



Church of England (Miscellaneous Provisions) Measure 2024

2024 No. 1

PROSPECTIVE

Church property

13 Care of churches

- (1) In section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (duty to have regard to church's purpose)—
 - (a) after “have due regard to” insert “—
 - (a)”,
 - (b) after paragraph (a) insert “, and
 - (b) the importance of environmental protection”, and
 - (c) in the title, at the end insert “and environmental protection”.
- (2) In section 37 of that Measure (diocesan advisory committee: functions), after subsection (7) insert—

“(7A) Where rules require a relevant person to carry out consultation, the relevant person may delegate the discharge of that function to the advisory committee.”
- (3) In Schedule 2 to that Measure (diocesan advisory committee: constitution), in paragraph 2 (appointment of members)—
 - (a) in sub-paragraph (3)(b), omit sub-paragraph (ii) (but not the following “and”) (appointment of member after consulting local authorities), and
 - (b) in sub-paragraph (4), omit the “and” preceding paragraph (d) and after paragraph (d) insert “, and
 - (e) knowledge of environmental matters”.
- (4) In that Schedule, in paragraph 2, after sub-paragraph (4) insert—

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2024, Cross Heading: Church property. (See end of Document for details)

“(4A) At least one of the members, whether under sub-paragraph (3)(b) or (c), must have personal knowledge and experience of issues that need to be addressed when considering how to secure accessibility for disabled people to buildings and facilities.”

(5) In section 78 of that Measure (power of chancellor to specify cases where faculty not required), after subsection (2) insert—

“(2A) The reference in subsection (2)(a) to section 77(1) is to be read as a reference to section 77(1) as it has effect subject only to section 77(7)(a) to (j); accordingly, an order under this section may specify a matter referred to in section 77(7)(k) (introduction of monument etc.).”

(6) In subsection (2)(a) of that section, after “section 77(1)” insert “(but see subsection (2A))”.

Commencement Information

II S. 13 not in force at Royal Assent, see [s. 22\(4\)](#)

14 Disposals etc. of land

(1) In section 43 of the Church Property Measure 2018 (power of incumbent to dedicate land for highway), after subsection (3) insert—

“(4) Where the benefice is vacant, the power under this section is exercisable by—

- (a) the priest-in-charge appointed for the benefice, or
- (b) if none is appointed, the bishop of the diocese to which the benefice belongs, after receiving a request to exercise the power from the PCC or, if the land is situated in more than one parish, from each of the PCCs acting jointly (and subsection (2)(b) would accordingly not apply).”

(2) After section 45 of that Measure insert—

“45A Power for bishop to act where benefice vacant

(1) Where a benefice is vacant, the person determined in accordance with subsection (2) may do anything in relation to any land that the incumbent would be entitled to do in relation to that land if the benefice were full; but that person must for that purpose obtain such authority under the faculty jurisdiction as the incumbent would be required to obtain.

(2) The person entitled to act under subsection (1) is—

- (a) the priest-in-charge appointed for the benefice, or
- (b) if none is appointed, the bishop of the diocese to which the benefice belongs, after receiving a request to act from the PCC or, if the land is situated in more than one parish, from each of the PCCs acting jointly.

(3) The power conferred by subsection (1) includes, in a case where the incumbent is the sole trustee of the land concerned, the power to do anything which a trustee of the land is entitled to do.

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- (4) A power exercisable by the bishop under subsection (1) is in addition to, and does not limit, the powers conferred by sections 1(7), 2(2), 5(4) and (5), 12(1)(b), 43(4) and 45(8).”
- (3) In section 48 of that Measure (interpretation of references to land), after subsection (11) insert—
- “(11A) A reference to disposing, in relation to land, has the same meaning as in the Law of Property Act 1925 (see section 205(1)(ii) of that Act).”
- (4) In section 1 of the Sharing of Church Buildings Act 1969 (agreements for sharing church buildings), in subsection (3)(a)—
- (a) in sub-paragraph (i), for “Pastoral Measure 1983” substitute “Mission and Pastoral Measure 2011”, and
- (b) in sub-paragraph (ii), for “section 20(8A)” substitute “section 34(8)”.
- (5) In that section, in subsection (6)—
- (a) for “section 67 of the Pastoral Measure 1968” substitute “section 85 of the Mission and Pastoral Measure 2011”, and
- (b) after “a reference to the minister in charge of the parish” insert “or the bishop of the diocese concerned”.
- (6) In that section, after subsection (10) insert—
- “(11) In subsection (6), the reference to the minister in charge of a parish is a reference to—
- (a) a curate licensed to the charge of the parish, or
- (b) a minister holding office as priest-in-charge of the benefice to which the parish belongs.”
- (7) In section 12 of the Church Property Measure 2018, omit subsection (5) and in section 36 of that Measure, omit subsection (2).

Commencement Information

I2 S. 14 not in force at Royal Assent, see [s. 22\(4\)](#)

15 Care of cathedrals

- (1) In section 2 of the Care of Cathedrals Measure 2011 (approval required for alterations to cathedrals), in subsection (1), after paragraph (b) but before the following “or” insert “, or
- (ba) for the removal of any such object as is referred to in paragraph (b) from the cathedral church, from a building within its precinct or from anywhere else within its precinct, to a place where the object is to be put on display.”.
- (2) In that section, in subsection (2), in paragraph (b), at the beginning insert “except in a case within subsection (1)(ba).”.
- (3) In Schedule 1 to that Measure (Cathedrals Fabric Commission for England), in paragraph 3(a) (membership to include one bishop), for “the members of that House” substitute “those who hold office as a diocesan or suffragan bishop”.

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Commencement Information

I3 S. 15 not in force at Royal Assent, see [s. 22\(4\)](#)

16 Dealings in church property: role of designated adviser

(1) In section 20 of the Church Property Measure 2018 (glebe land: dealings), after subsection (4) insert—

“(4A) A DBF or management subsidiary may grant a lease of diocesan glebe land, other than a short lease (as to which, see subsection (5)), only if—

- (a) it has obtained a written report on the proposed transaction from a designated adviser instructed by and acting exclusively for it, and
- (b) having considered the report, it is satisfied that the terms of the proposed transaction are the best that can reasonably be obtained for the diocese.”

(2) In section 21 of that Measure (consent to dealings), in subsection (4), omit paragraph (b) (but not the following “and”).

(3) In section 49 of that Measure (interpretation), for subsection (7) (which defines “qualified surveyor”) substitute—

“(7) “Designated adviser” means a person who is a designated adviser for the purposes of section 119(1) of the Charities Act 2011.”

(4) In each of sections 3(7)(a), 21(4)(a), 28(4)(a), 34(4)(a) and 49(8) of that Measure, for “qualified surveyor” substitute “designated adviser”.

(5) In each of sections 3(8) and 49(8) of that Measure, for “the surveyor”, in each place it appears, substitute “the designated adviser”.

Commencement Information

I4 S. 16 not in force at Royal Assent, see [s. 22\(4\)](#)

Status:

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