

## SCHEDULES

### SCHEDULE 1

Section 50

#### CONSEQUENTIAL AMENDMENTS

#### PART 1

#### ACTS AND MEASURES

##### *Places of Worship (Enfranchisement) Act 1920*

- 1 In section 1 of the Places of Worship (Enfranchisement) Act 1920 (right of trustees with leasehold interest to acquire freehold), in subsection (1A), for the words from “and the powers” to the end substitute “and the Church Property Measure 2018 applies to the acquisition under this Act of the freehold reversion as it applies to the purchase under Part 1 of that Measure of a house for the residence and occupation of the incumbent of a benefice.”

##### *Marriage Act 1949*

- 2 (1) Section 10 of the Marriage Act 1949 (publication of banns commenced in one church and completed in another) is amended as follows.
- (2) In subsection (1), for “the Union of Benefices Measure 1923 or the New Parishes Measure 1943” substitute “the Mission and Pastoral Measure 2011”.
- (3) In subsection (2), for “the Reorganisation Areas Measure 1944” substitute “the Mission and Pastoral Measure 2011”.

##### *Diocesan Stipends Funds Measure 1953*

- 3 The Diocesan Stipends Funds Measure 1953 is amended as follows.
- 4 (1) Section 4 (application of money credited to capital account) is amended as follows.
- (2) In subsection (1)(a), for the words from “any subsidiary” to “(1976 No 4)” substitute “a management subsidiary within the meaning of the Church Property Measure 2018”.
- (3) In subsection (1)(e), for “section 36 of the Endowments and Glebe Measure 1976” substitute “section 10(2) or 24 of the Church Property Measure 2018”.
- (4) In subsection (2), for “the Endowments and Glebe Measure 1976” substitute “the Church Property Measure 2018”.
- 5 In section 8 (interpretation), in subsection (1), in the definition of “parsonage house”, for “the Endowments and Glebe Measure 1976” substitute “the Church Property Measure 2018”.

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*Crown Estate Act 1961*

- 6 In section 4 of the Crown Estate Act 1961 (grants for public or charitable purposes), in subsection (3), for “section fourteen of the New Parishes Measure 1943” substitute “section 29 of the Church Property Measure 2018”.

*Incumbents and Churchwardens (Trusts) Measure 1964*

- 7 In section 1 of the Incumbents and Churchwardens (Trusts) Measure 1964 (interpretation), omit the definition of “endowments of the benefice”.

*Forestry Act 1967*

- 8 In Schedule 2 to the Forestry Act 1967 (forestry dedication: conveyancing etc.), in paragraph 3—
- (a) in paragraph (a) of the proviso, for “the Endowments and Glebe Measure 1976 (1976 No 4)” substitute “section 21 of the Church Property Measure 2018”, and
  - (b) in paragraph (b) of the proviso, for “section 20(11)” substitute “section 47”.

*Leasehold Reform Act 1967*

- 9 (1) Section 31 of the Leasehold Reform Act 1967 (ecclesiastical property) is amended as follows.
- (2) In subsection (2), for “the Endowments and Glebe Measure 1976 or the Cathedrals Measure 1999” substitute “the Cathedrals Measure 1999 or Part 2 of the Church Property Measure 2018”.
- (3) For subsection (5) substitute—
- “(5) In this section—
- “diocesan board of finance” has the same meaning as “DBF” in the Church Property Measure 2018;
- “diocesan glebe land” has the same meaning as in that Measure.”

*Sharing of Church Buildings Act 1969*

- 10 In section 3 of the Sharing of Church Buildings Act 1969 (financial and management provisions), in subsection (3)—
- (a) omit “the said Commissioners and”, and
  - (b) for “sections 13 and 14 of the New Parishes Measure 1943” substitute “sections 28 and 29 of the Church Property Measure 2018”.

*Sharing of Church Buildings Measure 1970*

- 11 (1) Section 2 of the Sharing of Church Buildings Measure 1970 (application of powers under other Measures) is amended as follows.
- (2) In subsection (2)—
- (a) for the words from the beginning to “the said section 13,” substitute “The powers under sections 28 to 31 of the Church Property Measure 2018 (acquisition or grant of land for Church buildings etc.)”, and

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(b) for “sections 16 to 19 of the said Measure” substitute “sections 32 to 34 and 36(2) of that Measure”.

(3) In subsection (3)—

(a) for “section 14(1) and (2) and section 15 of the said Measure” substitute “sections 29(1), 30 and 31 of that Measure”,

(b) for “the said Commissioners” substitute “the Diocesan Board of Finance”, and

(c) for “section 18 of the said Measure” substitute “section 36(2) of that Measure”.

