



CHURCH COMMISSIONERS

**Report of the Working Party
on the
Freehold Ownership
of
Benefice Property**

MAY 1998

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ON THE FREEHOLD OWNERSHIP OF
BENEFICE PROPERTY

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**REPORT OF THE WORKING PARTY
ON THE FREEHOLD OWNERSHIP OF
BENEFACTORY PROPERTY**

1. Introduction

- 1.1 The General Synod debated "Improving Clergy Conditions of Service" (GS 1173) in November 1995. In January 1996 the Clergy Conditions of Service Steering Group asked the Commissioners to set up a Staff Working Party to follow up, in consultation with dioceses, Provisional Conclusion 4 of GS 1173. This was that the responses to the Group's consultation provided no basis for fundamental change in the practice of the incumbent living in a house provided in his or her benefice but that the basis on which property is held should be further examined (bearing in mind the need to provide secure housing).
- 1.2 The Staff Working Party's Terms of Reference were:
- to examine further, in consultation with dioceses, the basis on which benefice property is held (bearing in mind the need to provide secure housing) with a view to bringing forward any proposals for reform.
- 1.3. The Working Party consisted of Martin Elengorn, the Commissioners' Pastoral and Redundant Churches Secretary (Chairman), Canon Bryan Pettifer of the Advisory Board for Ministry, Graham Donaldson, the Gloucester Diocesan Parsonages Secretary (nominated by the Diocesan Secretaries' Liaison Group) and officers of the Commissioners including the Deputy Official Solicitor. The Working Party met five times between November 1996 and February 1998.

2. Background

The Winchester Diocesan Synod Motion

- 2.1 The last review of the freehold of benefice property commenced in 1989 in response to a Winchester Diocesan Synod Motion passed in November 1986. The Motion argued that the situation whereby houses occupied by those engaged in parochial ministry (whether full-time stipendiary clergy or not) were vested in several different bodies gave rise to costly administrative complexity. It called for reform which would result in the legal ownership of parsonage houses being transferred to dioceses (though with the right of veto of incumbents currently in post being maintained, i.e. reform would not be retrospective).

The James Report

- 2.2 A Working Party, chaired by Mrs Sarah James, was set up by the Synod Policy Committee to report on "the present legal, financial and administrative arrangements for the housing of the full-time parochial stipendiary clergy". With regard to the freehold ownership of benefice property, the Working Party's Report (GS Misc. 380) produced in October 1991 concluded that: (1) although not ideal, the current forms of ownership did not necessarily reflect poor use of time and money; (2) variety of ownership could yield pastoral benefits; (3) it was not timely to embark on legislation when discussions about the freehold of office

and changes in patterns of ministry were in hand; and (4) a further review of the ownership of housing be conducted once the (then) current discussions on the future patterns of ministry had been concluded.

The Conditions of Service Review

- 2.3 The origins of the current review of clergy conditions of service lie in a meeting held in 1990 of the convocations of York and Canterbury and a 1991 General Synod debate on a Southwark Diocesan Synod motion calling for such a review. The Synod Standing Committee set up a Steering Group "to co-ordinate the consideration of issues relating to clergy conditions of service, including a review of the ecclesiastical freehold".
- 2.4 In considering the question of the ownership of clergy housing, the Steering Group noted that around 40% of stipendiary clergy did not have the freehold of office (and property). The Group believed that if it were felt that the incumbent had too much control over his or her property this could be addressed by removing the freehold of property without prejudice to the question of the freehold of office. Its preliminary conclusion was that the incumbent's ownership of property was an area which might need reform. The reason for advocating such a reform was primarily that the law was over-complicated and gave too much say to the incumbent where changes were needed in the interests of the Church as a whole. It was recognised that, if there were to be changes in the law, extra safeguards would be essential and the legal position concerning glebe sales (where the incumbent presently has the right of objection) was thought to provide a possible analogy.
- 2.5 The consultation exercise introduced by GS 1126 (a consultative paper on clergy conditions of service prepared by the Steering Group) was thought to provide a good opportunity to gauge the feelings of the Church as a whole on the matter; if reform was felt to be necessary this could then be taken forward.
- 2.6 The responses to that consultation exercise were summarised in GS 1173. They suggested no strong support for fundamental change in the arrangement whereby the incumbent lives in a house provided for his or her benefice. The basis this gives for parochial ministry and the security which it provides for the clergy were considered to be valuable aspects of clergy conditions of service.

