



# Church Property Measure 2018

2018 No. 8

## PART 4

### MISCELLANEOUS AND GENERAL

#### *Property rights and obligations*

#### **45 Land granted under Gifts for Churches Acts etc.**

- (1) Where the person in whom land granted under the Gifts for Churches Act 1803 or 1811 or the Consecration of Churchyards Act 1867 is vested is satisfied that the land or a part of it is no longer required for the purpose for which it was granted, the person—
  - (a) may sell the land or part;
  - (b) may exchange the land or part for land which would be more suitable for that purpose and may pay or receive money for equality of exchange;
  - (c) may appropriate the land or part to, or transfer it for, an ecclesiastical purpose for the benefit of the parish in which it is situated or for an educational, charitable or public purpose relating to the parish;
  - (d) if the land was acquired by gift, may transfer the land or part back to the grantor, or the grantor's successors in title, for no consideration.
- (2) The power under subsection (1) may not be exercised without the consent of the bishop of the diocese in which the land is situated; and the bishop may not give the consent unless satisfied that the land or part is no longer required for the purpose for which it was granted.
- (3) In the case of land granted by gift under an Act referred to in subsection (1) which has been held for less than 20 years, the power under subsection (1) may not be exercised unless—
  - (a) an offer has been made to reconvey the land to the grantor without consideration and the grantor has not accepted the offer within six weeks after it was made, or
  - (b) the bishop has made a statutory declaration that the grantor cannot be found.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The proceeds of a sale or exchange under this section must be paid to the Parsonages Board and applied by it for such purposes as it agrees with the bishop after consulting the person by whom the land was sold or exchanged; but the purposes for which they agree the proceeds are to be applied must be—
  - (a) purposes for the benefit of the benefice to which the parish in which the land is situated belongs, or
  - (b) charitable purposes relating to that parish.
- (5) In the case of land granted under the Consecration of Churchyards Act 1867, the power under this section to sell or exchange the land may be exercised even if a right of burial has been reserved over the land under section 9 of that Act.
- (6) This section does not authorise a sale or other disposal of consecrated land.
- (7) This section does not affect the jurisdiction of the consistory courts.
- (8) Where a benefice is vacant, a power under this section which would otherwise have been exercisable by the incumbent is exercisable by the bishop of the diocese to which the benefice belongs.
- (9) A reference to the Consecration of Churchyards Act 1867 includes a reference to sections 89 to 91 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.