



Repair of Benefice Buildings Measure 1972

1972 No. 2

Diocesan Parsonages Boards

1 Appointment or designation and constitution of Parsonages Boards.

- (1) As soon as possible after the passing of this Measure every diocesan synod shall provide by scheme either—
 - (a) for the appointment of a Board for the purposes of this Measure, which shall be known as the Parsonages Board for the diocese concerned; or
 - (b) for designating the Diocesan Board of Finance as the Board for the purposes of this Measure;

and references in this Measure to “the Board” shall be construed as referring to the Parsonages Board or, as the case may be, the Diocesan Board of Finance for the diocese concerned.

- (2) Every such scheme shall provide for the appointment of fit persons to be surveyors for the purposes of this Measure (hereinafter referred to as “diocesan surveyors”) and for determining their remuneration and terms of service.
- (3) If the scheme provides for the appointment of a Parsonages Board, it shall also provide for the appointment of a secretary of the Board, and for determining his remuneration and terms of service.
- (4) All archdeacons of a diocese for which a Parsonages Board is appointed shall be ex officio members of the Board, and of the remaining members not less than one third shall be clergymen elected by the beneficed and, if the scheme so provides, the licensed clergy of the diocese, and not less than one third shall be lay persons; but subject as aforesaid the membership of the Board and the method of election or appointment and term of office of its members other than ex-officio members shall be prescribed by the scheme.
- (5) A Parsonages Board shall be a body corporate, with perpetual succession and a common seal, and the purposes of the Board shall be the furtherance of the work

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of the Church of England by the exercise of their functions under this Measure, and they shall in the exercise of those functions have power to enter into contracts, hold property, borrow money, execute works (whether by entering into contracts or by the employment of direct labour) and have such other ancillary powers as may be provided by scheme of the diocesan synod.

- (6) Subject to the preceding provisions of this section, the constitution and procedure of a Parsonages Board shall be prescribed by scheme of the diocesan synod, and provision may be made for the appointment of committees and the exercise of functions by them, and for the appointment of officers and other staff of a Parsonages Board and for determining their remuneration and terms of service.
- (7) A Parsonages Board shall present an annual report and annual accounts to the diocesan synod, and within one month of such presentation the secretary of the synod shall send a copy of the report and accounts to the Commissioners together with a copy of any resolutions passed thereon by the synod.
- (8) The Board shall comply with any such directions as may be given to them by resolution of the diocesan synod.
- (9) If the Diocesan Board of Finance is designated by a scheme under subsection (1),—
 - (a) the scheme shall provide for the delegation of the Board’s functions under this Measure to a committee or committees of the Board constituted in accordance with the scheme, and regard shall be had in prescribing the membership of the committee or committees (which may include persons other than members of the Board) to the need for adequate representation of the clergy and laity, and the scheme may contain provisions as to the procedure of any such committee;
 - (b) the Memorandum and Articles of Association of the Board or (if they are not a registered company) the constitution thereof shall be deemed to include the furtherance of the work of the Church of England by the exercise of functions under this Measure and such ancillary powers as are necessary for the exercise of those functions and to give effect to any provisions of the said scheme;
 - (c) subsection (7) shall apply to the Board with the modification that the annual report and annual accounts there mentioned may be presented as a separate part of the Board’s annual report and annual accounts.

Repair of Benefice Buildings

2 Meaning of repairs.

- (1) In this Measure “repairs”, in relation to a parsonage house, means such works of repair and replacement as are needed—
 - (a) to keep in repair the structure and exterior of the buildings of the parsonage house, including doors, windows, drains, gutters and external pipes; and
 - (b) to keep in repair all walls, fences, gates, drives and drains of the parsonage house, other than those which some person other than the incumbent is wholly liable to repair;
 - (c) to keep in repair and proper working order—
 - (i) the installations in the parsonage house for the supply of water, gas and electricity, and for sanitation, including basins, sinks, baths and sanitary conveniences, and

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- (ii) the installations in the parsonage house for space heating or heating water, and
- (iii) any fixtures fittings and appliances in the parsonage house (other than those mentioned in the preceding sub-paragraphs), if they belong to the benefice but not otherwise;

and includes works of interior decoration necessitated in consequence of such works as aforesaid.

(2) F1

(3) In determining for the purposes of this Measure the standard of repair appropriate to any building of a benefice, regard shall be had to the age, character and prospective life of the building, and, in particular, in the case of a building included in a list under [F2section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990], the special architectural or historic interest of the building.

Textual Amendments

- F1 S. 2(2) repealed with saving by Endowments and Glebe Measure 1976 (No. 4), Sch. 6 para. 3, Sch. 8
- F2 Words in s. 2(3) substituted (1.1.2001) by virtue of 2000 Measure No. 1, s. 7, Sch. 4 para. 2; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

3 Periodic inspections by diocesan surveyors.

- (1) It shall be the duty of the Board to cause an inspection to be made by a diocesan surveyor of all the buildings of each benefice in the diocese within an initial period of five years from the commencement of this Measure, and for subsequent such inspections to be made periodically at intervals not exceeding, in the case of any benefice, five years from the last such inspection thereof.
- (2) Where a new building of a benefice is provided and is not inspected within the initial period, the Board shall cause it to be inspected by a diocesan surveyor as soon as possible after it is provided and thereafter at intervals not exceeding five years.

