



# Church Property Measure 2018

2018 No. 8

## PART 1

### PARSONAGE LAND

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

#### **8 Transfer to DBF**

- (1) This section applies where a DBF is of the opinion—
  - (a) that the parsonage house or the whole or part of any other parsonage land of a benefice in the diocese is not required as the incumbent's official residence or for his or her convenient occupation, and
  - (b) that the house or other land should be transferred to the DBF.
- (2) The DBF must notify each of the following of the right to make within one month of the notification representations to the Church Commissioners on the proposed transfer—
  - (a) the PCC of each parish belonging to the benefice;
  - (b) the incumbent or sequestrators of the benefice;
  - (c) if there is a team ministry for the benefice, every member of the team.
- (3) After considering any representations made in accordance with subsection (2), the Commissioners must notify the DBF and each of the persons mentioned in that subsection of their decision on the representations and the reasons for that decision.
- (4) If no representations are made in accordance with subsection (2) or the Commissioners decide that the proposed transfer should take place in spite of any representations so made, the bishop of the diocese may by order under his or her seal provide for the transfer of the land concerned to the DBF on the date specified for that purpose in the order ("the transfer date").
- (5) A transfer under this section accordingly takes effect on the transfer date; and on that date, without the need for a deed or other document, the land is vested in the DBF—

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*Status: This is the original version (as it was originally enacted).*

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- (a) subject to and with the benefit of any tenancies, covenants, conditions, agreements, easements or rights to which the land was subject, and of which it had the benefit, immediately before the transfer date, and
  - (b) if the order so provides, subject to all rights which are necessary for the benefit of other parsonage land of the benefice or church land, and
  - (c) if the order so provides, with the benefit of all rights over other parsonage land of the benefice or church land which are necessary for the benefit of the land transferred.
- (6) Land which vests in a DBF under this section is held by that DBF as part of the diocesan glebe land.
- (7) A reference in subsection (5) to a right which is necessary for the benefit of land is a reference to a right in the nature of an easement which is necessary for the reasonable enjoyment of that land and which was exercisable by the incumbent in right of his or her benefice.
- (8) Where an order under subsection (4) includes provision of the kind referred to in subsection (5)(b), the rights specified in that provision in the order take effect on the transfer date as legal easements appurtenant to the land so specified.
- (9) An order under subsection (4) may specify a tenancy, covenant, condition, agreement, easement or other right subject to which, or with the benefit of which, the land vests in the DBF under this section.
- (10) The bishop of a diocese may by order under his or her seal remedy a defect in or omission from an order under subsection (4) or an order under this subsection.
- (11) An order under this section may make incidental or supplementary provision.