

A MEASURE

PASSED BY

THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To consolidate with amendments certain enactments relating to parochial church councils and parochial charities.
[5th July, 1956]

1. In this Measure—

Definitions.

“ Council ” means a parochial church council ;

“ Diocesan Authority ” means the Diocesan Board of Finance or any existing or future body appointed by the Diocesan Conference to act as trustees of diocesan trust property ;

“ Minister ” and “ Parish ” have the meanings respectively assigned to them in the Rules for the Representation of the Laity ;

“ Relevant date ” means the first day of July, 1921.

2. It shall be the primary duty of the council in every parish to co-operate with the minister in the initiation conduct and development of church work both within the parish and outside.

General functions of council.

3. Every council shall be a body corporate by the name of the parochial church council of the parish for which it is appointed and shall have perpetual succession. Any act of the council may be signified by an instrument executed pursuant to a resolution of the council and under the hands or if an instrument under seal is required under the hands and seals of the chairman presiding and two other members of the council present at the meeting at which such resolution is passed.

Council to be a body corporate.

4.—(1) Subject to the provisions of any Act or Measure passed after the relevant date and to anything lawfully done under such provisions, the council of every parish shall have—

Powers vested in council as successor to certain other bodies.

- (i) The like powers duties and liabilities as, immediately before the relevant date, the vestry of such parish had with respect to the affairs of the church except as regards the election of churchwardens and sidesmen and as regards the administration of ecclesiastical charities but including the power of presentation to the benefice of such parish if the right to present thereto was vested in or in trust for the parishioners and the power of making any voluntary church rate.

(ii) The like powers duties and liabilities as, immediately before the relevant date, the churchwardens of such parish had with respect to—

(a) The financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys ;

(b) The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof ;

(c) The care and maintenance of any churchyard (open or closed), and the power of giving a certificate under the provisions of section eighteen of the Burial Act, 1855, with the like powers as, immediately before the relevant date, were possessed by the churchwardens to recover the cost of maintaining a closed churchyard :

Provided that nothing herein contained shall affect the property of the churchwardens in the goods and ornaments of the church or their powers duties and liabilities with respect to visitations.

(iii) The like powers duties and liabilities as, immediately before the relevant date, were possessed by the church trustees (if any) for the parish appointed under the Compulsory Church Rate Abolition Act, 1868.

(2) All enactments in any Act whether general or local or personal relating to any powers duties or liabilities transferred to the council from the vestry churchwardens or church trustees as the case may be shall subject to the provisions of this Measure and so far as circumstances admit be construed as if any reference therein to the vestry or the churchwardens or church trustees referred to the council to which such powers duties or liabilities have been transferred and the said enactments shall be construed with such modifications as may be necessary for carrying this Measure into effect.

(3) Where any property is applicable to purposes connected with any such powers duties or liabilities as aforesaid, any deed or instrument which could be or could have been made or executed in relation to such property by a vestry, or by churchwardens or church trustees, may be made or executed by the council of the parish concerned.

(4) This Measure shall not affect any enactment in any private or local Act of Parliament under the authority of which church rates may be made or levied in lieu of or in consideration of the extinguishment or of the appropriation to any other purpose of any tithes customary payments or other property or charge upon property which tithes payments property or charge previously

to the passing of such Act had been appropriated by law to ecclesiastical purposes or in consideration of the abolition of tithes in any place or upon any contract made or for good or valuable consideration given and every such enactment shall continue in force in the same manner as if this Measure had not been passed.

For the purposes of this subsection "ecclesiastical purposes" shall mean the building rebuilding enlargement and repair of any church and any purpose to which by common or ecclesiastical law a church rate is applicable or any of such purposes.

5.—(1) Subject to the provisions of this Measure, the council of every parish shall have power to acquire (whether by way of gift or otherwise) any property real or personal—

Holding of property for ecclesiastical purposes: educational schemes.

(a) For any ecclesiastical purpose affecting the parish or any part thereof;

(b) For any purpose in connection with schemes (hereinafter called "educational schemes") for providing facilities for the spiritual moral and physical training of persons residing in or near the parish.

(2) Subject to the provisions of this Measure and of the general law and to the provisions of any trusts affecting any such property, the council shall have power to manage, administer and dispose of any property acquired under this section.

(3) A council shall have power, in connection with any educational scheme, to constitute or participate in the constitution of a body of managers or trustees or a managing committee consisting either wholly or partly of persons appointed by the council, and may confer on any such body or committee such functions in regard to the implementation of the scheme, and such functions relating to property held for the purposes of the scheme, as the council thinks expedient.

(4) The powers of a council with respect to educational schemes shall be exercised subject to and in accordance with the terms of any undertaking which may have been given by the council to the Minister of Education or to any local authority in connection with any financial or other assistance given by the Minister or the authority in relation to the scheme.

(5) A council shall not exercise any of its powers in relation to educational schemes without the consent of the diocesan education committee of the diocese, and any such consent may be given upon such terms and conditions as the committee considers appropriate in all the circumstances of the case.

