

Parochial Church Councils (Powers) Measure 1956

1956 No. 3 4 and 5 Eliz 2

A Measure passed by the National Assembly of the Church of England to consolidate with amendments certain enactments relating to parochial church councils and parochial charities.

[5th July 1956]

Modifications etc. (not altering text)

C1Act modified (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 12(5) (with ss. 33, 34, 37)

Commencement Information:

1Measure wholly in force at 2.1.1957 see s. 10(2)

1 Definitions.

In this Measure—

“Council” means a parochial church council;

“Diocesan Authority” means the Diocesan Board of Finance or any existing or future body appointed by the [F¹Diocesan Synod] to act as trustees of diocesan trust property;

“Minister” and “Parish” have the meanings respectively assigned to them in the Rules for the Representation of the Laity;

“Relevant date” means the first day of July, 1921.

Amendments (Textual)

F1Words substituted by virtue of Synodical Government Measure 1969 (No. 2) s. 4(7)

Modifications etc. (not altering text)

C1References to “Council” modified by Cathedrals Measure 1963 (No. 2) s. 12(4)(a)

[F¹2 General functions of council.

(1) It shall be the duty of the [F²minister] and the parochial church council to consult together on matters of general concern and importance to the parish.

(2) The functions of parochial church councils shall include—

- a) co-operation with the [F²minister] in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
- b) the consideration and discussions of matters concerning the Church of England or any other matters of religious or public interest, but not the declaration of the doctrine of the Church on any question;
- c) making known and putting into effect any provision made by the diocesan synod or the deanery synod, but without prejudice to the powers of the council on any particular matter;
- d) giving advice to the diocesan synod and the deanery synod on any matter referred to the council;
- e) raising such matters as the council consider appropriate with the diocesan synod or deanery synod.

(3) In the exercise of its functions the parochial church council shall take into consideration any expression of opinion by any parochial church meeting.]

Amendments (Textual)

F1 S. 2 substituted by Synodical Government Measure 1969 (No. 2), s. 6

F2 Word substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), s. 5

3 Council to be a body corporate.

Every council shall be a body corporate by the name of the parochial church council of the parish for which it is appointed and shall have perpetual succession. Any act of the council may be signified by an instrument executed pursuant to a resolution of the council and under the hands or if an instrument under seal is required under the hands and seals of the chairman presiding and two other members of the council present at the meeting at which such resolution is passed.

Modifications etc. (not altering text)

C1 S. 3 excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

[^{F1}3A Employment of members and other contractual services

(1) Subject to subsection (3), a parochial church council may enter into a paid contract of employment or other contract with one or more members of the council or one or more connected persons to provide such services to or on behalf of the Council as may be specified in the contract, provided that the conditions specified in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1) are that—

- a) before entering into the contract, the council is satisfied that it would be in the best interests of the council for the services to be provided by the person concerned for the amount, or maximum amount, of remuneration set out in the contract;
- b) the total number of any persons employed at any time under subsection (1) and any person who is connected to any such person constitute a minority of the members of the council;
- c) the terms of the contract, including the remuneration paid, are set out in an agreement in writing between the council and the member concerned; and
- d) the amount or maximum amount of the remuneration does not exceed what is reasonable in the circumstances for the provision by that member of the services in question.

(3) Subsections (1) and (2) do not apply to services provided by a person in that person's capacity as a member of the council.

(4) A person is a connected person for the purposes of this section if that person is—

- a) a child, parent, grandchild, brother or sister of a member of the council, or
- b) the spouse or civil partner of a member or of any person falling within paragraph (a),

and “connected” is to be construed accordingly.]

Amendments (Textual)

F1S. 3A inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), ss. 5(2), 21(2); S.I. 2014/1369, art. 2

4 Powers vested in council as successor to certain other bodies.

(1) Subject to the provisions of any Act or Measure passed after the relevant date and to anything lawfully done under such provisions, the council of every parish shall have—

- (i) The like powers duties and liabilities as, immediately before the relevant date, the vestry of such parish had with respect to the affairs of the church except as regards the election of churchwardens and sidesmen and as regards the administration of ecclesiastical charities but including the power of presentation to the benefice of such parish if the right to present thereto was vested in or in trust for the parishioners and the power of making any voluntary church rate.

