



Parochial Church Councils (Powers) Measure 1956

1956 No. 3 4 and 5 Eliz 2

6 Supplementary provisions relating to certain property.

- (1) After the commencement of this Measure, a council shall not acquire any interest in land (other than a short lease as hereinafter defined) or in any personal property to be held on permanent trusts, without the consent of the diocesan authority.
- (2) Where, at or after the commencement of this Measure, a council holds or acquires an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts, such interest shall be vested in the diocesan authority subject to all trusts, debts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite for giving effect to the provisions of this subsection.
- (3) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall not sell, lease, let, exchange [^{F1}or charge] the property without the consent of the authority; but save as aforesaid, nothing in this section shall affect the powers of the council in relation to the management, administration or disposition of any such property.
- [^{F2}(3A) Where any property which is occupied by a member of the team in a team ministry is vested in the diocesan authority pursuant to subsection (2) of this section and the council proposes to alter or dispose of the property or any part thereof, the council shall—
 - (a) keep that member informed of matters arising from the proposal;
 - (b) afford that member an opportunity to express views thereon before taking any action to implement the proposal; and
 - (c) have regard to those views before taking any such action.]
 - (4) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall keep the authority indemnified in respect of:
 - (a) all liabilities subject to which the property is vested in the authority or which may thereafter be incident to the property;

Changes to legislation: There are currently no known outstanding effects for the Parochial Church Councils (Powers) Measure 1956, Section 6. (See end of Document for details)

- (b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the property;
- (c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the property or as trustee thereof;
- (d) all costs, proceedings, claims and demands in respect of any of the matters hereinbefore mentioned.

[^{F3}(4A) The requirement for consent under subsection (1) or (3) does not apply if the consideration on the transaction in question is less than such amount as may be specified in, or determined in accordance with, an order made by the Archbishops' Council.]

- (5) The consents required by subsection (3) of this section are additional to any other consents required by law, either from the [^{F4}Charity Commission] or the [^{F5}Secretary of State of Education and Science or the Secretary of State for Wales] or otherwise.
- (6) In this section the expression “ short lease ” means a lease for a term not exceeding [^{F6}seven years] , and includes any tenancy from week to week, from month to month, from quarter to quarter, or from year to year.
- (7) Any question as to whether personal property is to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop [^{F7}or, during a vacancy in a see, the guardian of the spiritualities].

Textual Amendments

- F1** Words in s. 6(3) substituted (1.7.2015) by [Ecclesiastical Property Measure 2015 \(No. 2\)](#) , **ss. 1(2)** , 3(2) ; [S.I. 2015/1468](#) , [art. 2](#)
- F2** S. 6(3A) inserted (1.5.1996) by [1995 No. 1](#) , **s. 9** ; [Instrument dated 12.2.1996 made by Archbishops of Canterbury and York](#)
- F3** S. 6(4A) inserted (1.7.2015) by [Ecclesiastical Property Measure 2015 \(No. 2\)](#) , **ss. 1(3)** , 3(2) ; [S.I. 2015/1468](#) , [art. 2](#)
- F4** Words in s. 6(5) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#) , [s. 79\(2\)](#) , **Sch. 8 para. 38** ; [S.I. 2007/309](#) , [art. 2](#) , [Sch.](#)
- F5** Words substituted by virtue of [S.I. 1964/490](#) and [1970/1536](#)
- F6** Words in s. 6(6) substituted (1.7.2015) by [Ecclesiastical Property Measure 2015 \(No. 2\)](#) , **ss. 1(5)** , 3(2) ; [S.I. 2015/1468](#) , [art. 2](#)
- F7** Words in s. 6(7) added (1.7.2015) by [Ecclesiastical Property Measure 2015 \(No. 2\)](#) , **ss. 1(6)** , 3(2) ; [S.I. 2015/1468](#) , [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 6 excluded by [Cathedrals Measure 1963 \(No. 2\)](#) s. 12(4)(b)
- C2** S. 6(1) excluded (*retrospectively*) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#) , **s. 10(1)** ; [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#) .
- C3** S. 6(1) excluded (1.10.2015) by [The Ecclesiastical Property \(Exceptions from Requirement for Consent to Dealings\) Order 2015 \(S.I. 2015/1545\)](#) , [arts. 1\(2\)](#) , **2(1)** (with [art. 2\(3\)\(4\)](#))
- C4** S. 6(2) extended (1.4.1978) by [Endowments and Glebe Measure 1976 \(No. 4\)](#) , **s. 23(3)**
- C5** S. 6(2) excluded (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#) , **s. 10(2)** ; [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#) .
- C6** S. 6(3) excluded (1.10.2015) by [The Ecclesiastical Property \(Exceptions from Requirement for Consent to Dealings\) Order 2015 \(S.I. 2015/1545\)](#) , [arts. 1\(2\)](#) , **2(1)** (with [art. 2\(3\)\(4\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Parochial Church Councils (Powers) Measure 1956, Section 6.