3. The Working Party's Approach

- 3.1. The Staff Working Party set up in 1996 began by examining the legal and administrative arrangements for dealing with benefice property including churches and churchyards. In consultation with dioceses, we sought to identify the problems concerning benefice property arising from both the freehold and from other causes under current arrangements. We paid particular attention to issues relating to the replacement of unsuitable parsonages (housing of a suitable standard being part of the stipend package) and the disposal of surplus benefice land. We recognised that parsonages could be considered unsuitable by dioceses for a number of different reasons, for example unsuitable location; inappropriate size; poor layout; or high repair, maintenance, or day-to-day running costs. We identified possible means of dealing with the problems

identified in the consultations and assessed whether the potential benefits of change were likely to outweigh the disadvantages.

The Current Legal and Administrative Position

- 3.2 The current legal position on the ownership of benefice property i.e. (1) parsonage houses and (2) churches and churchyards is set out at **Annexes 1 and 2** respectively. There have been few legislative changes affecting parsonages since the Endowments & Glebe Measure came into effect in 1978. The most significant of these was the requirement (under the Team & Group Ministries Measure 1995) that team vicars' or other team members' express consent should be given to the sale of a parsonage which they occupy, thereby extending the power of veto to this category of clergy. Team vicars also gained an identical right of representation to that of an incumbent in relation to glebe sales and transfers of surplus parsonage grounds (priests-in-charge were given similar rights of representation over glebe sales by the Church of England (Miscellaneous Provisions) Measure 1992).
- 3.3 Administrative procedures have been significantly simplified however. In 1987, the Commissioners devolved within the existing legislation much of their remaining supervision and administration concerning parsonages (e.g. the serving of notices and the management of scheme funds) to dioceses (this was referred to in GS Misc. 380). In 1995 the Commissioners undertook to give their approval to parsonage sales and purchases etc where dioceses could certify that certain conditions relating to good practice had been met and there were no adverse representations. Legislation is needed and proposed to deregulate further so that the Commissioners' express approval will no longer be required except where certification is not possible or where there are adverse representations. Otherwise all matters will be dealt with at diocesan level. This regime will be analogous to that adopted by the Charity Commissioners in regard to properties falling within their jurisdiction.

4. Options for Change

The Working Party identified three main options for change to the freehold, assuming it were felt necessary. These were raised in the second of two questionnaires circulated to dioceses (see Paragraph 6 below):

- 4.1 the transfer of the freehold to another body (e.g. DBF) - under this option the appropriate consultative rights and procedures to be substituted for those currently in place would have to be considered, bearing in mind the views expressed in GS1173 that, at the very least, adequate safeguards should be put in place to provide security for clergy. The transfer of the parsonages to DBFs (in one form or another) would dispense with need for the incumbent's express consent to disposal and would have the conceptual advantage of re-unifying responsibility for repairs with ownership.
- 4.2 amendments to current legislation to modify the effect of the freehold - e.g. re-examine the abortive Parsonages (Amendment) Measure of 1977 (P(A)M). Where replacement of a parsonage had been recommended (essentially on repair grounds) but the incumbent refused to co-operate, the P(A)M would have

enabled the freehold ownership of the property to be temporarily suspended thereby enabling the diocese to act. The main consideration here would be the appropriate "trigger" to enable the power to suspend the freehold to be used. P(A)M was criticised in Synod for the extent of the powers of eviction which would have been given to dioceses (in the event the "trigger" in the draft Measure was not linked specifically to repairs grounds), that the proposed process was unwieldy and many suspected that it was the first step towards abolition of the freehold itself. There was also some concern about potential abuse. Although a Measure analogous to P(A)M would involve going through the legislative process, it would have the advantage of transparency in dealing with a highly sensitive issue. Lessons could be learnt from P(A)M's earlier failure. For example, the application of the Measure could be limited to situations, say, where a parsonage house had been recommended for replacement in the diocesan surveyor's quinquennial inspection report on repair grounds or was demonstrably unsuitable, e.g. differed significantly from Green Guide standards.

