



# Church Property Measure 2018

2018 No. 8

## PART 1 **E**

### PARSONAGE LAND

#### *Procedure*

#### 12 Conveyancing formalities **E**

- (1) Where a house or other land is bought, sold or exchanged under this Part, the transfer must be made by or to—
  - (a) the incumbent of the benefice in the capacity as a corporation sole, or
  - (b) where the benefice is vacant, the bishop of the diocese in the name and on behalf of the incumbent in the capacity as a corporation sole.
- (2) In a case within subsection (1)(b), once the vacancy is filled, the transfer may not be disclaimed or renounced by an incumbent succeeding to the benefice.
- (3) Every transfer of a house or other land bought or acquired by way of exchange for a benefice under this Part must be filed in the registry of the diocese concerned in the manner specified in rules.
- (4) Where a house or other land sold or exchanged under this Part is subject to a mortgage or charge in favour of the Church Commissioners, the document giving effect to the sale or exchange discharges the land or buildings from the mortgage or charge; and the mortgage or charge attaches—
  - (a) in the case of a sale, to the money arising from the sale;
  - (b) in the case of an exchange, to the house or other land acquired on the exchange and to any money paid to the Parsonages Board for equality of exchange.
- (5) A deed or other document made under or for the purposes of this Part is not liable to stamp duty land tax.

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*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Cross Heading: Procedure. (See end of Document for details)*

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### Commencement Information

II S. 12(1)-(4) in force at 1.3.2019 by S.I. 2019/97, art. 2

## 13 Proceeds of sale etc. **E**

- (1) Where property of a benefice is sold or exchanged under section 1, the Parsonages Board for the diocese must apply any money arising from the sale or exchange for the following purposes in the following order of priority—
- (a) in payment of the costs, charges and expenses of the sale or exchange;
  - (b) in or towards repayment of money spent with the Board's consent to make the property more saleable or exchangeable;
  - (c) where the property was bought, built or improved wholly or in part with a loan from the Church Commissioners or on the security of a mortgage or charge in their favour, in or towards repayment of the principal or interest;
  - (d) where the property was bought wholly or in part with a loan under section 2(7), in or towards repayment of the loan;
  - (e) in or towards payment to the incumbent of the whole or part of the removal costs;
  - (f) in or towards payment to the incumbent of such amounts as have been paid to the Church Commissioners to reduce a loan made by them for or towards building or buying a house suitable for the residence and occupation of the incumbent;
  - (g) in or towards repayment to the Church Commissioners of the whole or part of a grant made by them for or towards building or buying a house suitable for the residence and occupation of the incumbent;
  - (h) for or towards the exercise of a power under section 2(1) or 4(1);
  - (i) in allocation of the money to the capital account of the diocesan stipends fund or to the pastoral account of the diocese, or partly to each, depending on what the DBF decides.
- (2) In subsection (1)(e), “removal costs” means costs reasonably incurred in respect of—
- (a) removal from one parsonage house to another,
  - (b) storage of the furniture, and
  - (c) rent paid for temporary residence pending occupation of the new parsonage house.
- (3) Money may be applied for the purpose specified in subsection (1)(e)—
- (a) only to the extent that the income derived from the money arising from the sale or exchange pending its application under subsection (1)(a) to (d) is insufficient for that purpose, and
  - (b) only with the consent of the bishop and of the Parsonages Board.
- (4) The Parsonages Board must provide the Church Commissioners with such information as they may require concerning transactions under this Part affecting property.
- (5) Any income derived from money arising from a sale or exchange under this Part must, pending the application of the money under this section, be added to the capital by way of accumulation.

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*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Cross Heading: Procedure. (See end of Document for details)*

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- (6) Where the Parsonages Board is proposing to apply money under subsection (1)(h) or (i), it must give written notice to the registered patron of the benefice, and to the PCC of each parish in the benefice, of the right to make representations on the proposal within the period specified in rules.
- (7) If representations are made in accordance with subsection (6), the Parsonages Board must send them to the Church Commissioners for their consideration.

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**Commencement Information**

**I2** S. 13 in force at 1.3.2019 by S.I. 2019/97, art. 2

**14 Registered patron where benefice vested in Crown or bishop** **E**

- (1) In the case of a benefice the patronage of which is vested in or exercisable by Her Majesty in right of the Crown—
- (a) Her Majesty is the registered patron for the purposes of this Part, and
  - (b) anything which is required by this Part to be given or done by or to the registered patron is to be given or done by or to the Prime Minister.
- (2) In the case of a benefice the patronage of which is vested in or exercisable by Her Majesty in right of the Duchy of Lancaster—
- (a) Her Majesty is the registered patron for the purposes of this Part, and
  - (b) anything which is required by this Part to be given or done by or to the registered patron is to be given or done by or to the Chancellor of the Duchy of Lancaster.
- (3) In the case of a benefice the patronage of which is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall—
- (a) the possessor for the time being of the Duchy is the registered patron for the purposes of this Part, and
  - (b) anything which is required by this Part to be given or done by or to the registered patron is to be given or done by or to a person authorised to act on behalf of the Duke of Cornwall under the Duchy of Cornwall Management Act 1863 (including a person authorised under section 38 or 39 of that Act).
- (4) Where the bishop of a diocese is the registered patron of a benefice in right of his or her see (either solely or alternately with others), anything which is required by this Part to be given to the registered patron need not be given to the bishop in the capacity as patron.

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**Commencement Information**

**I3** S. 14 in force at 1.3.2019 by S.I. 2019/97, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Church Property Measure 2018, Cross  
Heading: Procedure.