



New Parishes Measure 1943

1943 No. 1 6 and 7 Geo 6

A Measure passed by the National Assembly of the Church of England To consolidate with amendments the New Parishes Acts 1843 to 1884 to repeal such of the provisions of the Church Building Acts 1818 to 1884 as authorise the formation of new ecclesiastical districts or as are obsolete, and to re-enact with amendments other provisions of the last mentioned Acts, and for purposes connected with the matters aforesaid.

[4th February 1943]

Commencement Information

II Measure wholly in force at Royal Assent

PART I

1 **F1**

Textual Amendments

F1 [S. 1](#) repealed with saving by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), [Sch. 8 para. 4](#), [Sch. 9](#)

2 **F2**

Textual Amendments

F2 [Ss. 2 and 3\(1\)–\(3\)](#) proviso(a) repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), [Sch. 9](#)

3 (1) **F3**

Status: Point in time view as at 19/05/2014.
Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

- (3) (a) F3
- (b) F4
- (4) F5

Textual Amendments

- F3 Ss. 2 and 3(1)–(3) proviso(a) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 9
- F4 S. 3(3) proviso(b) repealed by Ecclesiastical Fees Measure 1962 (No. 1, SIF 21:1), Sch. Pt. I.
- F5 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 9

- 4—9. F6

Textual Amendments

- F6 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 9

- 10 (1) F7
- (3) F8

Textual Amendments

- F7 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 9
- F8 S. 10(3) repealed by Ecclesiastical Fees Measure 1962 (No. 1, SIF 21:1), Sch. Pt. I

- 11 F9

Textual Amendments

- F9 S. 11 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 9

- 12 F10

Textual Amendments

- F10 S. 12 repealed by Churchwardens (Appointment and Resignation) Measure 1964 (No. 3, SIF 21:6), s. 14

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PART II

GENERAL PROVISIONS APPLICABLE TO ALL ECCLESIASTICAL DISTRICTS

Acquisition of land for church sites, &c.

13 Power of [^{F11}Church Commissioners] to acquire land for churches, &c.

(1) [^{F12}Subject to subsections (1A) and (1B) below, the diocesan board of finance] may acquire by way of gift, devise or purchase, . . . ^{F13}

- (a) [^{F14}a church or a part of a church or any other building] fit to be used as or to be converted into a church;
- (b) any land as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church;
- [^{F15}(bb) any building to be used as a [^{F16}place of worship (other than a church) or] church hall or both as a church or other place of worship and as a church hall or any land for the site of a building to be so used or for enlarging the site of an existing building so used;]
- (c) any land for providing a new or extending an existing churchyard or burial ground;
- (d) any building or land for or for an extension of a house of residence for an incumbent ^{F17}...;
- (e) any land required for providing access to or improving the amenities of any such church [^{F18}or other place of worship], [^{F19}church hall,] churchyard, burial ground or house of residence.
- [^{F20}(f) any land required for providing vehicle parking space for use in connection with any such church or other place of worship, church hall, churchyard or burial ground]

[^{F21}(1A) The consent of the Commissioners shall be required to the exercise of any power to purchase buildings or land under subsection (1) unless—

- (a) no person who is a connected person or a trustee for, or nominee of, a connected person is a party to the proposed transaction, and
- (b) the person or body in whom or which, under section 16 of this Measure, the buildings or land are or is to vest has obtained and considered a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for that person or body and decided that he, she or it is satisfied, having considered the surveyor's report, that the terms on which the transaction are proposed to be made are the best that can reasonably be obtained for that person or body.

