



Mission and Pastoral Measure 2011

2011 No. 3

PART 6

BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

Pastoral (church buildings disposal) schemes

61 Use seeking period

- (1) Where a declaration of closure for regular public worship is made in a case to which neither section 58 nor section 59 applies, the building closed for regular public worship, together with the contents thereof, shall, when the declaration takes effect, vest by virtue of this Measure, without any conveyance or other assurance, in the diocesan board of finance:

Provided that the Commissioners shall not prepare a pastoral (church buildings disposal) scheme in respect of a building closed for regular public worship for a period of six months after the declaration takes effect if the scheme provides for the demolition of a building which is either a listed building or is situated in a conservation area, unless the Commissioners are satisfied, after consulting the Church Buildings Council through its Statutory Advisory Committee, that, at that stage, there is no objection to the demolition taking place.

- (2) During the period between the taking effect of a declaration of closure for regular public worship and the coming into operation of a pastoral (church buildings disposal) scheme with respect to the building closed for regular public worship—
- (a) the diocesan board of finance shall be responsible for the care and maintenance of the building closed for regular public worship, so far as is reasonable in all the circumstances, and the safe keeping of its contents, whether in the building or elsewhere, and shall insure the said building and contents;
 - (b) the said board may without obtaining a faculty, but after consulting the diocesan advisory committee and the chancellor of the diocese unless the board considers that, having regard to the urgency of the need to safeguard

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross Heading: Pastoral (church buildings disposal) schemes. (See end of Document for details)

- the contents, it is not practicable to do so, transfer the contents of the building closed for regular public worship or any of them to some other place for safe keeping until the coming into operation of the scheme;
- (c) the said board may with the consent of the bishop and of the incumbent or priest in charge of the benefice in the area of which the building closed for regular public worship is situated permit the building to be used occasionally for worship, including worship by persons belonging to other Christian Churches;
- (d) while incurring no financial obligation, the incumbent or priest in charge and churchwardens of the parish in which the building closed for regular public worship is situated shall give the diocesan board of finance every assistance in providing for reasonable supervision of the building against damage.
- (3) On a declaration of closure for regular public worship taking effect, any liability of a parochial church council or rector (including a lay rector) for the repair and maintenance of the building closed for regular public worship and the safe keeping of its contents shall cease, and [F1sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] shall cease to apply to the building.
- (4) Where the diocesan board of finance transfers any of the contents of the building closed for regular public worship to some other place, the board shall serve a notice on the Commissioners, the Church Buildings Council, the Churches Conservation Trust and the registrar of the diocese informing them of the transfer and giving particulars of the contents transferred and the address of the place in question, and shall serve a similar notice on any incumbent, priest in charge, parochial church council or sequestrators concerned.

Textual Amendments

- F1** Words in s. 61(3) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), [Sch. 3 para. 18](#) (with [Sch. 4 Pt. 1](#)); [S.I. 2018/720](#), art. 2

Commencement Information

- I1** S. 61 in force at 1.7.2012 by [S.I. 2012/1](#), art. 2

62 Procedure for making pastoral (church buildings disposal) schemes

- (1) The Commissioners may at any time or, where the proviso to section 61(1) applies, after the period of six months mentioned therein has expired, and shall in any case not later than two years after the declaration of closure for regular public worship takes effect, prepare a draft scheme with respect to the building closed for regular public worship providing for any of the matters mentioned in section 63:

Provided that if before the end of the period of two years it is found to be impracticable to prepare the draft scheme before that period expires, and it seems to the Commissioners, after consulting the diocesan board of finance, reasonable to do so, they may, with the consent of the bishop, postpone the preparation of the draft scheme for such minimum further period or periods as they find to be necessary.

- (2) Before preparing any such draft scheme which provides for the demolition or the care and maintenance by the Churches Conservation Trust of the building closed for regular public worship or any part of it the Commissioners shall consult the Church Buildings Council through its Statutory Advisory Committee:

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Provided that if the Council has advised that the demolition of the building closed for regular public worship or part of it would not in its opinion be objectionable this subsection shall not apply in relation to that building or part, as the case may be.

