



Land Compensation Act 1961

1961 CHAPTER 33 9 and 10 Eliz 2

PART V

MISCELLANEOUS AND GENERAL

34 Special provision as to ecclesiastical property in England.

- (1) [^{F1}Where ecclesiastical property in England is vested in the incumbent of a benefice which is vacant it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.]
- (2) In this section “ecclesiastical property” means land belonging to any ecclesiastical benefice [^{F2}of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of any diocese [^{F2}of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Textual Amendments

- F1** S. 34(1) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 8\(a\)](#); 2006 No. 2, Instrument made by Archbishops
- F2** Words in s. 34(2) inserted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 8\(b\)](#); 2006 No. 2, Instrument made by Archbishops

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Land Compensation Act 1961. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 142\(5\)](#)
- Act applied by [S.I. 2024/360 art. 38\(3\)](#)
- Act applied by [S.I. 2024/393 art. 30\(3\)](#)
- Act applied (with modifications) by [S.I. 2024/360 Sch. 5 para. 12](#)
- Act applied (with modifications) by [S.I. 2024/436 Sch. 9 para. 12](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(a\)](#)
- Act modified by [S.I. 2020/1297 art. 36](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2020/1297 Sch. 5 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- Act modified by [S.I. 2021/51 Sch. 6 para. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2A)(2B) substituted for s. 14(3)(4) by [2023 c. 55 s. 189\(2\)\(b\)](#)
- s. 14A inserted by [2023 c. 55 s. 190\(2\)\(a\)](#)
- s. 17(1A)-(1C) inserted by [2023 c. 55 s. 189\(3\)\(b\)](#)
- s. 17(3)(ba) substituted for s. 17(3)(a)(b) by [2023 c. 55 s. 189\(3\)\(c\)](#)
- s. 17(5A)-(5C) substituted for s. 17(5)-(8) by [2023 c. 55 s. 189\(3\)\(d\)](#)
- s. 18(2)(b)(iia) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(ii\)](#)
- s. 18(2)(aa) inserted by [2023 c. 55 s. 189\(4\)\(a\)\(i\)](#)
- s. 18(2A)(2B) inserted by [2023 c. 55 s. 189\(4\)\(b\)](#)
- s. 22(2A) inserted by [2023 c. 55 s. 189\(7\)](#)
- s. 32(3) inserted by [2023 c. 55 s. 190\(2\)\(b\)](#)
- Sch. 2A inserted by [2023 c. 55 s. 190\(2\)\(c\)](#)