4 Reports by diocesan surveyors.

- (1) On every such inspection as aforesaid of the buildings of a benefice, the diocesan surveyor shall make a report to the Board—
 - (a) stating what repairs are required, specifying them in detail and estimating their cost, and stating whether they should be executed immediately or otherwise;
 - (b) specifying any repairs to a parsonage house which are in his opinion necessary by reason of damage caused or aggravated by any deliberate act of the incumbent or a previous incumbent or any default in his duties under section 13 of this Measure, and estimating the cost of executing those repairs or, in case of aggravation, the additional cost attributable to the act or default;
 - (c) stating whether any improvements to a parsonage house appear to him expedient and, if an estimate appears to him practicable and useful, estimating their cost;
 - (d) stating whether in his opinion a parsonage house should be replaced;

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- (e) stating whether any outbuilding of a parsonage house . . . ^{F3} appears to him to be superfluous and, if an estimate appears to him practicable and useful, estimating the cost of demolition;
 - (f) commenting on the state of the interior decoration of any parsonage house and the state of fixtures and things in any building of the benefice which belong to the benefice;
 - (g) advising on the respective amounts for which the buildings of the benefice should be insured under this Measure, and specifying any special risks to which they are liable.
- (2) Where a diocesan surveyor reports that any outbuilding of a parsonage house . . . ^{F3} appears to him to be superfluous, it shall not be necessary for him to specify what repairs to the building are required.
- (3) On the first inspection of the buildings of a benefice under this Measure, the diocesan surveyor shall attach to his report a list of the fixtures and things in any such building which belong to the benefice, and a list of the trees of a parsonage house which in his opinion (after taking such expert advice, if any, as he thinks fit) ought to be preserved, and on subsequent inspections he shall make such additions to and amendments of the lists as may be necessary.
- (4) The Board shall cause a copy of the report to be sent to the incumbent together with a notice stating his right to make representations and the date by which the representations must be made, which shall not be less than one month from the date on which the notice is sent.
- (5) The Board shall consider any representations duly made by the incumbent and, if the incumbent so desires, give him an opportunity of meeting the Board or (at the discretion of the Board) a committee or representative of the Board, and the Board may make by their members such inspections as they think fit and may obtain such professional or other advice as they may require.
- (6) If no representations are made within the period allowed by the notice, then on the expiration of that period, or if representations are made, after the consideration thereof, the Board shall confirm the report of the diocesan surveyor without variation or with such variation as the Board may in its discretion decide, and the Board shall thereupon notify the incumbent of any such variation, and references in the following provisions of this Measure to the report of the diocesan surveyor shall be construed as references to the report as confirmed:
Provided that, if the Board propose to vary the report otherwise than for the purpose of giving effect to representations of the incumbent, they shall give him an opportunity of making representations with respect to the proposal and the last preceding subsection shall apply to any such representations.
- (7) Where the report specifies any repairs under subsection (1)(b) in respect of the act or default of a previous incumbent, the last three subsections shall have effect as if the references to the incumbent included references to that previous incumbent or his personal representative.

Textual Amendments

F3 Words repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, [Sch. 8](#)

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5 Duty of Board to carry out repairs in report relating to parsonage house.

(1) It shall be the duty of the Board—

- (a) to commence within a period of 12 months from the date when the diocesan surveyor's report is confirmed all repairs specified in the report and relating to a parsonage house the execution of which is therein stated to be immediately necessary, and to complete them as soon as possible;
- (b) to execute all other repairs so specified and relating to a parsonage house within such period as may be recommended in the report or, if no period is recommended, as the Board think expedient:

Provided that, if it appears to the Board and the bishop of the diocese that a parsonage house or a part thereof should be sold, exchanged or demolished, and for that reason it is not necessary or desirable to execute the repairs, or all the repairs, specified in relation thereto in the report of the diocesan surveyor, the Board may at any time within a period of six months from the date of the confirmation of the report, notify the incumbent that such repairs as are specified in the notice are not to be executed and giving the reasons therefor.

- (2) A notice under the preceding subsection shall state the incumbent's right to make representations and the date by which the representations must be made, which shall not be less than one month from the date on which the notice is sent; and the Board shall consider any representations duly made by the incumbent, which shall be limited to the question of what repairs are not to be executed, and subsection (5) of the last preceding section shall apply to their consideration of such representations.
- (3) The Board shall notify the incumbent of their decision, and the incumbent may, if not satisfied with the decision, appeal therefrom within one month from the notification thereof to the Commissioners, who shall decide the matter after consultation with the Board and the incumbent.
- (4) If the report of the diocesan surveyor states that any outbuilding of the parsonage house appears to be superfluous, the Board may at any time after the confirmation of the report, notify the incumbent that they intend to demolish the outbuilding, and the last preceding subsection shall apply to any such notice, and if there is no appeal or the notice is upheld, the Board may demolish the outbuilding.