(ii) The like powers duties and liabilities as, immediately before the relevant date, the churchwardens of such parish had with respect to—

- a) The financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys;
- b) The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof;
- c) The care and maintenance of any churchyard (open or closed), and the power of giving a certificate under the provisions of section eighteen of the M1Burial Act 1855 with the like powers as, immediately before the relevant date, were possessed by the churchwardens to recover the cost of maintaining a closed churchyard:

Provided that nothing herein contained shall affect the property of the churchwardens in the goods and ornaments of the church or their powers duties and liabilities with respect to visitations.

(iii) ^{M2}The like powers duties and liabilities as, immediately before the relevant date, were possessed by the church trustees (if any) for the parish appointed under the Compulsory Church Rate Abolition Act 1868.

(2) All enactments in any Act whether general or local or personal relating to any powers duties or liabilities transferred to the council from the vestry churchwardens or church trustees as the case may be shall subject to the provisions of this Measure and so far as circumstances admit be construed as if any reference therein to the vestry or the churchwardens or church trustees referred to the council to which such powers duties or liabilities have been transferred and the said enactments shall be construed with such modifications as may be necessary for carrying this Measure into effect.

(3) Where any property is applicable to purposes connected with any such powers duties or liabilities as aforesaid, any deed or instrument which could be or could have been made or executed in relation to such property by a vestry, or by churchwardens or church trustees, may be made or executed by the council of the parish concerned.

(4) This Measure shall not affect any enactment in any private or local Act of Parliament under the authority of which church rates may be made or levied in lieu of or in consideration of the extinguishment or of the appropriation to any other purpose of any tithes customary payments or other property or charge upon property which tithes payments property or charge previously to the passing of such Act had been appropriated by law to ecclesiastical purposes or in consideration of the abolition of tithes in any place or upon any contract made or for good or valuable consideration given and every such enactment shall continue in force in the same manner as if this Measure had not been passed.

For the purposes of this subsection “ecclesiastical purposes” shall mean the building rebuilding enlargement and repair of any church and any purpose to which by common or ecclesiastical law a church rate is applicable or any of such purposes.

Modifications etc. (not altering text)

C1S. 4(1)(ii) extended by Pastoral Measure 1983 (No. 1, SIF 21:4), ss. 20–22, 24, 27, 29, 31, 32, 40, Sch. 3 para. 12(4)

C2S. 4(1)(ii) powers continued (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 3 para. 10(4) (with ss. 100, 105(4), 107, 108(6), Schs. 8); S.I. 2012/1, art. 2

Marginal Citations

M11855 c. 128.

M21868 c. 109.

5 Holding of property for ecclesiastical purposes: educational schemes.

(1) Subject to the provisions of this Measure, the council of every parish shall have power to acquire (whether by way of gift or otherwise) any property real or personal—

(a) For any ecclesiastical purpose affecting the parish or any part thereof;

(b) For any purpose in connection with schemes (hereinafter called “educational schemes”) for providing facilities for the spiritual moral and physical training of persons residing in or near the parish.

(2) Subject to the provisions of this Measure and of the general law and to the provisions of any trusts affecting any such property, the council shall have power to manage, administer and dispose of any property acquired under this section.

(3) A council shall have power, in connection with any educational scheme, to constitute or participate in the constitution of a body of managers or trustees or a managing committee consisting either wholly or partly of persons appointed by the council, and may confer on any such body or committee such functions in regard to the implementation of the scheme, and such functions relating to property held for the purposes of the scheme, as the council thinks expedient.

(4) The powers of a council with respect to educational schemes shall be exercised subject to and in accordance with the terms of any undertaking which may have been given by the council to the [^{F1}Secretary of State for Education and Science or the Secretary of State for Wales] or to any local authority in connection with any financial or other assistance given by the [^{F1}Secretary of State] or the authority in relation to the scheme.

(5) A council shall not exercise any of its powers in relation to educational schemes without the consent of the [^{F2}diocesan board of education for the diocese], and any such consent may be given upon such terms and conditions as the committee considers appropriate in all the circumstances of the case.

F3 . . .

Amendments (Textual)

F1 Words substituted by virtue of S.I. 1964/490 and 1970/1536

F2 Words in s. 5(5) substituted (1.8.1991) by Diocesan Boards of Education Measure 1991 (No. 2), s. 11(1)(a); Archbishops' Instrument made 26.7.1991

F3 Words in s. 5(5) omitted (1.8.1991) by virtue of Diocesan Boards of Education Measure 1991 (No. 2), s. 11(1)(b); Archbishops' Instrument made 26.7.1991

Modifications etc. (not altering text)

C1 S. 5(1) excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

6 Supplementary provisions relating to certain property.

(1) After the commencement of this Measure, a council shall not acquire any interest in land (other than a short lease as hereinafter defined) or in any personal property to be held on permanent trusts, without the consent of the diocesan authority.