- (3) After preparing the draft scheme and before proceeding under the following provisions of this section the Commissioners shall consult the bishop.
- (4) After taking into account any comments made by the bishop, if they decide to proceed with the draft scheme, the Commissioners shall serve a copy of the draft scheme on the diocesan board of finance, the local planning authority or authorities concerned, the parish council or parish meeting concerned, the Commonwealth War Graves Commission, English Heritage, the Joint Committee of the National Amenity Societies and the Church Buildings Council and, if the draft scheme provides for the care and maintenance by the Churches Conservation Trust of the building closed for regular public worship or any part thereof, on that Trust.
- (5) The Commissioners shall also publish in one or more newspapers circulating in the locality in which the building closed for regular public worship is situated a notice stating the effect of the draft scheme and naming a place or places where a copy thereof may be inspected, and stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after the first publication of the notice.
- (6) Where the draft scheme makes or is to make any such provision as is referred to in section 63(1)(a) and it is proposed to make any architectural or structural changes in the building closed for regular public worship or any part of it to facilitate the use or uses referred to in that section, the Commissioners shall not make the scheme unless they have first consulted the Church Buildings Council through its Statutory Advisory Committee on those proposed changes.
- (7) The Commissioners shall consider any representations duly made with respect to the draft scheme and any unforeseen change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form, and shall consult the bishop before making their decision.
- (8) The Commissioners may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations with respect to the draft scheme.
- (9) The Commissioners may, before or after the period within which written representations may be made under this section, extend that period, and any representations made within the period so extended shall be deemed to be duly made.
- (10) The Commissioners may at any time make such amendments to the draft scheme as may appear to them to be necessary for the purposes of correcting any drafting mistake or omission.
- (11) If the Commissioners decide to proceed with the draft scheme, they shall seal a copy thereof, with such amendments (if any) as they may have made, and shall thereby make the scheme.
- (12) If the Commissioners decide in accordance with subsection (7) not to proceed with a draft scheme they shall as soon as possible prepare a new draft scheme, and subsections (2) to (11) shall apply.

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross Heading: Pastoral (church buildings disposal) schemes. (See end of Document for details)

- (13) Sections 14 and 27 shall apply, with the necessary modifications, to schemes under this section as they apply to pastoral church buildings schemes.

Commencement Information

I2 S. 62 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

63 Contents of pastoral (church buildings disposal) schemes

- (1) A pastoral (church buildings disposal) scheme shall make the following provision for the building closed for regular public worship, that is to say—
- (a) if a use or uses appearing to the Commissioners to be suitable have been found for the building or any part of it, the scheme may provide for appropriating the building or part to such use or uses, which shall be specified or generally described in the scheme;
 - (b) if such use or uses cannot be found for the building or a part of it and it appears to the Commissioners—
 - (i) after consultation with the Church Buildings Council though its Statutory Advisory Committee 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 Churches Conservation Trust will have the resources to meet the cost of repairing and maintaining it,
 the scheme may provide for its care and maintenance by the Trust.
 - (c) if the building or any part of it is not appropriated or provided for under paragraph (a) or (b) the scheme may, with the consent of the diocesan board of finance, provide for the building or any part of it to remain vested in that board and to be held by them on such terms as may be specified in the scheme;
 - (d) if the building or any part of it is not appropriated or provided for under paragraphs (a) to (c), the scheme shall provide for its demolition either by the Commissioners or by the diocesan board of finance.
- (2) Where a pastoral (church buildings disposal) scheme provides for the appropriation of the building closed for regular public worship or any part of it to a use or uses specified or described in the scheme, the scheme may also provide—
- (a) for appropriating the whole or any part of the land annexed or belonging to the building or the church of which it forms part, to a use or uses so specified or described;
 - (b) for empowering the diocesan board of finance itself to use or hold the property concerned for the use or uses so specified or described or to let or license the property for such use or uses or partly the one and partly the other;
 - (c) for empowering the Commissioners or the diocesan board of finance, subject to any conditions prescribed by the scheme, to sell, give or exchange the property concerned or any part of it for such use or uses.
- (3) Where a pastoral (church buildings disposal) scheme provides for the building closed for regular public worship or any part of it to remain vested in the diocesan board of finance, the scheme may also provide—

