

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E**

Section 14

MISCELLANEOUS AMENDMENTS OF ACTS

Small Holdings and Allotments Act 1908 (8 Edw. 7 c. 36)

- 1 For paragraph (8) of Part I of Schedule 1 there shall be substituted the following paragraph—

“(8) Where the land is vested in the incumbent of a benefice of the Church of England the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated to be applied by the Board for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.”.

Commencement Information

11 Sch. 5 para. 1 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Agriculture Act 1947 (10 & 11 Geo. 6 c. 48)

- 2 In section 107(5) of the Agriculture Act 1947 for the words from “belongs” to the end there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England, a copy thereof shall be served on the Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

12 Sch. 5 para. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Coast Protection Act 1949 (12, 13 & 14 Geo. 6 c. 74)

- 3 Section 33(1)(b) shall be omitted.

Commencement Information

13 Sch. 5 para. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo. 6 c. 97)

- 4 In paragraph 1(4) of Schedule 1 for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England ” and for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I4 Sch. 5 para. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Powers (Defence) Act 1958 (6 & 7 Eliz. 2 c. 30)

- 5 In Schedule 2—
- (a) in paragraph 2(2) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”, the words “(not being land in Scotland, Northern Ireland, Wales or Monmouthshire)” shall be omitted, after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”; and
- (b) in paragraph 16 for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I5 Sch. 5 para. 5 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Opencast Coal Act 1958 (6 & 7 Eliz. 2 c. 69)

- 6 In section 42 —
- (a) in subsections (2) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) in subsection (2) the words “, not being land in Scotland, Wales or Monmouthshire,” shall be omitted;
- (c) for subsection (6) there shall be substituted the following subsection—
- “(6) Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and
- (d) in section (7) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

Commencement Information

I6 Sch. 5 para. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Weeds Act 1959 (7 & 8 Eliz. 2 c. 54)

- 7 In section 6(6) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England ” and for the words “Church Commissioners” there shall be inserted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I7 Sch. 5 para. 7 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Compensation Act 1961 (9 & 10 Eliz. 2 c. 33)

- 8 In section 34—
- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) Where ecclesiastical property in England is vested in the incumbent of a benefice which is vacant it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and
- (b) in subsection (2) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Commencement Information

I8 Sch. 5 para. 8 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Pipe-lines Act 1962 (10 & 11 Eliz. 2 c. 58)

- 9 In section 51—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) in subsection (2) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”;
- (c) in subsections (3) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ”; and
- (d) in subsection (5) for the word “they” there shall be substituted the word “ it ”.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

Commencement Information

I9 Sch. 5 para. 9 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Harbours Act 1964 (c. 40)

- 10 In section 49—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”; and
 - (c) in subsection (4) for the word “them”, in both places where it occurs, there shall be substituted the word “ it ” and for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”.

Commencement Information

I10 Sch. 5 para. 10 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Gas Act 1965 (c. 36)

- 11 In section 26—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsections (2) and (3) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ” and in subsection (3) for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”; and
 - (c) in subsection (4), for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”.

Commencement Information

I11 Sch. 5 para. 11 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Compulsory Purchase Act 1965 (c. 56)

- 12 (1) In section 11 for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

- (2) In section 31 for the words from the words “in the case of land which is not diocesan glebe land” to the words “in either case” there shall be substituted the words “ shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and ” and the last sentence shall be omitted.

Commencement Information

I12 Sch. 5 para. 12 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Commons Registration Act 1965 (c. 64)

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Textual Amendments

F1 Sch. 5 para. 13 repealed (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), s. 13(2), Sch. 2; S.I. 2010/2, art. 3, Sch. 2

Commencement Information

I13 Sch. 5 para. 13 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Forestry Act 1967 (c. 10)

14 In paragraph 3 of Schedule 2 —

- (a) for the words from the beginning to the words “Church Commissioners” there shall be substituted the words “ In the case of diocesan glebe land the Diocesan Board of Finance in which the land is vested and, in the case of land which is part of the endowment of any other ecclesiastical corporation, the corporation, with the consent of the Church Commissioners, may ”; and
- (b) at the end there shall be added—

“Provided—

- (a) the consent of the Church Commissioners shall be required to any transaction under this paragraph relating to diocesan glebe land if such consent would be required under the Endowments and Glebe Measure 1976 (1976 No. 4), and
- (b) section 20(11) of that Measure shall apply to any transaction under this paragraph as it applies to any transaction under that Measure and as if the reference therein to the requirements of that Measure included a reference to the requirements of this paragraph.”.