In this subsection the expression "diocesan education committee" includes any body of persons whether incorporated or not for the time being having the functions of such a committee by virtue of the Diocesan Education Committees Measure, 1955, and any orders made thereunder.

Supplementary provisions relating to certain property.

6.—(1) After the commencement of this Measure, a council shall not acquire any interest in land (other than a short lease as hereinafter defined) or in any personal property to be held on permanent trusts, without the consent of the diocesan authority.

(2) Where, at or after the commencement of this Measure, a council holds or acquires an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts, such interest shall be vested in the diocesan authority subject to all trusts, debts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite for giving effect to the provisions of this subsection.

(3) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall not sell, lease, let, exchange, charge or take any legal proceedings with respect to the property without the consent of the authority; but save as aforesaid, nothing in this section shall affect the powers of the council in relation to the management, administration or disposition of any such property.

(4) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall keep the authority indemnified in respect of:

- (a) all liabilities subject to which the property is vested in the authority or which may thereafter be incident to the property;
- (b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the property;
- (c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the property or as trustee thereof;
- (d) all costs, proceedings, claims and demands in respect of any of the matters hereinbefore mentioned.

(5) The consents required by subsection (3) of this section are additional to any other consents required by law, either from the Charity Commissioners or the Minister of Education or otherwise.

(6) In this section the expression "short lease" means a lease for a term not exceeding one year, and includes any tenancy from week to week, from month to month, from quarter to quarter, or from year to year.

(7) Any question as to whether personal property is to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop.

7. The council of every parish shall have the following powers in addition to any powers conferred by the Constitution or otherwise by this Measure:—

Miscellaneous
powers of
council.

- (i) Power to frame an annual budget of moneys required for the maintenance of the work of the Church in the parish and otherwise and to take such steps as they think necessary for the raising collecting and allocating of such moneys ;
- (ii) Power to make levy and collect a voluntary church rate for any purpose connected with the affairs of the church including the administrative expenses of the council and the costs of any legal proceedings ;
- (iii) Power jointly with the minister to appoint and dismiss the parish clerk and sexton or any persons performing or assisting to perform the duties of parish clerk or sexton and to determine their salaries and the conditions of the tenure of their offices or of their employment but subject to the rights of any persons holding the said offices at the appointed day ;
- (iv) Power jointly with the minister to determine the objects to which all moneys to be given or collected in church shall be allocated subject to the directions contained in the Book of Common Prayer as to the disposal of money given at the offertory ;
- (v) Power to make representations to the bishop with regard to any matter affecting the welfare of the church in the parish.

8.—(1) Every council shall furnish to the annual parochial church meeting the audited accounts of the council for the year ending on the 31st December immediately preceding the meeting and an audited statement of the funds and property, if any, remaining in the hands of the council at that date.

Accounts of
the council.

(2) At least seven days before the annual parochial church meeting, the council shall cause a copy of the said audited accounts and a copy of the said statement to be affixed at or near the principal door of the parish church as required by paragraph (2) of Rule 8 of the Rules for the Representation of the Laity.

(3) The accounts and statement shall be submitted to the meeting for approval, and, if approved, they shall be signed by the chairman of the meeting who shall then deliver them to the council for publication, and the council shall forthwith cause them to be published in the manner provided by paragraph (3) of Rule 8 of the Rules for the Representation of the Laity.

(4) The accounts of all trusts administered by the council shall be laid before the diocesan authority annually.

Powers of
bishop.

9.—(1) The bishop may subject to the provisions of this Measure and the Constitution make rules for carrying this Measure into effect within the diocese.

(2) If any act required by this Measure to be done by any person is not done within such time as the bishop may consider reasonable it may be done by or under the authority of the bishop.

(3) In the event of a council and a minister being unable to agree as to any matter in which their agreement or joint action is required under the provisions of this Measure, such matter shall be dealt with or determined in such manner as the bishop may direct.

(4) During a vacancy in a diocesan see the powers conferred upon the bishop by this section may be exercised by the guardian of the spiritualities.

! Short title,
commence-
ment, extent
, and repeals.

10.—(1) This Measure may be cited as the Parochial Church Councils (Powers) Measure, 1956.

(2) This Measure shall come into operation on the second day of January, 1957.

(3) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man:

Provided that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

(4) The Parochial Church Councils (Powers) Measure, 1921, and the Parochial Church Councils (Powers) (Amendment) Measure, 1949, are hereby repealed.

Table of Enactments Referred to in this Measure

Short Title	Session and Chapter
Burial Act, 1855	18 & 19 Vict. c. 128.
Compulsory Church Rate Abolition Act, 1868...	31 & 32 Vict. c. 109.
Parochial Church Councils (Powers) Measure, 1921	11 & 12 Geo. 5. No. 1.
Parochial Church Councils (Powers) (Amendment) Measure, 1949	12 & 13 Geo. 6. No. 2.
Diocesan Education Committees Measure, 1955...	4 & 5 Eliz. 2. No. 1.
Representation of the Laity Measure, 1956 ...	4 & 5 Eliz. 2. No. 2.

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