6 F4

Textual Amendments

F4 S. 6 repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, [Sch. 8](#)

7 F5

Textual Amendments

F5 S. 7 repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, [Sch. 8](#)

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8 Interim inspections and repairs.

- (1) In addition to the periodic inspections required by the preceding provisions of this Measure, the Board may at any time cause an inspection of any building of a benefice or any part thereof to be made by a diocesan surveyor and a report made thereon.
- (2) If it appears to the Board, whether as a result of such inspection and report or otherwise, that any repairs to a parsonage house are necessary, they may execute those repairs: Provided that repairs which are not specified in such a report shall not be executed without the consent of the incumbent.
- (3) A report under this section relating to a parsonage house may specify such repairs and make such estimates as are mentioned in section 4(1)(b) of this Measure, and in that case subsections (4) to (7) of that section shall apply to that report.
- (4) F6

Textual Amendments

F6 S. 8(4) repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, [Sch. 8](#)

9 Repairs to party walls etc.

Where any party wall or fence of a parsonage house or any drive, drain or other appurtenance of a parsonage house is maintainable by the incumbent in common with other persons, and any works of repair or replacement are needed in respect thereof, the Board shall have power to act in place of the incumbent in making agreements with those other persons for the execution and financing of such repairs and for enforcing the liability of those persons in respect of such repairs.

10 Regulation of inspections, reports and repairs.

A diocesan synod may by scheme provide for regulating—

- (a) inspections of buildings of a benefice by diocesan surveyors and the making of reports following on such inspections;
- (b) the execution of repairs to buildings of a benefice, including the supervision thereof by diocesan surveyors and otherwise, and any other matters required for securing efficiency and economy in such execution.

11 Powers of entry.

For the purpose of carrying out any inspection or executing any repairs to a building of a benefice which the Board are required or authorised to carry out or execute under this Measure, it shall be lawful for a diocesan surveyor or any workmen or other persons employed by him or the Board or any person authorised by him or the Board to enter the building at all reasonable hours during the daytime:

Provided that, except where repairs are suddenly and urgently needed, the Board or the diocesan surveyor shall before exercising their powers under this section use their best endeavours to reach agreement with the incumbent as to the times at which the inspection is to be carried out or the repairs executed, and shall in default of such agreement give not less than fourteen days notice to the incumbent.

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12 Insurance.

- (1) It shall be the duty of the Board—
 - (a) to insure all the parsonage houses in their diocese against all such risks as are included in the usual form of houseowner’s policy relating to buildings; . . . ^{F7}
 - (b) ^{F8}and such insurance shall be effected with the Ecclesiastical Insurance Office Ltd. or such other insurance office as may be selected by the Board ^{F9}
- (2) The Board shall make and prosecute all claims arising under any insurance policy effected under this section, and all moneys payable under any such policy shall be paid to the Board.
- (3) If a liability in respect of damage to a parsonage house . . . ^{F7} arises under any such policy, and the insurance office elects to pay the insurance money instead of making good the damage at the expense of the office, the Board shall, . . . ^{F7}, make good the damage . . . ^{F7}:
Provided that—
 - (a) the damage may be made good with such alterations as the Board may with the consent of the incumbent and [^{F10}after consulting the registered patron]determine;
 - (b) the whole or part of the damage may, if the Board so determine with such consent [^{F11}and after such consultation]as aforesaid, be not made good.
- (4) ^{F8}
- (5) In this section, references to damage and the making good thereof shall include references to the destruction of the building in whole or in part and to the reinstatement thereof.

Textual Amendments

- F7** Words repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\), Sch. 6 para. 3, Sch. 8](#)
- F8** [S. 12\(1\)\(b\)\(4\)](#) repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\), Sch. 6 para. 3, Sch. 8](#)
- F9** Words in [s. 12\(1\)](#) omitted (1.1.2001) by virtue of [2000 Measure No. 1, s. 7 Sch. 4 para. 3](#); Instrument dated 14.12.2000 made by the [Archbishops of Canterbury and York](#)
- F10** Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 41\(1\), Sch. 4 para. 14](#)
- F11** Words inserted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 41\(1\), Sch. 4 para. 14](#)

Modifications etc. (not altering text)

- C1** [S. 12\(3\)](#) restricted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 34\(5\)\(a\)](#)

13 Obligations and powers of incumbent in relation to parsonage house.

- (1) The incumbent shall have a duty to take proper care of a parsonage house, being a duty equivalent to that of a tenant to use premises in a tenant-like manner.
- (2) The duties of the Board under this Measure in respect of repairs to parsonage houses shall not affect any liability of an incumbent, as owner, tenant or occupier of a parsonage house, to persons other than the Board, but the Board shall indemnify the incumbent in respect of any claim by any such person or any expense reasonably incurred by reason of any such liability, if and so far as the claim or expense arises out

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of the execution of repairs or a failure to execute repairs to the parsonage house and is not covered by an insurance policy effected under the last preceding section:

Provided that an incumbent shall not be under any liability to his successor in respect of any repairs or failure to execute repairs to a parsonage house.

