



# Repair of Benefice Buildings Measure 1972

1972 No. 2

*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,<sup>F1</sup> . . .  
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 [<sup>F2</sup>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.
- <sup>F3</sup>(3) . . . . .
- <sup>F3</sup>(4) . . . . .
- (5) The consent of the [<sup>F4</sup>registered 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 <sup>F5</sup>. . . be <sup>F6</sup>. . . treated in the same way as

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*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 20. (See end of Document for details)*

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the net proceeds of the demolition of outbuildings of a parsonage house . . . <sup>F7</sup>, 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

- F1** 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.
- F2** Words substituted by Endowments and Glebe Measure 1976 (No. 4), **Sch. 5 para. 4(3)**
- F3** 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.
- F4** Words in s. 20(5) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), **ss. 9, 16(2)**; S.I. 2006/2, Instrument made by Archbishops
- F5** 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.
- F6** 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
- F7** Words repealed with saving by Endowments and Glebe Measure 1976 (No. 4), Sch. 6 para. 3, **Sch. 8**

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