MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1930.

20 GEO. 5.

No. 1.

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

To consolidate and amend the Law relating to the sale, purchase and improvement of Parsonage Houses. [20th March 1930.]

Sales of parsonage houses; consents; notices, &c.

1.—(1) Where the residence house, gardens, orchard and appurtenances belonging to any benefice shall be inconveniently situate or too large, or where for other good and sufficient reasons it shall be thought advisable to sell and dispose of the same or of any part thereof, the incumbent of such benefice, or during a vacancy the bishop, may, subject to the provisions of this Measure—

(i) sell such residence house, gardens, orchard, and appurtenances, or any of them, or any part thereof, with any land contiguous thereto belonging to the benefice either together or in parcels; or

(ii) pull down such residence house, and sell the site thereof with or without the materials.

(2) Upon a sale under the powers of this Measure any restriction with respect to building on or other user of land or with respect to any other thing may be imposed and made binding, so far as the law permits, by covenant, condition or otherwise upon the purchaser and any property disposed of to him.

(3) No power conferred by this section shall be exerciseable—

(i) so that an area of more than twelve acres (including the site of any residence house, or other buildings) shall be sold or disposed of hereunder in any one benefice;

(ii) without the consent of Queen Anne's Bounty, the Diocesan Dilapidations Board, and (in cases where the power is exercised by the incumbent of a benefice) the bishop respectively;

(iii) without the consent of the Commissioners of Crown Lands in cases where the property proposed to be disposed of is held under any grant made by or on behalf of His Majesty in right of his Crown; or

(iv) over or in respect of any property vested in trustees.

(4) Queen Anne's Bounty may make such recommendations as may be deemed fit as to the costs, charges and expenses which may be incurred in respect of any sale or proposed sale under the provisions of this section or otherwise in connection with the exercise of any power hereby conferred, and any recommendations so made shall, if the Diocesan Dilapidations Board concur in them, be binding on the person exercising such power.

(5) Subject to the provisions of this Measure an incumbent or bishop proposing to exercise any of the powers conferred by this section shall give the prescribed notice to the patron and parochial church council of the benefice affected, and Queen Anne's Bounty shall, before consenting to the exercise of such power, consider any objection raised within the prescribed time by such patron or council, and if satisfied that such objection ought not to prevent the exercise of such power shall inform the patron or council, as the case may require, of the reasons upon which such conclusion is founded.

(6) Where it shall appear desirable to a Diocesan Dilapidations Board that any of the powers conferred by this section should be exercised in any benefice, the Board shall make a report to the bishop, and if the bishop and the incumbent of the benefice, or during a

vacancy the bishop acting alone, shall request the Board so to do, the Board may frame proposals for the exercise of such power in accordance with the provisions of this Measure, and such proposals shall be communicated by the Board to the bishop and (except during a vacancy) to the incumbent.

Reference to special committee in certain cases.

2.—(1) Without prejudice to the provisions of the last preceding section of this Measure, a power conferred by this Measure shall, in any case where the patron of the benefice affected shall within twenty-one days after notice of the proposed exercise of the power has been given to him so require, be exerciseable only with the approval of a special committee constituted for such benefice in manner laid down by this section.

(2) A special committee shall consist of—

(i) the archdeacon in whose archdeaconry the benefice is situate, who shall be the chairman of the committee and shall convene the meetings thereof;

(ii) the patron of such benefice or his representative;

(iii) the incumbent of such benefice or his representative or during a vacancy a representative of the bishop;

(iv) a representative of the parochial church council of such benefice; and

(v) three representatives of the Diocesan Dilapidations Board.

(3) (i) Four members of a special committee shall constitute a quorum;

(ii) if a special committee is divided in opinion, the opinion of the majority shall prevail;

(iii) in the case of equality of votes, the chairman of a special committee, including an elected chairman in the absence of the archdeacon, shall have a second or casting vote.

(4) A special committee shall have power to approve a proposed exercise of a power conferred by this Measure either absolutely or subject to such restrictions being imposed upon the purchaser, and the property sold as the special committee may think fit.

