

Status: Point in time view as at 01/01/2001.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2000, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E**

Section 2.

AMENDMENT OF PARSONAGES MEASURE 1938

1 The ^{M1}Parsonages Measure 1938 shall be amended as follows.

Marginal Citations

M1 1 & 2 Geo. 6. No. 3.

2 For the words “Queen Anne’s Bounty” and “Diocesan Dilapidations Board” wherever they appear there shall be substituted the words “ the Church Commissioners ” and “ Board ”, respectively.

3 In section 1—

(a) in subsection (3)—

(i) paragraph (i) shall cease to have effect;

(ii) in paragraph (iii) for “Commissioners of Crown Lands” there shall be substituted the words “ Crown Estate Commissioners ”;

(b) after subsection (3) there shall be inserted the following subsections—

“(3A) The consent of the Church Commissioners shall not be required under subsection (3)(ii) above in the case of a sale or exchange if—

(a) the disposition is made to a person who is not a connected person or a trustee for, or nominee of, a connected person; and

(b) the requirements of subsection (3B) below have been complied with in relation to it.

(3B) The incumbent or bishop, as the case may be, must, before entering into an agreement for the sale or exchange—

(a) obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by and acting exclusively for him;

(b) advertise the proposed disposition for such period and in such manner as the surveyor has advised in his report (unless he has there advised that it would not be in the best interests of the benefice to advertise the proposed disposition); and

(c) decide that he is satisfied, having considered the surveyor’s report, that the terms on which the disposition is proposed to be made are the best that can be reasonably obtained for the benefice.”;

(c) for subsection (5) there shall be substituted the following subsection—

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“(5) All moneys arising from any sale or exchange under the provisions of this section shall be paid in the first instance to the Board, and the receipt of the Board shall be a sufficient discharge to the purchaser, but thereafter the moneys shall be transferred to the Church Commissioners.”;

(d) at the end there shall be inserted the following subsection—

“(6) In this section and in section 2 below—

“connected person” means the spouse or a child, parent, grandparent, brother or sister of the incumbent or bishop or of a member, officer, agent or employee of the parochial church council of any parish within the benefice in question or of the diocesan board of finance concerned;

“qualified surveyor” means a fellow or professional associate of the Royal Institution of Chartered Surveyors or of the Incorporated Society of Valuers and Auctioneers reasonably believed by the incumbent or the bishop, as the case may be, to have ability in, and experience of, the valuation of land of the particular kind, and in the particular area, in question.”.

4 In section 2—

(a) in subsection (1) in paragraph (i) the words from “but so that” to the end shall be omitted;

(b) after subsection (2) there shall be inserted the following subsections—

“(2A) The consent of the Church Commissioners shall not be required under subsection (2) above in the case of a transaction entered into in connection with the exercise of any such power if—

(a) no person who is a connected person or a trustee for, or nominee of, a connected person is concerned in the transaction; and

(b) the requirements of subsection (2B) below have been complied with in relation to it.

(2B) The incumbent or bishop, as the case may be, must, before entering into any such transaction,—

(a) obtain and consider a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for him; and

(b) decide that he is satisfied, having considered the surveyor’s report, that the terms on which the transaction is proposed to be made are the best that can be reasonably obtained for the benefice.”;

(c) in subsection (4) for the words from “agreed to by the bishop” to “and the” there shall be substituted the words “agreed to by the bishop and the”.

5 In section 2A—

(a) in subsection (1) the words “the Commissioners, and” shall be omitted;

(b) in subsection (2) the words “, the Commissioners” shall be omitted.

6 In section 3—

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- (a) in subsection (1) for the words from “council of” to “require, of” there shall be substituted the words “councils of all parishes within the benefice, but if any objection is raised within the prescribed time by such patron or councils the power shall not be exercised unless the Commissioners have informed the patron or the councils, as the case may be, that they are satisfied that the objection ought not to prevent the exercise of the power, together with a statement of”;
- (b) subsection (3) shall cease to have effect.

7 In section 5—

- (a) in subsection (1), in paragraph (iii) for the words from “previous” to “and” there shall be substituted the words “previous consent of” and paragraph (v) shall cease to have effect;
- (b) in subsection (3) for the words “shall be allocated by the Commissioners” there shall be substituted the words “and the Commissioners are satisfied that they should not be so applied or disposed of, shall be allocated”;
- (c) at the end there shall be inserted the following subsection—

“(4) The Board shall provide the Commissioners with such information as they may require concerning transactions under this Measure affecting property.”

8 For section 7 there shall be substituted the following section—

“7 Notice of application of moneys.

The Board shall give the prescribed notice to the registered patron (as defined in section 39(1) of the Patronage (Benefices) Measure 1986), if any, of the benefice affected, to the parochial church councils of all parishes within the benefice and to the Church Commissioners of any proposed application and disposition of moneys under section 5(1)(ii) or (3) of this Measure, and shall forward to the Church Commissioners for the purposes of consideration any representations made by such patron or council with regard to such application and disposition.”.

9 In section 9—

- (a) in subsection (2) for the words from the beginning to “any conveyance” there shall be substituted the words “The sealing by the Board of any conveyance”;
- (b) after subsection (2) there shall be inserted the following subsections—

“(2A) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have consented to the terms of any transaction under this Measure affecting property which is specified in the document shall be conclusive evidence that they have consented to those terms.

(2B) A statement in a document giving effect to any transaction under this Measure that the consent of the Commissioners or the Board or both to the terms of the transaction is not required under section 1(3)(ii) above shall, if the document is sealed with the seal of the Board or is signed on behalf of the Board by a person duly authorised by the Board, be conclusive evidence of that fact.”.

10 In section 15 at the end there shall be inserted the following subsections—

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“(5) Any rules made under this section shall be laid before the General Synod and shall not come into force until they have been approved by the General Synod, whether with or without amendment.

(6) Where the Business Committee determines that rules made under this section do not need to be debated by the General Synod then, unless—

- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated, or
- (b) notice is so given by any such member that he wishes to move an amendment to the rules,

the rules shall for the purposes of subsection (5) above deemed to have been approved by the General Synod without amendment.

(7) The Statutory Instruments Act 1946 shall apply to any rules approved by the General Synod under this section as if they were a statutory instrument and as if this Measure were an Act providing that any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

11 In section 20 at the end there shall be inserted the words “ ; and references to the Board shall be construed as references to the Parsonages Board or (if designated as such under section 1(1) of the Repair of Benefice Buildings Measure 1972) the Diocesan Board of Finance ”.

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