8 & 9 ELIZ. 2

No. 1

A MEASURE passed by the National Assembly of the Church of England

To amend the Parsonages Measure, 1938, and the New Parishes Measure, 1943, and to make further provision as to church land; to make further provision as to grants and payments by the Church Commissioners; to provide for the distribution of the tithe maintenance fund; to alter the title of the Church Estates Commissioner appointed by the Archbishop of Canterbury, to transfer to the Church Commissioners the property and certain functions of the Church Estates Commissioners and to make provision as to the pensions of the Church Estates Commissioners; to enable certain suffragan bishops to receive augmentation from the Clergy Pensions Institution; to provide for the transfer of rights of patronage within twelve months from the last institution or admission to the benefice; to abolish certain restrictions in respect of assurances of property to diocesan authorities; to dispense with the publication in the *London Gazette* of Orders in Council confirming schemes of the Church Commissioners; and for purposes connected with the matters aforesaid. [13th April, 1960]

PART I

AMENDMENTS OF THE PARSONAGES MEASURE, 1938

Power to exchange a parsonage house.

1. After subsection (1) of section one of the Parsonages Measure, 1938 (which confers power to sell parsonage houses), there shall be inserted the following subsection:—

"(1A) Where the incumbent of any benefice, or during a vacancy the bishop, has power under the foregoing subsection to sell the residence house of the benefice, the incumbent or bishop, as the case may be, shall also have the following powers, that is to say:—

(i) power to exchange that house for any other house suitable for the residence and occupation of the incumbent of the benefice;

(ii) power to pay and receive money in respect of equality of exchange; and

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(iii) for the purpose of obtaining a loan from the Commissioners for the provision of moneys required to be paid for equality of exchange, the powers of charging the revenues of the benefice exercisable by the incumbent under the Clergy Residences Repair Act, 1776, and the Acts extending or amending that Act or any of them.

For the purposes of this subsection the word "house" includes the outbuildings, gardens, orchards and appurtenances or any of them or any part thereof."

Acquisition of leasehold property under s. 2 of the Parsonages Measure, 1938.

2.—(1) In paragraph (i) of subsection (1) of section two of the Parsonages Measure, 1938 (which confers power to erect or purchase parsonage houses) the words "and so that leasehold property shall not be purchased except for the purpose of merging forthwith the term for which the same is held in the freehold reversion expectant on such term" are hereby repealed.

(2) At the end of section twenty of the said Measure (which relates to interpretation) there shall be added the words "and the expression 'purchase', in relation to any land, includes the acceptance of any leasehold interest in that land".

Power to divide and improve parsonage houses.

3.—(1) After section two of the Parsonages Measure, 1938, there shall be inserted the following section:—

"Power to divide and improve parsonage houses during vacancy in benefice.

2A—(1) During a vacancy in a benefice the bishop shall have power, with the consent of the Commissioners, the diocesan dilapidations board and the patron of the benefice, to authorise the sequestrators of the benefice:—

(*a*) to divide the residence house of the benefice into two or more parts or to reduce the size of the residence house in any other way,

(*b*) to enlarge the residence house,

(*c*) to carry out improvements to the residence house and the outbuildings thereof, and

(*d*) to carry out improvements to the drive paths and garden of the residence house,

and for the purpose of carrying out any work authorised under this section the sequestrators may enter upon the land of the benefice.

(2) Where the bishop during a vacancy in a benefice exercises his power under subsection (1) of this section and the vacancy is filled before the work undertaken in pursuance of that power has been completed, the incumbent succeeding to the benefice shall, to the extent of any moneys specially applicable or lent by the Commissioners, complete that

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work with such modifications, if any, as may be agreed by the bishop, the Commissioners and the diocesan dilapidations board, and in default of his so doing the diocesan dilapidations board may complete the work."

(2) In section three of the said Measure for the words " either of the foregoing sections ", wherever those words occur, there shall be substituted the words " any of the foregoing sections ", and at the end of subsection (1) thereof there shall be inserted the following words:

" Provided that it shall not be necessary for the bishop to give notice under this subsection to the patron of the benefice of an intention to exercise his powers under section two A of this Measure."

Consequential amendments of the Parsonages Measure, 1938, and adaptation of rules made thereunder.