(1B) In subsection (1A)—

- (a) “connected person” means the incumbent, the bishop, the registered patron, any member, officer, agent or employee of the parochial church council of any parish within the benefice in question or of the diocesan board of finance or of the registered patron or the spouse or civil partner or any child, parent, grandparent, grandchild, brother or sister of any such person; and
- (b) “qualified surveyor” means a person who is a member of the Royal Institution of Chartered Surveyors reasonably believed by the person or body in whom or which the buildings or land are or is to vest to have ability in, and experience

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of, the valuation of property of the particular kind, and in the particular area, concerned.”;]

(2) The [^{F22}diocesan board of finance] may accept gifts and bequests of money to be laid out in the purchase of land for any of the purposes aforesaid, . . . ^{F23}

^{F24}(3)

Textual Amendments

- F11** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\), s. 18\(2\)](#)
- F12** Words in s. 13(1) substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 2\(a\); S.I. 2010/2, art. 3, Sch. 2](#)
- F13** Words repealed by [Charities Act 1960 \(c. 58, SIF 19\), Sch. 7 Pt. II](#)
- F14** Words substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 5](#)
- F15** S. 13(1)(bb) substituted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 1\(1\)\(a\)](#)
- F16** Words in s. 13(1)(bb) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(a\)\(i\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F17** Words in s. 13(1)(d) repealed (31.1.2011) by virtue of [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\), s. 13\(2\), Sch. 3 \(with s. 9\); S.I. 2010/8, art. 2](#)
- F18** Words in s. 13(1)(e) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(a\)\(ii\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F19** Words inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 1\(1\)\(b\)](#)
- F20** S. 13(1)(f) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(a\)\(iii\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F21** S. 13(1A)(1B) inserted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 2\(b\); S.I. 2010/2, art. 3, Sch. 2](#)
- F22** Words in s. 13(2) substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 2\(c\); S.I. 2010/2, art. 3, Sch. 2](#)
- F23** Words repealed by [Charities Act 1960 \(c. 58, SIF 19\), Sch. 7 Pt. II](#)
- F24** S. 13(3) repealed (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 2\(d\), Sch. 2; S.I. 2010/2, art. 3, Sch. 2](#)

Modifications etc. (not altering text)

- C1** S. 13 excluded by [Sharing of Church Buildings Act 1969 \(c. 38, SIF 21:8\), s. 3\(3\);](#) extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\), s. 2\(2\)](#)
- C2** The “Commissioners” means the Church Commissioners: [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\), s. 18\(2\)](#)

14 Power of corporations &c., to give or grant land for sites of churches, &c.

(1) It shall be lawful for any of the following bodies by way of gift or for valuable consideration, and notwithstanding that the consideration may not be the full consideration, to grant to the [^{F25}diocesan board of finance] buildings or land for any of the purposes mentioned in the last foregoing section, that is to say—

(a) any corporation, whether lay, ecclesiastical or collegiate, and whether sole or aggregate;

[^{F26}(b) any trustees for charitable purposes but (except in the case of an exempt charity within the meaning of the Charities Act 2011) only—

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- (i) with the sanction of an order of the Charity Commission, or
 - (ii) in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable;]
- (c) in the case of buildings or land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department or held in trust for His Majesty for the purposes of a government department the appropriate authority, that is to say—
 - (i) in the case of land belonging to His Majesty in right of the Crown, the [^{F27}Crown Estate Commissioners] or other government department having the management of the land in question, subject to the consent, in either case, of the Treasury;
 - (ii) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (iii) in the case of land belonging to the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall;
 - (iv) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department, with the consent of the Treasury.
- [^{F28}(1A) During a vacancy in a benefice the power under subsection (1) of this section which would have been exercisable by the incumbent of the benefice had the benefice been full, shall be exercisable by the bishop.]
- [^{F29}(2) Where the grantor is the incumbent of a benefice in his capacity as such, or where during a vacancy in a benefice the grantor is the bishop, the purchase money shall be paid to the [^{F30}diocesan board of finance] and shall be appropriated by [^{F30}it] for the benefit of the diocesan stipends fund.]
- (3) It shall be lawful . . . ^{F31} for the [^{F32} diocesan board of finance] to hold any property real or personal for any such purpose as aforesaid . . . ^{F33} .
- [^{F34}(3A) The powers conferred by this section to grant buildings or land shall apply to grants to a Parsonages Board for the diocese for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009 (2009 No. 1) as they apply to grants to the diocesan board of finance.
- (3B) Where any buildings or land vested in the diocesan board of finance are or is to be appropriated to any of the uses specified in section 13(1) the board shall execute a declaration specifying that use and, thereupon, the buildings or land to which the declaration relates shall vest in the incumbent or diocesan authority, as the case may be, in accordance with section 16.]
- [^{F35}[^{F36}(4) Section 337 of the Charities Act 2011 (provisions as to orders under that Act) applies to any order under subsection (1)(b) as it applies to orders under that Act.]]