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- (a) for appropriating the whole or any part of the land annexed or belonging to the building, or the church of which it forms part, to a use or uses specified or described in the scheme;
 - (b) for empowering the board itself to use or hold that land or any part of it for the use or uses so specified or described or to let or license it for such use or uses or partly the one and partly the other;
 - (c) for empowering the Commissioners, subject to any conditions prescribed by the scheme, to sell, give or exchange that land or any part of it for such use or uses;
 - (d) for transferring to the board responsibility for the care and maintenance of that land or any part of it;
- and the scheme may provide as mentioned in paragraph (d) notwithstanding that the land is or has been used for burials.
- (4) Where a pastoral (church buildings disposal) scheme provides for the demolition of the building closed for regular public worship or any part of it, it may also provide—
- (a) for the sale, gift, exchange or lease by the Commissioners or the diocesan board of finance, as the case may be, of the site or part of the site of the demolished building or part of the building, with or without the whole or any part of the land annexed or belonging to the building or to the church of which it forms part;
 - (b) for the disposal of the materials arising from the demolition;
 - (c) for specifying the use or uses for which any land sold, given, exchanged or let by the Commissioners or the diocesan board of finance, as the case may be, is to be used or allowing it to be used without limitation;
 - (d) for appropriating the site or any part of it for use as part of the churchyard or burial ground or for other ecclesiastical purposes of the parish.
- (5) The proceeds of any sale or exchange under subsection (2), (3) or (4) and the premiums on any lease or licence under those subsections shall be paid to the Commissioners, who, subject to subsections (6), (7), (8) and (9) and to an appropriate order made under section 65(1)(b), shall pay two-thirds of the net proceeds and net premiums to the diocesan pastoral account and shall apply the remaining one-third in accordance with section 64, and the net rent payable under any such lease or licence shall be paid into the said account.
- (6) Where in exercise of the power conferred on the Churches Conservation Trust by section 57(14) the Trust has contributed to the cost of the care and maintenance of a church or part of a church, then, unless that church or part is vested in the Trust, the sum contributed by the Trust under that subsection, or so much of it as the Commissioners may, with the agreement of the Secretary of State, determine, shall be repaid to the Trust by the Commissioners out of the proceeds of any sale or exchange, or the premium on any lease or licence, of that church or part or the site thereof under subsection (2), (3) or (4) before the net proceeds or net premiums, as the case may be, are paid or applied in accordance with subsection (5).
- (7) Where in exercise of the power referred to in subsection (6) the Churches Conservation Trust has contributed to the cost of the care and maintenance of a church or part of a church, not being a church or part which is vested in the Trust, and the church or part or the site thereof is let or licensed by the diocesan board of finance under subsection (2), (3) or (4) or let by the Commissioners under subsection (4), the net rent from time to time paid under those subsections shall be paid by the said board or the Commissioners, as the case may be, to the Trust until the sum contributed by the

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Trust, or so much of it as the Commissioners may, with the agreement of the Secretary of State, determine, has been repaid to the Trust out of such rent.

- (8) Where before a declaration of closure for regular public worship was made in respect of a church or part of a church that church or part was the subject of a sharing agreement under the Sharing of Church Buildings Act 1969, and on the termination of the agreement it was vested in an incumbent by section 9(3) of that Act, any contribution in the nature of capital made in accordance with the agreement by any party thereto, other than a party acting on behalf of the Church of England, or so much of it as the Commissioners may determine, may be repaid to that party by the Commissioners out of the proceeds of any sale or exchange, or the premiums of any lease or licence, of that church or part or the site thereof under subsection (2), (3) or (4) before the net proceeds or net premiums, as the case may be, are paid or applied in accordance with subsection (5).
- (9) Where a pastoral church buildings scheme makes a declaration of closure for regular public worship in respect of a church and the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which the first-mentioned church is situated to take the place of that church, then, if any subsequent pastoral (church buildings disposal) scheme which makes provision, within the period of three years from the declaration of closure or such longer period as the Commissioners may allow, for the building closed for regular public worship also provides for any of the matters authorised to be included in the scheme by subsection (2)(b) or (c), subsection (3)(b) or (c) or subsection (4)(a) or (b)—
- (a) the proceeds of any sale or exchange made, and the premiums of any lease or licence granted, by virtue of those provisions shall be paid to the Commissioners in accordance with subsection (5) of this section, but
 - (b) the net proceeds and net premiums shall be applied in accordance with section 58(1)(c) and not in accordance with subsection (5).
- (10) In negotiating the sale or other disposal of any property under subsection (2), (3) or (4), the Commissioners shall consult the diocesan board of finance.
- (11) Where a pastoral (church buildings disposal) scheme makes provision for any land which has been used for burials, that provision shall have effect notwithstanding section 3 of the Disused Burial Grounds Act 1884 (which prohibits the erection of buildings upon disused burial grounds), if one or other of the following conditions is satisfied, namely—
- (a) that no person has been buried in any of the land during the period of 50 years immediately before the making of the scheme, or
 - (b) that no relative or personal representative of a deceased person buried in the land during that period has objected to the draft scheme, or all such objections have been withdrawn,
- and the said section shall otherwise apply.
- (12) Where a pastoral (church buildings disposal) scheme provides for the care and maintenance of the building closed for regular public worship or any part of it by the Churches Conservation Trust, the scheme may also provide for the care and maintenance by the Trust of the whole or any part of the land annexed or belonging to the building or the church of which the building is part, and may so provide notwithstanding that the land is or has been used for burials.
- (13) For the purposes of this section and of sections 58 and 59, and without prejudice to the generality of the provisions thereof, the use of a building or part of a building for