- 4.3 to circumvent the freehold by alternative/wider interpretation and use of Measures other than the Parsonages Measures - e.g. the New Parishes Measure and Endowments & Glebe Measure. Under these other Measures the incumbent has at most a right of representation. However, the Working Party was conscious that the alternative (creative) use of existing legislation might have serious disadvantages. Different processes would be involved in (1) the disposal of an unsuitable parsonage and (2) the acquisition of a new parsonage, giving interested parties (of whom there would be more under some options) additional input with the attendant costs in time and money. It could also be regarded as devious and lacking in transparency. A proposal to extend the use of Measures other than the Parsonages Measure might therefore require some form of synodical endorsement.

5. Other Considerations

The Working Party was aware that any proposal for change had to take account of a number of other considerations. The Steering Group had agreed that conditions of service for stipendiary clergy needed to be: (1) based on sound theological and ecclesiological principles; (2) supportive of the stipendiary clergy in carrying out their ministry; (3) fair and balanced as between the different interests concerned; and (4) accountable to and affordable by the Church. The responses to GS1173 also indicated that (1) clergy should continue to live in a tied house within the area of the benefice; (2) in any proposal for change there had to be adequate safeguards in place to provide security for clergy; and (3) housing should continue to be of a suitable standard. It was noted that the terms and conditions of priests-in-charge were also under review with the general aspiration being that there should be a convergence across all clergy, whether freeholders or not.

6. The Consultation Process

We consulted in two stages. We sought:

- 6.1 to establish the nature and scale of problems faced by dioceses in dealing with

parsonage houses e.g. how far dioceses' ability to replace houses unsuitable other than for pastoral reasons was restricted by uncooperative incumbents rather than financial constraints. A short questionnaire was sent to all Diocesan Parsonages Secretaries. A detailed summary of the responses to the first questionnaire, a table of those responses and a copy of the questionnaire itself are attached at **Annex 3A, B and C** respectively.

- 6.2 to examine broader issues of principle, such as the separation between ownership and responsibility for repairs and maintenance and the best balance to be struck between the rights of the occupant and the rights of others with a legal interest (such as Diocesan Parsonages Boards, patrons and PCCs) and the consultation procedure generally. We also tested opinion on possible alternatives to the "freehold veto" (i.e. the positive consent of the incumbent as freehold owner being a prerequisite to sale) and asked whether the issue of the freehold ownership of churches and churchyards by the incumbent of the benefice had any negative aspects. A second questionnaire was sent to Chairmen and Secretaries of Diocesan Boards of Finance and to Chairmen of Houses of Clergy, who were invited to consult widely. Detailed analyses of the responses to the second questionnaire, comments made and a copy of the questionnaire itself are attached at **Annexes 4A - E**.

7. Results of Consultation

Results of First Questionnaire

- 7.1 The main reasons given by dioceses for their inability to deal with some of their unsuitable houses were, in order of frequency: (1) unavailability of a suitable replacement house (or site) or property capable of being improved to Green Guide standards within the benefice; (2) financial constraints; (3) unwillingness of the incumbent; (4) pastoral reorganisation was in hand; (5) planning constraints; and (6) diocesan officials did not have the time to spare to deal with non-urgent schemes. It is also worth bearing in mind that dioceses have occasionally to deal with sales of parts of (overlarge) parsonage grounds where the house is otherwise suitable (an issue not specifically addressed by the first questionnaire). Although technically surmountable by other means, this is an additional area potentially affected by the need for the incumbent's express consent as the freeholder.
- 7.2 The Working Party noted that some dioceses felt limited by opposition from PCCs, patrons, priests-in-charge or even pressure groups (e.g. Save Our Parsonages), although these bodies might only have a right to consultation, if any right at all. PCCs and others occasionally pursued their opposition to the building of replacement parsonages by objecting to secular planning applications. This was sometimes because of an attachment to a particular house or the desire to prevent development in their area or because they had enjoyed use of part of the house or grounds (e.g. for a parish office).