4.—(1) The amendments specified in the Schedule to this Measure, being amendments consequential on the foregoing provisions of this Measure, shall be made in the Parsonages Measure, 1938.

(2) Any reference in any rules under section fifteen of the Parsonages Measure, 1938, to that Measure shall be construed as a reference to that Measure as amended by this Measure; any reference in those rules to a sale, or to an intention to sell, under that Measure, shall be construed as including a reference to an exchange, or to an intention to exchange, under that Measure as so amended; and any reference in those rules to land purchased under that Measure shall be construed as including a reference to land acquired by way of exchange under that Measure as so amended.

PART II

Amendments of the New Parishes Measure, 1943

Acquisition of churches and sites for church halls.

5. In subsection (1) of section thirteen of the New Parishes Measure, 1943 (which specifies the land and buildings which may be acquired by the Commissioners under that section) in paragraph (*a*) there shall be substituted for the words " any building " the words, " a church or a part of a church or any other building " and after paragraph (*b*) there shall be inserted the following paragraph:—

" (*bb*) any building for use as a church hall or for use both as a church or other place of worship and as a church hall or any land for the site of such a building."

PART II

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

6.—(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 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:—

"Vesting of land acquired by the Commissioners.

16.—(1) Where any land or building acquired after the passing of the Church Property (Miscellaneous Provisions) Measure, 1960 under section thirteen or section fourteen of this Measure is—

(*a*) a church or a part of a church or a building fit to be used as or to be converted into a church,

(*b*) land acquired as a site for a new church or for a church to be 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,

the land or building 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 building 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 building 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

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or, if the land or building was acquired for or 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 of 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 the matters referred to in paragraphs (*a*) to (*d*) of subsection (4) of section six of the Parochial Church Councils (Powers) Measure, 1956.

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

17.—(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 receive or pay money by way of equality of exchange;

(*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 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 for valuable consideration 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.

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(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.

(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."

PART III

ADDITIONAL POWERS RELATING TO CHURCH LAND

Powers of dealing with land granted under the Gifts for Churches Act, 1803, the Gifts for Churches Act, 1811 or the Consecration of Churchyards Act, 1867.

7.—(1) Subject to the provisions of this section, it shall be lawful for the person in whom any land granted under the Gifts for Churches Act, 1803, the Gifts for Churches Act, 1811, or the Consecration of Churchyards Act, 1867, is vested to exercise thereover any of the powers exercisable by virtue of paragraphs (*a*), (*b*), (*c*) or (*d*) of subsection (1) of section seventeen of the New Parishes Measure, 1943, over land acquired by the Commissioners or the Church Building Commissioners:

Provided that the said powers shall not be exercisable without the consent of the bishop, and the bishop shall not give his consent unless he is satisfied that the land, or the part of the land concerned, has not at any time been used, and is not likely to be used, for the purpose for which it was granted.

(2) Where any land has been held by virtue of a grant by way of gift under the said Acts for less than twenty years, the person in whom the land is vested shall, before exercising any of the powers conferred on him by the last foregoing subsection offer to reconvey it to the grantor without consideration:

Provided that if the grantor refuses the offer or does not accept it within six weeks after it is made, or if a statutory declaration is made by the bishop that the grantor cannot be found, the land may be disposed of in accordance with the provisions of this section.

(3) Where any land 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 is situate or charitable purposes relating to that district, as may be agreed between the Commissioners and the bishop after consultation with the person by whom the land was sold.

(4) Land granted under the Consecration of Churchyards Act, 1867, may be sold under this section notwithstanding the reservation by the grantor of a right of burial under section nine of that Act.

(5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.

Provisions as to covenants.

8.—(1) Where in pursuance of any Act or Measure land is acquired by the incumbent of a benefice in such a manner that it vests in the incumbent in right of his benefice the incumbent shall have power to enter into a covenant restrictive of the user of, or requiring the doing of any act in relation to, the land acquired or any other land vested in him in right of his benefice; and where in pursuance of any Act or Measure land vested in

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the incumbent of a benefice in right of his benefice is sold or otherwise disposed of, the incumbent shall have power to enter into a covenant restrictive of the user of, or requiring the doing of any act in relation to, any other land so vested; and any such covenant entered into under this subsection shall, unless the conveyance otherwise provides, be enforceable against the incumbent for the time being of the benefice in whom the land affected by the covenant is vested.

