



Pastoral Measure 1983 (repealed)

1983 No. 1

PART III

REDUNDANT CHURCHES

Appointment of statutory bodies for purposes relating to redundant churches

41 Appointment of Advisory Board for Redundant Churches.

- (1) There shall be a Board, to be called the Advisory Board for Redundant Churches, consisting of a chairman and not less than six nor more than ten other members, and the chairman and other members shall be appointed by the Archbishops of Canterbury and York jointly after consultation with the Prime Minister.
- (2) The provisions of paragraphs 1 to 4 of Schedule 5 shall apply to the constitution and procedure of the said Board.
- (3) The functions of the said Board shall be to give information and advice to the Commissioners about—
 - (a) the historic and archaeological interest and architectural quality of any church or part of a church to which this subsection applies;
 - (b) the historic and archaeological interest and aesthetic qualities of the contents of such a church or part;
 - (c) the value of such a church or part as part of the landscape; and
 - (d) the overall importance of such a church or part.
- (4) Subsection (3) applies to a church or part of a church as respects which the question arises whether it ought to be declared redundant, or as respects which questions arise as to its use, demolition or preservation on or in the event of its being declared redundant [^{F1}or as respects which questions arise as to a proposed acquisition of a redundant church under section 44(5A)] , and references in this subsection to a church shall be construed as including references to its curtilage and to any churchyard or burial ground annexed thereto.

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- (5) The Commissioners may make grants out of their general fund in respect of the expenses of the said Board.
- (6) The said Board shall have power to appoint a secretary and such other officers and agents as they consider necessary for the proper discharge of their functions, subject to the approval of the Commissioners as respects number and the terms of service or appointment.
- (7) Before giving advice on the question whether any such church or part of a church as aforesaid ought to be preserved, the said Board shall consult the Redundant Churches Fund established under the following provisions of this Part as to the estimated cost of repairing that church or part immediately and maintaining it thereafter and as to the money available for those purposes.
- (8) The said Board shall, as soon as possible after the end of each [^{F2}reporting] year, make a report of their proceedings during that year to the Archbishops of Canterbury and York, and copies of the report shall be sent to the Commissioners and laid before the General Synod [^{F3}; and in this subsection “reporting year” means the period of twelve months beginning on a date to be determined by the Board with the agreement of the Commissioners].

Textual Amendments

- F1** Words in s. 41(4) inserted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\), s. 11\(2\), Sch. 4 para. 10](#); 2005 No. 2, Instrument made by Archbishops
- F2** Word in s. 41(8) substituted (1.4.1994) by [1994 No. 1, s. 1\(a\)](#); [Instrument dated 25.3.1994 made by Archbishops of Canterbury and York](#)
- F3** Words in s. 41(8) inserted (1.4.1994) by [1994 No. 1, s. 1\(b\)](#); [Instrument dated 25.3.1994 made by Archbishops of Canterbury and York](#)

42 Appointment of diocesan redundant churches uses committees.

- (1) Subject as hereinafter provided there shall be constituted a committee for every diocese, to be called the diocesan redundant churches uses committee of the diocese concerned.
- (2) Paragraphs 5 to 12 of Schedule 5 shall apply to the constitution and procedure of the said committee.
- (3) The only duty of the said committee shall be to make every endeavour to find suitable alternative uses for redundant buildings in their diocese.
- (4) A diocesan redundant churches uses committee shall, when it has found a suitable use or suitable uses for a redundant building or has reached the conclusion that no such use will be found, make a report to the Commissioners; and the Commissioners may at any time require any such committee to make a report to them in respect of a particular redundant building.
- (5) Every diocesan redundant churches uses committee shall make to the Commissioners not later than the 31st March in each year a report of their proceedings in the preceding calendar year.
- (6) The Commissioners may, in the case of a particular redundant building, require the diocesan redundant churches uses committee to refer the case to them, and thereupon

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the duty of making every endeavour to find a suitable use or suitable uses for that building shall be discharged by the Commissioners instead of the said committee, but the Commissioners shall consult with the said committee in discharging that duty.