Patron's right of pre-emption.

3.—(1) Subject to the provisions of this section the patron of every benefice shall have a right of pre-emption over any property belonging to such benefice in respect of which it is proposed to exercise any power conferred by this Measure.

(2) Such right of pre-emption—

(i) shall become exerciseable if the special committee for such benefice shall have given its approval to a proposed exercise in respect of such property of a power conferred by this Measure; and

(ii) may be exercised by a notice in writing given by the patron to the Diocesan Dilapidations Board before the expiration of a period of fourteen days after such approval has been given.

(3) A notice by a patron duly exercising over any property the right of pre-emption, given to him by this section, shall have effect as if it were a contract in writing between the incumbent of the benefice concerned (or during a vacancy the bishop) and the patron for the sale of such property to the patron under the provisions of this Measure, subject to such restrictions (if any) as the special committee for the benefice may have required to be imposed under the last preceding section, either

(i) at such a price as may be agreed upon between the patron and the special committee for the benefice; or, failing such agreement,

(ii) at such a price as shall be fixed by a valuer appointed at the request of the Diocesan Dilapidations Board by the President for the time being of the Surveyors' Institution.

(4) The following provisions shall have effect:—

(i) A valuer acting under this section shall have regard to such restrictions (if any) as the sale to the patron is to be made subject to and also to the price offered by any person other than the patron.

(ii) A valuation made under this section shall not be deemed to be a submission to arbitration under the Arbitration Act, 1889, or otherwise.

52 & 53 Vict. c. 49.

(iii) The costs of and incidental to a valuation under this section according to a scale to be approved by the Diocesan Dilapidations Board shall be borne by the patron concerned, and shall be recoverable from him as a debt by the valuer who has made the valuation.

Payment of purchase money.

4. All moneys arising from any sale under this Measure shall be paid to Queen Anne's Bounty, and the receipt of the treasurer of Queen Anne's Bounty shall be a sufficient discharge to the purchaser.

Purchase of new parsonage houses, &c.

5.—(1) Subject to the provisions of this section, Queen Anne's Bounty shall apply and dispose of any moneys arising from any sale under this Measure of any part of the property of a benefice for one or more of the following purposes (that is to say):—

(i) in payment of the costs, charges and expenses of such sale;

(ii) in or towards the erection or purchase with the approval of the bishop and the Diocesan Dilapidations Board of a house, or the purchase with the like approval of land for the site of a house, or an orchard, garden and appurtenances or other land, such house, orchard, garden and appurtenances, or any such land, being respectively suitable for the residence and occupation of the incumbent of the benefice, but so that the total area of any land purchased, including the site of any house or other buildings, shall not exceed six acres;

(iii) in or towards the improvement of any house purchased under this section;

(iv) in or towards the improvement of any house forming part of the property of the benefice, which, with the approval of the bishop, it is proposed to constitute the residence house of the benefice; and

(v) in any case where such moneys shall not have been wholly expended for one or more of the above-mentioned purposes, in erecting, rebuilding, improving or enlarging any house, cottage or farm buildings required for or belonging to the benefice.

(2) Provided that in any case where such moneys shall have arisen from the sale of property purchased originally or built or improved either wholly or in part by means of a loan under the Clergy Residences Repair Act, 1776, or the Acts amending or extending the same, or repaired either wholly or in part by means of a loan made by Queen Anne's Bounty under the Ecclesiastical Dilapidations Measure, 1923, or which is subject to any mortgage or charge in favour of Queen Anne's Bounty, arising under any other Act or Measure, and any principal money shall remain owing on account of such loan or under such mortgage or charge, Queen Anne's Bounty may apply such moneys in or towards the discharge of such principal money.

17 Geo. 3. c. 53.

(3) Any house erected, purchased or improved under this section as the residence of an incumbent of a benefice shall thenceforth be deemed and taken to be the residence house of the benefice for which the same is erected, purchased or improved for all purposes whatsoever.

