

SCHEDULES

SCHEDULE 3

SUPPLEMENTARY PROVISIONS RELATING TO MATTERS ARISING OUT OF PASTORAL SCHEMES AND ORDERS

General provisions as to vesting of property

- 6 (1) Where a pastoral scheme creates a new benefice by a union of benefices, any church, churchyard, burial ground, parsonage house or other property which was previously vested in right of his or her benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice:
- Provided that—
- (a) this sub-paragraph shall not apply to any parsonage house for which other provision is made by or under a pastoral scheme;
 - (b) if the new benefice is to be held by the dean of a parish church cathedral, any such property as would have vested in the incumbent shall instead vest in the cathedral chapter.
- (2) Where by virtue of a pastoral scheme (other than a scheme to which sub-paragraph (1) applies) or a pastoral order any church or churchyard or burial ground previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice, the church, churchyard or burial ground, and any movable property used for the purposes thereof and vested as aforesaid, shall vest in the incumbent of that other benefice.
- (3) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.
- (4) Sub -paragraphs (1) to (3) shall have effect subject to any express provision of a pastoral scheme or order and, where applicable, to the provisions of paragraph 9 relating to property held on charitable trusts.
- (5) Where a pastoral scheme or order provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person without any conveyance or other assurance and free and discharged, in the case of property consisting of diocesan glebe land or a house situated on such land, from any previously existing trust in favour of the diocesan stipends fund and, in the case of any other property, from all previously existing trusts and charges in favour of any benefice, but subject—
- (a) to the provisions of the next following paragraph, where applicable,
 - (b) to all other previously existing trusts and charges and any previously existing tenancies, and

Status: This is the original version (as it was originally enacted).

- (c) in the case of an endowment, to any provision made under section 47(1) for payment or crediting of the income or any part of the income of the endowment to the diocesan stipends fund, unless the scheme or order otherwise provides.
- (6) A pastoral scheme or order may with the consent of the incumbencer provide for the apportionment of any sum charged on property of which only part is transferred by the scheme or order and for securing the sums so apportioned on the respective parts of the property