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**Changes to legislation:** There are currently no known outstanding effects for the Ecclesiastical Offices (Terms of Service) Measure 2009, SCHEDULE 1. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

Section 7(9)

#### MATTERS RELATING TO REGULATED TRANSACTIONS

##### *Application of money received*

- 1 (1) The Board shall apply any money arising from any sale or exchange of a house of residence for the purposes set out below in the following order of priority—
- (a) in payment of the costs, charges and expenses of such a sale or exchange;
  - (b) in or towards repayment of any money expended by the Board for the purpose of rendering the property sold or exchanged more readily saleable or exchangeable;
  - (c) where the property sold or exchanged has been purchased, built or improved wholly or in part by means of a loan from or on the security of a mortgage or charge in favour of any person, body or authority, including a loan from the Commissioners under section 7(8) above, in or towards repayment of any principal or interest owing on such loan, mortgage or charge;
  - (d) to the extent that the income derived from any money arising from the sale or exchange of the property sold or exchanged pending the application of the money under paragraphs (a) to (c) above shall be insufficient for the purpose, with the prior consent of the bishop, in or towards payment to the office holder in question of the whole or part of the expenses reasonably incurred in respect of removal from one house of residence to another, the storage of furniture and any rent paid for any temporary residence pending occupation of the new house of residence;
  - (e) in or towards repaying the Commissioners the whole or part of any grant made by them for or towards the erection or purchase of a house of residence;
  - (f) in or towards the exercise of any powers under section 6 above, provided that priority is given to any requirement for a residence for the holder of the office for which the house of residence was sold or exchanged;
  - (g) in allocation of it to the capital account of the diocesan stipends fund of the diocese in which the house of residence was situated or to the pastoral account of the diocese, or partly to one and partly to the other, as the Diocesan Board of Finance may determine.
- (2) The Board shall provide the Commissioners with such information as they may require concerning transactions under section 6 or 7 above or this Schedule and the Commissioners may give advice to the Board on any such matters and the Board shall have regard to any such advice.
- (3) In any case where any income is derived from any money arising from any sale or exchange by the Board under section 6 above pending the application and disposition of the money under this paragraph the income shall be added to the capital.

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#### **Commencement Information**

**II** Sch. 1 para. 1 in force at 31.1.2011 by [S.I. 2010/8](#), [art. 2](#)

#### *Formalities*

- 2 (1) Any consent or approval by a bishop in relation to a regulated transaction shall be signified by writing under his hand.
- (2) The sealing by the Board of any transfer of land under section 6 above shall be conclusive evidence that any requirements of this Measure with respect to the transfer have been complied with.
- (3) Where the consent of the Commissioners or the Archbishops' Council is required to any transaction affecting property under this Measure a statement in the document by the secretary or other duly authorised officer of the Commissioners or the Secretary General or any other duly authorised officer of the Council that they or it have or has consented to the terms of that transaction shall be conclusive evidence that they or it have or has consented to those terms.
- (4) A statement in a document giving effect to any regulated transaction under this Measure that the consent of the Commissioners or the Archbishops' Council to the transaction is not required shall, if the document is sealed with the seal of the Board or the relevant housing provider or is signed on behalf of the Board or other relevant housing provider by a person duly authorised, be conclusive evidence of that fact.
- (5) Where any transaction under this Measure affecting property does not contain a statement under sub-paragraph (3) or (4) above then in favour of a person who (whether under the transaction or otherwise) acquires an interest in the property for money or moneys worth the disposition effected by the transaction shall be valid whether or not any consent of the Commissioners or the Archbishops' Council which was required to the transaction has been given.
- (6) Every transfer of land (including buildings) purchased or acquired by way of exchange of a house of residence under this Measure shall be registered in the registry of the diocese concerned.
- (7) In any case where any land (including buildings) sold or exchanged under this Measure is subject to any mortgage or charge in favour of the Commissioners, the transfer thereof under this Measure shall be effectual to pass the same discharged from the mortgage or charge, and the mortgage or charge shall attach to the purchase money arising on the sale or to any money paid to the Board by way of equality of exchange and to the land or building acquired by way of exchange.

#### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 31.1.2011 by [S.I. 2010/8](#), [art. 2](#)

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