- (3) The incumbent shall notify the Board of any repairs to a parsonage house appearing to him to be necessary and, in the case of repairs urgently required for reasons of safety or to prevent further damage or deterioration or to meet a liability to other persons, shall do so without delay.
- (4) Where the report of a diocesan surveyor, whether under section 4 or section 8 of this Measure, specifies any repairs to a parsonage house as necessary by reason of damage caused or aggravated by any deliberate act of the incumbent or a previous incumbent or any default in his duties under this section, the Board may, on completion of the repairs, by notice require the incumbent concerned or his personal representative to pay to them the whole or part of the cost certified by the diocesan surveyor to be attributable to the said act or default and, if the notice is not complied with, the Board may take proceedings for the enforcement thereof:
Provided that in any such proceedings it shall be open to the defendant to show that the cost so certified is not attributable to such act or default as aforesaid, or that the amount required to be paid exceeds the cost so attributable, and judgment may be given accordingly.
- (5) The incumbent may carry out as agent of the Board such repairs to a parsonage house, whether following an inspection by a diocesan surveyor or otherwise, as the Board may generally or specially authorise.

14 Parsonage house ceasing to be such.

- (1) Where the Board is notified by the Commissioners that they have consented to the sale, exchange or demolition of a parsonage house, or [^{F12}that the Commissioners are satisfied that any objection raised under section 3(1) of the Parsonages Measures 1938 ought not to prevent any such sale, exchange or demolition], the duties of the Board under the preceding provisions of this Measure shall apply to that parsonage house to the following extent only:—
 - (a) the Board shall keep the insurance of the parsonage house in force until the sale, exchange or demolition is effected; and
 - (b) in a case where the parsonage house is to be sold or exchanged, the Board shall carry out such repairs thereto as they think necessary or desirable to facilitate the sale or exchange thereof; and
 - (c) so long as the parsonage house remains in occupation, the Board shall carry out such repairs as they think necessary for such occupation.
- (2) Where a parsonage house ceases, otherwise than in consequence of a sale, exchange or demolition or proposals therefor, to be a parsonage house, the preceding provisions of this Measure so far as they relate to parsonage houses shall cease to apply thereto.
- (3) Nothing in this section shall affect any liability of the Board under subsection (2) of the last preceding section, or any liability of the incumbent or his personal representative under subsection (4) of that section or section 20(2) of this Measure, being a liability accrued before the preceding provisions of this section took effect in relation to the parsonage house.

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- (4) References in this section to the sale and the exchange of a parsonage house shall, if it is held on lease, be construed as references to the sale and the exchange of the leasehold interest therein.

Textual Amendments

- F12** Words in s. 14(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 7, **Sch. 4 para. 4**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Other Functions of Parsonages Boards

15 Extension by scheme of functions of Parsonages Boards.

- (1) The diocesan synod may by scheme authorise the Board to execute—
- (a) works of interior decoration of parsonage houses, by agreement with the incumbent;
 - (b) works of improvement, demolition or erection of parsonage houses in pursuance of the powers conferred by sections 1, 2 and 2A of the^{M1}Parsonages Measure 1938^{F13} . . ., by agreement with the persons on whom those powers are conferred.
- (2) The diocesan synod may by scheme provide for the inspection by a diocesan surveyor of buildings in the diocese (other than parsonage houses) used as residences by clergy or lay workers of the Church of England, and for the making of reports to the Board on such inspections.
- (3) The diocesan synod may by scheme provide for authorising the Board to execute works of repair, interior decoration, improvement, demolition or erection of any buildings in the diocese held for charitable purposes connected with the Church of England, by agreement with the persons having the management or control of such buildings.
- (4) A scheme made under this section shall make provision for securing that the cost of any such works as are mentioned in this section and the cost of inspections and reports mentioned in subsection (2) thereof, including any administrative cost attributable to such works, inspections and reports, shall not constitute a charge on the Parsonages Fund established under section 17 hereof, and may contain other provisions relating to the administration of the scheme:
Provided that this subsection shall not apply to the cost of repairs to the residence of an incumbent not being a parsonage house or the cost of inspections and reports relating thereto.
- (5) In this section references to parsonage houses and to buildings used or held for certain purposes shall include references, where appropriate, to buildings intended to be used as parsonage houses or to be used or held for those purposes.

Textual Amendments

- F13** Words in s. 15(1)(b) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 7, **Sch. 4 para. 5**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

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Marginal Citations

M1 1938 No. 3.