#### *Agriculture Act 1970*

12 In section 61 of the Agriculture Act 1970 (leases to smallholdings authority), in subsection (3)(a), for the words from “if the transaction” to the end substitute “under section 21 of the Church Property Measure 2018 if the transaction were carried out under Part 2 of that Measure”.

#### *Repair of Benefice Buildings Measure 1972*

13 The Repair of Benefice Buildings Measure 1972 is amended as follows.

14 In section 14 (parsonage house ceasing to be such), in subsection (1)—

(a) after “sold or exchanged” insert “under Part 1 of the Church Property Measure 2018”,

(b) for “the Parsonages Measure 1938” in the first place it appears substitute “section 3 of that Measure”, and

(c) for “under section 3(1) of the Parsonages Measure 1938” substitute “in accordance with section 5(1) of that Measure”.

15 In section 15 (scheme to extend functions of Parsonages), in subsection (1)(b), for “the powers conferred by sections 1, 2 and 2A of the Parsonages Measure 1938” substitute “one or more of the powers under sections 1, 2 and 4 of the Church Property Measure 2018”.

16 In section 31 (interpretation), in subsection (1), in the definition of “diocesan glebe land”, for “the Endowments and Glebe Measure 1976” substitute “the Church Property Measure 2018”.

#### *Highways Act 1980*

17 (1) Section 87 of the Highways Act 1980 (agreement for use of land for cattle-grid or by-pass) is amended as follows.

(2) In subsection (6), in paragraph (a)—

(a) for “glebe land” substitute “diocesan glebe land”,

(b) for “the Endowments and Glebe Measure 1976” substitute “section 21 of the Church Property Measure 2018”, and

(c) before “that Measure” insert “Part 2 of”.

(3) After that subsection insert—

“(6A) In subsection (6)—

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“Diocesan Board of Finance” has the same meaning as “DBF” in the Church Property Measure 2018;

“diocesan glebe land” has the same meaning as in that Measure.”

*Leasehold Reform, Housing and Urban Development Act 1993*

18 The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.

19 (1) Paragraph 8 of Schedule 2 (ecclesiastical landlords) is amended as follows.

(2) In sub-paragraph (2), for “the Endowments and Glebe Measure 1976” substitute “Part 2 of the Church Property Measure 2018”.

(3) For sub-paragraph (5) substitute—

“(5) In this paragraph—

“diocesan board of finance” has the same meaning as “DBF” in the Church Property Measure 2018;

“diocesan glebe land” has the same meaning as in that Measure.”

20 In Schedule 14 (landlord’s right to terminate new lease on grounds of redevelopment), in paragraph 12, for sub-paragraph (2) substitute—

“(2) In this paragraph—

“diocesan board of finance” has the same meaning as “DBF” in the Church Property Measure 2018;

“diocesan glebe land” has the same meaning as in that Measure.”

*Commons Act 2006*

21 In section 14 of the Commons Act 2006 (statutory dispositions of land), in subsection (3), for paragraph (b) substitute—

“(b) a deed made for the purposes of section 28 of the Church Property Measure 2018;”.

*Ecclesiastical Offices (Terms of Service) Measure 2009*

22 In section 6 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (houses of residence: acquisition, disposal, works), in subsection (4), for “section 1 or 2 of the [Parsonages Measure 1938 \(1 & 2 Geo 6 No 3\)](#)” substitute “section 1 or 2 of the Church Property Measure 2018”.

*Mission and Pastoral Measure 2011*

23 The Mission and Pastoral Measure 2011 is amended as follows.

24 In section 45 (pastoral scheme: parsonage house), in subsection (3) for “the Endowments and Glebe Measure 1976 ([1976 No 4](#))” substitute “the Church Property Measure 2018”.

25 (1) Section 47 (pastoral scheme: endowments etc.) is amended as follows.