Textual Amendments

- F25** Words in s. 14(1) substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\)](#), s. 13(2), [Sch. 1 para. 3\(a\)](#); S.I. 2010/2, art. 3, Sch. 2
- F26** S. 14(1)(b) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 9\(1\)](#) (with s. 20(2), [Sch. 8](#))

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- F27** Words substituted by virtue of Crown Estate Act 1956 (c. 73) s. 1(7) and Crown Estate Act 1961 (c. 55, SIF 29:7), **Sch. 2 Pt. II para. 4(1)**
- F28** S. 14(1A) inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(1)**
- F29** S. 14(2) substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(2)**
- F30** Words in s. 14(2) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 3(b)**; S.I. 2010/2, art. 3, Sch. 2
- F31** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**
- F32** Words in s. 14(3) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 3(c)**; S.I. 2010/2, art. 3, Sch. 2
- F33** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **Sch. 8**
- F34** S. 14(3A)(3B) inserted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 3(d)**; S.I. 2010/2, art. 3, Sch. 2
- F35** S. 14(4) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 9(2)** (with s. 20(2), Sch. 8)
- F36** S. 14(4) added (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 3(3)**

Modifications etc. (not altering text)

- C3** S. 14 excluded by Sharing of Church Buildings Act 1969 (c.38, SIF 21:8), **s. 3(3)**; extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)** and Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(1)**; modified by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **s. 23(1)**; explained by Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(2)**

15 Provisions as to land subject to rights of common or to rents or other periodical charges.

- ^{F37}(1) Where the land to be acquired by the [^{F38}diocesan board of finance] for any of the purposes mentioned in section thirteen of this Measure forms part of any common or of the waste of any manor, the lord of the manor may grant the land, and the conveyance thereof shall be effectual for vesting in the Commissioners the fee simple of the land as if every person having any right of common in or over the land had joined in the conveyance;
 Provided that no such grant shall be made [^{F37} without the consent of the Secretary of State and sections 39 and 40 of the Commons Act 2006 apply in relation to an application for such consent as they apply in relation to an application for consent under section 38(1) of that Act.]
- (2) Where it appears to the [^{F39}Secretary of State] that any rights of common will be substantially affected, he shall as a condition of giving his consent require that compensation shall be paid to the persons entitled to such rights, and in such case sections ninety-nine to one hundred and seven of the ^{M1}Lands Clauses Consolidation Act 1845 shall be incorporated with this Measure and shall apply as if the [^{F38}diocesan board of finance] were the promoters of the undertaking.
- (3) Where the land to be acquired by the [^{F38}diocesan board of finance] for any of the purposes aforesaid forms part of land subject to any rent or other annual or recurring charge and it appears to the [^{F38}diocesan board of finance] and the grantor of the land that the part of the land to be retained is of ample value to bear the said rent or charge, the part to be granted to the [^{F38}diocesan board of finance] may be conveyed to [^{F40}it] free from the rent or charge, and the remaining part shall continue to be liable therefor in the same manner as the whole land was originally liable, and the [^{F38}diocesan board

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of finance]^{F40} is] hereby authorised to do all such acts as may be necessary to give effect to this provision.

Textual Amendments

- F37** Words in s. 15(1) substituted (1.10.2007 for E., 1.4.2012 for W) by [Commons Act 2006 \(c. 26\), s. 56, Sch. 4 para. 5](#) (with s. 60); [S.I. 2007/2584, art. 2\(d\)\(i\)](#) (with art. 3); [S.I. 2012/739, art. 2\(h\)\(i\)](#) (with s. 60)
- F38** Words in s. 15 substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 4](#); [S.I. 2010/2, art. 3, Sch. 2](#)
- F39** Words substituted by virtue of [S.I. 1955/554](#) (1955 I, p. 1200), art. 3(3); 1965/143, art. 3(1)(a), Sch.; 1967/156, art. 3(1) and 1970/1681, art. 6(3)
- F40** Words in s. 15(3) substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 4](#); [S.I. 2010/2, art. 3, Sch. 2](#)

Modifications etc. (not altering text)

- C4** S. 15 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\), s. 2\(2\)](#)

Marginal Citations

- M1** 1845 c. 18.

