



# Pastoral (Amendment) Measure 1994

1994 No. 1

## **1 Annual report of the Advisory Board for Redundant Churches**

In section 41 of the Pastoral Measure 1983 (appointment of Advisory Board for Redundant Churches) in subsection (8)—

- (a) for the word “calendar” there shall be substituted the word “reporting”;
- (b) at the end there shall be inserted the words “; and in this subsection “reporting year” means the period of twelve months beginning on a date to be determined by the Board with the agreement of the Commissioners”.

## **2 Redundant Churches Fund**

(1) Section 44 of the 1983 Measure (appointment of Redundant Churches Fund) shall be amended as follows.

(2) In subsection (5)—

- (a) after paragraph (b) there shall be inserted—
  - “(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;”;
- (b) in paragraph (c) for the words “such property” there shall be substituted the words “property vested in the Fund”;
- (c) after paragraph (c) there shall be inserted—
  - “(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;”.

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(3) In subsection (7) there shall be substituted—

“(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.”.

(4) After subsection (7) there shall be inserted—

“(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.”.

(5) In subsection (9) the words from “, and the Fund” to the end shall be omitted.

(6) After subsection (9) there shall be inserted—

“(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.”.

(7) In subsection (10) for the words “five year period (calculated in accordance with section 52(2))” there shall be substituted the words “funding period”.

(8) In subsection (11)—

- (a) for the word “calendar” there shall be substituted the word “accounting”;
- (b) at the end there shall be inserted the words “; 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”.

(9) In subsection (12) the words “for the Home Department” shall be omitted.

### 3 Pastoral schemes

In section 47 of the 1983 Measure (other provision by pastoral scheme for redundant church) in subsection (2) for the words from “after consultation” to the end there shall be substituted—

- “(a) after consultation with the Advisory Board that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England; and
- (b) that the Redundant Churches Fund will have the resources to meet the cost of repairing and maintaining it,

the scheme may provide for its care and maintenance by the Fund”.

### 4 Redundancy schemes

In subsection (1) of section 51 of the 1983 Measure (contents of redundancy schemes) in paragraph (b) for the words from “after consultation” to the end there shall be substituted—

- “(i) after consultation with the Advisory Board that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England; and
- (ii) that the Redundant Churches Fund will have the resources to meet the cost of repairing and maintaining it,

the scheme may provide for its care and maintenance by the Fund”.

### 5 Proceeds of sales, etc

In section 52 of the 1983 Measure (application of remainder of proceeds of sales and other disposals)—

- (a) in subsection (1)—
  - (i) in paragraph (a) for the words “five year” there shall be substituted the word “funding”;
  - (ii) after paragraph (a) there shall be inserted—
    - “(aa) so far as the said moneys exceed that figure in any funding period, but subject to an appropriate order made under section 53(1)(c), they may from time to time be allocated to the redundant churches temporary maintenance account in such amounts as the Commissioners may determine;”;
  - (iii) for paragraph (b) there shall be substituted—
    - “(b) the balance of the said moneys remaining after the making of payments under paragraph (a) and allocations under paragraph (aa) shall from time to time be allocated to the diocesan pastoral accounts of such dioceses, in such amounts, as the Commissioners may determine”;
- (b) subsection (2) (which defines the expression “five year period”) is hereby repealed.

## 6 Funding periods

In section 53 of the 1983 Measure (orders of Commissioners determining or varying payments to Redundant Churches Fund)—

- (a) in subsection (1)—
  - (i) in paragraph (a) for the words “in respect of each five year” there shall be substituted the words “the funding periods for the purposes of this Part and in respect of each funding”;
  - (ii) in paragraphs (b) and (c) for the words “five year” there shall be substituted in both places the word “funding”;
- (b) in subsection (5) at the end there shall be inserted the words “and the subsequent order may contain such transitional provisions as the Commissioners may consider necessary or expedient to give effect to the variation or revocation”;
- (c) after subsection (6) there shall be inserted—

“(6A) Where the Standing Committee of the General Synod determines that an order made under this section does not need to be debated by the General Synod, then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the order to be debated, the order shall for the purposes of subsection (6) be deemed to have been approved by the General Synod.”.

## 7 Legal effects of consecration

In section 61 of the 1983 Measure (removal of legal effects of consecration of buildings and land)—

- (a) in subsection (2) after the word “aforesaid” there shall be inserted the words “and subject to any terms included in a lease under section 44(7A)”;
- (b) in subsection (3) the words from the beginning to “Church of England, and” shall be omitted.

## 8 Covenants

In section 62 of the 1983 Measure (power to impose and enforce covenants) at the end there shall be inserted—

“(3) Section 84 (except subsection (2)) of the Law of Property Act 1925 (which enables the Lands Tribunal to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under subsection (1).”.

## 9 Diocesan pastoral accounts

In subsection (3) of section 78 of the 1983 Measure (payment of expenses from diocesan pastoral accounts, and application of other moneys therein) in paragraph (a) for the words “making of” there shall be substituted the words “coming into operation of arrangements under”.

## **10 Temporary maintenance account**

In the 1983 Measure after section 78 there shall be inserted—

### **“78A Temporary maintenance account**

- (1) The Commissioners shall hold an account to be called the redundant churches temporary maintenance account and shall transfer thereto any moneys which are payable to the said account under section 52.
- (2) The Commissioners may apply moneys standing to the credit of the redundant churches temporary maintenance account by way of grant or loan to the repair and maintenance of any redundant building vested in a diocesan board of finance pending the coming into operation of arrangements under a redundancy scheme.”.

## **11 Interpretation of 1983 Measure**

In subsection (1) of section 87 of the 1983 Measure (general interpretation)—

- (a) after the definition of “endowments” there shall be inserted—

““funding period” means a period determined as such by an order made under section 53(1);”;

- (b) after the definition of “redundant building” there shall be inserted—

““redundant churches temporary maintenance account” means the account referred to in section 78A;”.

## **12 Crediting of moneys to temporary maintenance account**

In paragraph 10 of Schedule 3 to the 1983 Measure (crediting of sums to and adjustment of funds and accounts by Commissioners)—

- (a) after the words “or a diocesan pastoral account” there shall be inserted the words “or the redundant churches temporary maintenance account”;
- (b) at the end there shall be inserted the words “or the redundant churches temporary maintenance account”.

## **13 Re-naming of Redundant Churches Fund**

- (1) The body called the Redundant Churches Fund shall cease to be called by that name but shall continue to exist under a new name as follows.
- (2) The said body shall be called the Churches Conservation Trust and accordingly the references to the Redundant Churches Fund in section 44 of the 1983 Measure and any reference to the Redundant Churches Fund in any other enactment or in any instrument or other document shall, unless the context otherwise requires, be construed as references to the Churches Conservation Trust.

## **14 Transitional provisions as to the funding period**

For the purposes of any provision of the 1983 Measure relating to the application of the moneys mentioned in section 52(1) of that Measure, any reference to a funding period shall be construed as including a reference to any such period of five years

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commencing before the coming into operation of section 6 above as the Church Commissioners may determine by order made under their seal; and more than one period of five years may be so determined by the Church Commissioners.

## **15 Citation, commencement, extent and interpretation**

- (1) This Measure may be cited as the Pastoral (Amendment) Measure 1994.
- (2) This Measure shall come into operation on such date as the Archbishops of Canterbury and York may jointly appoint, and different dates may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but the provisions thereof may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures, and if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, shall extend to the Isle of Man subject to such exceptions, adaptations and modifications as may be specified in the Act of Tynwald or instrument.
- (4) In this Measure “the 1983 Measure” means the Pastoral Measure 1983.