



Church Property Measure 2018

2018 No. 8

PART 1

PARSONAGE LAND

Dealings in parsonage house etc.

1 Sale, exchange or demolition of parsonage house

- (1) Where the parsonage house of a benefice is inconveniently situated or is too large, or it is thought advisable for some other good and sufficient reason to dispose of the house, the incumbent of the benefice—
 - (a) may sell the house;
 - (b) may exchange the house for a house that would be suitable for the residence and occupation of the incumbent of the benefice and make or receive a payment for equality of exchange;
 - (c) may pull the house down and sell the whole or part of the site and some or all of the materials.
- (2) A house or site may be sold or exchanged under subsection (1) with adjoining land belonging to the benefice, either together or in parcels; and, in the case of a sale or exchange of part only of a house or site (see section 48(4)), it does not matter if the land in question adjoins only the part of the house or site that is not included in the sale or exchange.
- (3) Where a house has ceased to be the parsonage house of a benefice, either as a result of a new parsonage house being constituted as such or as a result of a pastoral scheme or order, a power under this section may be exercised in relation to the house and to land adjoining the house.
- (4) Where a house has been disposed of under this section, but the whole or part of an outbuilding, garden or orchard which was not disposed of continues to be the property of the benefice, a power under this section may be exercised in relation to that property and to land adjoining or an appurtenance of or enjoyed with it.

Status: This is the original version (as it was originally enacted).

- (5) Where the incumbent of a benefice has acquired a building or other land as or for the site of a parsonage house, a power under this section may be exercised in relation to the building or other land.
- (6) Where an excluded part of a parsonage house is vested in the incumbent or would be if the benefice were full, a power under this section may be exercised in relation to the excluded part.
- (7) Where a benefice is vacant, a power under this section is exercisable by the bishop of the diocese to which the benefice belongs.
- (8) A power under this section may not be exercised in relation to property which is vested in trustees.
- (9) The Church Commissioners may buy property which is proposed to be sold under this section if—
 - (a) the bishop of the diocese in which the property is situated and the Parsonages Board for the diocese are satisfied that the price offered is reasonably satisfactory, and
 - (b) neither the registered patron nor the PCC of a parish in the benefice concerned objects on that ground within the period specified in rules.
- (10) On a sale or exchange under this section—
 - (a) a hereditament, easement, right or privilege may be excepted, reserved, or granted over or in relation to land retained by the incumbent in the capacity as corporation sole (whether as property of or otherwise in right of the benefice);
 - (b) a hereditament, easement, right or privilege may be disposed of;
 - (c) a restriction on building, on use or on anything else may be imposed and made binding by covenant, condition or otherwise.
- (11) The proceeds of a sale or exchange under this section must be paid to the Parsonages Board for the diocese (with the Board then applying the proceeds in accordance with section 13); and the Board's receipt is a sufficient discharge to the buyer.