(4) If and so far as any moneys arising from any sale under this Measure shall not be applied or disposed of under any of the foregoing provisions of this section, Queen Anne's Bounty shall hold the same for the benefit of the particular benefice on account of which the same shall have been received in such and the same manner and with such and the same powers of investment and other powers and authorities in all respects according to the rules and regulations of Queen Anne's Bounty for the time being as if the same had been appropriated to such benefice out of the general funds and profits of Queen Anne's Bounty or otherwise for the benefit and augmentation thereof.

Interim income.

6. In any case where any income shall be derived from any moneys arising from any sale under this Measure pending the application and disposition of such moneys under the foregoing provisions of this Measure, such income shall be added to the capital by way of accumulation unless Queen Anne's Bounty shall think fit to pay the whole or any part thereof to the incumbent of the benefice concerned or otherwise apply the same as income of the benefice on account of which the same shall have been received.

Notice of application of moneys.

7. Subject to the provisions of this Measure, Queen Anne's Bounty shall give the prescribed notice to the patron and the parochial church council of the benefice affected of any proposed application and disposition of moneys under this Measure to which the approval of the bishop is required, and shall consider any representations made by such patron or council with regard to such application and disposition.

Proposals by Diocesan Dilapidations Boards.

8. Where it shall appear to a Diocesan Dilapidations Board as a consequence of a sale under the provisions of this Measure that a residence house is required for any benefice, the Board may, if it shall deem it expedient, frame proposals for the provision of such residence house and shall submit such proposals for the consideration of Queen Anne's Bounty and the bishop.

Consent and approval.

9.—(1) Any consent or approval of a bishop under this Measure shall be signified by writing under his hand.

(2) Any consent or approval of a Diocesan Dilapidations Board under this Measure may be given by an instrument in writing signed by the secretary of such Board.

Assurances.

10.—(1) Land (including buildings) sold or purchased under this Measure shall be conveyed by or to the incumbent of the benefice affected in his corporate capacity, and so that—

(*a*) during a vacancy the bishop shall have power to convey or to take under a conveyance in the name and on behalf of the incumbent of the benefice in his corporate capacity; and

(*b*) no licence in mortmain shall in any case be required.

(2) The sealing by Queen Anne's Bounty of any conveyance executed under this Measure shall be conclusive evidence that all the requirements of this Measure with respect to the transaction carried out by such conveyance have been complied with.

(3) Every conveyance of land (including buildings) purchased under this Measure shall be registered in the prescribed manner in the registry of the diocese concerned.

(4) In any case where any land (including buildings) sold under this Measure is subject to any mortgage or charge in favour of Queen Anne's Bounty, the conveyance thereof under this Measure shall be effectual to pass the same discharged from such mortgage or charge, and such mortgage or charge shall attach to the purchase money arising on the sale.

Exercise of powers of bishop.

11.—(1) Where the bishop of a diocese is disabled from exercising in person the functions of his office, the powers and duties assigned to him by this Measure shall be exercised and discharged by the archbishop of the province in which such diocese is situate.

(2) During the vacancy of a see the powers and duties assigned to a bishop by this Measure may be exercised and discharged by the guardian of the spiritualities of the diocese.

Rules.

12.—(1) Queen Anne's Bounty shall make rules for prescribing anything which is to be prescribed hereunder, and generally for carrying this Measure into effect, and such rules shall (without prejudice to the generality of the foregoing provisions)—

(i) define for the purposes of this Measure the expression "the patron";

(ii) contain appropriate provisions as to the notice to be given in any case where a patron is subject to any incapacity or where there is any difficulty in determining who is the patron of any benefice, or where for any other reason notice cannot practicably be given to the patron personally; and

(iii) provide for any notice required by this Measure, or consideration of objections, or other proceedings consequent on such notice being, by the direction of Queen Anne's Bounty, dispensed with in cases of urgency, with the consent of the patron and the parochial church council.

(2) No rule made by Queen Anne's Bounty in pursuance of this Measure shall come into force until it has been submitted for approval to and approved by the Church Assembly.