(2) Where in pursuance of any Act or Measure the Commissioners acquire land which is to vest in the incumbent of a benefice in right of his benefice, or where an archbishop or a bishop or the guardian of the spiritualities acquires, sells, or otherwise disposes of land on behalf of the incumbent of a benefice during a vacancy in the benefice, the Commissioners, the archbishop, the bishop or the guardian of the spiritualities, as the case may be, shall have the same powers of entering into covenants as the incumbent has under the last foregoing subsection, and any covenant entered into under this subsection shall, unless the conveyance otherwise provides, be enforceable against the incumbent for the time being of the benefice in whom the land affected by the covenant is vested.

(3) Where a covenant is entered into by the incumbent under subsection (1) of this section, the incumbent shall not be liable for any breach of the covenant which occurs after he has ceased to be the incumbent of the benefice, and where a covenant is entered into by the Commissioners or by an archbishop, a bishop or the guardian of the spiritualities under subsection (2) of this section, the Commissioners, the archbishop, the bishop or the guardian of the spiritualities shall not be liable for any breach which occurs after the land has vested in the incumbent.

Power to take or grant easements.

9.—(1) The incumbent of a benefice, or during a vacancy the bishop, shall have power to take an easement for any estate or interest for the benefit of any land which forms part of the property of the benefice or to grant an easement over any such land:

Provided that the powers conferred by this section shall not be exercised without the consent of the Commissioners, the patron, the diocesan dilapidations board and, where the power is exercised by the incumbent, the bishop.

(2) The grant or taking of an easement under this section may be made either without monetary consideration or in consideration of the payment of a capital sum or of a periodic sum.

(3) Any capital sum payable in respect of the grant of an easement under this section shall be paid to the Commissioners to be applied for the purposes for which the proceeds of a sale of the land over which the easement is granted would be applicable.

PART III

Power to return to grantor gifts of sites for parsonage houses.

10. Where any land acquired by way of gift, otherwise than under the New Parishes Measure, 1943, for the site of the residence house of a benefice, or any part of that land, has not been used for the purpose for which it was acquired, and the incumbent considers that the land is no longer required for that purpose, the incumbent shall have power to reconvey that land or that part thereof to the grantor or his successors in title without consideration:

Provided that the power conferred by this section shall not be exercised without the consent of the bishop, the Commissioners and the diocesan dilapidations board.

Power to dedicate land for highways.

11.—(1) The incumbent of a benefice may dedicate for the purpose of a highway, either with or without consideration, any such land belonging to the benefice as is hereinafter mentioned, that is to say:—

(*a*) any land forming part of the garden, orchard or appurtenances of the residence house of the benefice and any land contiguous thereto, and

(*b*) any land forming part of the glebe of the benefice:

Provided that no land shall be dedicated under this section without the consent of the bishop, the Commissioners, the patron and the diocesan dilapidations board.

(2) Any sum to be paid as consideration under this section shall be paid to the Commissioners to be applied for the purposes for which the proceeds of a sale of the land would be applicable.

PART IV

PROVISIONS RELATING TO LOANS AND PAYMENTS BY THE CHURCH COMMISSIONERS

Power of Commissioners to make grants on authority of resolution of Board of Governors.

12.—(1) Any grant by the Commissioners, whether voted in the form of a stipend or as a lump sum, may be made on the sole authority of a resolution of their Board of Governors.

(2) The Ecclesiastical Commissioners (Powers) Measure, 1942 (which empowered the Commissioners to pay certain grants on the sole authority of a resolution of a general meeting of the Commissioners), is hereby repealed.

Power to capitalise permanent annual grants.

13. Where the Commissioners have made a grant in the form of a permanent stipend towards providing for the cure of souls in any benefice, being a grant made in accordance with the provisions of the Ecclesiastical Commissioners Act, 1840, section five of the Ecclesiastical Commissioners Act, 1866, or the last foregoing section, the Commissioners, at the request of the incumbent concerned, may, instead of continuing to pay that stipend or part of that stipend, make for any authorised purpose a grant of

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such an amount as would in the opinion of the Commissioners produce an annual income equal to the amount of the stipend or part of the stipend which is no longer to be paid.

