



# Church Property Measure 2018

2018 No. 8

## PART 2

### GLEBE LAND

#### *Dealings*

#### **20 Dealings**

- (1) The power of a DBF or management subsidiary to deal with diocesan glebe land (whether by way of sale, exchange, lease, mortgage, charge or otherwise) is exercisable in accordance with this section and sections 21 and 22.
- (2) The DBF or subsidiary may, if it thinks it necessary, include such terms for safeguarding the amenities of land that will be affected by the proposed transaction as it considers reasonable and proper, having regard to all the circumstances.
- (3) A DBF or management subsidiary may permit a person to reside, without paying rent, in a dwelling house situated on the diocesan glebe land if the bishop of the diocese has declared that the person is engaged in the cure of souls within the diocese.
- (4) Where a DBF or management subsidiary sells, exchanges or leases diocesan glebe land and the document giving effect to the transaction includes a restrictive covenant imposed for the benefit of church land or parsonage land, the covenant is enforceable by the DBF or subsidiary as if it were the owner of that land.
- (5) A DBF or management subsidiary may grant a short lease of diocesan glebe land only if—
  - (a) it has obtained advice on the proposed transaction from a person who it believes has the necessary ability and practical experience to provide it with competent advice, and
  - (b) having considered the advice, it is satisfied that the terms of the proposed transaction are the best that can be reasonably obtained for the diocese.

- (6) “Short lease” means a lease for a term of no more than seven years which is not granted wholly or partly at a premium.

## **21 Consent to dealings**

- (1) A DBF or management subsidiary may not enter into a transaction for any of the following dispositions of diocesan glebe land without the consent of the Church Commissioners—
- (a) a sale;
  - (b) an exchange;
  - (c) the grant of a lease wholly or partly at a premium;
  - (d) the grant of a lease for a term of 21 years or more;
  - (e) the grant of a lease of land which, had it not become diocesan glebe land, would be an excluded part of a parsonage house;
  - (f) the grant of a lease or licence, or the making of an agreement, relating to searching for, or working and getting, mines and minerals and any other operation arising from that;
  - (g) the grant of a mortgage or charge.
- (2) The consent of the Commissioners is not required if the disposition is to a management subsidiary for the purposes of a land management scheme.
- (3) The consent of the Commissioners is not required if—
- (a) the disposition is to a person who is not a connected person or a trustee for or nominee of a connected person, and
  - (b) before making the disposition or, where there is an agreement for the disposition, before entering into the agreement, the DBF or subsidiary has met the condition in subsection (4).
- (4) The condition in this subsection is that the DBF or subsidiary—
- (a) has obtained a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for it,
  - (b) has advertised the proposed transaction for the period and in the manner advised by the surveyor in the report, unless the surveyor has advised in the report that advertising the proposed transaction would not be in the best interests of the diocese, and
  - (c) having considered the report, is satisfied that the terms of the proposed transaction are the best that can be reasonably obtained for the diocese.
- (5) The consent of the Commissioners is not required if the disposition would give effect to the entitlement of a tenant under an enactment—
- (a) to acquire an interest in the land from the DBF or subsidiary,
  - (b) to be granted an interest in the land by the DBF or subsidiary, or
  - (c) to have an interest in the land renewed or extended.
- (6) The Commissioners may, as a condition of giving consent, require the DBF or subsidiary to include in the document giving effect to the transaction—
- (a) terms for safeguarding the amenities of land that will be affected by the transaction, and
  - (b) such other provisions as appear to the Commissioners to be necessary.

## **22 Notice of proposed dealing**

- (1) A DBF or management subsidiary may not enter into a transaction for a disposition referred to in section 21(1) unless it has given notice of the nature of the proposed transaction to the relevant persons.
- (2) The relevant persons are, unless subsection (3) or (4) applies—
  - (a) the incumbent of the benefice to which the parish where the land is situated belongs, and
  - (b) the PCC of that parish.
- (3) Where there is a vacancy in the benefice, the relevant persons are—
  - (a) the priest-in-charge appointed for the benefice under section 86 of the Mission and Pastoral Measure 2011 or, if none is so appointed, the churchwardens of the parish in which the land is situated,
  - (b) the PCC of that parish, and
  - (c) if the proposed transaction is the grant of a lease of land which, if it had not become diocesan glebe land, would be an excluded part of a parsonage house, the bishop of the diocese.
- (4) Where a team ministry is established for the benefice, the relevant persons are—
  - (a) every vicar in the team ministry,
  - (b) if the proposed transaction relates to a house occupied by a member of the team, that member, and
  - (c) the PCC of the parish.
- (5) A notice under this section must identify—
  - (a) the land to which it relates, and
  - (b) the easements (if any) over any church land or parsonage land of which that land has the benefit.

## **23 Grants and appropriations**

- (1) A DBF or management subsidiary may grant or appropriate diocesan glebe land—
  - (a) for use as or conversion into a church;
  - (b) as a site for a new church or for enlarging the site of an existing church;
  - (c) for use as a place of worship other than a church, or as a site for a new building to be used as such or for a building to replace a building currently used as such, or for enlarging the site of a building currently used as such;
  - (d) for use as a church hall, or as a site for a new church hall or for a building to replace an existing church hall, or for enlarging the site of an existing church hall;
  - (e) for use as both a church or other place of worship and a church hall, or as a site for a building to be used as such or for enlarging the site of a building currently used as such;
  - (f) as a site for a building to replace a building currently used as both a place of worship other than a church and a church hall;
  - (g) for the provision of a new churchyard or burial ground or for the enlargement of an existing churchyard or burial ground;
  - (h) for use as a parsonage house, or as a site for a building to be used as such or for enlarging the site of a building currently used as such;

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*Status: This is the original version (as it was originally enacted).*

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- (i) for occupation as a garden with a parsonage house or with a building to be used as such or for the enlargement of land currently occupied as such;
  - (j) for the provision of access to, or for improving the amenities of, a church or other place of worship, a church hall, a building used as both a church or other place of worship and a church hall, a churchyard or burial ground or a parsonage house;
  - (k) for the provision of vehicle parking space for use in connection with a church or other place of worship, a church hall, a building used as both a church or other place of worship and a church hall, or a churchyard or burial ground.
- (2) The exercise of the power to make a grant or appropriation under this section is not subject to section 21 or 22.

## **24 Loans by Church Commissioners**

- (1) The Church Commissioners may make a loan to a DBF for any of the following purposes—
- (a) the acquisition of land to be held as part of the diocesan glebe land;
  - (b) the development or improvement of diocesan glebe land and the safeguarding of its amenities;
  - (c) the discharge of any principal or interest owing under a mortgage or charge on diocesan glebe land.
- (2) A loan under this section may be of such amount and made on such terms and subject to the payment of interest at such rate as the Commissioners decide.
- (3) “Development”, in relation to a building, includes the division or demolition of the building.