



Church Property (Miscellaneous Provisions) Measure 1960

1960 No. 1 8 and 9 Eliz 2

PART II

AMENDMENTS OF THE ^{M1}NEW PARISHES MEASURE 1943

6 Vesting of land acquired under or for the purposes of the New Parishes Measure 1943 and powers to dispose of land no longer required.

- (1) Where any land is vested in the Commissioners at the date of the passing of this Measure for any of the purposes mentioned in paragraphs (a), (b) and (c) of subsection (1) of section thirteen of the ^{M1}New Parishes Measure 1943 the land shall on the consecration of the Church or burial ground vest in the incumbent for the time being of the parish in which the land is situated.
- (2) For sections sixteen and seventeen of the New Parishes Measure, 1943, there shall be substituted the following sections—

“16 Vesting of land acquired by the Commissioners.

- (1) Where any land or building acquired after the passing of the Church Property (Miscellaneous Provisions) Measure, 1960 under section thirteen or fourteen of this Measure is—
 - (a) a church or part of a church or a building fit to be used as or to be converted into a church,
 - (b) land acquired for the site for a new church or for a church to substituted for an existing church, or for enlarging the site of an existing church,
 - (c) land for providing a new or extending an existing churchyard or burial ground, or
 - (d) land required for providing access to or improving the amenities of any church, churchyard or burial ground,

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the land or bulding shall vest in the incumbent for the time being of the parish in which the land or building is situated:

Provided that, if the area in which any such land or building is situated is subsequently constituted a new parish under this Measure, the land or bulding shall thereupon vest in the incumbent for the time being of that new parish, unless the scheme constituting the parish otherwise provides.

- (2) Where any land or bulding acquired under the said sections thirteen or fourteen is—
- (a) land or a building for a house of residence for an incumbent or other ecclesiastical person,
 - (b) land for an extension of such a house of residence,
 - (c) land required for providing access to or improving the amenities of any such house of residence,

the land or building shall vest in the incumbent for the time being of the parish in which it is situated, or, if the land or building was acquired for the purposes of the house of residence of the minister of a district constituted by a scheme under section one of this Measure, or as an endowment of any such district, in the minister for the time being of that district:

Provided that, if in anticipation of the constitution of a parish or district under this Measure any land or building is acquired for or for the purposes of a house of residence for the incumbent of that parish, or the minister of that district, or as an endowment of any such parish or district, the land or building shall vest in the Commissioners until the parish or district is constituted and shall thereupon vest in the incumbent or minister for the time being of the parish or district as the case may be.

- (3) Where any land or building acquired under paragraph (bb) of subsection (1) of section thirteen of this Measure or any part of any such land or building is, with the consent of the diocesan authority, designated in the conveyance thereof as vesting in that authority, it shall vest in that authority accordingly.
- (4) The parochial church council of the ecclesiastical district in which any land or building designated under the preceding subsection is for the time being situated shall keep the diocesan authority indemnified in respect of matters referred to in paragraphs (a) to (d) of subsection (4) of section six of the Parochial Church Councils (Powers) Measure 1956.

17 Powers of dealing with land no longer required for purpose for which acquired.

- (1) Subject to the provisions of this section, it shall be lawful for the owner of any land or building which before or after the passing of this Measure was acquired by the Commissioners or the Church Building Commissioners, whether for valuable consideration or by way of gift, for any of the purposes mentioned in paragraphs (a), (b), (bb) or (c) of subsection (1) of section thirteen of this Measure:—
- (a) to sell that land or building or any part thereof;
 - (b) to exchange that land or building or any part thereof for any other land or building more suitable for the purpose for which the original land or building was acquired and to recieve or pay money by way of equality of exchange ;

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- (c) to appropriate or transfer that land or building or any part thereof to or for any ecclesiastical purpose for the benefit of the ecclesiastical district in which the land or building is situated, or for any educational charitable or public purpose relating to that district; and
- (d) where that land or building was acquired by way of gift, to reconvey it or any part thereof to the grantor or his successors in title without consideration:

Provided that no such sale, exchange, appropriation, transfer, or reconveyance shall be made without the following consents, that is to say—

- (i) in relation to any land or building vested in the Commissioners, the consent of the incumbent, if any, and the bishop ; and
- (ii) in relation to any land or building which has been vested in an incumbent, the consent of the Commissioners and the bishop, or, during a vacancy in the benefice, the consent of the Commissioners.

and no person shall give his consent under this subsection unless he is satisfied that the land or building, or the part of the land or building concerned, is no longer required for the purpose for which it was acquired.

- (2) Where any such land or building was acquired before the passing of this Measure and has been held for less than twenty years, the owner shall, before offering the land or building for sale under the last foregoing subsection, offer to resell it to the person from whom it was acquired at such price as failing agreement may be determined by arbitration :

Provided that, if the person to whom it is offered refuses the offer or does not accept it within six weeks after it is made, the right of pre-emption shall cease, and a statutory declaration made by any officer of the Commissioners authorised by them for the purpose that the offer has been refused or not accepted within the time aforesaid shall be sufficient evidence of the facts stated therein.

- (3) Where any such land or building as aforesaid was acquired by way of gift or for a nominal consideration it shall not be appropriated or transferred under paragraph (c) of subsection (1) of this section without the consent of the grantor or his successor in title:

Provided that no such consent shall be necessary—

- (a) where land is appropriated or transferred for the widening of a highway, or
- (b) where the Commissioners are satisfied that it is not reasonably practicable to apply for the said consent, and a certificate to that effect sealed by the Commissioners shall be sufficient evidence of that fact.

- (4) Where any land or building is sold under this section the proceeds of the sale shall be paid to the Commissioners and shall be applied by them to such purposes, being purposes for the benefit of the benefice of the ecclesiastical district in which the land or building is situate or charitable purposes relating to that district, as may be agreed between the Commissioners and the bishop after consultation with the owner.

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- (5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.
- (6) Nothing in this Measure shall restrict or limit the powers of sale or disposal conferred by the Union of Benefices Measures, 1923 to 1952, the Parsonages Measures, 1938 to 1947, or the Ecclesiastical Leasing Acts or any Act or Measure extending or amending those Acts.
- (7) In this section the expression “owner”, in relation to any land or building, means:—
- (i) the Commissioners, if the land or building is vested in them,
 - (ii) the incumbent, if the land or building is vested in the incumbent for the time being, or
 - (iii) during a vacancy in the benefice occurring after the land or building has vested in the incumbent, the bishop.”

Modifications etc. (not altering text)

C1 The text of ss. 1, 2(1)(2), 3(1)(2), 4(1), 5, 6(2), 12(2), 15, 20(4), 22 and Sch. 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.

Marginal Citations

M1 1943 No. 1.

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