[^{F41}16 Vesting of land acquired by the [^{F42} diocesan board of finance] .

- (1) Where any land or building acquired after the passing of the ^{M2} Church Property (Miscellaneous Provisions) Measure 1960 under section thirteen or section fourteen of this Measure is—

- (a) a church or a part of a church or a building fit to be used as or to be converted into a church,
- (b) land acquired as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church,
- (c) land for providing a new or extending an existing churchyard or burial ground, or
- (d) land required for providing access to or improving the amenities of any church, churchyard or burial ground,

the land or building shall vest in the incumbent for the time being of the parish in which the land or building is situated:

Provided that, if the area in which any such land or building is situated is subsequently constituted a new parish under this Measure, the land or building shall thereupon vest in the incumbent for the time being of that new parish, unless the scheme constituting the parish otherwise provides.

^{F43} [.....
^{F44} (1A)]

- (2) Where any land or building acquired under the said sections thirteen or fourteen is—

- (a) land or a building for a house of residence for an incumbent . . . ^{F45} ,
- (b) land for an extension of such a house of residence,
- (c) land required for providing access to or improving the amenities of any such house of residence,

the land or building shall vest in the incumbent for the time being of the parish in which it is situated . . . ^{F46} .

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- [Where any building or land acquired under section 13 of this Measure is—
- ^{F47}(3) [a building to be used as a ^{F49}place of worship (other than a church) or] church
- ^{F48}(a) hall or both as a church or other place of worship and as a church hall;
- (b) land for the site of a building to be so used or for enlarging the site of an existing building so used;
- (bb) land required for providing access to or for improving the amenities of a building which is to be, or is, so used;]
- ^{F50}(c)
- ^{F50}(d)
- [land required for providing vehicle parking space for use in connection with
- ^{F51}(e) a church or other place of worship, church hall, churchyard or burial ground]
- and that building or land, or any part thereof, is, with the consent of the diocesan authority, designated in the conveyance under which the building or land is so acquired as vesting in that authority, it shall vest in that authority accordingly.]
- (4) The parochial church council of the ecclesiastical district in which any land or building designated under the preceding subsection is for the time being situated shall keep the diocesan authority indemnified in respect of the matters referred to in paragraphs (a) to (d) of subsection (4) of section six of the ^{M3} Parochial Church Councils (Powers) Measure 1956.
- [In this section “ diocesan authority ” means the body which is for the time being
- ^{F52}(5) authorised by the relevant diocesan synod to act as trustees of the trust property of the diocese or, if there is no such body, the diocesan board of finance.]]

Textual Amendments

- F41** S. 16 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 6\(2\)](#)
- F42** Words in s. 16 heading substituted (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 1 para. 5; S.I. 2010/2, art. 3, Sch. 2](#)
- F43** S. 16(1A) repealed (1.9.2010) by [Church of England \(Miscellaneous Provisions\) Measure 2010 \(No. 1\), s. 13\(2\), Sch. 2; S.I. 2010/2, art. 3, Sch. 2](#)
- F44** S. 16(1A) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(i\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F45** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F46** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F47** S. 16(3) substituted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), s. 41\(2\)](#)
- F48** S. 16(3)(a)(b)(bb) substituted for s. 16(3)(a)(b) by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 1\(2\)](#)
- F49** Words in s. 16(3)(a) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(ii\)\(A\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F50** S. 16(3)(c)(d) repealed (31.1.2011) by [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\), s. 13\(2\), Sch. 3 \(with s. 9\); S.I. 2010/8, art. 2; S.I. 2010/8, art. 2](#)
- F51** S. 16(3)(e) and word preceding it inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(ii\)\(B\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F52** S. 16(5) inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 3](#)

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Modifications etc. (not altering text)

C5 S. 16 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\)](#), s. 2(2)

Marginal Citations

M2 1960 No. 1.

