

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 34.

TRANSITIONAL PROVISIONS

- 1 On the transfer of functions from a Diocesan Dilapidations Board to the Board under section 29 of this Measure,—
- (a) all property, rights and liabilities of the Diocesan Dilapidations Board shall vest in the Board;
 - (b) the secretary and other officers of the Diocesan Dilapidations Board shall become the secretary and officers of the Board, and shall not be in a worse position, as respects their remuneration and terms of service;
 - (c) the transfer of functions shall not affect the appointment of any surveyor under section 12 of the ^{M1}Ecclesiastical Dilapidations Measure 1923, so long as it remains in force, and the appointment shall have effect as if it had been made by the Board;
 - (d) all reports, orders, assessments, rates, consents, notices, and other things made, given or done by or to the Diocesan Dilapidations Board shall, if in force, continue in force until the appointed day (and thereafter so far as provided by the following provisions of this Schedule), as if they had been made, given or done by or to the Board;
 - (e) anything begun and not completed by the Diocesan Dilapidations Board may be completed by the Board.

Marginal Citations

M1 1923 No. 3.

- 2 (1) The following provisions of this Schedule shall have effect on the day appointed for the coming into operation of this Measure in any diocese.
- (2) Any surveyor holding office immediately before the appointed day for that diocese under the ^{M2}Ecclesiastical Dilapidations Measure 1923 shall, for the remainder of the term of his appointment, if he so wishes, become a diocesan surveyor under this Measure for that diocese, and shall not be in a worse position, as respects his remuneration and terms of service, than he was in his previous office.
- (3) The Board shall be under a duty to execute all repairs to parsonage houses in the diocese required to be executed under orders in force immediately before the appointed day under the Ecclesiastical Dilapidations Measures 1923 to 1951: Provided that the incumbent shall execute or complete any such repairs to his parsonage house for the execution of which he has entered into a contract before the appointed day, and the Board shall indemnify him in respect of any liability for the cost of those repairs.
- (4)

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- (5) All sums due to the Commissioners immediately before the appointed day under any assessments made under the Ecclesiastical Dilapidations Measures 1923 to 1951 shall be recoverable in full, and there shall also be recoverable a proportionate part of any annual payment which would, but for this Measure, fall due to the Commissioners under any such assessment within 12 months after the appointed day, the proportion being that which the period between the previous due date of the annual payment and the appointed day bears to a period of 12 months.
- (6) The Commissioners shall treat the sums so recovered in like manner as the sums standing to the credit of the Accounts mentioned in section 18(1) of this Measure, and that section shall accordingly apply as if the sums so recovered had been credited to the appropriate Accounts before the commencement of this Measure.
- (7) The sums apportioned to glebe buildings under section 18(1) of this Measure shall be applied as follows:—
- (a) the sums in the Insurance Account of any benefice shall be paid to the Board and be held by them in a separate account and applied for the purpose of paying premiums under any insurance policy effected under section 12 of this Measure in respect of the glebe buildings of the benefice;
 - (b) the sums in the Repair Accounts and the Deferred Repair Accounts shall be retained in the said Accounts, and section 32 of the ^{M3}Ecclesiastical Dilapidations Measure 1923, section 10 of the ^{M4}Ecclesiastical Dilapidations (Amendment) Measure 1929 (so far as it relates to the said section 32) and section 3 of the ^{M5}Ecclesiastical Dilapidations Measures 1923 to 1929 (Amendment) Measure 1951 shall continue to apply to the sums in the said Accounts of any benefice so as to enable them to be disbursed or paid in respect of repairs to glebe buildings ordered by the Board under section 21 of the ^{M6}Ecclesiastical Dilapidations Measure 1923 or section 6 or section 8 of this Measure, and any sums remaining in the said Accounts of any benefice at the end of five years from the appointed day may be paid to the incumbent or otherwise applied for the benefit of the benefice as the Commissioners after consultation with the Board may decide:
- Provided that a scheme made by a diocesan synod under section 7 of this Measure may require the sums held in the said Repair Accounts of any benefice in the diocese at the time when the scheme comes into operation to be paid into the separate account kept by the Board for that benefice under the scheme.
- (8) The Board shall make the like disbursements in respect of any repairs executed to any parsonage house before the appointed day as would have been made, but for this Measure, by the Commissioners under the said section 32, section 10 and section 3.
- (9) Section 46 of the ^{M7}Ecclesiastical Dilapidations Measure 1923, and any provisions applied by that section, shall continue in force as respects any order made before the appointed day; section 48 of that Measure shall continue in force as respects anything done before the appointed day; section 49 of that Measure, and any list compiled thereunder, shall continue in force until the first inspection and report on the buildings of the benefice under this Measure; and anything done under section 50 or section 51 of that Measure before the appointed day shall, so far as it could have been done under the corresponding provisions of this Measure, continue in force and have effect as if it had been so done.