Commencement Information

I14 Sch. 5 para. 14 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Leasehold Reform Act 1967 (c. 88)

15 In section 31—

Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)*

- (a) in subsection (2) for the words from “and the Church Commissioners” to the end of the subsection there shall be substituted the words “ provided that the consent of the Church Commissioners shall only be required if their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976 or the Cathedrals Measure 1999 ”; and
- (b) in subsection (4)(c) for the words “the Church Commissioners”, in both places where they occur, there shall be substituted the word “ board ” and for the word “their” there shall be substituted the word “ its ”.

Commencement Information

I15 Sch. 5 para. 15 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Mines and Quarries (Tips) Act 1969 (c. 10)

16 In section 31 —

- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ” and for the word “their”, in both places where it occurs, there shall be substituted the word “ its ”;
- (c) in subsection (4) for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”; and
- (d) in subsection (5) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”, for the words “are owners” there shall be substituted the words “ is the owner ” and for the word “are”, in the second place where it occurs, there shall be substituted the word “ is ”.

Commencement Information

I16 Sch. 5 para. 16 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Agriculture Act 1970 (c. 40)

17 In section 61—

- (a) in subsection (3)(a) for the words “incumbent of the ecclesiastical benefice to which the land belongs” there shall be substituted the words “ Diocesan Board of Finance in which the land is vested ” and after the words “Church Commissioners” there shall be added the words “ in a case where their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976 ”; and
- (b) subsections (4) and (5) are hereby repealed.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

Commencement Information

I17 Sch. 5 para. 17 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Compensation Act 1973 (c. 26)

- 18 (1) In section 13(1) for paragraphs (a) and (b) there shall be substituted the words “ to the Diocesan Board of Finance for the diocese in which the land is situated ” and the words “(in either case)” shall be omitted.
- (2) In section 13(2) the words from the words “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I18 Sch. 5 para. 18 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Agricultural Statistics Act 1979 (c. 13)

- 19 In section 5(5) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England ” and for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I19 Sch. 5 para. 19 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 20 In section 51—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ” and in subsection (4) for the word “them” there shall be substituted the word “ it ”; and
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance, the fee simple” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant it ”.

Commencement Information

I20 Sch. 5 para. 20 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Local Government, Planning and Land Act 1980 (c. 65)

- 21 (1) In section 169—

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”; and
 - (b) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”.
- (2) In section 171, in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”.

Commencement Information

I21 Sch. 5 para. 21 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Highways Act 1980 (c. 66)

- 22 (1) For section 87(6) there shall be substituted the following subsection—

“(6) Where land is—

- (a) glebe land, the Diocesan Board of Finance in which the land is vested, with the consent of the Church Commissioners (unless such consent would not be required under the Endowments and Glebe Measure 1976 if the transaction were carried out under that Measure),
- (b) land belonging to an ecclesiastical benefice of the Church of England, the incumbent of the benefice, with the consent of the Diocesan Board of Finance, or
- (c) part of the endowment of any other ecclesiastical corporation, the ecclesiastical corporation, with the consent of the Church Commissioners,

may enter into an agreement under this section relating to the land either for consideration or gratuitously and any payment made in respect of such agreement may be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.”.

- (2) In paragraph 1(4) of Schedule 6 after the word “benefice” there shall be inserted the words “of the Church of England” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.