M3 1956 No. 3.

^{F53}17 Powers of dealing with land no longer required for purpose for which acquired.

(1) Subject to the provisions of this section, it shall be lawful for the owner of any land or building which before or after the passing of this Measure was acquired by [^{F54}the Commissioners, the Church Building Commissioners or a diocesan board of finance], whether for valuable consideration or by way of gift, for any of the purposes mentioned in paragraphs (a), (b), (bb), [^{F55}(c) [^{F56}, (e) or (f)]] of subsection (1) of section thirteen of this Measure:—

- (a) to sell that land or building or any part thereof;
- (b) to exchange that land or building or any part thereof for any other land or building more suitable for the purpose for which the original land or building was acquired and to receive or pay money by way of equality of exchange;
- (c) to appropriate or transfer that land or building or any part thereof to or for any ecclesiastical purpose for the benefit of the ecclesiastical district in which the land or building is situated, or for any educational charitable or public purpose relating to that district; . . . ^{F57}

- ^{F58}(cc) [^{F59}except in the case of land or a building vested in the diocesan board of finance,]if the Diocesan Board of Finance for the diocese in which that land or building is situated agrees to accept the transfer, to transfer that land or building or any part thereof to that Board, the land or building or part thereof to be held by the Board as part of the diocesan glebe land of the diocese; and]
- (d) where that land or building was acquired by way of gift, to reconvey it or any part thereof to the grantor or his successors in title without consideration:

Provided that no such sale, exchange, appropriation, transfer or reconveyance shall be made without the following consents, that is to say—

- (i) in relation to any land or building vested in the Commissioners, the consent of the incumbent, if any, and the bishop; ^{F60}...
- (ii) in relation to any land or building which has vested in an incumbent, the consent of ^{F61}... the bishop, ^{F61}...[^{F62}and]
- ^{F63}(iii) [where the sale, exchange, appropriation, transfer or reconveyance takes place in the circumstances mentioned in subsection (1A), the consent of the Commissioners]

^{F64}(1A) [The circumstances referred to in paragraph (iii) of the Proviso to subsection (1) are that a person who is a connected person within the meaning of section 13(1B) or a trustee for, or nominee of, a connected person is a party to the transaction or that the person or body carrying out the transaction has not obtained and considered a written report on the proposed transaction from a qualified surveyor instructed by and acting exclusively for that person or body or having obtained such a report, has not decided that he, she or it is satisfied, having considered the surveyor's report, that the terms on which the transaction are proposed to be made are the best that can reasonably be obtained for that person or body.]

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^{F65} [Where land or a building is vested in the diocesan board of finance the board may (1B) execute a declaration stating that, from the date of the declaration, the land or building is to be held as part of the diocesan glebe land of the diocese.]

^{F66} (2)

(3) Where any such land or building as aforesaid was acquired by way of gift or for a nominal consideration it shall not be appropriated or transferred under paragraph (c) [^{F67}or (cc)] of subsection (1) of this section without the consent of the grantor or his successor in title:

Provided that no such consent shall be necessary—

- (a) where land is appropriated or transferred for the widening of a highway, or
- (b) where the [^{F68}diocesan board of finance is] satisfied that it is not reasonably practicable to apply for the said consent, and a certificate to that effect sealed by the [^{F68}diocesan board of finance] shall be sufficient evidence of that fact.

(4) Where any land or building is sold under this section the proceeds of the sale shall be paid to the [^{F69}diocesan board of finance] and shall be applied by [^{F69}it] to such purposes, being purposes for the benefit of the benefice of the ecclesiastical district in which the land or building is situate or charitable purposes relating to that district, as may be agreed between the [^{F69}diocesan board of finance] and the bishop after consultation with the owner.

(5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.

(6) Nothing in this Measure shall restrict or limit the powers of sale or disposal conferred by . . . ^{F70} the Parsonages Measures 1938 to 1947 . . . ^{F70} .