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such special or occasional religious worship as may be authorised by the bishop, or its use as a place of religious worship for a university, college, school or other institution, or its use for religious worship by any Church other than the Church of England, shall be a use to which a building closed for regular public worship or a part of it may be appropriated by a pastoral church buildings or pastoral (church buildings disposal) scheme, and the consent of the incumbent or priest in charge of the benefice in the area of which the building is situated shall not be required for any such use.

(14) Section 52 shall apply to pastoral (church buildings disposal) schemes in like manner as it applies to pastoral church buildings schemes, with the omission of the reference to the agreement of the bishop or bishops concerned.

[^{F2}(15) In this section “relative”, in relation to a person, means—

- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
- (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

(16) The reference in subsection (15)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.]

Textual Amendments

F2 S. 63(15)(16) inserted (1.9.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 6(10)**, 16(3); S.I. 2020/835, art. 2

Commencement Information

I3 S. 63 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

64 Application of remainder of proceeds of sales and other disposals

- (1) The Commissioners shall allocate the moneys comprised in the remaining one-third of the net proceeds and net premium, or the balance thereof, mentioned in sections 58(1) and 63(5), in such proportions as they may determine between the Churches Conservation Trust, the temporary maintenance account and the diocesan pastoral accounts of such dioceses as they may determine, subject in the case of any amounts allocated to the Churches Conservation Trust, to any order made under section 65(1).
- (2) In exercising their duty to allocate moneys under subsection (1) the Commissioners may decide not to allocate moneys to any or all of the accounts mentioned in that subsection, in which case all the moneys not so allocated shall be paid to the Churches Conservation Trust.

Commencement Information

I4 S. 64 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

65 Orders of Commissioners determining or varying payments to Churches Conservation Trust

- (1) The Commissioners by order—
 - (a) shall determine the funding periods for the purposes of this Part and in respect of each funding period the total amount (comprising grants made

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- under section 57(19) and moneys allocated under section 64(1)) to be paid by the Commissioners to the Churches Conservation Trust;
- (b) may in respect of any funding period vary the proportions of two-thirds and one-third specified in sections 58(1) and 63(5).
- (2) An order made under subsection (1) may specify conditions which must be satisfied before a payment is made by the Commissioners.
- (3) An order made under subsection (1)(b) shall apply to all transactions completed after the date on which the order comes into operation, except such transactions (if any) as may be specified in the order.
- (4) An order under this section may be varied or revoked by a subsequent order made under it 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.
- (5) Every order made under this section shall be laid before the General Synod and shall not come into operation unless and until it has been approved by the General Synod.
- (6) Where the Business 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 or she wishes the order to be debated, the order shall for the purposes of subsection (5) be deemed to have been approved by the General Synod.
- (7) The Statutory Instruments Act 1946 (9 & 10 Geo. 6 c. 36) shall apply to any order approved by the General Synod under subsection (5) as if it were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I5 S. 65 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

66 Pastoral (church buildings disposal) schemes in respect of churches closed or demolished otherwise than under this Measure

- (1) Where the bishop of a diocese certifies that a church in his diocese or any part of such a church has not been used for divine service since 1st April 1964, and the incumbent (if any), the patron and the parochial church council of the parish in which the church is situated give their consent, the Commissioners may make an order declaring the church or part to be closed for regular public worship and thereupon this Part shall apply as if the declaration were a declaration of closure for regular public worship made by a pastoral church buildings scheme.
- (2) Where any church or part of a church has at any time been demolished otherwise than under this Part, a pastoral (church buildings disposal) scheme providing for all or any of the matters mentioned in section 63(4) may at any time after the demolition, be prepared and made in accordance with subsections (2) to (11) of section 62 and subsection (13) of section 62 shall apply.

