(2)**

14 Power of corporations &c., to give or grant land for sites of churches, &c.

- (1) It shall be lawful for any of the following bodies by way of gift or for valuable consideration, and notwithstanding that the consideration may not be the full consideration, to grant to the Commissioners buildings or land for any of the purposes mentioned in the last foregoing section, that is to say—
- (a) any corporation, whether lay, ecclesiastical or collegiate, and whether sole or aggregate;
 - (b) any trustees for charitable purposes [^{F7}but (except in the case of an exempt charity within the meaning of the ^{M1}Charities Act 1960) only with the sanction of an order of the Charity Commissioners];
 - (c) in the case of buildings or land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department or held in trust for His Majesty for the purposes of a government department the appropriate authority, that is to say—
 - (i) in the case of land belonging to His Majesty in right of the Crown, the [^{F8}Crown Estate Commissioners] or other government department having the management of the land in question, subject to the consent, in either case, of the Treasury;
 - (ii) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (iii) in the case of land belonging to the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall;
 - (iv) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department, with the consent of the Treasury.
- [^{F9}(1A) During a vacancy in a benefice the power under subsection (1) of this section which would have been exercisable by the incumbent of the benefice had the benefice been full, shall be exercisable by the bishop.]
- [^{F10}(2) Where the grantor is the incumbent of a benefice in his capacity as such, or where during a vacancy in a benefice the grantor is the bishop, the purchase money shall be paid to the Church Commissioners and shall be appropriated by them for the benefit of the diocesan stipends fund.]

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- (3) It shall be lawful . . . ^{F11} for the Commissioners to hold any property real or personal for any such purpose as aforesaid . . . ^{F12}.

Textual Amendments

- F7** Words added by Charities Act 1960 (c. 58, SIF 19), **Sch. 6**
- F8** Words substituted by virtue of Crown Estate Act 1956 (c. 73) s. 1(7) and Crown Estate Act 1961 (c. 55, SIF 29:7), **Sch. 2 Pt. II para. 4(1)**
- F9** S. 14(1A) inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(1)**
- F10** S. 14(2) substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(2)**
- F11** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**
- F12** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **Sch. 8**

Modifications etc. (not altering text)

- C3** S. 14 excluded by Sharing of Church Buildings Act 1969 (c.38, SIF 21:8), **s. 3(3)**; extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)** and Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(1)**; modified by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **s. 23(1)**; explained by Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(2)**

Marginal Citations

- M1** 1960 c. 58.

15 Provisions as to land subject to rights of common or to rents or other periodical charges.

- (1) Where the land to be acquired by the Commissioners for any of the purposes mentioned in section thirteen of this Measure forms part of any common or of the waste of any manor, the lord of the manor may grant the land, and the conveyance thereof shall be effectual for vesting in the Commissioners the fee simple of the land as if every person having any right of common in or over the land had joined in the conveyance;
Provided that no such grant shall be made without the consent of the [^{F13}Secretary of State], and the [^{F13}Secretary of State] in giving or withholding his consent shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the ^{M2}Commons Act 1876 to be taken into consideration and held by him before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.
- (2) Where it appears to the [^{F13}Secretary of State] that any rights of common will be substantially affected, he shall as a condition of giving his consent require that compensation shall be paid to the persons entitled to such rights, and in such case sections ninety-nine to one hundred and seven of the ^{M3}Lands Clauses Consolidation Act 1845 shall be incorporated with this Measure and shall apply as if the Commissioners were the promoters of the undertaking.
- (3) Where the land to be acquired by the Commissioners for any of the purposes aforesaid forms part of land subject to any rent or other annual or recurring charge and it appears to the Commissioners and the grantor of the land that the part of the land to be retained is of ample value to bear the said rent or charge, the part to be granted to the Commissioners may be conveyed to them free from the rent or charge, and the

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remaining part shall continue to be liable therefor in the same manner as the whole land was originally liable, and the Commissioners are hereby authorised to do all such acts as may be necessary to give effect to this provision.