(7) In this section the expression “ owner ”, in relation to any land or building, means:—

- (i) the Commissioners, if the land or building is vested in them,
 [the diocesan board of finance, if the land or building is vested in it,]
^{F71}(ia)
- (ii) the incumbent, if the land or building is vested in the incumbent for the time being, or
- (iii) during a vacancy in the benefice occurring after the land or building has vested in the incumbent, the bishop.]

Textual Amendments

- F53** S. 17 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 6\(2\)](#)
- F54** Words in s. 17(1) substituted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), s. 21\(2\), Sch. 2 para. 2\(a\); S.I. 2014/1369, art. 2](#)
- F55** Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\), s. 7](#)
- F56** Words in s. 17(1) substituted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(c\); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.](#)
- F57** Word repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), s. 18\(4\)](#)
- F58** S. 17(1)(cc) inserted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), s. 18\(4\)](#)
- F59** Words in s. 17(1)(cc) inserted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), s. 21\(2\), Sch. 2 para. 2\(b\); S.I. 2014/1369, art. 2](#)

Status: Point in time view as at 19/05/2014.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

- F60** Word in s. 17(1)(i) omitted (1.9.2010) by virtue of Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(a)**; S.I. 2010/2, art. 3, Sch. 2
- F61** Words in s. 17(1)(ii) omitted (1.9.2010) by virtue of Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(a)**; S.I. 2010/2, art. 3, Sch. 2
- F62** Word in s. 17(1)(ii) added (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(a)**; S.I. 2010/2, art. 3, Sch. 2
- F63** S. 17(1)(iii) added (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(a)**; S.I. 2010/2, art. 3, Sch. 2
- F64** S. 17(1A) inserted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(b)**; S.I. 2010/2, art. 3, Sch. 2
- F65** S. 17(1B) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 2(c)**; S.I. 2014/1369, art. 2
- F66** S. 17(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 6** Group 2(2)
- F67** Words inserted by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **s. 18(5)**
- F68** Words in s. 17(3)(b) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(d)**; S.I. 2010/2, art. 3, Sch. 2
- F69** Words in s. 17(4) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 6(e)**; S.I. 2010/2, art. 3, Sch. 2
- F70** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **Sch. 8**
- F71** S. 17(7)(ia) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 2(d)**; S.I. 2014/1369, art. 2

Modifications etc. (not altering text)

- C6** S. 17 extended by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1, SIF 21:8), **s. 7(1)** and Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)**

18 Exemption from stamp duty.

No deed of gift, grant, security, contract, agreement conveyance or other instrument made for any of the purposes mentioned in this Measure or under any of the provisions mentioned in this Measure, or for carrying into execution any powers, regulations or provisions thereof or therein mentioned shall be liable to stamp duty.

Modifications etc. (not altering text)

- C7** S. 18 extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)(3)**

^{F73}19 Instruments required to be sealed by [^{F72}Church Commissioners.]

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Textual Amendments

- F72** Words substituted by virtue of Church Commissioners Measure 1947 (No. 2, SIF 21:8), **s. 18(2)**
- F73** S. 19 repealed (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 2**; S.I. 2010/2, art. 3, Sch. 2

Status: Point in time view as at 19/05/2014.

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Burial Grounds

20 Provisions as to burial ground common to two or more districts.

- (1) Where land is acquired by the [^{F74}diocesan board of finance] for the purpose of a burial ground for two or more ecclesiastical districts, it shall be lawful for the [^{F74}diocesan board of finance] in accepting the conveyance of the land to direct by the conveyance or any other instrument under [^{F75} its] seal that any chapel erected on the land for the performance of the burial service, and any lodge or other building erected thereon, and any access to or from the chapel or any such building shall be for the use of each of the districts.
- (2) The incumbent of each such district shall, subject to such regulations as may be made by the bishop, be entitled to use the chapel for the performance of the burial service, and the like fees shall be chargeable as would have been chargeable had the burial service been performed in the church of the district and the burial taken place in a burial ground belonging solely to that district.
- (3) If after the consecration of such a burial ground additional land adjoining or near to it is acquired by the [^{F74}diocesan board of finance] as a burial ground for any of the districts for which the original burial ground was acquired or for any other ecclesiastical district, the chapel may, subject to such regulations as aforesaid, be used for the performance of the burial service in the case of persons to be buried in the additional ground, and every such lodge or other building and approach or access as aforesaid may similarly be used.
- (4) The freehold of the chapel on the consecration thereof and the freehold of any such lodge, buildings and means of access on the erection or construction thereof shall vest in the bishop:
 Provided that such vesting shall not impose on the bishop any liabilities for the maintenance of any such chapel, lodge, building or means of access.
- (5) The [^{F74}diocesan board of finance] may in any case, and shall, if different parts of the land were acquired by [^{F76}it] for the use of the several districts, apportion the burial ground exclusive of such chapel, lodge, buildings and means of access, amongst the several districts.