Results of Second Questionnaire

- 7.3 The following points appeared particularly significant to the Working Party:
- (a) most laity and diocesan administrators who replied favoured reform of the

freehold ownership of parsonages, in particular by the transfer of parsonage ownership to the DBF. This was largely for managerial reasons. However less than half of those who were sent a questionnaire replied.

- (b) most parochial clergy who replied opposed the same change, largely because they felt it would undermine clergy security. Most clergy who were sent a questionnaire replied.
- (c) there was very little support for altering PCCs' and patrons' rights of representation under the Parsonages Measures.
- (d) there was little evidence of pressure for the reform of church and churchyard ownership.
- (e) only a minority in favour of a change in the freehold ownership of parsonage (or church/churchyard) property supported retrospective legislation (i.e. changing existing incumbents' rights).

8. Analysis of Results

Parsonage Houses

- 8.1 In respect of parsonages, the results suggested a tension between (1) the aspirations of the laity and diocesan administrators, as represented by those consulted by Diocesan Chairmen and Secretaries, and (2) the views of the clergy who responded. Thus there was a conflict between the views of those responsible for diocesan strategy and for managing parsonages and those who live in them. Neither the content nor number of responses received suggested that there is clear consensus across the Church in favour of reforming or removing the incumbent's freehold ownership of benefice property.
- 8.2 The main reasons given/benefits anticipated by those advocating change fell into three broad areas: (1) administrative benefits e.g. improved management and cost savings; (2) greater flexibility of deployment; and (3) parity with non-incumbent status clergy (e.g. priests-in-charge and assistant curates). The preferred options for change were: (1) the transfer of the freehold to the DBF (whether as corporate property, glebe or in trust for PCCs); or (2) the temporary suspension of the freehold in certain circumstances. The former option had the most support. There was very little support for circumventing the freehold by alternative use of current legislation. A small majority of those in favour of change opposed retrospection. Without retrospection very few existing problem cases could be addressed.
- 8.3 In the questionnaire, we mentioned two broader issues of principle relevant to the freehold issue. One was the separation between ownership and responsibility for repairs and maintenance. The other was the balance to be struck between the rights of the occupant and the rights of others with a legal interest. Only one respondent directly mentioned the former as a factor, although it may have influenced those arguing that the current arrangements were generally inefficient and that savings (including the cost of repairs) might be

made by transferring the freehold ownership of parsonages to dioceses. On rights issues (PCCs'/patrons' rights and retrospection), the majority view in each case was for no change.

- 8.4 Those opposing change generally did so on the grounds that: (1) the freehold ownership of parsonages gave incumbents (and their families) security, freedom and independence from (arbitrary) diocesan control (though the latter two issues are arguably more closely related to the freehold of office); (2) change was likely to create as many (or more) problems as it solved and similarly potential administrative savings were likely to be outweighed by additional costs; and (3) although change was ultimately likely to be forthcoming, the time was not right (there were too many other uncertainties at the moment).

Churches and Churchyards

- 8.5 The Working Party had been unaware of any problems arising from incumbents' ownership of churches and churchyards, either because disposal did not depend upon the incumbent's consent or because the initiative for dealing with and the benefits to be drawn from the disposal of unconsecrated property in particular were the incumbent's and the PCC's and as a result were largely non-contentious (see **Annex 2**). Our preliminary view that there were no compelling arguments for seeking to change the law in relation to the vesting and disposal of church and churchyard benefice property was widely echoed in the responses to the second questionnaire. Those few who did advocate change generally felt that the freehold of churches and churchyards should be passed to DBFs in trust for PCCs.