Textual Amendments

F13 Words substituted by virtue of [S.I. 1955/554](#) (1955 I, p. 1200), art. 3(3); 1965/143, art. 3(1)(a), Sch.; 1967/156, art. 3(1) and 1970/1681, art. 6(3)

Modifications etc. (not altering text)

C4 S. 15 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\)](#), s. 2(2)

Marginal Citations

M2 1876 c. 56.

M3 1845 c. 18.

[^{F14}16 Vesting of land acquired by the Commissioners.

(1) Where any land or building acquired after the passing of the ^{M4}Church Property (Miscellaneous Provisions) Measure 1960 under section thirteen or section fourteen of this Measure is—

- (a) a church or a part of a church or a building fit to be used as or to be converted into a church,
- (b) land acquired as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church,
- (c) land for providing a new or extending an existing churchyard or burial ground, or
- (d) land required for providing access to or improving the amenities of any church, churchyard or burial ground,

the land or building shall vest in the incumbent for the time being of the parish in which the land or building is situated:

Provided that, if the area in which any such land or building is situated is subsequently constituted a new parish under this Measure, the land or building shall thereupon vest in the incumbent for the time being of that new parish, unless the scheme constituting the parish otherwise provides.

(2) Where any land or building acquired under the said sections thirteen or fourteen is—

- (a) land or a building for a house of residence for an incumbent . . . ^{F15},
- (b) land for an extension of such a house of residence,
- (c) land required for providing access to or improving the amenities of any such house of residence,

the land or building shall vest in the incumbent for the time being of the parish in which it is situated . . . ^{F16}.

[Where any building or land acquired under section 13 of this Measure is—

- ^{F17}(3) [^{F18}(a) a building to be used as a church hall or both as a church or other place of worship and as a church hall;
- (b) land for the site of a building to be so used or for enlarging the site of an existing building so used;

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- (bb) land required for providing access to or for improving the amenities of a building which is to be, or is, so used;]
- (c) a building or land for, or for the extension of, a house of residence for an ecclesiastical person other than an incumbent; or
- (d) land required for providing access to or improving the amenities of such a house,

and that building or land, or any part thereof, is, with the consent of the diocesan authority, designated in the conveyance under which the building or land is so acquired as vesting in that authority, it shall vest in that authority accordingly.]

- (4) The parochial church council of the ecclesiastical district in which any land or building designated under the preceding subsection is for the time being situated shall keep the diocesan authority indemnified in respect of the matters referred to in paragraphs (a) to (d) of subsection (4) of section six of the ^{M5}Parochial Church Councils (Powers) Measure 1956.

[In this section “diocesan authority” means the body which is for the time being ^{F19}(5) authorised by the relevant diocesan synod to act as trustees of the trust property of the diocese or, if there is no such body, the diocesan board of finance.]]

Textual Amendments

- F14** S. 16 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 6\(2\)](#)
- F15** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F16** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F17** S. 16(3) substituted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), s. 41\(2\)](#)
- F18** S. 16(3)(a)(b)(bb) substituted for s. 16(3)(a)(b) by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 1\(2\)](#)
- F19** S. 16(5) inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 3](#)

Modifications etc. (not altering text)

- C5** S. 16 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\), s. 2\(2\)](#)

Marginal Citations

- M4** 1960 No. 1.
- M5** 1956 No. 3.

[^{F20}17 Powers of dealing with land no longer required for purpose for which acquired.

- (1) Subject to the provisions of this section, it shall be lawful for the owner of any land or building which before or after the passing of this Measure was acquired by the Commissioners or the Church Building Commissioners, whether for valuable consideration or by way of gift, for any of the purposes mentioned in paragraphs (a), (b), (bb) [^{F21}(c) or (e)] of subsection (1) of section thirteen of this Measure:—
 - (a) to sell that land or building or any part thereof;
 - (b) to exchange that land or building or any part thereof for any other land or building more suitable for the purpose for which the original land or building was acquired and to receive or pay money by way of equality of exchange;

