



# Ecclesiastical Dilapidations Measure 1923

1923 No. 3 14 and 15 Geo 5

## *Miscellaneous*

### **52 Chancels.**

- (1) As from the passing of this Measure there shall be no obligation on any incumbent to repair or insure the chancel of the church of the parish of which he is incumbent, if he be an incumbent who by reason only of his incumbency is rector of such parish or otherwise solely liable for such repair or insurance, and such chancel shall in all respects be repairable and insurable in the same manner as the remainder of such church.
- (2) Any person other than such an incumbent as aforesaid who is liable as rector or otherwise for the repair of the chancel of a church may after consultation with the Parochial Church Council (if any) of the parish concerned and with the approval of the Board compound such liability by payment to the Diocesan Authority of such a sum as having regard to the condition of the chancel the Diocesan Authority may estimate as reasonably sufficient to provide for the cost of future repairs for which such person would otherwise have been liable [<sup>F1</sup>and also to provide a capital sum the income of which will be sufficient to insure the chancel for a sum adequate to reinstate the same in the event of its being destroyed by fire.]
- (3) Provided that if the Parochial Church Council or the Board shall so require, the question of the sum to be paid in respect of such liability or any other relevant question shall be referred by the Diocesan Authority to the Central Authority, who shall thereupon decide such question and make such order relating thereto as in their discretion may be necessary.
- (4) Upon payment of the sum so determined and of all the expenses incurred by the Diocesan and Central Authority in making the estimate and otherwise in respect to the compounding, the Diocesan Authority shall give to the person compounding a receipt acknowledging such payment, and as from the giving of such receipt all liability of of such person or of his estate shall cease, and the chancel shall thenceforward be repairable in the same manner as the remainder of the church.

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*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Dilapidations Measure 1923, Section 52. (See end of Document for details)*

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- (5) Any sum paid in compounding a liability for repairs under this section shall be invested and held on behalf of the Parochial Church Council of the parish concerned by the Diocesan Authority [<sup>F2</sup>in any investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000, and the annual profits from the investments shall be applied] by the Diocesan Authority after consultation with the Parochial Church Council—
- (i) in keeping the chancel, in respect to which the liabilities have been compounded, insured against loss or damage by fire, in such an amount as the Diocesan Authority shall decide to be sufficient; or
  - (ii) in the payment of any charges lawfully incurred in the maintenance and repair of the Church, of which the chancel aforesaid forms part, or of the churchyard belonging to such church; or
  - (iii) in accumulating [<sup>F3</sup>any residue of the profits from the investments not applied in any year.] so as to form a fund for the extraordinary repair, improvement or enlargement of the church or churchyard aforesaid:
- Provided that the Diocesan Authority may at its discretion at any time apply such accumulations or any part thereof as if the same were income.

(6) ..... <sup>F4</sup>

#### Textual Amendments

- F1** Words added by [Ecclesiastical Dilapidations \(Amendment\) Measure 1929 \(No. 3\)](#), **s. 18**
- F2** Words in [s. 52\(5\)](#) substituted (1.2.2001) by [2000 c. 29](#), [s. 40\(1\)](#), **Sch. 2 Pt. III para. 50(a)** (with [s. 35](#)); [S.I. 2001/49](#), **art. 2**
- F3** Words in [s. 52\(5\)\(iii\)](#) substituted (1.2.2001) by [2000 c. 29](#), [s. 40\(1\)](#), **Sch. 2 Pt. III para. 50(b)** (with [s. 35](#)); [S.I. 2001/49](#), **art. 2**
- F4** [S. 52 \(6\)](#) repealed by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**

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

- C1** “Board” means the Board appointed or designated under [Repair of Benefice Buildings Measure 1972 \(No. 2\)](#), **s. 1**
- C2** [S. 52](#) excluded by [Ecclesiastical Dilapidations \(Chancel Repairs\) Measure 1940 \(No. 3\)](#), **s. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Dilapidations Measure 1923, Section 52.