(3) Every rule purporting to be made by Queen Anne's Bounty and approved by the Church Assembly in pursuance of this Measure shall forthwith be laid before both Houses of Parliament, and if an address is presented to His Majesty the King by either House within the next twenty days thereafter on which that House has sat praying that any such rule may be annulled, His Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof: but subject as aforesaid, every such rule shall, while unrevoked, be of the same validity as if contained in this Measure.

(4) *Prima facie* evidence of any rule made by Queen Anne's Bounty and approved by the Church Assembly under this Measure may be given by producing a copy of such rule containing a statement that the same has been approved by the Church Assembly sealed with the common seal of Queen Anne's Bounty or certified to be a true copy under the hand of the treasurer for the time being of Queen Anne's Bounty.

Benefices in Crown patronage.

13. Where any notice to a patron of a benefice is to be given or any act or thing is to be done by such patron, notice may be given or such act or thing may be done where the patronage of the benefice is in the Crown or is part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall, to or by the person or persons to whom notices in connection with such benefice may be given under section forty of the Union of Benefices Measure, 1923.

Extension of section 5 of the Parsonages Act, 1838. 1 & 2 Vict. c. 23.

14. The powers conferred upon colleges and halls within the Universities of Oxford and Cambridge and other corporate bodies by section five of the Parsonages Act, 1838, shall extend and be applicable so as to authorise loans in aid of any erection of a residence house or purchase under this Measure.

Division of parsonage houses.

15. Division of the residence house of a benefice into two or more parts shall henceforth be one of the purposes in respect of which a loan under the Clergy Residences Repair Act, 1776, or the Acts amending or extending the same, may be made, and in case of such division the bishop is hereby empowered to declare that one of the said parts shall from the date of such declaration be the residence house of the benefice.

Extension of section 15 of Clergy Residences Repair Act, 1776.

16. Section fifteen of the Clergy Residences Repair Act, 1776, shall apply to assurances and other instruments made under and for the purposes of this Measure in the same manner as it applies to instruments made under and for the purposes of that Act, or the Acts amending or extending the same.

Roman Catholic patrons.

17. All rights conferred on patrons by this Measure shall, notwithstanding the provisions of any Act, be exerciseable by persons professing the Roman Catholic faith, and such persons shall not for the purposes of this Measure be deemed to be subject by reason only of their religious profession to any incapacity.

Interpretation.

18. In this Measure the expressions "bishop" and "Diocesan Dilapidations Board" when used with reference to a benefice mean respectively the bishop of the diocese and the Diocesan Dilapidations Board for the area in which the benefice is situate.

Commencement.

19.—(1) This Measure shall come into force on the appointed day.

(2) The appointed day shall be such day subsequent to the day on which this Measure receives the Royal Assent as the Archbishops of Canterbury and York by writing under their respective hands and archiepiscopal seals shall jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the London Gazette.

Extent.

20. This Measure shall extend to the whole of the Provinces of Canterbury and York (except the Channel Islands and the Isle of Man).

Short title.

21. This Measure may be cited as the Parsonages Measure, 1930.

Repeal.

22. The enactments set out in the Schedule to this Measure are hereby repealed to the extent mentioned in the third column of that Schedule.

THE SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 23.	The Parsonages Act, 1838	Section seven. Section eight. Section nine.
1 & 2 Vict. c. 29.	The Parsonages (Amendment) Act, 1838.	The whole Act.
2 & 3 Vict. c. 49.	Church Building Act, 1839	Section fourteen (so far as unrepealed).
1 & 2 Geo. 5. c. 29.	Parsonages Act, 1911 -	The whole Act.

No. 2.

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

To provide for the disannexation from the Archdeaconry of Surrey of the Canonry in Winchester Cathedral now annexed thereto; for the suspension of the said Canonry; and for the foundation of Canonries in the Cathedral Churches of Guildford and Portsmouth and the endowment thereof out of the corporate property of the Dean and Chapter of Winchester. [20th March 1930.]

Disannexation and suspension of canonry in Winchester Cathedral.

1.—(1) The canonry in the cathedral church of Winchester which was by an Order of Her late Majesty Queen Victoria in Council made the twenty-ninth day of November, eighteen hundred and sixty-five, and published in the London Gazette of the first day of December,