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- (c) to appropriate or transfer that land or building or any part thereof to or for any ecclesiastical purpose for the benefit of the ecclesiastical district in which the land or building is situated, or for any educational charitable or public purpose relating to that district; . . . ^{F22}
- [^{F23}(cc) if the Diocesan Board of Finance for the diocese in which that land or building is situated agrees to accept the transfer, to transfer that land or building or any part thereof to that Board, the land or building or part thereof to be held by the Board as part of the diocesan glebe land of the diocese; and]
- (d) where that land or building was acquired by way of gift, to reconvey it or any part thereof to the grantor or his successors in title without consideration:
- Provided that no such sale, exchange, appropriation, transfer or reconveyance shall be made without the following consents, that is to say—
- (i) in relation to any land or building vested in the Commissioners, the consent of the incumbent, if any, and the bishop; and
- (ii) in relation to any land or building which has vested in an incumbent, the consent of the Commissioners and the bishop, or, during a vacancy in the benefice, the consent of the Commissioners. and no person shall give his consent under this subsection unless he is satisfied that the land or building, or the part of the land or building concerned, is no longer required for the purpose for which it was acquired.
- (2) Where any such land or building was acquired for valuable consideration before the passing of this Measure and has been held for less than twenty years, the owner shall, before offering the land or building for sale under the last foregoing subsection, offer to resell it to the person from whom it was acquired at such price as failing agreement may be determined by arbitration:
- Provided that, if the person to whom it is offered refuses the offer or does not accept it within six weeks after it is made, the right of pre-emption shall cease, and a statutory declaration made by any officer of the Commissioners authorised by them for the purpose that the offer has been refused or not accepted within the time aforesaid shall be sufficient evidence of the facts stated therein.
- (3) Where any such land or building as aforesaid was acquired by way of gift or for a nominal consideration it shall not be appropriated or transferred under paragraph (c) [^{F24}or (cc)] of subsection (1) of this section without the consent of the grantor or his successor in title:
- Provided that no such consent shall be necessary—
- (a) where land is appropriated or transferred for the widening of a highway, or
- (b) where the Commissioners are satisfied that it is not reasonably practicable to apply for the said consent, and a certificate to that effect sealed by the Commissioners shall be sufficient evidence of that fact.
- (4) Where any land or building is sold under this section the proceeds of the sale shall be paid to the Commissioners and shall be applied by them to such purposes, being purposes for the benefit of the benefice of the ecclesiastical district in which the land or building is situate or charitable purposes relating to that district, as may be agreed between the Commissioners and the bishop after consultation with the owner.
- (5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.
- (6) Nothing in this Measure shall restrict or limit the powers of sale or disposal conferred by . . . ^{F25} the Parsonages Measures 1938 to 1947 . . . ^{F25}.

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- (7) In this section the expression “owner”, in relation to any land or building, means:—
- (i) the Commissioners, if the land or building is vested in them,
 - (ii) the incumbent, if the land or building is vested in the incumbent for the time being, or
 - (iii) during a vacancy in the benefice occurring after the land or building has vested in the incumbent, the bishop.]

Textual Amendments

- F20** S. 17 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\)](#), s. **6(2)**
- F21** Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\)](#), s. **7**
- F22** Word repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), s. **18(4)**
- F23** S. 17(1)(cc) inserted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), s. **18(4)**
- F24** Words inserted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), s. **18(5)**
- F25** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\)](#), **Sch. 8**

Modifications etc. (not altering text)

- C6** S. 17 extended by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\)](#), s. **7(1)** and [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\)](#), s. **2(2)**

18 Exemption from stamp duty.

No deed of gift, grant, security, contract, agreement conveyance or other instrument made for any of the purposes mentioned in this Measure or under any of the provisions mentioned in this Measure, or for carrying into execution any powers, regulations or provisions thereof or therein mentioned shall be liable to stamp duty.

Modifications etc. (not altering text)

- C7** S. 18 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\)](#), s. **2(2)(3)**

19 Instruments required to be sealed by [^{F26}Church Commissioners.]

- (1) No conveyance of land to the Commissioners under this Measure and no instrument to which the consent of the Commissioners is required under this Measure shall be valid unless and until the assent of the Commissioners is testified by affixing thereto the seal of the Commissioners, but on the affixing of such seal the conveyance or instrument shall have effect as from the date thereof.
- (2) No instrument to which the seal of the Commissioners is so required to be affixed and which is directed to be registered in any diocesan registry shall be so registered unless and until such seal has been so affixed.

Textual Amendments

- F26** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\)](#), s. **18(2)**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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