

# Church Property (Miscellaneous Provisions) Measure 1960

1960 No. 1 8 and 9 Eliz 2

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 tithes 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]

## <sup>F1</sup>PART I

### AMENDMENTS OF THE PARSONAGES MEASURE 1938

#### Textual Amendments

**F1** Pts. 1-3 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), art. 2

#### **1 Power to exchange a parsonage house.**

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*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church Property (Miscellaneous Provisions) Measure 1960. (See end of Document for details)*

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

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**3 Power to divide and improve parsonage houses.**

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

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**PART II**

AMENDMENTS OF THE NEW PARISHES MEASURE 1943

**5 Acquisition of churches and sites for church halls.**

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**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.**

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**PART III**

ADDITIONAL POWERS RELATING TO CHURCH LAND

**7 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.**

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**8 Provisions as to Covenants.**

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**9 Power to take or grant easements.**

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**10 Power to return to grantor gifts of sites for parsonage houses. E**

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**11 Power to dedicate land for highways.**

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*Status: Point in time view as at 01/03/2019.*

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## PART IV

### PROVISIONS RELATING TO LOANS AND PAYMENTS BY THE CHURCH COMMISSIONERS

<sup>F2</sup>12 .

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#### Textual Amendments

**F2** S. 12 repealed (1.1.2001) by Measure No. 1, s. 20, Sch. 8 Pt. I; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

13 ..... <sup>F3</sup>

#### Textual Amendments

**F3** S. 13 repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8

14 ..... <sup>F4</sup>

#### Textual Amendments

**F4** S. 14 repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8

<sup>F5</sup>15 **Repeal of s. 11 of the Ecclesiastical Commissioners Act, 1866.**

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#### Textual Amendments

**F5** S. 15 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 6 Group 2(2)

#### 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.

<sup>F6</sup>16 .

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#### Textual Amendments

**F6** s. 16 repealed (1.1.2001) by Measure No. 1, s. 20, Sch. 8 Pt. I; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

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## 17 Quarterly and other payments to incumbents, etc.

Notwithstanding anything in any Act, Measure, Order in Council or scheme, the [<sup>F7</sup>Archbishops' Council] shall have power to pay any net income payable by them to any incumbent or other person in four quarterly instalments of 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.

### Textual Amendments

- F7** Words in s. 17 substituted (1.1.2001) by Measure No 1, s. 5, Sch. 3 para. 7; [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)

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

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 <sup>M1</sup>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, <sup>F8</sup>....

### Textual Amendments

- F8** Words in s. 18 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

### Marginal Citations

- M1** [1947 No. 2.](#)

## PART V

### PROVISIONS RELATING TO THE CHURCH ESTATES COMMISSIONERS

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

- (1) The Church Estates Commissioner appointed by the Archbishop of Canterbury under section one of the <sup>M2</sup>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.

*Status: Point in time view as at 01/03/2019.*

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(3) ..... F9

(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.

**Textual Amendments**

F9 S. 19(3)(4) repealed by Statute Law Revision Act 1964 (c. 79)

**Marginal Citations**

M2 1850 c. 94.

**20 Provisions as to pensions of Church Estates Commissioners**

[<sup>F10</sup>(1) The Commissioners shall have power to grant to any First Church Estates Commissioner or Third Church Estates Commissioner who retires from service as such a Commissioner, having served a period of pensionable service, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.]

<sup>F11</sup>( 2 ) .....

[<sup>F12</sup>(2A) Where a First Church Estates Commissioner or a Third Church Estates Commissioner dies before or after retirement from service as such a Commissioner, having served a period of pensionable service, and leaves a widow or widower [<sup>F13</sup>(whether or not of the same or the opposite sex to the deceased)], [<sup>F14</sup>or surviving civil partner], the Commissioners shall have power to grant to the surviving spouse [<sup>F15</sup> or civil partner], subject to such conditions as they may determine, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.]

(3) In this section the expression “ pensionable service [<sup>F16</sup>, in relation to a Church Estates Commissioner,] ” 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.

<sup>F17</sup>( 4 ) .....