In this section the expression "authorised purpose" in relation to a benefice means any purpose for which money, securities or other funds held by the Commissioners to the credit of the benefice may be applied under section five of the Ecclesiastical Commissioners (Powers) Measure, 1936, or subsection (3) of section three of the Ecclesiastical Commissioners (Powers) Measure, 1938, and any purpose for which money or securities in the hands of the Commissioners appropriated for the augmentation of the benefice may be applied under section one of the Queen Anne's Bounty (Powers) Measure, 1939.

Abolition of certain restrictions on loans by the Commissioners.

14.—(1) Any limitation imposed by the Clergy Residences Repair Act, 1776, or any Act amending or extending that Act, on the amount of any loan which may be made under those Acts or on the rate of interest which may be charged in respect of any such loan, shall not apply to any loan made thereunder by the Commissioners.

(2) In paragraph (iv) of subsection (1) of section two of the Parsonages Measure, 1938, the words "but so that no limitation imposed by the said Acts or any of them in respect of the amount of any loan shall apply in the case of a loan for the purpose of erecting or purchasing a house or land for the site of a house" are hereby repealed.

Repeal of s. 11 of the Ecclesiastical Commissioners Act, 1866.

15. Section eleven of the Ecclesiastical Commissioners Act, 1866 (which provides that the amount payable by the Commissioners towards the provision of any parsonage house shall not exceed fifteen hundred pounds) is hereby repealed.

Distribution of the tithe maintenance fund.

16.—(1) The Commissioners may at such date as they may determine divide the common fund established under section thirty-eight of, and paragraph 1 of the Eighth Schedule to, the Tithe Act, 1936 (which fund is commonly known as the tithe maintenance fund) in the following manner, that is to say:—

(*a*) three-fifths of that fund shall be transferred by the Commissioners, in such proportions as they may determine, to the capital accounts of the diocesan stipends funds established under the Reorganisation Areas Measure, 1944, and the Pastoral Reorganisation Measure, 1949; and

(*b*) the remainder of that fund shall be held by the Commissioners as part of the capital of their general fund.

(2) Upon the transfer of part of the tithe maintenance fund to a diocesan stipends fund under the last foregoing subsection, the making of such payments as are mentioned in the said paragraph 1, being payments required to be made thereunder

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to persons entitled to receive the emoluments of benefices in the diocese concerned, shall be a charge on the income account of that diocesan stipends fund, and, in so far as the income from the part of the tithe maintenance fund so transferred is not sufficient to meet those payments, the Commissioners shall pay out of their general fund into the income account of the diocesan stipends fund a sum equal to the difference between the amount of the said income and the amount required to meet those payments.

Quarterly and other payments to incumbents, etc.

17. Notwithstanding anything in any Act, Measure, Order in Council or scheme, the Commissioners shall have power to pay any net income payable by them to any incumbent or other person in four quarterly instalments on the first days of January, April, July and October in each year, and shall also have power, at the request of the person entitled thereto, to make, at such times before the end of each quarter as they may determine, payments of such part of those instalments as they may determine.

Power to increase pensions payable to retired officers of Queen Anne's Bounty or Ecclesiastical Commissioners.

18. For the removal of doubt it is hereby declared that the Commissioners have power to increase the payments in respect of superannuation benefits payable by them by virtue of subsection (2) of section seventeen of the Church Commissioners Measure, 1947, to a person who was employed by Queen Anne's Bounty or the Ecclesiastical Commissioners or to the spouse or dependants of any such person; and the increased payments shall be payable from such date as the Commissioners may appoint, whether before or after the passing of this Measure.

PART V

PROVISIONS RELATING TO THE CHURCH ESTATES COMMISSIONERS

Provisions as to title, property and functions of the Church Estates Commissioners.

19.—(1) The Church Estates Commissioner appointed by the Archbishop of Canterbury under section one of the Ecclesiastical Commissioners Act, 1850, shall be called Third Church Estates Commissioner.

(2) All land vested in the First Church Estates Commissioner and all stocks, funds and securities held by the Church Estates Commissioners are hereby transferred to the Commissioners and shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the Commissioners:

Provided that the vesting of property by virtue of this subsection shall not affect any previously existing trust or mortgage or other charge affecting the property, or any previously existing lease or tenancy thereof.

