



New Parishes Measure 1943 (repealed)

1943 No. 1 6 and 7 Geo 6

PART II

GENERAL PROVISIONS APPLICABLE TO ALL ECCLESIASTICAL DISTRICTS

Acquisition of land for church sites, &c.

[^{F1}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 the Commissioners or the Church Building Commissioners, whether for valuable consideration or by way of gift, for any of the purposes mentioned in paragraphs (a), (b), (bb), [^{F2}(c) [^{F3}, (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; . . . ^{F4}

[^{F5}(cc) 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; ^{F6}...

Status: Point in time view as at 01/09/2010. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed), Section 17. (See end of Document for details)

- (ii) in relation to any land or building which has vested in an incumbent, the consent of ^{F7}... the bishop, ^{F8}...^{F8}and]
- [where the sale, exchange, appropriation, transfer or reconveyance ^{F9}(iii) takes place in the circumstances mentioned in subsection (1A), the consent of the Commissioners]

^{F10}(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.]

^{F11}(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) [^{F12}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 [^{F13}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 [^{F13}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 [^{F14}diocesan board of finance] and shall be applied by [^{F14}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 [^{F14}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 ... ^{F15} the Parsonages Measures 1938 to 1947 ... ^{F15} .
- (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,
 - (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

F1 S. 17 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 6\(2\)](#)

F2 Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\), s. 7](#)

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- F3** 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.
- F4** Word repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. **18(4)**
- F5** S. 17(1)(cc) inserted by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. **18(4)**
- F6** 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
- F7** 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
- F8** 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
- F9** 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
- F10** 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
- F11** S. 17(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 6** Group 2(2)
- F12** Words inserted by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. **18(5)**
- F13** 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
- F14** 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
- F15** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **Sch. 8**

Modifications etc. (not altering text)

- C1** 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)**

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Changes to legislation:

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