



# Church Property Measure 2018

2018 No. 8

## PART 1

### PARSONAGE LAND

#### *Dealings in parsonage house etc.*

### **3 Consent to dealing under section 1 or 2**

- (1) A power under section 1 or 2 may not be exercised without—
  - (a) the consent of the Church Commissioners,
  - (b) the consent of the Parsonages Board for the diocese concerned,
  - (c) the consent of the bishop of the diocese (unless the bishop is, by virtue of section 1(7) or 2(2), the person exercising the power), and
  - (d) in the case only of a power under section 1, any consent required by subsection (2) or (3) of this section.
- (2) If the property concerned is held under a grant made by or on behalf of Her Majesty in right of the Crown, the consent of the Crown Estate Commissioners is required.
- (3) If the property concerned is occupied by a member of the team in a team ministry, the consent of that member is required.
- (4) The consent of the Church Commissioners to the exercise of the power of sale or exchange under section 1 is not required if—
  - (a) the transferee is not a connected person or a trustee for or nominee of a connected person, and
  - (b) before entering into an agreement for the sale or exchange, the person entitled to exercise the power has met the conditions in subsections (7) and (8).
- (5) The consent of the Church Commissioners to the exercise of the power to pull down a house or other building under section 1 is not required if that is the only purpose for which it is proposed to exercise the power.

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*Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 3. (See end of Document for details)*

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- (6) The consent of the Church Commissioners to the exercise of a power under section 2 is not required if—
- (a) no person concerned in the transaction is a connected person or a trustee for or nominee of a connected person, and
  - (b) before entering into the transaction, the person entitled to exercise the power has met the condition in subsection (7).
- (7) The condition in this subsection is that the person entitled to exercise the power—
- (a) has obtained a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for him or her, and
  - (b) having considered the report, is satisfied that the terms of the proposed transaction are the best that can be reasonably obtained for the benefice.
- (8) The condition in this subsection is that the person entitled to exercise the power 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 benefice.

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**Commencement Information**

**II** S. 3 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, Section 3.