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(3) The functions of the Church Estates Commissioners under the following enactments, that is to say:

the Episcopal and Capitular Estates Act, 1851,

the Episcopal and Capitular Estates Act, 1854,

the Ecclesiastical Commissioners Act, 1860, and

the Ecclesiastical Commission Act, 1868,

are hereby transferred to the Commissioners.

(4) Section ten of the Episcopal and Capitular Estates Act, 1851 (which requires the Church Estates Commissioners to send annually to the Secretary of State a general report of their functions under that Act and also to give to the Secretary of State from time to time such information respecting their proceedings as the Secretary of State may require) is hereby repealed.

(5) Where any stock is standing in the books of a company in the names of the persons who are for the time being Church Estates Commissioners, a request by the secretary of the Commissioners and production of a copy of this Measure printed by or for the Queen's Printer of Acts of Parliament shall be sufficient authority to the company to transfer the stock into the name of, and to pay dividends on the stock to, the Commissioners.

In this subsection the expression—

"company" includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed, and

"stock" includes any share, annuity or other security.

Provisions as to pensions of Church Estates Commissioners.

20.—(1) The Commissioners shall have power to grant to any First Church Estates Commissioner or Third Church Estates Commissioner who—

(*a*) retires after having performed not less than ten years pensionable service, or

(*b*) retires by reason of permanent disability for the performance of the duties of his office after having performed less than ten years but not less than five years pensionable service,

a pension for the remainder of his life of the following amount, that is to say—

(i) if he has performed not less than fifteen years pensionable service, a pension of such amount as the Commissioners may determine not exceeding two-thirds of the salary to which he was entitled under section nine of the Ecclesiastical Commissioners (Powers) Measure, 1938, immediately before his retirement;

(ii) if he has performed less than fifteen years but not less than ten years pensionable service, a pension of such amount as the Commissioners may determine not exceeding one-half of the salary to which he was entitled as aforesaid;

(iii) if he has retired by reason of permanent disability as aforesaid and has performed less than ten years but not less than five years pensionable service, a pension of such amount as the Commissioners may determine not exceeding one-half of the salary to which he was entitled as aforesaid.

(2) The Commissioners may, at the request of any person who is entitled to a pension by virtue of the last foregoing subsection, and subject to such conditions as the Commissioners may determine—

(*a*) commute not more than one-quarter of that pension for such capital sum as is estimated by the Commissioners to be the actuarial equivalent thereof; and

(*b*) permit the allocation of not more than one-third of that pension to his spouse or dependants.

(3) In this section the expression "pensionable service" means service as First Church Estates Commissioner or as Third Church Estates Commissioner, and where any person has performed a period of service as First Church Estates Commissioner and a period of service as Third Church Estates Commissioner the two periods shall be aggregated for the purpose of determining the length of his pensionable service for the purposes of this section.

(4) The Ecclesiastical Commissioners (Pensions of Church Estates Commissioners) Measure, 1930, is hereby repealed.

PART VI

MISCELLANEOUS AND GENERAL PROVISIONS

Suffragan bishops entitled to receive augmentation from the Clergy Pensions Institution.

21.—(1) Any person appointed to a suffragan bishopric before the 1st January, 1948, who, but for the passing of the Episcopal Pensions Measure, 1945, would have been qualified to receive augmentation under the rules of the Clergy Pensions Institution shall, notwithstanding anything in the said Measure, be deemed to qualify for the same augmentation under those rules as he would have received if the said Measure had not been passed.

(2) Any person appointed to a suffragan bishopric after the 31st December, 1947, who was immediately before his appointment a beneficiary of the said Institution shall be deemed to qualify for the same augmentation under the said rules as he would have received if the expression "clerk in holy orders" in section sixty-one of the Clergy Pensions Measure, 1948, included a suffragan bishop.

PART VI

Repeal of s. 1 (1) (*c*) of the Benefices Act, 1898.

22. Paragraph (*c*) of subsection (1) of section one of the Benefices Act, 1898 (which provides that a transfer of a right of patronage of a benefice shall not be valid unless more than twelve months have elapsed since the last institution or admission to the benefice) is hereby repealed.