16 Powers of Board to pay rates, rent and other outgoings.

- (1) The Board shall, in respect of any parsonage house or other residence of an incumbent in the diocese, have power to make good to the incumbent or defray on his behalf—
- (a) any general rate, water rate or drainage rate;
 - (b) any payments for the maintenance of a private road, common drive, party fence or wall, or other thing maintainable in common;
 - (c) any payment in respect of a rent charge or other charge;
 - (d) any rent or other payment under a lease or tenancy;
 - ^{F14}(e)
- (2) The Board shall have power to defray the cost of repairs to any such residence not being a parsonage house, or any repairs to a parsonage house held on lease being repairs for which the incumbent is liable.
- ^{F15}(3) The Board shall in respect of any parsonage house in the diocese have power to defray on behalf of the Diocesan Board of Finance for the diocese any periodical payment in respect of a loan made by the Commissioners to that Board for the provision, improvement, division or demolition of that house or the safeguarding of the amenities thereof and any accrued interest thereon.]

Textual Amendments

- F14** S. 16(1)(e) omitted (1.1.2001) by 2000 Measure No. 1, s. 7, **Sch. 4 para. 6**; Instrument dated 14.12.00 made by the Archbishops of Canterbury and York
- F15** S. 16(3) inserted by **Endowments and Glebe Measure 1976 (No. 4)**, **Sch. 5 para. 4(2)(b)**

Financial Provisions

17 Diocesan Parsonages Fund.

- (1) The Board shall open a Fund, to be known as the Parsonages Fund for the diocese concerned, into which moneys shall be paid under the following provisions of this Measure.
- (2) The Parsonages Fund shall be held and managed by the Board, who shall have the same powers of investment as trustees of trust funds:
Provided that, if there is a separate Parsonages Board, the diocesan synod may by scheme provide that the powers of the Board in respect of the management of the Parsonages Fund and the receipt of moneys payable into that Fund shall be exercisable by the Diocesan Board of Finance on behalf of the Board.
- (3) All expenditure of the Board, except expenditure defrayed out of a specific trust fund or by direct payments of parochial church councils under section 19(2), shall be defrayed out of the Parsonages Fund, but without prejudice to any provision made under section 15(4) of this Measure.

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18 Payments to Parsonages Fund from Repair Accounts etc.

- [^{F16}(1) The moneys in the Parsonages Fund shall be treated as a reserve.
- ^{F16}(2) Subject to subsection (3) below, only the income arising from the reserve shall be applicable for the general purposes of the Fund.]
- (3) The moneys so treated as a reserve may, to a total amount not exceeding at any one time two-fifths of the original amount thereof, be applied by the Board for all or any of the following purposes:—
- (a) for meeting any temporary excess of expenditure over income arising within an annual accounting period, subject to the sums so applied being replaced in the reserve before the end of that period;
 - (b) for meeting the cost of any repairs to a parsonage house which the Board by special resolution declare to be extraordinary repairs;
 - (c)^{F17}
- Provided that, after the expiration of five years from the passing of this Measure,—
- (i) the Commissioners may, if it appears to them expedient having regard to the special circumstances of any diocese, authorise an increase for that diocese in the total amount that may be applied under this subsection out of the reserve;
 - (ii) the General Synod may, on the application of the Commissioners, by resolution increase for all dioceses the said proportion of two-fifths of the original amount of the reserve, and any special increase under paragraph (i) hereof shall be additional to any such general increase.
- ^{F18}(4)

Textual Amendments

- F16** S. 18(1)(2) substituted (1.1.2001) by 2000 Measure No. 1, s. 7, **Sch. 4 para. 7**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F17** S. 18(3)(c) repealed with saving by Endowments and Glebe Measure 1976 (No. 4), Sch. 6 para. 3, **Sch. 8**
- F18** S. 18(4) repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

19 Other Financial Provisions.

- (1) The diocesan synod shall by scheme provide for the submission to the synod by the Board of annual estimates of the expenditure of the Board for the ensuing year and proposals for meeting that expenditure, and in dioceses where there is a separate Parsonages Board, the Board shall consult the Diocesan Board of Finance before submitting the estimates.
- (2) The diocesan synod may by scheme provide—
- (a) for the payment by parochial church councils of parishes in the diocese of such annual contributions towards the estimated expenditure of the Board as may be determined in accordance with the scheme, but not exceeding in any year a total amount approved by the synod; or

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- (b) for the direct payment by such parochial church councils of the whole or part of the cost of repairs to the parsonage houses of their own parishes, and for excluding that cost or part thereof from the annual estimates of the Board; or
 - (c) for a combination of such contributions and direct payments as aforesaid; and
 - (d) for refunding to any parochial church council any part of a contribution not required by the Board.
- (3) The Commissioners may make grants out of their general fund to the Board for payment into the Parsonages Fund.
- [^{F19}(4) Any moneys received by the Board under any insurance policy effected under this Measure, so far as they are not applied for the purposes mentioned in section 12(3) of this Measure or to meet any liability covered by the policy, and any net proceeds of the demolition under this Measure of any outbuildings of a parsonage house, shall be held by the Board as if they were moneys arising from a sale of the parsonage house, under the Acts and Measures relating to such sales, and may be applied accordingly.]
- (5) Without prejudice to the generality of section 1(5) of this Measure, the Board shall have power to accept gifts and bequests either for their general purposes or on specific trusts for purposes falling within their general purposes.
- (6) All moneys received by the Board shall, subject to subsection (4) of this section . . .
^{F20} and any such specific trusts as aforesaid, be paid into the Parsonages Fund.

