



# Repair of Benefice Buildings Measure 1972

1972 No. 2

## *Repair of Benefice Buildings*

### **13 Obligations and powers of incumbent in relation to parsonage house.**

- (1) The incumbent shall have a duty to take proper care of a parsonage house, being a duty equivalent to that of a tenant to use premises in a tenant-like manner.
- (2) The duties of the Board under this Measure in respect of repairs to parsonage houses shall not affect any liability of an incumbent, as owner, tenant or occupier of a parsonage house, to persons other than the Board, but the Board shall indemnify the incumbent in respect of any claim by any such person or any expense reasonably incurred by reason of any such liability, if and so far as the claim or expense arises out of the execution of repairs or a failure to execute repairs to the parsonage house and is not covered by an insurance policy effected under the last preceding section:  
Provided that an incumbent shall not be under any liability to his successor in respect of any repairs or failure to execute repairs to a parsonage house.
- (3) The incumbent shall notify the Board of any repairs to a parsonage house appearing to him to be necessary and, in the case of repairs urgently required for reasons of safety or to prevent further damage or deterioration or to meet a liability to other persons, shall do so without delay.
- (4) Where the report of a diocesan surveyor, whether under section 4 or section 8 of this Measure, specifies any repairs to a parsonage house as necessary by reason of damage caused or aggravated by any deliberate act of the incumbent or a previous incumbent or any default in his duties under this section, the Board may, on completion of the repairs, by notice require the incumbent concerned or his personal representative to pay to them the whole or part of the cost certified by the diocesan surveyor to be attributable to the said act or default and, if the notice is not complied with, the Board may take proceedings for the enforcement thereof:  
Provided that in any such proceedings it shall be open to the defendant to show that the cost so certified is not attributable to such act or default as aforesaid, or that the

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**Changes to legislation:** *There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 13. (See end of Document for details)*

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amount required to be paid exceeds the cost so attributable, and judgment may be given accordingly.

- (5) The incumbent may carry out as agent of the Board such repairs to a parsonage house, whether following an inspection by a diocesan surveyor or otherwise, as the Board may generally or specially authorise.

**Changes to legislation:**

There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 13.