



# Church Property Measure 2018

2018 No. 8

## PART 4

### MISCELLANEOUS AND GENERAL

#### *Interpretation*

#### **48 References to land**

- (1) This section applies for the purposes of this Measure.
- (2) The “parsonage house”, in relation to a benefice, means a house which—
  - (a) is vested in the incumbent or would be if the benefice were full, and
  - (b) is the incumbent's official residence.
- (3) An “excluded part” of a parsonage house is, in a case where the house is divided into two or more parts, each of the parts which is not certified as the parsonage house under section 11(2).
- (4) A reference to the parsonage house or to any other house includes—
  - (a) a reference to a part of the house,
  - (b) a reference to the whole or part of an outbuilding, garden or orchard at the house, and
  - (c) a reference to an appurtenance of or enjoyed with the house.
- (5) “Parsonage land”, in relation to a benefice, means—
  - (a) the parsonage house of the benefice;
  - (b) an excluded part of the parsonage house;
  - (c) a building or other land which the incumbent has acquired or agreed to acquire as, or for the site of, the parsonage house;
  - (d) a building or other land which is vested in the incumbent or would be if the benefice were full and should, in the opinion of the DBF, be retained for use as, or as the site of, the parsonage house;

*Status: Point in time view as at 01/03/2019.*

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- (e) a house which, under a pastoral scheme or order, ceases to be the parsonage house but is not transferred;
  - (f) a house which, otherwise than under a pastoral scheme or order, ceases to be the parsonage house and for the sale of which the Church Commissioners' consent has been given or is not required (see section 3).
- (6) “Diocesan glebe land”, in relation to a diocese, means—
- (a) glebe land held by the DBF or a management subsidiary which vested in the DBF on 1 April 1978 under section 15 of the Endowments and Glebe Measure 1976, or
  - (b) land held by the DBF or a management subsidiary as part of the diocesan glebe land of the diocese by virtue of this Measure or a provision repealed by it or under a pastoral scheme.
- (7) “Church land” means—
- (a) the site of a church together with the churchyard and other land annexed or belonging to the church, and
  - (b) a burial ground which is vested in the incumbent, or would be if the benefice were full, but not annexed or belonging to a church.
- (8) “Land” includes messuages, tenements and hereditaments, houses and buildings of any tenure; and in Part 2, and in relation to parsonage land, diocesan glebe land or church land, “land”—
- (a) also includes mines and minerals and any easement, right, privilege or benefit in, over or derived from land, but
  - (b) does not include an advowson.
- (9) A reference to a “church” includes a reference to a building used or intended to be used partly for the purpose of public worship according to the rites and ceremonies of the Church of England and partly as a church hall, whether the whole building is consecrated or only the part used or intended to be used for the purpose of public worship of that kind.
- (10) “Mines and minerals” includes any stratum or seam of minerals or substances in or under land; and a reference to minerals includes a reference to sand or gravel.
- (11) A reference to granting land includes a reference to granting a leasehold interest in it; and a reference to buying or otherwise acquiring land includes a reference to taking a leasehold interest in it.
- (12) “Lease” includes an underlease and a tenancy; and a reference to a lease includes a reference to an agreement for lease.
- (13) In relation to an area or place which is situated partly in one diocese and partly in another, a reference to the bishop of the diocese is to be read as a reference to the bishop of each of the dioceses.

#### **Commencement Information**

**II** S. 48 in force at 1.3.2019 by S.I. 2019/97, art. 2

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#### **49 Other interpretation etc.**

- (1) This section applies for the purposes of this Measure.
- (2) “DBF”, in relation to a diocese, means the board—
  - (a) constituted as the diocesan board of finance for that diocese under the Diocesan Boards of Finance Measure 1925, or
  - (b) recognised in the case of that diocese under section 9 of the Diocesan Stipends Funds Measure 1953.
- (3) “Management subsidiary” has the meaning given in section 17.
- (4) “PCC” means parochial church council.
- (5) A reference to the Parsonages Board for a diocese is, if the DBF has been designated as the Parsonages Board under the scheme under section 1(1) of the Repair of Benefice Buildings Measure 1972, a reference to it.
- (6) “Connected person”, in relation to a dealing with land in a diocese, means—
  - (a) the incumbent of the benefice in the area of which the land is situated,
  - (b) the bishop of the diocese,
  - (c) the registered patron of the benefice,
  - (d) an officer, agent or employee of the registered patron,
  - (e) a member, officer, agent or employee either of the PCC of a parish within the benefice or of the DBF concerned,
  - (f) the spouse or civil partner of a person within paragraphs (a) to (e), or
  - (g) a child, parent, grandchild, grandparent, brother or sister of a person within paragraphs (a) to (e).
- (7) “Qualified surveyor” means a person who is a member of the Royal Institution of Chartered Surveyors.
- (8) A person may not instruct a qualified surveyor for the purposes of this Measure unless that person reasonably believes that the surveyor has ability in and experience of the valuation of land or other property of the kind concerned and in the area concerned.
- (9) “Benefice” means the office of a rector or vicar of a parish or parishes with cure of souls but does not include the office of vicar in a team ministry.
- (10) “Registered patron” has the same meaning as in the Patronage (Benefices) Measure 1986.
- (11) “Pastoral scheme” and “pastoral order” each have the same meaning as in the Mission and Pastoral Measure 2011 (see section 106(1) of that Act).
- (12) A reference to giving notice to, or to notifying, a person includes a reference to doing so by electronic means.

#### **Commencement Information**

**I2** S. 49 in force at 1.3.2019 by S.I. 2019/97, art. 2

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