Textual Amendments

F19 S. 19(4) substituted (1.1.2001) by Measure No 1, s. 7, Sch. 4 para. 8; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

F20 Words repealed with saving by Endowments and Glebe Measure 1976 (No. 4), Sch. 6 para. 3, Sch. 8

Miscellaneous and General

20 Felling of trees.

- (1) Any trees included in the current list scheduled to the report of the diocesan surveyor under section 4(3) of this Measure in respect of a parsonage house shall not be felled, lopped or topped without the consent of the Board,^{F21} . . .
Provided that this subsection shall not apply if the felling, lopping or topping is necessary to avoid immediate danger to the occupants of the parsonage house or [^{F22}any other] building or to the general public.
- (2) If any such trees are felled, lopped or topped in contravention of this section or any such timber is felled in contravention thereof, the Board may by notice require the incumbent or his personal representative to pay to the Board the amount of any resulting depreciation, as estimated by a diocesan surveyor, of the parsonage house or, as the case may be, the net value of the timber, or such part of that amount or value as the Board think fit, and, if the notice is not complied with, the Board may take proceedings for the enforcement thereof:
Provided that in any such proceedings it shall be open to the defendant to show that the contravention did not cause any depreciation of the parsonage house or that the timber had no net value or that the amount required to be paid exceeds the amount of the depreciation or value, and judgment may be given accordingly.

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^{F23}(3)

^{F23}(4)

- (5) The consent of the patron or ordinary shall not be necessary for any felling in accordance with this section.
- (6) The net proceeds of any such felling and any moneys recovered by the Board under subsection (2) of this section may be applied for the purpose of planting new trees, and so far as they are not so applied, shall ^{F24} . . . be ^{F25} . . . treated in the same way as the net proceeds of the demolition of outbuildings of a parsonage house . . . ^{F26}, under section 19(4) of this Measure.
- (7) Where the expense to the incumbent of felling, lopping or topping any trees in accordance with this section exceeds the proceeds thereof, the Board may defray the amount of the excess.

Textual Amendments

- F21** Words in s. 20(1) repealed (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No.1, SIF 21:8), ss. 6(4), 32(2), **Sch. 8**, Note 4; Archbishops' Instrument dated 16.2.1993.
- F22** Words substituted by Endowments and Glebe Measure 1976 (No. 4), **Sch. 5 para. 4(3)**
- F23** S. 20(3)(4) repealed (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), ss. 6(4), 32(2), **Sch. 8**, Note 4; Archbishops' Instrument dated 16.2.1993.
- F24** Words in s. 20(6) repealed (1.3.1993) by Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1, SIF 21:8), ss. 6(4), 32(2), **Sch. 8**, Note 4; Archbishops' Instrument dated 16.2.1993.
- F25** Words in s. 20(6) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 7, **Sch. para. 9**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F26** Words repealed with saving by Endowments and Glebe Measure 1976 (No. 4), Sch. 6 para. 3, **Sch. 8**

21 Additions and alterations to parsonage houses and glebe buildings.

- (1) An incumbent shall not make any additions or alterations to the buildings of a parsonage house . . . ^{F27}^[F28] until after he has ^{F29} . . . obtained the consent of the Board], and if he does so, the Board may by notice require him or his personal representative to restore the buildings to the condition in which they were before, and, on receipt of the notice, the incumbent or his personal representative shall restore the buildings as directed by the notice.
- (2) If the incumbent or his personal representative refuses or neglects to comply with the notice, the Board may, if they think fit, execute such works as may be necessary to restore the buildings as aforesaid, and the powers of entry conferred by section 11 of this Measure shall apply for that purpose, and the cost of the works shall be recoverable as a debt due to the Board from the incumbent or his personal representative.
- (3) Before refusing their consent under this section, the Board shall give notice to the incumbent of their intention to do so, and subsection (4) of the last preceding section shall apply to any such notice and to any other notice under this section as it applies to a notice therein mentioned.
- ^{F30}(4) Before making additions or alterations to the buildings of a parsonage house the incumbent shall consult the registered patron (as defined in section 39(1) of the Patronage (Benefices) Measure 1986), if any, of the benefice and, in the case of a

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parsonage house which is occupied by a person who is a member of the team in a team ministry established by a pastoral scheme under the Pastoral Measure 1983 and not by the incumbent, that person also.]

Textual Amendments

- F27** Words repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**
- F28** Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 15**
- F29** Words in s. 21(1) omitted (1.1.2001) by [2000 Measure No. 1](#), s. 7, **Sch. 4 para. 10**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F30** S. 21(4) inserted (1.1.2001) by [2000 Measure No. 1](#), s. 7, **Sch. 4 para. 10**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Modifications etc. (not altering text)

- C2** S. 21(1) amended by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 34(6)

22 F31

Textual Amendments

- F31** S. 22 repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**

23 Board to be informed and to advise and negotiate on matters affecting benefice property.

The incumbent of a benefice shall keep the Board informed of matters affecting buildings and land belonging to the benefice, other than churches, and in particular of matters arising from any notice given to him by a Government department, local or public authority, public utility undertakers or, in the case of property held on a lease or tenancy, the landlord of the property; and the Board shall, at the request of the incumbent, advise on or undertake negotiations in respect of any such matters.

