



# Pastoral Measure 1983 (repealed)

1983 No. 1

## PART III

### REDUNDANT CHURCHES

*Appointment of statutory bodies for purposes relating to redundant churches*

#### **44 Appointment of Redundant Churches Fund.**

- (1) There shall be a body corporate, to be called the Redundant Churches Fund, with perpetual succession and a common seal.
- (2) The Redundant Churches Fund shall consist of a chairman and not less than four nor more than six other members, and the chairman and other members shall be appointed by Her Majesty, and before any such appointment the advice of the Archbishops of Canterbury and York shall be submitted to Her Majesty through the Prime Minister.
- (3) Paragraphs 13 to 15 of Schedule 5 shall apply to the constitution and procedure of the Redundant Church Fund.
- (4) The Redundant Churches Fund shall have as its object the preservation, in the interests of the nation and the Church of England, of churches and parts of churches of historic and archaeological interest or architectural quality vested in the Fund by this Part, together with their contents so vested.
- (5) The Redundant Churches Fund shall have power—
  - (a) to hold and manage all churches and parts of churches and other property vested in the Fund by this Part and, in particular, to carry out all necessary works of maintenance and repair in respect of that property;
  - [<sup>F1</sup>(aa) to acquire property (including rights of way) where the Trust considers that to do so would assist it in the exercise of its powers under paragraph (a);]
  - (b) to permit the occasional use of property, or to grant a licence permitting the temporary use of property, vested in the Fund for purposes considered by the

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- Fund to be suitable and, in any case, either without charge or on payment of a fee;
- [<sup>F2</sup>(bb) to let any property vested in the Fund on such terms (including terms as to the purposes for which it may be used) as the Commissioners may approve, after consultation with the bishop and the Advisory Board, being terms which the Commissioners consider reasonable and proper having regard to all the circumstances;
- (bbb) in respect of any property which the Fund has let or is proposing to let under paragraph (bb), to carry out such works as the Fund considers desirable, after consultation with the Advisory Board;]
- (c) to charge entrance fees for admission to any [<sup>F3</sup>property vested in the Fund], to raise money by public subscription and appeals, and to accept gifts and bequests either for the general purposes of the Fund or on specific trusts for purposes falling within the general purposes;
- [<sup>F4</sup>(cc) to assist, on payment of a fee, in the management of any place of Christian religious worship (not being a church or part of a church) which is vested in any body entrusted with functions similar to those of the Fund;]
- (d) to administer all sums coming into its hands and to invest as hereinafter provided any sums not immediately required for the purposes of the Fund;
- (e) to appoint a secretary and such other officers and agents as the Fund considers necessary for the proper discharge of its duties;
- (f) to delegate functions to local trustees or bodies.
- (6) The powers to invest any such sums as aforesaid shall be those conferred by the general law on trustees of trust funds, and shall also include power to invest in accordance with the scheme scheduled to the <sup>M1</sup>Church Funds Investment Measure 1958, as if the sums were funds to which that Measure applied.
- [<sup>F5</sup>(7) The powers conferred on the Redundant Churches Fund by subsection (5)(b) and (bb) may be exercised so as to permit the use of a church or part of a church vested in the Fund for such worship (including worship by persons belonging to other Christian Churches) as may be authorised by the bishop after consulting the incumbent or priest in charge of the benefice in the area of which the church is situated.]
- [<sup>F6</sup>(7A) The terms of a lease granted under subsection (5)(bb) in respect of any property may provide that the property shall not be subject to the legal effects of consecration during the currency of the lease, notwithstanding the provisions of section 61(2).
- (7B) Where any such property has been let under subsection (5)(bb) and the terms of the lease provide to the effect that no alteration may be made thereto without the approval of the Redundant Churches Fund, its approval shall only be given after consultation with the Advisory Board.
- (7C) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have approved the terms of any lease granted under subsection (5)(bb) which is specified in the document shall be conclusive evidence that those terms have been so approved.
- (7D) As a condition of giving their approval to the terms of any lease under subsection (5) (bb) the Commissioners may require the Redundant Churches Fund to include in the lease such provisions, if any, as appear to them to be necessary to give effect to those terms.]

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- (8) The Redundant Churches Fund may contribute to the cost of the care and maintenance of a church or part of a church vested in a diocesan board of finance under this Part pending the making or coming into operation of arrangements under a redundancy scheme.
- (9) All expenditure of the Redundant Churches Fund shall be defrayed out of the sums in its hands. <sup>F7</sup> . . .
- [<sup>F8</sup>(9A) The Redundant Churches Fund shall give to the Commissioners and to the Advisory Board such information and advice as the Commissioners or the Advisory Board may, from time to time, require about—
- (a) the Fund’s financial position generally; and
  - (b) the estimated cost of repairing and thereafter maintaining any church or part of a church which is proposed to be vested in the Fund or which the Commissioners consider is likely to be proposed for vesting in the Fund.]
- (10) The Commissioners may make grants out of their general fund in respect of the expenditure of the Redundant Churches Fund:
- Provided that the total amount of the grants made in any [<sup>F9</sup>funding period] shall not exceed the figure determined in respect of that period in accordance with section 53.
- (11) The Redundant Churches Fund shall, as soon as possible after the end of each [<sup>F10</sup>accounting] year, transmit a copy of its accounts for that year and a report on its proceedings during that year to the Commissioners and to the Advisory Board [<sup>F11</sup>;and in this subsection “accounting year” means the period of twelve months beginning on a date to be determined by the Fund with the agreement of the Commissioners].
- (12) The Commissioners shall transmit copies of the said accounts and report to the Secretary of State <sup>F12</sup>. . . and the Secretary General of the General Synod and the Secretary of State shall lay copies thereof before both Houses of Parliament and the Secretary General of the General Synod shall lay copies thereof before the General Synod.

#### Textual Amendments

- F1** S. 44(5)(aa) inserted (1.9.1995) by 1995 No. 2, s. 11(b); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.
- F2** S. 44(5)(bb)(bbb) inserted (1.4.1994) by 1994 No. 1, s. 2(2)(a); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F3** Words in s. 44(5)(c) substituted (1.4.1994) by 1994 No. 1, s. 2(2)(b); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F4** S. 44(5)(cc) inserted (1.4.1994) by 1994 No. 1, s. 2(2)(c); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F5** S. 44(7) substituted (1.4.1994) by 1994 No. 1, s. 2(3); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F6** S. 44(7A)-(7D) inserted (1.4.1994) by 1994 No. 1, s. 2(4); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F7** Words in s. 44(9) repealed (1.4.1994) by 1994 No. 1, s. 2(5); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F8** S. 44(9A) inserted (1.4.1994) by 1994 No. 1, s. 2(6); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F9** Words in s. 44(10) substituted (1.4.1994) by 1994 No. 1, s. 2(7); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.

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- F10** Word in s. 44(11) substituted (1.4.1994) by 1994 No. 1, s. 2(8)(a); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F11** Words in s. 44(11) inserted (1.4.1994) by 1994 No. 1, s. 2(8)(b); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F12** Words in s. 44(12) repealed (1.4.1994) by 1994 No. 1, s. 2(9); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.

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**Modifications etc. (not altering text)**

- C1** S. 44 amended (1.4.1994) by 1994 No. 1, s. 13(2); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.

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**Marginal Citations**

- M1** 1958 No. 1

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