- (7) If it appears to the bishop at the commencement of this Measure or at any time subsequently that there are not likely to be any redundant buildings in his diocese in the near future, he may postpone the constitution of the diocesan redundant churches uses committee for his diocese or, as the case may be, may suspend the proceedings of the committee, until such time as it appears to him that the committee is needed, and, in the case of a suspension, the bishop may then direct that a new committee be constituted, whether or not the period of office of the members of the old committee has expired during the suspension.

43 Commissioners to appoint Committee with duties in respect of redundant churches.

- (1) The Board of Governors of the Commissioners shall appoint a Committee of the Board for the purpose of exercising on behalf of the Commissioners such functions as the Board may assign them in relation to redundant buildings and the preparation of redundancy schemes, including functions under section 42; Commissioners shall constitute a majority of the members of the Committee but, subject to that, the Committee may include persons who are not Commissioners.
- (2) The ^{M1}Church Commissioners Measure 1947 shall apply to the Committee appointed under this section as it applies to other committees of the Board, and the Commissioners may pay a salary to one of the members of the Committee.

Marginal Citations

M1 1947 No. 2.

44 Appointment of Redundant Churches Fund.

- (1) There shall be a body corporate, to be called the Redundant Churches Fund, with perpetual succession and a common seal.
- (2) The Redundant Churches Fund shall consist of a chairman and not less than four nor more than six other members, and the chairman and other members shall be appointed by Her Majesty, and before any such appointment the advice of the Archbishops of Canterbury and York shall be submitted to Her Majesty through the Prime Minister.
- (3) Paragraphs 13 to 15 of Schedule 5 shall apply to the constitution and procedure of the Redundant Church Fund.
- (4) The Redundant Churches Fund shall have as its object the preservation, in the interests of the nation and the Church of England, of churches and parts of churches of historic and archaeological interest or architectural quality vested in the Fund by this Part, together with their contents so vested.
- (5) The Redundant Churches Fund shall have power—
- (a) to hold and manage all churches and parts of churches and other property vested in the Fund by this Part [^{F4}or acquired under subsection (5A)] and, in particular, to carry out all necessary works of maintenance and repair in

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- respect of that property [^{F5}and to replace, renew and provide or improve such services or facilities as are required to facilitate greater access to and use of that property]
- [^{F6}(aa) to acquire property (including rights of way) where the Trust considers that to do so would assist it in the exercise of its powers under paragraph (a);]
- (b) to permit the occasional use of property, or to grant a licence permitting the temporary use of property, vested in the Fund for purposes considered by the Fund to be suitable and, in any case, either without charge or on payment of a fee;
- [^{F7}(bb) to let any property vested in the Fund on such terms (including terms as to the purposes for which it may be used) as the Commissioners may approve, after consultation with the bishop and the Advisory Board, being terms which the Commissioners consider reasonable and proper having regard to all the circumstances;
- (bbb) in respect of any property which the Fund has let or is proposing to let under paragraph (bb), to carry out such works as the Fund considers desirable, after consultation with the Advisory Board;]
- (c) to charge entrance fees for admission to any [^{F8}property vested in the Fund], to raise money by public subscription and appeals, and to accept gifts and bequests either for the general purposes of the Fund or on specific trusts for purposes falling within the general purposes;
- [^{F9}(cc) to assist, on payment of a fee, in the management of any place of Christian religious worship (not being a church or part of a church) which is vested in any body entrusted with functions similar to those of the Fund;]
- (d) to administer all sums coming into its hands and to invest as hereinafter provided any sums not immediately required for the purposes of the Fund;
- (e) to appoint a secretary and such other officers and agents as the Fund considers necessary for the proper discharge of its duties;
- (f) to delegate functions to local trustees or bodies.
- [^{F10}(5A) Where the freehold interest in a redundant church or any land annexed or belonging thereto has been disposed of under a redundancy scheme or pastoral scheme to which section 46 or 47 applies and the owner of that freehold interest is unable for any reason to use the redundant church for the use specified in the scheme including any use allowed under any covenant imposed in relation to the scheme under section 62 and is willing to dispose of the freehold interest by way of gift, the Churches Conservation Trust may, with the prior consent in writing of the Commissioners, acquire the freehold by way of gift but, before consenting to such an acquisition, the Commissioners shall—
- (a) consult the bishop and the Advisory Board;
- (b) be satisfied that the Churches Conservation Trust will have the resources to meet the cost of maintaining the redundant church.
- (5B) The Commissioners shall seal the deed of transfer of any land acquired under subsection (5A).]
- [^{F11}(6) The powers to invest any [^{F12}sums referred to in subsection (5)(d)] are—
- (a) power to invest in investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act); and
- (b) power to invest in the investments referred to in paragraph 21(1)(e) and (f) of the Schedule to the Church Funds Investment Measure 1958.]

