

Status: Point in time view as at 27/02/2007.

Changes to legislation: There are currently no known outstanding effects for the Incumbents and Churchwardens (Trusts) Measure 1964. (See end of Document for details)

SCHEDULE

SECTIONS 2 AND 3

- 1 Upon becoming aware of the existence of any property which may be affected by this Measure the diocesan authority shall consider whether this Measure applies to any interest therein. If the diocesan authority is of the opinion that this Measure does not apply to any interest therein it shall so inform any persons acting in any trust upon which such property may be held.
- 2 If the diocesan authority is of the opinion that this Measure applies to an interest in such property it shall send a notice to the persons believed by the diocesan authority to have or be entitled to the general control and management of the property, to the incumbent and to the [^{F1}Charity Commission] describing the property concerned and the trusts upon which the relevant interest therein is held. The notice shall state that it is proposed to vest such interest in the diocesan authority as custodian trustee on or after a specified date which shall not be earlier than three months after the date of the notice, and that any person who desires to object to the said vesting or make any representation relating thereto should make such objection or representation in writing to the diocesan authority before the specified date. The address of the diocesan authority shall be set forth in the said notice.

Textual Amendments

- F1** Words in [Sch. para. 2](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(2\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)

- 3 The [^{F2}Charity Commission] may make such enquiries into the matter as [^{F3}it thinks] fit (always provided that the provisions of this Measure shall impose no duty upon [^{F4}the Commission] to make any investigation or enquiries) and may make any objection of representation or tender such advice to the diocesan authority as [^{F3}it thinks] proper on or before the date specified by the notice referred to in paragraph 2 of this Schedule.

Textual Amendments

- F2** Words in [Sch. para. 3](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(3\)\(a\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F3** Words in [Sch. para. 3](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(3\)\(b\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F4** Words in [Sch. para. 3](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(3\)\(c\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)

- 4 If the said notice relates to any interest in land the diocesan authority shall satisfy itself that the said notice or a copy thereof has been exhibited at the principal entrance of the church of the parish in which such land is situate for a continuous period of at least one month expiring on or before the date specified in the said notice.
- 5 The diocesan authority shall consider all such objections, representations and advice as it may receive relating to such property. If the [^{F5}Charity Commission has] made no objection or have withdrawn any objection which [^{F6}it] may have made and if the diocesan authority remains of the opinion that the Measure applies to

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such property the authority shall make a declaration under seal which shall have the effect prescribed by sub-sections (2) and (3) of section three as regards any property therein mentioned.

Textual Amendments

- F5** Words in [Sch. para. 5](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(4\)\(a\)](#); S.I. 2007/309, art. 2, Sch.
- F6** Word in [Sch. para. 5](#) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 45\(4\)\(b\)](#); S.I. 2007/309, art. 2, Sch.

- 6 The diocesan authority shall by such declaration or by a separate deed establish a scheme for the management of the charity limited to securing the establishment and continuation of managing trustees thereof who shall be the incumbent or churchwardens and, where appropriate, an ecclesiastical corporation sole to act as joint managing trustee with them or any of them.
- 7 The diocesan authority shall inform any person who has made objections or representations or has tendered advice under this Schedule of the execution of any declaration vesting property to which such objections, representations or advice related.
- 8 A declaration of vesting under this Schedule may, where appropriate, relate to more than one item of property and to property held, acquired or administered by more than one body of trustees.

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