**Ecclesiastical Property Measure 2015/ Archbishops’ Council Order: Requirements for Parish Trustees**

Under recent changes in ecclesiastical law, certain requirements were removed from the legislation governing PCC trusts and other trusts with parish trustees (such as Incumbent and churchwardens). The purpose of the removal was to avoid a duplication of requirements under other legislation and simplify the procedure so far as the law otherwise permitted.

The changes have resulted in the following:

- **if there are to be legal proceedings**, the consent of the Diocesan Authority to those proceedings is no longer required under ecclesiastical legislation. Please note that this does not remove the necessity for proceedings to involve the Diocesan Authority from a civil law point of view. As the property will remain vested in the Diocesan Authority (on behalf of the parish trustees), proceedings will still be brought in the name of the Diocesan Authority and so parish trustees should keep the Diocesan Authority fully informed and indemnified at all stages of a dispute and formal proceedings.

- **from 01.10.2015**, if parish trustee(s) wish to acquire a lease for a period of 7 years or less then the consent of the Diocesan Authority is not required under ecclesiastical legislation but, under general charity law, the Diocesan Authority must be consulted and kept informed. The lease will be taken in the name of the PCC who should take legal advice on it. This does not apply where the parish trustees wish to grant a lease (regardless of the proposed terms of years).

- **from 01.10.2015**, if parish trustee(s) wish to acquire a lease for a period exceeding 7 years, purchase a property or accept the gift of a property, or dispose of an interest in property (either by selling, exchanging, granting a lease of any length or granting a legal charge) then the consent of the Diocesan Authority is no longer required (but the Diocesan Authority must be kept informed of all the outcome and an indemnity given) provided that:
  - the consideration for the property transaction is less than £250,000 and it is less than the unrestricted income of the PCC or parish trust, as appropriate. Unrestricted income must be demonstrated in accounts prepared not more than 22 months from the anticipated date of the property transaction.

If that proviso cannot be met, the full consent of the Diocesan Authority is required. The proviso does not apply in relation to land which is or includes a churchyard, a church or building licensed for public worship or land adjacent to any of those.

**Please note:** whether the consent of the Diocesan Authority is required or not, any lease exceeding 7 years granted to the parish trustees, or property purchased or accepted as a gift will be vested in the Diocesan Authority; and so any leases or legal charges which the parish trustees wish to grant or transfers for the sale of property will be made in the name of the Diocesan Authority who will then be a party to any necessary legal documentation. Its execution of those documents will remain subject to legal advice and subject to its usual consultation and charity law requirements.

For further information and advice on procedures please contact:

The Trusts Administrator (Caroline Dyer)  
E-mail: caroline.dyer@oxford.anglican.org  
Telephone: 01865 208203 (after 9.30 am)
## Action by PCC, Incumbent or Churchwardens

<table>
<thead>
<tr>
<th>Action Description</th>
<th>Required Actions</th>
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| Take legal proceedings                                                             | • Advise Diocesan Authority  
• provide indemnity against all costs  
• take legal action as required |
| Take a lease of 7 years or less                                                    | • Advise Diocesan Authority  
• take professional action as required |
| Acquire a property with a value of £250,000 or less and which is less than the PCC/trust’s unrestricted income | • Advise Diocesan Authority, including sending a copy of the latest extract of accounts to evidence unrestricted income  
• provide indemnity against all costs  
• take professional action as required |
| Sell a property with a value of £250,000 or less and which is less than the PCC/trust’s unrestricted income | • Obtain a written report from a Chartered Surveyor to comply with Charity law  
• Advise Diocesan Authority, including sending a copy of the above report & a copy of the latest extract of accounts to evidence unrestricted income  
• provide indemnity against all costs |
| Grant a lease with a value of £250,000 or less and which is less than the PCC/trust’s unrestricted income | • Obtain written advice to comply with Charity law  
• Advise Diocesan Authority, including sending a copy of the above advice & a copy of the latest extract of accounts to evidence unrestricted income  
• provide indemnity against all costs |
| Grant a Legal Charge with a value of £250,000 or less and which is less than the PCC/trust’s unrestricted income | • Obtain written advice to comply with Charity law  
• Advise Diocesan Authority, including sending a copy of the above advice & a copy of the latest extract of accounts to evidence unrestricted income  
• provide indemnity against all costs |
| Acquire a property with a value greater than £250,000                              | • take professional action as required  
• pass the usual resolutions  
• obtain the consent of the Diocesan Authority in the usual way |
| Sell a property with a value greater than £250,000                                 | • Obtain a written report from a Chartered Surveyor to comply with Charity law  
• pass the usual resolutions  
• obtain the consent of the Diocesan Authority in the usual way |
| Grant a lease with a value greater than £250,000                                   | • Obtain written advice to comply with Charity law  
• pass the usual resolutions  
• obtain the consent of the Diocesan Authority in the usual way |
| Grant a Legal Charge with a value of £250,000                                      | • Obtain written advice to comply with Charity law  
• pass the usual resolutions  
• obtain the consent of the Diocesan Authority in the usual way |