24 Guidance by Commissioners.

The Commissioners may at any time seek information from, and give advice to, the Board on any matter concerning their functions under this and any other Measure, and the Board shall provide such information and have regard to such advice.

25 Charities.

Where the purposes of a charity include the repair of parsonage houses, either generally or in a particular locality or as respects a particular parsonage house, the funds of the charity shall continue to be applicable to that purpose, notwithstanding the transfer of responsibility for such repair to the Board.

26 Application of Measure during vacancies.

- (1) During a vacancy in a benefice the provisions of this Measure, except section 13(1) and (4), shall apply to that benefice as if for the references to the incumbent there were

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substituted references to the sequestrators or, if the benefice is not under sequestration, to the bishop of the diocese:

Provided that any liability arising under the said provisions as so applied shall be discharged out of [^{F32}moneys in the hands of the sequestrators or out of] the income of the benefice arising during the vacancy and shall not be a personal liability of the sequestrators or the bishop.

- (2) Where, during the period between the sending of a report of a diocesan surveyor to the incumbent or the sequestrators or bishop and the confirming of the report under section 4 of this Measure, a vacancy occurs or is filled, the right to make representations and to meet the Board or a committee or representative of the Board shall, so far as they have not already been exercised, devolve on the sequestrators or bishop or the new incumbent, as the case may be.

- (3) ^{F33}

Textual Amendments

F32 Words inserted by [Endowments and Glebe Measure 1976 \(No. 4\), Sch. 5 para. 4\(4\)](#)

F33 [S. 26\(3\)\(4\)](#) repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\), Sch. 6 para. 3, Sch. 8](#)

27 Notices and other documents.

- (1) All notices, consents, reports, orders, directions or requests required or authorised by this Measure to be given or made shall be in writing, and any such document or copy thereof may be served, sent or given to any person or body by delivering it to him or to the secretary of the body, or by leaving it at the proper address of that person or body, or by post.

- (2) ^{F34}

- (3) For the purposes of this section and of [^{F35}section 7 of the Interpretation Act 1978] in its application to this section, the proper address shall, in the case of a body, be the registered or principal office thereof, and in any other case be the last known address of the person concerned.

Textual Amendments

F34 [S. 27\(2\)](#) repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 41\(2\), Sch. 5](#)

F35 Words in [s. 27\(3\)](#) substituted (1.1.2001) by [2000 Measure No. 1, s. 7, Sch. 4 para. 11](#); Instrument dated 14.12.2000 made by [Archbishops of Canterbury and York](#)

28 ^{F36}

Textual Amendments

F36 [S. 28](#) repealed by [Church of England \(Miscellaneous Provisions\) Measure 1976 \(No. 3\), Sch. Pt. II](#)

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29 Transfer to Board of functions of Diocesan Dilapidations Board.

As soon as the Board is appointed or designated under section 1 of this Measure, the functions of the Diocesan Dilapidations Board for that diocese shall be exercisable by the Board, and the Diocesan Dilapidations Board (if a separate body) shall thereupon be dissolved, and for references in any Measure to a Diocesan Dilapidations Board and to surveyors appointed by them there shall be substituted, as respects that diocese, references to the Board and surveyors appointed by the Board.

30 Schemes of diocesan synods.

- [^{F37}(1) A copy of any scheme made by a diocesan synod under this Measure shall be sent to the Commissioners and filed in the diocesan registry.]
- (2) The duties and powers of diocesan synods to provide by scheme for the matters specified in this Measure may be exercised by a single scheme or by separate schemes, and any scheme may be varied, revoked or replaced by a subsequent scheme made and approved in like manner.
- (3) Any such scheme may contain such supplementary and incidental provisions as may be necessary or expedient for the purposes of the scheme, and may provide that the scheme shall come into operation on a specified date, and may specify different dates for different provisions or different areas.

Textual Amendments

F37 S. 30(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 7, **Sch. 4 para. 12**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

31 Interpretation.

- (1) In this Measure, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- “benefice” means the office of a rector or vicar of a parish or parishes, with cure of souls, but not including the office of a vicar in a team ministry;
- “building” includes part of a building;
- “buildings of a benefice” means any parsonage house . . . ^{F38};
- “the commencement of this Measure” means, in relation to a diocese, the coming into operation of this Measure on the day appointed for that diocese under the next following section;
- “the Commissioners” means the Church Commissioners;
- “Diocesan Board of Finance” means, in relation to a diocese, the Board of that name constituted under the ^{M2}Diocesan Board of Finance Measure 1925 for that diocese;
- “Diocesan Dilapidations Board” means, in relation to a diocese, the Board constituted under the ^{M3}Ecclesiastical Dilapidations Measure 1923 for that diocese;
- [^{F39}“diocesan glebe land” has the same meaning as in the ^{M4}Endowments and Glebe Measure 1976]