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Textual Amendments

F1 Para. 2(4) repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, [Sch. 8](#)

Marginal Citations

M2 1923 No. 3.

M3 1923 No. 3.

M4 1929 No. 3.

M5 1951 No. 3.

M6 1923 No. 3.

M7 1923 No. 3.

- 3 The Commissioners may give directions—
- (a) that any proceedings pending at the appointed day under the Ecclesiastical Dilapidations Measures 1923 to 1951 shall either be concluded under those Measures or be concluded or superseded by proceedings under this Measure, and in the former case that any order made in pursuance of the proceedings shall be treated for the purposes of this Schedule as having been made before the appointed day;
 - (b) for excepting from payment into the Parsonages Fund under section 18 of this Measure any surplus or sum which immediately before the appointed day was applicable under section 33 or section 47 of the ^{M8}Ecclesiastical Dilapidations Measure 1923, and for the application thereof; and
 - (c) generally for resolving difficulties arising in connection with the transition from the Ecclesiastical Dilapidations Measures 1923 to 1951 to this Measure.

Marginal Citations

M8 1923 No. 3.

SCHEDULE 2

Section 35.

ACTS AND MEASURES REPEALED

Modifications etc. (not altering text)

C1 The text of s. 35 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Session & Chapter	Short Title	Extent of Repeal
17 Geo. 3. c. 53.	The Clergy Residences Repair Act 1776.	Sections 5 and 9.
1 & 2 Vict. c. 106.	The Pluralities Act 1838.	Sections 41, 62 to 69 and 72.

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34 & 35 Vict. c. 43.	The Ecclesiastical Dilapidations Act 1871.	The whole Act.
35 & 36 Vict. c. 96	The Ecclesiastical Dilapidations Act 1872.	The whole Act.
47 & 48 Vict. c. 67.	The Improvements of Lands (Ecclesiastical Benefices) Act 1884.	The whole Act.
14 & 15 Geo. 5. No. 3.	The Ecclesiastical Dilapidations Measure 1923.	The whole Measure, except section 52 and any interpretation and othersupplementary provisions applicable thereto
19 & 20 Geo. 5. No. 3.	The Ecclesiastical Dilapidations (Amendment) Measure 1929.	The whole Measure, except section 18.
1 & 2 Geo. 6. No. 3.	The Parsonages Measure 1938.	In section 5(2) the words “or repaired wholly or in part by means of aloan made by Queen Anne’s Bounty under the Ecclesiastical DilapidationsMeasures 1923 to 1929”.
3 & 4 Geo. 6. No. 3.	The Benefices Buildings (Postponment of Inspections and Repayments ofLoans) Measure 1940.	The whole Measure.
1951 No. 3.	The Ecclesiastical Dilapidations Measures, 1923 to 1929 (Amendment)Measure 1951.	The whole Measure.
1963. No. 1.	The Ecclesiastical Jurisdiction Measure 1963.	In section 6(1)(d) the words “or forty one”, and in section 72(2) thewords “and such part of the assessment in respect thereof under theEcclesiastical Dilapidations Measure 1923 to 1951 as the DiocesanDilapidations Board may decide to be reasonable”.

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