



Church Property Measure 2018

2018 No. 8

PART 3

NEWLY ACQUIRED LAND

29 Grant of land

- (1) Each of the following may grant land to a DBF for a purpose specified in section 28, whether by gift or for valuable consideration (whether or not it is the best consideration that could reasonably be expected to be obtained)—
 - (a) a corporation, whether lay, ecclesiastical or collegiate and whether sole or aggregate;
 - (b) charity trustees for charitable purposes;
 - (c) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or whichever other government department has responsibility for managing the land;
 - (d) if the land belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (e) if the land belongs to the Duchy of Cornwall, the Duke of Cornwall or the person who is the possessor for the time being of the Duchy;
 - (f) if the land belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.
- (2) A grant under subsection (1)(a) which would be made by the incumbent of a benefice in the capacity as a corporation sole, if there were not a vacancy in the benefice, may be made during the vacancy by the bishop of the diocese to which the benefice belongs.
- (3) Where a grant under subsection (1)(a) is made by the incumbent of a benefice in the capacity as a corporation sole or by the bishop by virtue of subsection (2), the purchase money must be paid to the DBF; and the DBF must appropriate it for the benefit of the diocesan stipends fund.
- (4) It is hereby declared for the avoidance of doubt that the power of the incumbent of a benefice in the capacity as a corporation sole or by the bishop by virtue of

Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 29. (See end of Document for details)

subsection (2) to make a grant under subsection (1)(a) includes a power to grant any part of the land held with the parsonage; but a grant under this subsection may not be made without the consent of the Parsonages Board.

(5) A grant by charity trustees under subsection (1)(b) is, unless the charity is an exempt charity within the meaning of the Charities Act 2011 (see section 22 of that Act), to be made only—

- (a) with the sanction of an order of the Charity Commission, or
- (b) in accordance with such of sections 117(2) and 119 to 121 of that Act (restrictions on dispositions of land) as are applicable.

(6) Section 337 of that Act (orders by the Charity Commission) applies to an order under subsection (5)(a) as it applies to an order under that Act.

(7) A grant under subsection (1)(c) or (f) may not be made without the consent of the Treasury.

(8) In section 4 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (provision of housing for office holders), after subsection (8) insert—

“(9) A person who is entitled to grant land under section 29 of the Church Property Measure 2018 (grants to diocesan board of finance) is entitled also to grant land to the Board for the purposes of its functions under this Measure.”

Commencement Information

II [S. 29](#) in force at 1.3.2019 by [S.I. 2019/97](#), [art. 2](#)

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