



# Repair of Benefice Buildings Measure 1972

1972 No. 2

*Miscellaneous and General*

## 31 Interpretation.

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

“benefice” means the office of a rector or vicar of a parish or parishes, with cure of souls, but not including the office of a vicar in a team ministry;

“building” includes part of a building;

“buildings of a benefice” means any parsonage house . . . <sup>F1</sup>;

“the commencement of this Measure” means, in relation to a diocese, the coming into operation of this Measure on the day appointed for that diocese under the next following section;

“the Commissioners” means the Church Commissioners;

“Diocesan Board of Finance” means, in relation to a diocese, the Board of that name constituted under the <sup>M1</sup>Diocesan Board of Finance Measure 1925 for that diocese;

“Diocesan Dilapidations Board” means, in relation to a diocese, the Board constituted under the <sup>M2</sup>Ecclesiastical Dilapidations Measure 1923 for that diocese;

[<sup>F2</sup> “ diocesan glebe land ” has the same meaning as in [<sup>F3</sup>the Church Property Measure 2018]]

<sup>F4</sup>

“improvement”, in relation to any building, includes enlargement and reduction in size (whether by division or otherwise);

“parsonage house” means a residence vested in the incumbent of a benefice (when the benefice is full), being his official residence . . . <sup>F1</sup>, except a residence held under a lease which makes the landlord wholly or mainly responsible for the repairs, and includes the buildings, gardens, orchards,

*Changes to legislation: There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 31. (See end of Document for details)*

paddock, walls, fences, and appurtenances necessary for the convenient occupation of the residence, and for the purposes of this definition the separate letting of a part of the residence shall not be deemed to exclude it from the residence unless it is excluded by a certificate of the bishop under section 11 of the <sup>M3</sup>Parsonages Measure 1938;

[<sup>F5</sup> “ registered patron ” has the same meaning as in the Patronage (Benefices) Measure 1986 ]

“repairs” has the meaning assigned to it by section 2 of this Measure.

[<sup>F6</sup> “ team vicar’s house ” means a residence vested in a Diocesan Board of Finance <sup>F7</sup> . . . , being the designated residence of a vicar in a team ministry established for a benefice under section 19 of the Pastoral Measure 1968, except a residence held under a lease which makes the landlord wholly or mainly responsible for the repairs, and includes the buildings, gardens, orchards, paddocks, walls, fences and appurtenances necessary for the convenient occupation of the residence. ]

[<sup>F8</sup>(2) This Measure shall, so far as applicable, apply to a team vicar’s house as it applies to a parsonage house with the omission of references to the [<sup>F9</sup>registered patron] and to a previous incumbent, and with the substitution, for references to the incumbent, of references to the Diocesan Board of Finance in which the house is vested and the vicar, except that—

- (a) in sections 9, 12(3), 13(5), 15(1)( a ) and 16(2), the references shall be to that Board only;
- (b) in sections 4(1)( b ), 11 and 13(1) and (4), the references shall be to the vicar only; and
- (c) in sections 20(2) and 21(2), the references shall be to such one of them as is responsible for the contravention in question.]

(3) Any reference in this Measure to any Act or Measure shall be construed as a reference to that Act or Measure as amended by any subsequent Measure.

#### Textual Amendments

- F1** Words repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**
- F2** Definition inserted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(5)(a)**
- F3** Words in s. 31(1) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), **Sch. 1 para. 16**; S.I. 2019/97, art. 2
- F4** Definition repealed with saving by [Endowments and Glebe Measure 1976 \(No. 4\)](#), Sch. 6 para. 3, **Sch. 8**
- F5** Definition substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 16**
- F6** Definition inserted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(5)(c)**
- F7** S. 31(1): Words in s. 31(1) repealed (1.1.1999) by 1998 No. 1, s. 13(1), **Sch. 5 para. 3**; Instrument dated 14.10.98 made by Archbishops of Canterbury and York
- F8** S. 31(2) substituted by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 5 para. 4(6)**
- F9** Words in s. 31(2) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), **ss. 9, 16(2)**; S.I. 2006/2, Instrument made by Archbishops

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

- C1** Meaning of “parsonage house” extended by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **s. 33**

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**Changes to legislation:** *There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 31. (See end of Document for details)*

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**Marginal Citations**

**M1** 1925 No. 3.

**M2** 1923 No. 3.

**M3** 1938 No. 3.

**Changes to legislation:**

There are currently no known outstanding effects for the Repair of Benefice Buildings Measure 1972, Section 31.