Textual Amendments

- F74** Words in s. 20 substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 7(a)**; S.I. 2010/2, art. 3, Sch. 2
- F75** Word in s. 20(1) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 7(b)**; S.I. 2010/2, art. 3, Sch. 2
- F76** Word in s. 20(5) substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 7(c)**; S.I. 2010/2, art. 3, Sch. 2

21 Power of [^{F77}diocesan board of finance] to declare land outside district acquired as burial ground to be part of district.

Where the [^{F78}diocesan board of finance] acquire, by gift or purchase, for a new or additional burial ground land not within the limits of the ecclesiastical district or districts for the use of which the land has been acquired, it shall be lawful for the [^{F78}diocesan board of finance] in accepting the conveyance of the land to declare in

Status: Point in time view as at 19/05/2014.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

the conveyance, or by any other instrument under [^{F79}its] seal, that the land, after consecration thereof as a burial ground, shall be deemed for ecclesiastical purposes (including the purpose of determining the right of burial therein) to be part of the district or districts for the use of which it has been so acquired; and after consecration the land shall for such purposes as aforesaid be deemed to be part of the district or districts according to the said declaration.

Textual Amendments

- F77** Words in s. 21 substituted (1.9.2010) by virtue of Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 8(a)**; 2010 No. 2, art. 3, Sch. 2
- F78** Words in s. 21 substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 8(b)**; S.I. 2010/2, art. 3, Sch. 2
- F79** Word in s. 21 substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 8(c)**; S.I. 2010/2, art. 3, Sch. 2

22 **F80**

Textual Amendments

- F80** S. 22 repealed with saving by Pastoral Measure 1968 (No. 1, SIF 21:4), Sch. 8 para. 2, **Sch. 9**

23, 24. **F81**

Textual Amendments

- F81** Ss. 23, 24 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

25 **F82**

Textual Amendments

- F82** S. 25 repealed with saving by Marriage Act 1949 (c. 76, SIF 49:1), s. 79, **Sch. 5 Pt. II** and Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

26 **F83**

Textual Amendments

- F83** Ss. 26, 27, 30 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

Status: Point in time view as at 19/05/2014.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

PART III

SUPPLEMENTAL

27 F84

Textual Amendments

F84 Ss. 26, 27, 30 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

28 Provisions as to service of documents on and consents by incumbents and patrons.

Where under this Measure any notice or other document is required to be served on, or there is required the consent of, any incumbent, [^{F85}or parochial church council], the provisions of the ^{M4}Union of Benefices Measure 1923 and the rules made thereunder relating to such service and consent shall apply as if herein re-enacted and in terms made applicable to this Measure.

Textual Amendments

F85 Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 9**

Marginal Citations

M4 1923 No. 2.

29 Interpretation.

(1) In this Measure unless the context otherwise requires—

the expression “bishop” in relation to any church, parish, district or other area or place means the bishop of the diocese in which the church, parish, district or other area or place is situated, or if the parish, district, area or place is situated partly in one diocese and partly in another, the bishop of each such diocese;

[^{F86}the expression “Commissioners” means the Church Commissioners;

the expression “diocesan board of finance” means the diocesan board of finance for the diocese in which the property in question is situated;]

the expression “ecclesiastical district” includes any parish whether ancient or new, and any district formed under the Church Building Acts 1818 to 1884 or the New Parishes Acts 1843 to 1844 or this Measure, and any other ecclesiastical parish or district the minister whereof has a separate cure of souls;

the expression “ecclesiastical dues” includes offerings and oblations;

the expression “full consideration” means the best consideration that could reasonably be expected to be obtained;

the expression “house of residence” includes the site thereof and any land occupied or to be occupied therewith as a garden or glebe;

the expression “incumbent” includes any minister with cure of souls;

Status: Point in time view as at 19/05/2014.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

the expression “land” includes any hereditaments corporeal or incorporeal of any tenure.

