

2015 No. 1545

ECCLESIASTICAL LAW, ENGLAND

**The Ecclesiastical Property (Exceptions from Requirement for
Consent to Dealings) Order 2015**

Made (sealed by the Archbishops' Council) - 16th July 2015

Laid before Parliament 20th July 2015

Coming into force - - 1st October 2015

The Archbishops' Council, in exercise of the powers conferred by sections 6(4A) and 6A(1)(a) of the Parochial Church Councils (Powers) Measure 1956(a) and section 5A(1) and (2)(a) of the Incumbents and Churchwardens (Trusts) Measure 1964(b), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015.

(2) This Order comes into force on 1st October 2015.

Amount of consideration below which consent to dealing not required

2.—(1) The requirement for consent under section 6(1) or (3) of the Parochial Church Councils (Powers) Measure 1956 does not apply if the consideration on the transaction in question—

- (a) is less than the total of the unrestricted income of the parochial church council concerned as shown in the most recent financial statements that have been prepared for the council for the purposes of the Church Representation Rules and approved by it in accordance with those Rules, and

- (b) is less than £250,000.

(2) The requirement for consent under section 4 or 5 of the Incumbents and Churchwardens (Trusts) Measure 1964 does not apply if the consideration on the transaction in question—

- (a) is less than the total of the unrestricted income of the trust concerned as shown in the most recent accounts prepared for the trust, and

- (b) is less than £250,000.

(3) The exception provided for under paragraph (1) or (2) applies only if the financial statements or accounts referred to were prepared in the period of 22 months ending with the date of the completion of the transaction.

(a) 4 & 5 Eliz 2 No.3. Section 6 was amended, and section 6A was inserted, by section 1 of the Ecclesiastical Property Measure 2015 (No. 2).

(b) 1964 No. 2. Section 5A was inserted, and other provisions were amended, by section 2 of the Ecclesiastical Property Measure 2015 (No. 2).

(4) The exception provided for under paragraph (1) or (2) does not apply where the property that is the subject of the transaction is or includes—

- (a) a church or a building or part of a building licensed under section 43(1) of the Mission and Pastoral Measure 2011(a),
- (b) a churchyard or part of a churchyard, or
- (c) land adjacent to property of a description referred to in sub-paragraph (a) or (b).

(5) In paragraph (4), “church” has the same meaning as in the Mission and Pastoral Measure 2011 (see section 106(1) of that Measure).

The draft of this Order was approved by the General Synod of the Church of England on 11th July 2015.

Church House, London SW1P 3AZ

Jacqui Philips
Clerk to the Synod

The Common Seal of the Archbishops’ Council was hereunto affixed on 16th July 2015.



D. I. Theodoreson
D. P. White

Church House, London SW1P 3AZ

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that the consent of the relevant diocesan board of finance is not required for certain property transactions by parochial church councils or certain ecclesiastical trusts.

Article 2(1) and (2) provides that consent is not required for a transaction if the consideration is less than the annual unrestricted income of the parochial church council or trust concerned, as shown in its most recent accounts. This exception is subject to an overall figure of £250,000; consent will always be required if the consideration is at or above that level.

Article 2(3) provides that the council or trust concerned can rely on the exception only if its most recent accounts were prepared during the period of 22 months before the completion of the transaction. This period is in line with the Charity Commission requirement that registered charities required to file accounts must do so within ten months of their year end.

Article 2(4) provides that consent will always be required if the transaction involves a place of worship or a churchyard or land adjacent to property of either such type.

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(a) 2011 No. 3.

£4.25

UK201507161012 07/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1545>

ISBN 978-0-11-113826-7



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