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- [^{F13}(7) The powers conferred on the Redundant Churches Fund by subsection (5)(b) and (bb) may be exercised so as to permit the use of a church or part of a church vested in the Fund for such worship (including worship by persons belonging to other Christian Churches) as may be authorised by the bishop after consulting the incumbent or priest in charge of the benefice in the area of which the church is situated.]
- [^{F14}(7A) The terms of a lease granted under subsection (5)(bb) in respect of any property may provide that the property shall not be subject to the legal effects of consecration during the currency of the lease, notwithstanding the provisions of section 61(2).
- (7B) Where any such property has been let under subsection (5)(bb) and the terms of the lease provide to the effect that no alteration may be made thereto without the approval of the Redundant Churches Fund, its approval shall only be given after consultation with the Advisory Board.
- (7C) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have approved the terms of any lease granted under subsection (5)(bb) which is specified in the document shall be conclusive evidence that those terms have been so approved.
- (7D) As a condition of giving their approval to the terms of any lease under subsection (5) (bb) the Commissioners may require the Redundant Churches Fund to include in the lease such provisions, if any, as appear to them to be necessary to give effect to those terms.]
- (8) The Redundant Churches Fund may contribute to the cost of the care and maintenance of a church or part of a church vested in a diocesan board of finance under this Part pending the making or coming into operation of arrangements under a redundancy scheme.
- (9) All expenditure of the Redundant Churches Fund shall be defrayed out of the sums in its hands. ^{F15} . . .
- [^{F16}(9A) The Redundant Churches Fund shall give to the Commissioners and to the Advisory Board such information and advice as the Commissioners or the Advisory Board may, from time to time, require about—
- (a) the Fund's financial position generally; and
- (b) the estimated cost of repairing and thereafter maintaining any church or part of a church which is proposed to be vested in the Fund or which the Commissioners consider is likely to be proposed for vesting in the Fund.]
- (10) The Commissioners may make grants out of their general fund in respect of the expenditure of the Redundant Churches Fund:
- Provided that the total amount of the grants made in any [^{F17}funding period] shall not exceed the figure determined in respect of that period in accordance with section 53.
- (11) The Redundant Churches Fund shall, as soon as possible after the end of each [^{F18}accounting] year, transmit a copy of its accounts for that year and a report on its proceedings during that year to the Commissioners and to the Advisory Board [^{F19}; and in this subsection “accounting year” means the period of twelve months beginning on a date to be determined by the Fund with the agreement of the Commissioners].
- [^{F20}(12) The Churches Conservation Trust shall transmit copies of the said accounts and report to the Secretary of State and the Secretary of State shall lay copies thereof before each

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House of Parliament and the Commissioners shall transmit copies of the said accounts and report to the Secretary General of the General Synod and the Secretary General shall lay copies thereof before the General Synod.]