Abolition of certain restrictions in respect of assurances of property to diocesan authorities.

23.—(1) Notwithstanding anything in section fourteen of the Companies Act, 1948, a diocesan authority may hold land for purposes connected with the Church of England without the licence of the Board of Trade.

(2) The Mortmain and Charitable Uses Act, 1888 (which imposes restrictions upon assurances of land and personal estate to corporations and to charitable uses) shall not apply to any assurance of land or of personal estate to be laid out in the purchase of land if the land or the income thereof is to be used for purposes connected with the Church of England and the assurance is to a diocesan authority.

Publication of notice of Order in Council confirming scheme of Church Commissioners to be sufficient.

24.—(1) Where the provisions of any Act or Measure require any Order in Council affirming, confirming or ratifying a scheme prepared, caused to be prepared or passed by the Commissioners to be published in the *London Gazette*, then, after the passing of this Measure, those provisions shall be deemed to have been complied with if notice that the Order in Council has been made is published in the *London Gazette*, and any such notice shall state where a copy of the Order in Council may be obtained.

(2) For the purposes of the said provisions the publication in the *London Gazette* of such a notice as aforesaid shall, notwithstanding anything in any Act or Measure, have the same effect as publication therein of the Order in Council.

Form of consents.

25.—(1) Any consent of a bishop required by virtue of this Measure shall be signified by writing under his hand.

(2) An instrument in writing signed by the secretary of the diocesan dilapidations board stating that any consent of the board required under this Measure has been given shall be sufficient evidence that that consent has been given.

Exercise of functions of bishop.

26. During the vacancy of a see the powers and duties conferred or imposed on the bishop by this Measure may be exercised and discharged by the guardian of the spiritualities of the see.

Provision as to deeds made under s. 9, 10 or 11.

27. The sealing by the Commissioners of any deed made under section nine, section ten or section eleven of this Measure shall be conclusive evidence that the requirements of the section under which the deed is made with respect to the transaction carried out thereby have been complied with.

PART VI

Interpretation.

28.—(1) In this Measure, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" bishop ", when used with reference to a benefice, means the bishop of the diocese in which the benefice is situated ;

" Commissioners " means the Church Commissioners and includes, where the context so requires, Queen Anne's Bounty and the Ecclesiastical Commissioners ;

" consistory court " includes the commissary court of the diocese of Canterbury ;

" diocesan authority " means the diocesan board of finance or any existing or future body appointed by the diocesan conference to act as trustees of diocesan trust property ;

" functions " includes powers and duties ;

" property " includes any interest in real or personal property ; and

" suffragan bishop " means the bishop of any suffragan bishopric in England.

(2) References in this Measure to any Act or other Measure shall be construed as references to that Act or Measure as amended or extended by any subsequent Act or Measure including this Measure.

Extent.

29. This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of 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.

Short title.

30. This Measure may be cited as the Church Property (Miscellaneous Provisions) Measure, 1960.

Section 4.

SCHEDULE

AMENDMENTS OF THE PARSONAGES MEASURE, 1938, CONSEQUENTIAL ON PART I OF THIS MEASURE

In section one, in subsection (2) after the word "sale" there shall be inserted the words "or exchange"; in paragraph (i) of that subsection the words "to a purchaser" shall be omitted; and in paragraph (ii) thereof the words "upon the purchaser and any property disposed of to him" shall be omitted; in subsection (4) after the words "conferred by" there shall be inserted the words "subsection (1) of"; and in subsection (5) after the word "sale" there shall be inserted the words "or exchange".

In section two, in paragraph (ii) of subsection (1) after the word "paragraph" there shall be inserted the words "or any house acquired by way of exchange under the provisions of this Measure"; and in subsection (3) for the word "aforesaid" there shall be substituted the words "of this Measure."

In section five, in subsection (1) after the word "sale", wherever that word occurs, there shall be inserted the words "or exchange"; in paragraph (ii) of that subsection after the word "two" there shall be inserted the words "and in subsection (1) of section two A", and in paragraph (iii) of that subsection after the word "sold" there shall be inserted the words "or exchanged", and after the word "saleable" there shall be inserted the words "or exchangeable"; in subsection (2) after the word "sale" there shall be inserted the words "or exchange", and after the words "any loan has been made for the purpose of the power contained in" there shall be inserted the words "paragraph (iii) of subsection (1A) of section one of this Measure or"; and in subsection (3) after the word "sale" there shall be inserted the words "or exchange".