(2) F87

(3) In the case of any parish or place in which there is no church nor any person known to be or claiming to be patron of the ancient church or advowson (if any) of the parish or place, the parish or place shall for the purposes of the provisions of this Measure relating to the constitution of new parishes and districts be treated as if it were an extra parochial place.

(4) This Measure shall apply to any new parish or district constituted before the passing of this Measure under the New Parishes Acts 1843 to 1884 as if it had been constituted under the corresponding provisions of this Measure.

Textual Amendments

F86 Words in s. 29(1) inserted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 9**; S.I. 2010/2, art. 3, Sch. 2

F87 S. 29(2) repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

30 F88

Textual Amendments

F88 Ss. 26, 27, 30 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

31 Charitable trusts.

Nothing in this Measure shall take away abridge or affect any power or jurisdiction of [^{F89}the Charity Commission] for England and Wales . . . ^{F90}, or enable [^{F91}the diocesan board of finance]^{F92} to deal with any endowment belonging to a charity within the meaning of [^{F93}section 10 of the Charities Act 2011] except with the consent of [^{F94}the Charity Commission] . . .]^{F95}

Textual Amendments

F89 Words in s. 31 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 31(a)**; S.I. 2007/309, art. 2, Sch.

F90 Words repealed by Education Act 1973 (c. 16, SIF 41:1), **Sch. 2 Pt. III**

F91 Words in s. 31 substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), **Sch. 1 para. 10**; S.I. 2010/2, art. 3, Sch. 2

F92 Words substituted by Charities Act 1960 (c. 58, SIF 19), **Sch. 6**

F93 Words in s. 31 substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 10** (with s. 20(2), Sch. 8)

F94 Words in s. 31 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 31(b)**; S.I. 2007/309, art. 2, Sch.

F95 Words repealed by Education Act 1973 (c. 16, SIF 41:1), **Sch. 2 Pt. III**

Status: Point in time view as at 19/05/2014.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

32 Repeals.

- (1) ^{F96}
- (a) nothing in this repeal so far as it relates to any of the provisions of the Church Building Acts 1818 to 1884 regulating ecclesiastical districts formed under those Acts, shall affect the continuance of those provisions for such time and in relation to such matters as are provided in section eight of this Measure;
 - (b) Nothing in this repeal shall affect the validity of any existing agreement or assignment of any right of patronage nor the exercise of any right in pursuance thereof;
 - (c) nothing in this repeal shall affect any existing right to charge or recover rents for sittings in any church or any scale fixing such rents.
- (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of [^{F97}sections 16(1) and 17(2)(a) of the ^{M5}Interpretation Act 1978] with regard to the effect of repeals.
- (3) “Existing” in this section means existing at the time of the passing of this Measure.

Textual Amendments

F96 Words repealed by [Statute Law Revision Act 1950 \(c.6\)](#), [Sch. 3](#)

F97 Words substituted by virtue of [Interpretation Act 1978 \(c.30, SIF 115:1\)](#), [s. 25\(2\)](#)

Marginal Citations

M5 [1978 c. 30](#).

33 Extent.

This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure 1931 or either of them, in accordance with that Measure. ^{M6}

Marginal Citations

M6 [21 & 22 Geo. 5. No. 4.](#)

34 Short title.

This Measure may be cited as the New Parishes Measure 1943.

Status: Point in time view as at 19/05/2014.
Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)

F98F98SCHEDULE

Textual Amendments
F98 [Schedule](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 3](#)

.....F98

Status:

Point in time view as at 19/05/2014.

Changes to legislation:

There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed).