



Church Property Measure 2018

2018 No. 8

PART 4

MISCELLANEOUS AND GENERAL

Property rights and obligations

41 Covenants

- (1) This section applies where, in pursuance of an Act or Measure—
 - (a) the incumbent of a benefice acquires land in such a manner that it vests in the incumbent in right of the benefice,
 - (b) an archbishop or bishop acquires land on behalf of the incumbent of a benefice during a vacancy in the benefice,
 - (c) a DBF or Parsonages Board acquires land which is to vest in the incumbent of a benefice in right of the benefice, or
 - (d) land vested in the incumbent of a benefice in right of the benefice is sold or otherwise disposed of by the incumbent or by an archbishop or bishop on behalf of the incumbent during a vacancy in the benefice.
- (2) In a case within subsection (1)(a), (b) or (c), the person acquiring the land may enter into a covenant to restrict the user of, or to require an act to be done in relation to, the land being acquired or other land vested in the incumbent in right of the benefice.
- (3) In a case within subsection (1)(d), the person disposing of the land may enter into a covenant to restrict the user of, or to require an act to be done in relation to, other land vested in the incumbent in right of the benefice.
- (4) A covenant entered into under this section is, unless the transfer provides otherwise, enforceable against the incumbent for the time being of the benefice in whom the land affected by the covenant is vested.
- (5) Where an incumbent enters into a covenant under this section, the incumbent is not liable for a breach which occurs after he or she has ceased to be the incumbent.

Changes to legislation: There are currently no known outstanding effects for the Church Property Measure 2018, Section 41. (See end of Document for details)

- (6) Where a person other than an incumbent enters into a covenant under this section, that person is not liable for a breach which occurs after the land has vested in the incumbent.

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Commencement Information

II S. 41 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 41.