F40

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“improvement”, in relation to any building, includes enlargement and reduction in size (whether by division or otherwise);

“parsonage house” means a residence vested in the incumbent of a benefice (when the benefice is full), being his official residence . . . ^{F38}, except a residence held under a lease which makes the landlord wholly or mainly responsible for the repairs, and includes the buildings, gardens, orchards, paddock, walls, fences, and appurtenances necessary for the convenient occupation of the residence, and for the purposes of this definition the separate letting of a part of the residence shall not be deemed to exclude it from the residence unless it is excluded by a certificate of the bishop under section 11 of the ^{M5}Parsonages Measure 1938;

[^{F41} “registered patron” has the same meaning as in the Patronage (Benefices) Measure 1986]

“repairs” has the meaning assigned to it by section 2 of this Measure.

[^{F42}“team vicar’s house” means a residence vested in a Diocesan Board of Finance ^{F43} . . ., being the designated residence of a vicar in a team ministry established for a benefice under section 19 of the Pastoral Measure 1968, except a residence held under a lease which makes the landlord wholly or mainly responsible for the repairs, and includes the buildings, gardens, orchards, paddocks, walls, fences and appurtenances necessary for the convenient occupation of the residence.]

- [^{F44}(2) This Measure shall, so far as applicable, apply to a team vicar’s house as it applies to a parsonage house with the omission of references to the patron and to a previous incumbent, and with the substitution, for references to the incumbent, of references to the Diocesan Board of Finance in which the house is vested and the vicar, except that—
- (a) in sections 9, 12(3), 13(5), 15(1)(a) and 16(2), the references shall be to that Board only;
 - (b) in sections 4(1)(b), 11 and 13(1) and (4), the references shall be to the vicar only; and
 - (c) in sections 20(2) and 21(2), the references shall be to such one of them as is responsible for the contravention in question.]
- (3) Any reference in this Measure to any Act or Measure shall be construed as a reference to that Act or Measure as amended by any subsequent Measure.

Textual Amendments

- F38** Words repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**
- F39** Definition inserted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(5)(a)**
- F40** Definition repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**
- F41** Definition substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 16**
- F42** Definition inserted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(5)(c)**
- F43** S. 31(1): Words in s. 31(1) repealed (1.1.1999) by [1998 No. 1, s. 13\(1\)](#), **Sch. 5 para. 3**; Instrument dated 14.10.98 made by Archbishops of Canterbury and York
- F44** S. 31(2) substituted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(6)**

Modifications etc. (not altering text)

- C3** Meaning of “parsonage house” extended by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **s. 33**

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Marginal Citations

- M2** 1925 No. 3.
- M3** 1923 No. 3.
- M4** 1976 No. 2.
- M5** 1938 No. 3.

32 Commencement of Measure.

- (1) Subject to section 1 and section 29 of this Measure and the next following subsection, this Measure shall come into operation on such day as may be appointed by order of the Commissioners under seal, and different days may be appointed for different dioceses, and the Commissioners shall cause a notice of every such order to be published in the London Gazette and a copy of every such order to be filed in the diocesan registry of every diocese to which the order applies:
Provided that no day so appointed shall be later than the first day of April next following the expiration of two years from the passing of this Measure.
- (2) Without prejudice to section 37 of the ^{M6}Interpretation Act 1889 as applied by the ^{M7}Interpretation Measure 1925, the provisions of this Measure requiring or empowering diocesan synods to make schemes, and the provisions relating to the making and confirming of such schemes, shall have effect on the passing of this Measure, and any appointments, elections and administrative arrangements required in consequence of such schemes may be made or held any time after the making of the schemes, but save as aforesaid no scheme made by a diocesan synod before the appointed day shall come into operation before that day.

Modifications etc. (not altering text)

- C4** Power of appointment conferred by s. 32(1) now fully exercised

Marginal Citations

- M6** 1889 c. 63.
- M7** 1925 No. 1.

33 Saving for Planning Acts.

Nothing in this Measure shall be taken as authorising or requiring the carrying out of any works otherwise than in accordance with the ^{M8}Town and Country Planning Acts 1962 and ^{M9}1969.

Marginal Citations

- M8** 1962 c. 38.
- M9** 1969 c. 30.

34 Transitional Provisions.

The transitional provisions set out in Schedule 1 to this Measure shall have effect for the purpose of the transition from the provisions of the Ecclesiastical Dilapidations Measures 1923 to 1951 to the provisions of this Measure.

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35 Repeals.

The Acts and Measures specified in Schedule 2 to this Measure are hereby repealed to the extent specified in column 3 of that Schedule.

Modifications etc. (not altering text)

- C5** 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.

36 Short title and extent.

- (1) This Measure may be cited as the Repair of Benefice Buildings Measure 1972.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the diocese of Sodor and Man, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures.

Status:

Point in time view as at 01/01/2001.

Changes to legislation:

There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972.