(2) Where, at or after the commencement of this Measure, a council holds or acquires an interest in land (other than a short lease as hereinafter defined) or any interest in personal property to be held on permanent trusts, such interest shall be vested in the diocesan authority subject to all trusts, debts and liabilities affecting the same, and all persons concerned shall make or concur in making such transfers (if any) as are requisite for giving effect to the provisions of this subsection.

(3) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall not sell, lease, let, exchange [^{F1}or charge] the property without the consent of the authority; but save as

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aforesaid, nothing in this section shall affect the powers of the council in relation to the management, administration or disposition of any such property.

[^{F2}(3A) Where any property which is occupied by a member of the team in a team ministry is vested in the diocesan authority pursuant to subsection (2) of this section and the council proposes to alter or dispose of the property or any part thereof, the council shall—

- a) keep that member informed of matters arising from the proposal;
- b) afford that member an opportunity to express views thereon before taking any action to implement the proposal; and
- c) have regard to those views before taking any such action.]

(4) Where any property is vested in the diocesan authority pursuant to subsection (2) of this section, the council shall keep the authority indemnified in respect of:

- a) all liabilities subject to which the property is vested in the authority or which may thereafter be incident to the property;
- b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the property;
- c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the property or as trustee thereof;
- d) all costs, proceedings, claims and demands in respect of any of the matters hereinbefore mentioned.

[^{F3}(4A) The requirement for consent under subsection (1) or (3) does not apply if the consideration on the transaction in question is less than such amount as may be specified in, or determined in accordance with, an order made by the Archbishops' Council.]

(5) The consents required by subsection (3) of this section are additional to any other consents required by law, either from the [^{F4}Charity Commission] or the [^{F5}Secretary of State of Education and Science or the Secretary of State for Wales] or otherwise.

(6) In this section the expression “short lease” means a lease for a term not exceeding [^{F6} seven years], and includes any tenancy from week to week, from month to month, from quarter to quarter, or from year to year.

(7) Any question as to whether personal property is to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop [^{F7}or, during a vacancy in a see, the guardian of the spiritualities].

Amendments (Textual)

F1 Words in s. 6(3) substituted (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 1(2), 3(2); S.I. 2015/1468, art. 2

F2 S. 6(3A) inserted (1.5.1996) by 1995 No. 1, s. 9; Instrument dated 12.2.1996 made by Archbishops of Canterbury and York

F3 S. 6(4A) inserted (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 1(3), 3(2); S.I. 2015/1468, art. 2

F4 Words in s. 6(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 38; S.I. 2007/309, art. 2, Sch.

F5 Words substituted by virtue of S.I. 1964/490 and 1970/1536

F6 Words in s. 6(6) substituted (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 1(5), 3(2); S.I. 2015/1468, art. 2

F7 Words in s. 6(7) added (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 1(6), 3(2); S.I. 2015/1468, art. 2

Modifications etc. (not altering text)

C1 S. 6 excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

C2 S. 6(1) excluded (retrospectively) (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 10(1); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

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C3 S. 6(1) excluded (1.10.2015) by The Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015 (S.I. 2015/1545), arts. 1(2), 2(1) (with art. 2(3)(4))

C4 S. 6(2) extended (1.4.1978) by Endowments and Glebe Measure 1976 (No. 4) , s. 23(3)

C5 S. 6(2) excluded (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1) , s. 10(2) ; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York .

C6 S. 6(3) excluded (1.10.2015) by The Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015 (S.I. 2015/1545), arts. 1(2), 2(1) (with art. 2(3)(4))

[^{F1}6A Orders under section 6: procedure

(1) An order under section 6—

- a) may make different provision for different purposes, different cases or different areas;
- b) may, in connection with the determination of an amount, confer a discretion on a person of a specified description.

(2) An order under section 6 may not be made unless—

- a) a draft of the order has been laid before the General Synod and approved by it with or without amendment, and
- b) the draft so approved has been referred to the Archbishops' Council.

