

SCHEDULES

SCHEDULE 5

AMENDMENT OF ENDOWMENTS AND GLEBE MEASURE 1976

- 5 In section 20—
- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) Subject to the following provisions of this section, a Diocesan Board of Finance may with the consent of the Commissioners sell, exchange, lease, mortgage or otherwise deal with any diocesan glebe land of the diocese; and where the amenities of any land will be affected by the proposed transaction and the Board or the Commissioners think it necessary to do so in the interest of safeguarding those amenities they may, notwithstanding anything in section 19(1) above, include or require to be included such terms safeguarding those amenities as, having regard to all the circumstances, they consider reasonable and proper.”;
- (b) for subsection (2) there shall be substituted the following subsections—
- “(2) The consent of the Commissioners shall not be required for a disposition of land to a subsidiary of the Diocesan Board of Finance for the purposes of a scheme made under section 19A above.
- (2A) Subject to subsection (6A) below and without prejudice to subsection (2) above, the consent of the Commissioners shall not be required for a disposition of land 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 (2B) or (2C) below have been complied with in relation to it.
- (2B) Except where the proposed disposition is the granting of such a lease as is mentioned in subsection (2C) below, the Diocesan Board of Finance must, before entering into an agreement for the sale or (as the case may be) for a lease or other disposition, of the land—
- (a) obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by and acting exclusively for the Board;
- (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 the best interests of the diocese to advertise the proposed disposition); and

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- (c) decide that it is satisfied, having considered the surveyor’s report, that the terms on which the disposition is proposed to be made (including any terms for safeguarding the amenities of the land) are the best that can be reasonably obtained for the diocese.
- (2C) Where the proposed disposition is the granting of a lease for a term ending not more than seven years after it is granted (other than one granted wholly or partly in consideration of a fine), the Board must, before entering into an agreement for the lease—
- (a) obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the Board to have the requisite ability and practical experience to provide it with competent advice on the proposed disposition; and
 - (b) decide that it is satisfied, having considered that person’s advice, that the terms on which the disposition is proposed to be made (including any terms for safeguarding the amenities of the land) are the best that can reasonably be obtained for the diocese.”;
- (c) in subsection (3) for the words from “authorisation given” to the end there shall be substituted the words “operation of such provisions of the scheme as may be specified in the notice”;
 - (d) in subsection (5) for the words from the beginning to “the terms of” there shall be substituted the words “Where the Board proposes to enter into”;
 - (e) after subsection (6) there shall be inserted the following subsection-
 - “(6A) Where representations are made to the Board under subsection (5) above, the Board shall forward a copy of the representations to the Commissioners together with details of the proposed transaction and subsection (2A) above shall not apply to the transaction unless the Commissioners, having considered the representations, direct that it shall apply.”;
 - (f) in subsection (7) for the words “approval of the terms of” there shall be substituted the words “consent to” and for the words from “forward” to “that subsection” there shall be substituted the words “, if no representations were made to the Board under subsection (5) above with respect to the transaction, forward”;
 - (g) in subsection (8) for the word “approve” there shall be substituted the words “consent to”;
 - (h) in subsection (9) for the word “approval” there shall be substituted the word “consent”;
 - (i) in subsection (10) for the word “approved” there shall be substituted the words “consented to” and for the words “those terms have been so approved” there shall be substituted the words “such consent has been obtained”;
 - (j) in subsection (11) for the words from “under this section” to “by the Board” there shall be substituted the words “or any subsidiary of the Board under this section that all the requirements of the Measure with respect to the transaction have been complied with shall, if the document is sealed with the seal of the Board or the subsidiary or is signed on behalf of the Board by a person duly authorised by the Board or the subsidiary”;

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

“(12) In this section the expressions “connected person” and “qualified surveyor” have the same meanings as in section 1 of the Parsonages Measure 1938.”.