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[<sup>F18</sup>(4) In determining the amount of any superannuation benefits to be granted to a person under this section the Commissioners shall have regard to any superannuation benefits to which that person may be entitled in respect of any other service performed by the First or Third Church Estates Commissioner before the Commissioner's pensionable service began.]

**Textual Amendments**

- F10** S. 20(1) substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [ss. 5\(2\)](#) , [11\(2\)](#) (with [s. 5\(7\)](#) ) ; [2005 No. 2](#) , Instrument made by Archbishops
- F11** S. 20(2) repealed (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [ss. 5\(3\)](#) , [11\(2\)](#) (with [s. 5\(7\)](#) ) ; [2005 No. 2](#) , Instrument made by Archbishops
- F12** S. 20(2A) substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [ss. 5\(4\)](#) , [11\(2\)](#) (with [s. 5\(7\)](#) ) ; [2005 No. 2](#) , Instrument made by Archbishops
- F13** Words in s. 20(2A) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3061\)](#) , [art. 1\(2\)](#) , [Sch. 3 para. 1](#)
- F14** Words in s. 20(2A) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#) , [arts. 1\(1\)](#) , [79\(a\)](#)
- F15** Words in s. 20(2A) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#) , [arts. 1\(1\)](#) , [79\(b\)](#)
- F16** Words in s. 20(3) inserted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [ss. 5\(5\)](#) , [11\(2\)](#) (with [s. 5\(7\)](#) ) ; [2005 No. 2](#) , Instrument made by Archbishops
- F17** S. 20(4) repealed (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [s. 11\(2\)](#) , [Sch. 5](#) ; [2005 No. 2](#) , Instrument made by Archbishops
- F18** S. 20(4) added (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#) , [ss. 5\(6\)](#) , [11\(2\)](#) (with [s. 5\(7\)](#) ) ; [2005 No. 2](#) , Instrument made by Archbishops

**Modifications etc. (not altering text)**

- C2** 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.

**PART VI**

**MISCELLANEOUS AND GENERAL PROVISIONS**

<sup>F19</sup>21 .

**Textual Amendments**

- F19** [S. 21](#) repealed (1.1.2001) by [Measure No. 1](#) , [s. 20](#) , [Sch. 8 Pt. I](#) ; [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)

<sup>F20</sup>22 **Repeal of s. 1(1) (c) of the Benefices Act, 1898.**

*Status: Point in time view as at 01/03/2019.*

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**Textual Amendments**

**F20** S. 22 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

**Modifications etc. (not altering text)**

**C3** 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.

**23** ..... **F21**

**Textual Amendments**

**F21** S. 23 repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. II](#)

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

- (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*,<sup>F22</sup> ... 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 of Measure, have the same effect as publication therein of the Order in Council.

**Textual Amendments**

**F22** Words in s. 24(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

<sup>F23</sup>**25** **Form of consents.**

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**Textual Amendments**

**F23** S. 25 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); S.I. 2019/97, art. 2

**26** ..... **F24**

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**Textual Amendments**

**F24** S. 26 repealed by Church of England (Miscellaneous Provisions) Measure 1976 (No. 3), **Sch Pt. II**

**F25 27 Provision as to deeds made under s. 9, 10 or 11.**

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**Textual Amendments**

**F25** S. 27 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with **Sch. 2**); S.I. 2019/97, art. 2

**28 Interpretation.**

(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—

**F26**  
...

“Commissioners” means the Church Commissioners and includes, where the context so requires, Queen Anne’s Bounty and the Ecclesiastical Commissioners;

**F26**  
...

**F26**  
...

**F26**  
...

“property” includes any interest in real or personal property; and

**F26**  
...

(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.

**Textual Amendments**

**F26** Words in s. 28(1) repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with **Sch. 2**); S.I. 2019/97, art. 2

**29 Extent.**

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.

**30 Short title.**

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



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F27 SCHEDULE

Section 4.

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

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**Textual Amendments**

**F27** Sch. repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2

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**Status:**

Point in time view as at 01/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Church Property (Miscellaneous Provisions) Measure 1960.