(3) On referral of the draft, the Council must—

- a) if the draft was approved without amendment, make the order by applying its seal;
- b) if the draft was approved with amendment—
 - i. make the order by applying its seal, or
 - ii. withdraw the draft for further consideration.

(4) An order under section 6 [^{F2}may not come into force unless] it is sealed by the Council.

(5) If the Business Committee of the General Synod determines that a draft of an order under section 6 does not need to be debated by the General Synod, the draft is to be treated as approved for the purposes of this section unless a member of the General Synod gives notice in accordance with the standing orders that the member—

- a) wishes the draft order to be debated, or
- b) wishes to move an amendment to it.

(6) The Statutory Instruments Act 1946 applies to an order under section 6 as if—

- a) this Measure were an Act, and
 - b) the order were a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
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Amendments (Textual)

F1 S. 6A inserted (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 1(7), 3(2); S.I. 2015/1468, art. 2

F2 Words in s. 6A(4) substituted (retrospectively) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 8(9), 11(8)(a), 17(2)(b)

7 Miscellaneous powers of council.

[^{F1}(1)] The council of every parish shall have the following powers in addition to any powers conferred by the Constitution or otherwise by this Measure: —

- (i) Power to frame an annual budget of moneys required for the maintenance of the work of the Church in the parish and otherwise and to take such steps as they think necessary for the raising collecting and allocating of such moneys;

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- (ii) Power to make levy and collect a voluntary church rate for any purpose connected with the affairs of the church including the administrative expenses of the council and the costs of any legal proceedings;
- (iii) Power jointly with the minister to appoint and dismiss the parish clerk and sexton or any persons performing or assisting to perform the duties of parish clerk or sexton and to determine their salaries and the conditions of the tenure of their offices or of their employment but subject to the rights of any persons holding the said offices at the appointed day;
- (iv) Power jointly with the minister to determine the objects to which all moneys to be given or collected in church shall be allocated . . . ^{F2}
- (v) Power to make representations to the bishop with regard to any matter affecting the welfare of the church in the parish.

[^{F3}(2) The objects referred to in subsection (1)(iv) may be determined either generally or by reference to particular occasions or occasions of a particular class.]

Amendments (Textual)

F1 S. 7(1): s. 7 renumbered as s. 7(1) (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), ss. 5(3), 21(2); S.I. 2014/1369, art. 2

F2 Words repealed by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), ss. 13, 14(2), Sch. 3

F3 S. 7(2) added (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), ss. 5(3), 21(2); S.I. 2014/1369, art. 2

Modifications etc. (not altering text)

C1 S. 7(iii)(iv) excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

[^{F1}8 Accounts of the council.

(1) Every council shall furnish to the annual parochial church meeting for discussion the financial statements of the council for the financial year immediately preceding the meeting.

(2) The financial year referred to in subsection (1) above shall be such period as may be prescribed and the financial statements referred to in that subsection shall be prepared in the prescribed form, audited or independently examined as prescribed and published and displayed in the prescribed manner.

(3) In subsection (2) above “prescribed” means prescribed by the Church Representation Rules or by regulations made under those Rules.]

Amendments (Textual)

F1S. 8 substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), ss. 4, 11(2); S.I. 2005/2, Instrument made by Archbishops

Modifications etc. (not altering text)

C1S. 8 excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

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9 Powers of bishop.

(1) The bishop may subject to the provisions of this Measure and the Constitution make rules for carrying this Measure into effect within the diocese.

(2) If any act required by this Measure to be done by any person is not done within such time as the bishop may consider reasonable it may be done by or under the authority of the bishop.

(3) In the event of a council and a minister being unable to agree as to any matter in which their agreement or joint action is required under the provisions of this Measure, such matter shall be dealt with or determined in such manner as the bishop may direct.

(4) During a vacancy in a diocesan see the powers conferred upon the bishop by this section may be exercised by the guardian of the spiritualities.

Modifications etc. (not altering text)

C1 S. 9 excluded by Cathedrals Measure 1963 (No. 2) s. 12(4)(b)

10 Short title, commencement, extent and repeals.

(1) This Measure may be cited as the Parochial Church Councils (Powers) Measure 1956.

(2) This Measure shall come into operation on the second day of January, 1957.

(3) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man:

Provided that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

(4) The Parochial Church Councils (Powers) Measure, 1921, and the Parochial Church Councils (Powers) (Amendment) Measure, 1949, are hereby repealed.

Modifications etc. (not altering text)

C1The text of S. 10(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