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- (2) In subsection (4)—
- (a) for “the [Parsonages Measure 1938 \(1 & 2 Geo 6 No 3\)](#)” substitute “section 13 of the Church Property Measure 2018”, and
  - (b) before “that Measure” insert “Part 1 of”.
- (3) In subsection (5)—
- (a) for “section 5 of the Parsonages Measure 1938” substitute “section 13 of the Church Property Measure 2018”, and
  - (b) before “that Measure” insert “Part 1 of”.
- 26 In section 51 (powers exercisable by pastoral order), in paragraph (k), for “the Parsonages Measure 1938” substitute “Part 1 of the Church Property Measure 2018”.
- 27 (1) Section 92 (grant of land for new churches etc. and vesting of certain churches) is amended as follows.
- (2) In subsection (1), for the words from “section 14(1)” to “section 13 of that Measure,” substitute “section 29 of the Church Property Measure 2018 or make a declaration under section 28(7) of that Measure for any of the purposes mentioned in section 28 of that Measure.”.
- (3) In subsection (2), for “section 14” substitute “section 29”.
- 28 In paragraph 8 of Schedule 3 (pastoral schemes and orders: transfer to DBF), in sub-paragraph (2), for “section 20 of the Endowments and Glebe Measure 1976” substitute “section 21 of the Church Property Measure 2018”.

#### *Charities Act 2011*

- 29 In section 10 of the Charities Act 2011 (ecclesiastical corporations etc. not charities in certain contexts), for subsection (4) substitute—
- “(4) In this section—
- “Diocesan Board of Finance” has the same meaning as “DBF” in the Church Property Measure 2018;
  - “diocesan glebe land” has the same meaning as in that Measure;
  - “subsidiary” has the same meaning as “management subsidiary” in that Measure.”

#### *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*

- 30 In Part 3 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (care of churches etc.), in section 55(1), in the definition of “diocesan board of finance” for the words from “as” to the end substitute “as “DBF” in the Church Property Measure 2018 (see section 49 of that Measure)”.

## **PART 2**

### SUBORDINATE LEGISLATION

#### *Parsonages Measure Rules 2000*

- 31 The Parsonages Measure Rules 2000 ([S.I. 2000/3171](#)) are amended as follows.

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- 32 In each of rules 1 to 7 and 10 to 12, before “the Measure”, in each place it appears, insert “Part 1 of”.
- 33 For rule 8 substitute—
- “8 Specified period for objections to or representations on proposals**
- The period specified for the purposes of each of sections 5(1) and 13(6) is 21 days beginning with the next working day after the day on which the notice in question is given.”
- 34 In rule 9 (passing objections or representations to Commissioners), for “sections 3(1) or 7” substitute “section 5(1) or 13(6)”.
- 35 (1) Rule 13 (interpretation) is amended as follows.
- (2) In the definition of “the Measure”, for “the Parsonages Measure 1938, as amended” substitute “the Church Property Measure 2018”.
- (3) In the definition of “Parochial Church Council”, before “the Measure” insert “Part 1 of”.

*Land Registration Rules 2003*

- 36 In Schedule 4 to the Land Registration Rules 2003 ([S.I. 2003/1417](#)) (forms of restriction), in Form D (dispositions of church land etc.), in the certificate specified in paragraph (a), for the first four bulleted clauses substitute—
- “is made in accordance with Part 1 of the Church Property Measure 2018,  
is made in accordance with Part 2 of the Church Property Measure 2018,  
is made in accordance with section 29 of the Church Property Measure 2018,  
is made in accordance with section 29 of the Church Property Measure 2018 by virtue of section 4(9) of the Ecclesiastical Offices (Terms of Service) Measure 2009,  
is made in accordance with sections 33 and 34 of the Church Property Measure 2018.”.

*Works on Common Land, etc. (Procedure) (England) Regulations 2007*

- 37 The Works on Common Land, etc. (Procedure) (England) Regulations 2007 ([S.I. 2007/2588](#)) are amended as follows.
- 38 In regulation 2(2) (scope), for “section 15 of the New Parishes Measure 1943” substitute “section 30 of the Church Property Measure 2018”.
- 39 (1) Regulation 23 (the title to which becomes “Applications under the Church Property Measure 2018”) is amended as follows.
- (2) In paragraph (1), for “section 15(1) of the New Parishes Measure 1943” substitute “section 30(3) of the Church Property Measure 2018”.
- (3) In paragraph (3), for “section 15(1) of that Measure” substitute “section 30(3) of the Church Property Measure 2018”.

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*Commons Registration (England) Regulations 2014*

- 40 (1) In Schedule 4 to the Commons Registration (England) Regulations 2014 ([S.I. 2014/3038](#)), the table following paragraph 8 (applications under section 14 of the Commons Act 2006: statutory dispositions) is amended as follows.
- (2) Omit the entries for the New Parishes Measure 1943.
- (3) At the end insert—

“Church Property Measure 2018, sections 28 and 30	The disposition of registered common land, made with the consent of the Secretary of State under section 30	The deed by which the disposition of the land is made to the Diocesan Board of Finance for the diocese in which the land is situated	The Diocesan Board of Finance for the diocese in which the land is situated.”
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