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross Heading: Pastoral (church buildings disposal) schemes. (See end of Document for details)

- (3) Where by virtue of subsection (2) a pastoral (church buildings disposal) scheme provides for any of the matters mentioned in section 63(4)(a), section 63(5) shall apply in relation to the proceeds and net proceeds of any sale or exchange, and to the premiums and net premiums on any lease, of the site or part of the site of the church or part of the church to which the scheme applies as it applies where a pastoral (church buildings disposal) scheme which provides for the demolition of a building closed for regular public worship also provides for any of those matters:

Provided that, where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which a demolished church was situated, to take the place of the demolished church, the net proceeds and the net premiums shall be applied in accordance with section 58(1)(c).

Commencement Information

I6 S. 66 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

67 Schemes under the Charities Act 1993 for redundant chapels belonging to charities

- [^{F3}(1) The power of the court (as defined by the Charities Act 2011) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commission to make schemes under that Act, shall extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 10(2)(c) of that Act shall not be taken as preventing the making of any such scheme.]
- (2) Where a scheme is made under this section, the bishop may, if he thinks it proper to do so, by order under his seal direct that sections 74(1) and 78 of this Measure, if applicable, shall apply to the chapel as they apply to the buildings mentioned in those sections, and those sections shall thereupon apply accordingly, and the scheme, so far as it relates to the chapel, shall not have effect unless and until such an order is made, or the bishop directs that the scheme may have effect without such an order.
- (3) A scheme made under this section may provide—
- for the demolition of the chapel and the disposal of the materials arising from the demolition;
 - for the sale or other disposal of the chapel or site thereof and the application of the proceeds;
 - for the appropriation of the chapel to such uses as may be specified or generally described in the scheme;
 - for matters supplementary or incidental to any of those matters.
- (4) For the purposes of this section a consecrated chapel held on charitable trusts for the purpose of religious worship by the beneficiaries and staff of a charity and not by the general public shall be deemed to belong to that charity, notwithstanding that the trusts on which the chapel is held are separate from those of the charity, but otherwise this section shall not apply to a chapel held on separate trusts relating to the use of the chapel for religious worship.
- (5) Section 66 shall not apply to any consecrated chapel belonging to a charity.

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Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross Heading: Pastoral (church buildings disposal) schemes. (See end of Document for details)

Textual Amendments

F3 S. 67(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 146](#) (with s. 20(2), [Sch. 8](#))

Commencement Information

I7 S. 67 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

68 Churches not to be closed or disposed of otherwise than under this Measure

- (1) It shall not be lawful to make any order or give any direction for closing a church on the ground that it is no longer required for use as a church, and the only procedure for closing a church on that ground shall be by way of a declaration of closure for regular public worship or the exercise of powers under section 67.
- (2) Subject to subsections (3) and (4), it shall not be lawful to sell, lease or otherwise dispose of any church or part of a church or the site or part of the site of any church or any consecrated land belonging or annexed to a church except in pursuance of powers under this Part or section 44.
- (3) Without prejudice to subsection (15)(a), on an application by the incumbent of the benefice comprising or including the parish in which the church is situated or, where the benefice is vacant, the bishop in the name and on behalf of the incumbent in the corporate capacity of the incumbent, the court may grant a faculty for a lease to be granted by the incumbent or, as the case may be, the bishop, of part of a church, provided that the court shall ensure that the premises remaining unlet, together with the premises let, under any lease or leases granted under this subsection, are, taken as a whole, used primarily as a place of worship.
- (4) On an application by any person referred to in subsection (3) the court may, whether or not it grants a faculty under that subsection, grant a faculty for the lease of any land belonging to or annexed to a church.
- (5) The parochial church council for the parish in which the church or land is situated shall be a party to any lease granted under subsection (3) or (4) and, without prejudice to the rights and obligations of the lessor, shall have the same rights as the lessor to enforce any term of the lease which may be binding on the lessee, including any rights to forfeit the lease or to distrain on the property of the lessee.
- (6) Subject to any directions of the court, any rent or other payment payable under any lease granted under subsection (3) or (4) shall be paid to the parochial church council.
- (7) Subject to subsections (6) and (8), any such lease shall be for such period, and may contain such terms, as the court may determine and the lease or any terms contained therein may be varied at any time by the court on application by any party to the lease or otherwise as authorised by the court.
- (8) Any such lease shall be deemed to contain the following terms—
 - (a) in the case of a lease of part of a church granted under subsection (3), the premises which are the subject of the lease shall not be used for purposes which are, or in a way which is, inconsistent with the use specified in that subsection, and

Status: Point in time view as at 01/09/2020.

Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross Heading: Pastoral (church buildings disposal) schemes. (See end of Document for details)*

- (b) in the case of a lease granted under subsection (3) or (4), no use shall be permitted for residential purposes except by a person who, as an employee of the lessor or otherwise, is required, as a condition of the employment or contract, to reside in the premises or part thereof,
and the lease shall be deemed to contain a covenant on the part of the lessee to perform those terms.
- (9) Where any lease is granted under subsection (3) or (4)—
- (a) in the case of a lease of premises to trustees to be held on trust to be used for the purposes of a place of worship, the trustees shall not be entitled to exercise the right conferred by the Places of Worship (Enfranchisement) Act 1920 (10 & 11 Geo. 5 c. 56) to enlarge the leasehold interest by acquiring the freehold;
- (b) in the case of a lease consisting of a tenancy of premises occupied or to be occupied wholly or partly for the purposes of a business, the tenancy shall not be subject to any provision of Part II of the Landlord and Tenant Act 1954 (2 & 3 Eliz 2 c. 56) under which the lease is continued until determined, or under which the tenant is entitled to apply to the court for the grant of a new tenancy, in accordance with the provisions of that Part; and
- (c) in the case of a lease of land consisting of a tenancy which would, but for this subsection, be a farm business tenancy to which the Agricultural Tenancies Act 1995 (c. 8) applied, that Act shall not apply to the tenancy and, accordingly, the tenant shall not be entitled to exercise any of the rights conferred by Part I, II or III of that Act.
- ^{F4}(10)
- (11) Where a lease has been granted under subsection (3) or (4) and, at any time, the benefice is vacant, the bishop in the name and on behalf of the incumbent in the incumbent's corporate capacity may exercise the power conferred on the lessor by subsection (7) to apply to the court for a variation of the lease or any terms therein and the lease shall be construed as if any reference in it to the incumbent were a reference to the bishop acting in the name and on behalf of the incumbent in the incumbent's corporate capacity.
- (12) Any question relating to the interpretation or enforcement of any term of any lease granted under subsection (3) or (4) shall be determined by the court and [^{F5}section 26 of the 2018 Measure (costs)] shall apply in relation to proceedings under subsection (7) and this subsection as it applies to the [^{F6}proceedings before a court exercising jurisdiction under that Measure] .
- (13) [^{F7}Section 60(2)(a) and (3) to (8) of the 2018 Measure (parties to proceedings: role of archdeacon)] shall apply to proceedings under subsections (3), (4), (7) and (12) as they apply to other proceedings for a faculty.
- (14) In this section, except subsection (9)(b), “the court” means the consistory court of the diocese in which the building is situated or, in the case of the diocese of Canterbury, the commissary court of that diocese and [^{F8}section 74 of the 2018 Measure (power of archdeacon to exercise faculty jurisdiction)] shall not apply to the jurisdiction of the courts conferred by the foregoing provisions of this section.
- (15) The foregoing provisions of this section shall not—
- (a) prevent the grant of a faculty authorising a suitable use of part of a church or the grant of any faculty in respect of any such land as aforesaid; or
- (b) affect any powers under any Act of Parliament;

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- (c) affect the power of the bishop of a diocese under [^{F9}section 92 of the 2018 Measure] to make an order directing that a building or land shall not be subject to the legal effects of consecration.

- (16) Where any church other than a church which has been declared closed for regular public worship is purchased compulsorily or is purchased by agreement under an enactment conferring powers of compulsory purchase, then for the purpose of any enactment applying to the disposal of sums paid to the Commissioners in respect of the purchase of the church or any land annexed or belonging thereto, or in respect of compensation for damage to other ecclesiastical property arising in connection with the purchase, the provisions of this Part relating to the disposal of the proceeds of sale of a building closed for regular public worship or any land annexed or belonging to a building closed for regular public worship shall be deemed not to be applicable.

[^{F10}(17) In this section, “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.]

Textual Amendments

- F4** S. 68(10) repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), **Sch. Pt. 5**; S.I. 2018/718, art. 2
- F5** Words in s. 68(12) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(2)(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F6** Words in s. 68(12) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(2)(b)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F7** Words in s. 68(13) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(3)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F8** Words in s. 68(14) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(4)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F9** Words in s. 68(15)(c) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(5)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2
- F10** S. 68(17) inserted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 19(6)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Commencement Information

- I8** S. 68 in force at 1.7.2012 by [S.I. 2012/1](#), art. 2

Status:

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Changes to legislation:

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