Commencement Information

I22 Sch. 5 para. 22 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

New Towns Act 1981 (c. 64)

- 23 (1) In section 76—

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

- (a) for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”, and
 - (b) In subsection (1) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”.
- (2) In section 80(1), in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Commencement Information

I23 Sch. 5 para. 23 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Acquisition of Land Act 1981 (c. 67)

- 24 (1) In section 12(3)—
- (a) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”; and
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.
- (2) In paragraph 3(3) of Schedule 1—
- (a) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”; and
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.

Commencement Information

I24 Sch. 5 para. 24 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Administration of Justice Act 1982 (c. 53)

- 25 In section 41—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ appropriate authority ”; and
 - (b) in subsection (3) there shall be added at the end the words “ and “appropriate authority” means, in the case of funds held in trust for a cathedral, the corporate body of that cathedral established under section 9(1)(a) of the Cathedrals Measure 1999 and in the case of funds

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

held in trust for a benefice the Diocesan Board of Finance for the diocese in which that benefice is situated”.

Commencement Information

I25 Sch. 5 para. 25 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Town and Country Planning Act 1990 (c. 8)

26 In section 318—

- (a) in subsections (1), (2), (4) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” and in paragraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “it”;
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated” and the words “(in either case)” shall be omitted;
- (d) in subsections (3), (4) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “it”; and
- (e) in subsection (6) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese” there shall be inserted the words “of the Church of England” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I26 Sch. 5 para. 26 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

27 In section 86—

- (a) in subsections (1) and (2) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” and in paragraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “it”;
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “it”;
- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese”

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

there shall be inserted the words “ of the Church of England ” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I27 Sch. 5 para. 27 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Planning (Hazardous Substances) Act 1990 (c. 10)

- 28 In section 34—
- (a) in subsections (1) and (2) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ” and for the words “the fee simple” there shall be substituted the word “ it ”;
 - (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “ it ”; and
 - (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ”, after the word “diocese” there shall be inserted the words “ of the Church of England ” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I28 Sch. 5 para. 28 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Coal Mining Subsidence Act 1991 (c. 45)

- 29 (1) In section 20—
- (a) for the words “Church Commissioners”, in each place where they occur, and for the word “Commissioners”, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsection (1)(b) for the words “they give” there shall be substituted the words “ it gives ”;
 - (c) in subsection (2)(b) for the word “them” there shall be substituted the word “ it ”; and
 - (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.
- (2) In section 33(7) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5. (See end of Document for details)

Commencement Information

I29 Sch. 5 para. 29 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Water Resources Act 1991 (c. 57)

30 In section 67—

- (a) in subsections (1), (3), (4) and (7) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsections (1) and (2) for the words “belongs to a benefice” there shall be substituted the words “is vested in the incumbent of a benefice”;
- (c) in subsection (4) for the word “them” there shall be substituted the word “it”;
- (d) in subsection (5) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance”, for the word “them”, in both places where it occurs, there shall be substituted the word “it” and for the words “in such manner as they may determine” there shall be substituted the words “as if the land had been sold under the Pastoral Measure 1983”;
- (e) in subsection (6)(a) for the words “the Church Commissioners are” there shall be substituted the words “a Diocesan Board of Finance is”;
- (f) in subsection (6) for the word “Commissioners”, in both places where it occurs, there shall be substituted the word “Board”.

Commencement Information

I30 Sch. 5 para. 30 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

31 In paragraph 8 of Schedule 2—

- (a) in sub-paragraph (2) after the word “required” there shall be inserted the words “, if their consent would be required if the transaction were carried out under the Cathedrals Measure 1999 or the Endowments and Glebe Measure 1976,” and the words from “and the Church Commissioners” to the end shall be omitted;
- (b) in sub-paragraph (4)(b) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance in which the land is vested”; and
- (c) in sub-paragraph (4)(c) for the words from “Church Commissioners” to the end there shall be substituted the words “Diocesan Board of Finance out of any money held by it”.

Commencement Information

I31 Sch. 5 para. 31 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Changes to legislation:

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006, SCHEDULE 5.