In section six, after the word "sale" there shall be inserted the words "or exchange".

In section nine, in subsection (1) for the words "or purchased" there shall be substituted the words "purchased or exchanged"; in subsection (3) after the word "purchased" there shall be inserted the words "or acquired by way of exchange"; and in subsection (4) after the word "sold" there shall be inserted the words "or exchanged", and at the end of that subsection there shall be added the words "or to any money paid to the Church Commissioners by way of equality of exchange and to the house acquired by way of exchange".

In section eleven, in subsection (1) after the word "purchased", in both places where that word occurs, there shall be inserted the words "acquired by way of exchange".

Table of Enactments referred to in this Measure

Short Title	Session and Chapter
Clergy Residences Repair Act, 1776	17 Geo. 3. c. 53.
Gifts for Churches Act, 1803	43 Geo. 3. c. 108.
Gifts for Churches Act, 1811	51 Geo. 3. c. 115.
Ecclesiastical Commissioners Act, 1840	3 & 4 Vict. c. 113.
Ecclesiastical Leasing Act, 1842	5 & 6 Vict. c. 108.
Ecclesiastical Commissioners Act, 1850	13 & 14 Vict. c. 94.
Episcopal and Capitular Estates Act, 1851 ...	14 & 15 Vict. c. 104.
Episcopal and Capitular Estates Act, 1854 ...	17 & 18 Vict. c. 116.
Ecclesiastical Leasing Act, 1858	21 & 22 Vict. c. 57.
Ecclesiastical Commissioners Act, 1860	23 & 24 Vict. c. 124.
Ecclesiastical Commissioners Act, 1866	29 & 30 Vict. c. 111.
Consecration of Churchyards Act, 1867	30 & 31 Vict. c. 133.
Ecclesiastical Commission Act, 1868	31 & 32 Vict. c. 114.
Mortmain and Charitable Uses Act, 1888 ...	51 & 52 Vict. c. 42.
Benefices Act, 1898	61 & 62 Vict. c. 48.
Union of Benefices Measure, 1923	14 & 15 Geo. 5. No. 2.
Ecclesiastical Commissioners (Pensions of Church Estates Commissioners) Measure, 1930 ...	20 & 21 Geo. 5. No. 4.
Channel Islands (Church Legislation) Measure, 1931	21 & 22 Geo. 5. No. 4.
Union of Benefices (Amendment) Measure, 1936	26 Geo. 5. & 1 Edw. 8. No. 2.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Ecclesiastical Commissioners (Powers) Measure, 1936	26 Geo. 5. & 1 Edw. 8. No. 5.
Parsonages Measure, 1938	1 & 2 Geo. 6. No. 3.
Ecclesiastical Commissioners (Powers) Measure, 1938	1 & 2 Geo. 6. No. 4.
Queen Anne's Bounty (Powers) Measure, 1939 ...	2 & 3 Geo. 6. No. 1.
Ecclesiastical Commissioners (Powers) Measure, 1942	5 & 6 Geo. 6. No. 1.
New Parishes Measure, 1943	6 & 7 Geo. 6. No. 1.
Reorganisation Areas Measure, 1944	7 & 8 Geo. 6. No. 1.
Episcopal Pensions Measure, 1945	8 & 9 Geo. 6. No. 2.
Church Commissioners Measure, 1947	10 & 11 Geo. 6. No. 2.
Parsonages (Amendment) Measure, 1947 ...	10 & 11 Geo. 6. No. 3.
Clergy Pensions Measure, 1948	11 & 12 Geo. 6. No. 1.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Pastoral Reorganisation Measure, 1949	12, 13 & 14 Geo. 6. No. 2.
Union of Benefices (Disused Churches) Measure, 1952	1 & 2 Eliz. 2. No. 1.
Parochial Church Councils (Powers) Measure, 1956	4 & 5 Eliz. 2. No. 3.
Channel Islands (Church Legislation) Measure, 1931 (Amendment) Measure, 1957	5 & 6 Eliz. 2. No. 1.