Textual Amendments

- F4** Words in s. 44(5)(a) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 11(a)**; 2005 No. 2, Instrument made by Archbishops
- F5** Words in s. 44(5)(a) added (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 11(a)**; 2005 No. 2, Instrument made by Archbishops
- F6** S. 44(5)(aa) inserted (1.9.1995) by 1995 No. 2, **s. 11(b)**; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.
- F7** S. 44(5)(bb)(bbb) inserted (1.4.1994) by 1994 No. 1, **s. 2(2)(a)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F8** Words in s. 44(5)(c) substituted (1.4.1994) by 1994 No. 1, **s. 2(2)(b)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F9** S. 44(5)(cc) inserted (1.4.1994) by 1994 No. 1, **s. 2(2)(c)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F10** S. 44(5A)(5B) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 11(b)**; 2005 No. 2, Instrument made by Archbishops
- F11** S. 44(6) substituted (1.2.2001) by 2000 c. 29, s. 40(1), **Sch. 2 Pt. III para. 55** (with s. 35); S.I. 2001/49, **art. 2**
- F12** Words in s. 44(6) substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 11(c)**; 2005 No. 2, Instrument made by Archbishops
- F13** S. 44(7) substituted (1.4.1994) by 1994 No. 1, **s. 2(3)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F14** S. 44(7A)-(7D) inserted (1.4.1994) by 1994 No. 1, **s. 2(4)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F15** Words in s. 44(9) repealed (1.4.1994) by 1994 No. 1, **s. 2(5)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F16** S. 44(9A) inserted (1.4.1994) by 1994 No. 1, **s. 2(6)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F17** Words in s. 44(10) substituted (1.4.1994) by 1994 No. 1, **s. 2(7)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F18** Word in s. 44(11) substituted (1.4.1994) by 1994 No. 1, **s. 2(8)(a)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F19** Words in s. 44(11) inserted (1.4.1994) by 1994 No. 1, **s. 2(8)(b)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F20** S. 44(12) substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 11(d)**; 2005 No. 2, Instrument made by Archbishops

Modifications etc. (not altering text)

- C1** S. 44 amended (1.4.1994) by 1994 No. 1, **s. 13(2)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.

45 Power to establish new body to replace the Advisory Board and the Redundant Churches Fund

- (1) The Standing Committee of the General Synod may make an order—
 - (a) establishing a body corporate by such name as may be specified in the order and constituting the body in accordance with subsection (3);

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- (b) making such other provision with respect to the constitution, and such provision with respect to the finances, staff and procedure, of that body, as the Standing Committee considers expedient;
 - (c) transferring to that body all functions, property, rights and liabilities which immediately before the order comes into operation are functions, property, rights and liabilities of the Advisory Board for Redundant Churches or the Redundant Churches Fund;
 - (d) dissolving the said Board and the said Fund on the day on which the order comes into operation; and
 - (e) making such modifications of the provisions of any enactment relating to the said Board or the said Fund as the Standing Committee considers are appropriate in consequence of the dissolution.
- (2) Before making an order under this section the Standing Committee shall consult the Prime Minister, the Secretary of State, the Archbishops of Canterbury and York, the Commissioners, the Advisory Board for Redundant Churches and the Redundant Churches Fund.
 - (3) The body to be established by an order under this section shall consist of a chairman and such number of other members as may be specified in the order.
 - (4) The chairman of the body established by an order under this section and one half of the other members shall be appointed by Her Majesty on the advice of the Prime Minister given after consultation with the Archbishops of Canterbury and York, and the remaining members shall be appointed by the said Archbishops acting jointly after consultation with the Prime Minister; but no Commissioner, no member of a committee constituted by or under the ^{M2}Church Commissioners Measure 1947 or appointed by the Board of Governors of the Commissioners and no member of the Standing Committee of the General Synod shall be eligible for appointment as the chairman or a member of that body.
 - (5) An order under this section may empower the body established by the order to pay out of its resources a salary to one of its members.
 - (6) An order under this section may be varied by a subsequent order thereunder.
 - (7) Every order under this section shall be laid before the General Synod and shall not come into operation unless and until it has been approved by the General Synod and by resolution of each House of Parliament.
 - (8) The ^{M3}Statutory Instruments Act 1946 shall apply to any order approved by the General Synod under subsection (7) as if it were a statutory instrument and were made when so approved.

Modifications etc. (not altering text)

C2 S. 45(1)(2)(4): Functions of Standing Committee transferred (1.1.1999) to Archbishops' Council by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York.

Marginal Citations

M2 1947 No. 2.
M3 1946 c. 36.

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