9. The "Freehold Veto"

- 9.1 In GS1126, the Steering Group raised the question of whether freeholders had too much control over the parsonage house. In analysing the responses to the two questionnaires, the Working Party found (and this point was also made in GS Misc. 380) some lack of understanding of the current processes, rights and responsibilities evident across all the groups consulted. In some cases this misapprehension coloured the responses. Some problems attributed to the freehold were not actually directly connected e.g. there was a suggestion that the incumbent could prevent necessary repairs whereas dioceses have powers of entry in such circumstances. Similarly it was argued that surplus parsonage land could not be sold without the incumbent's consent. Again, subject to certain timing constraints, it is possible to do so notwithstanding the incumbent's opposition. In other cases, it was clear that priests-in-charge were mistakenly assumed to have rights which only belong to an incumbent.
- 9.2 On the basis of the evidence received therefore, the Working Party noted the following:
- (a) control is occasionally effectively conceded to incumbents, say, with regard to repairs being undertaken (and sometimes to non-freehold clergy, patrons and PCCs) for pastoral reasons. This could remain an issue if the freehold of benefice property were removed.

- (b) incumbents' refusal to consent affects significantly fewer cases than in the past (e.g. the 160 cases identified by the first questionnaire compared with the 800 cases which led to P(A)M being considered). This reflects in part a reduction in the potential number of such cases through the concerted efforts made from early 1970's onwards towards the replacement or improvement of unsuitable parsonages, including the £38m Parsonages Renewal Fund grants made by the Church Commissioners in the 1980s. It is also less significant a problem than other issues affecting parsonage houses (see **Annex 3A**).

10. Evaluation of Options

- 10.1 The Working Party considered a number of questions. For example, how far would either of the two preferred alternatives (i.e. the transfer of the freehold to the DBF or the temporary suspension of the freehold in certain circumstances) of those advocating change deliver the benefits anticipated; how far would they address the range of practical problems facing dioceses (outlined in Paragraph 7.1 above) whilst meeting the clergy aspiration for security, and how valid and/or reasonable are the fears of those opposing change?

Administrative Benefits

- 10.2 We agreed that some administrative benefits and increased flexibility could flow from either of the preferred options outlined above dependent on the consultation process adopted. But administrative savings would to an extent be offset by the cost of dealing with representations. If the existing rights of statutory interested parties were to be safeguarded and the need to obtain the express consent of the incumbent were to be replaced by a right of representation (this was the general consensus amongst those surveyed who advocated change) this would be unavoidable. The extent to which any additional costs would be acceptable was debatable. Those opposing change felt that the costs of legislative change and operating the resulting arrangements were too great. On the other hand, although the resulting quasi-judicial processes could be protracted, the ability to deal once and for all with problem houses or dispose of parts of grounds would yield financial benefits.

Flexibility

- 10.3 Assuming suitable alternative houses were available within a benefice, there would be a greater flexibility to deal with (1) the housing stock or (2) the preferred location of the incumbent within a benefice to the extent that this has been a problem (this is already the case in team ministries where, in practical terms, the team rector and team vicars variously occupy the several houses regardless of ownership). However as the parsonage house is considered to form part of the remuneration package, being both a home and a place of work, flexibility would necessarily be limited to the ability to move incumbents (and their families) between houses of an appropriate standard within a particular benefice. These limitations, to an extent, provide some assurance on issues of security raised by some opponents of change.

Parity

- 10.4 It is suggested that the removal or suspension of the incumbent's freehold ownership of parsonages would bring incumbents into line with non-incumbents, on the general principle that all clergy of incumbent status should be engaged on similar terms and conditions. This is of course an argument which cuts both ways - some respondents to the Conditions of Service Green Paper suggested that priests-in-charge ought to enjoy freehold rights. As mentioned above (Paragraph 3.2), recent legislative changes have tended to extend incumbents' rights to other non-freehold clergy. Furthermore, under either of the two favoured options, incumbents would still enjoy distinctive rights (i.e. of representation) compared, say, with assistant clergy, so absolute parity would still be some way off. Generally, however, the Working Party felt this argument for change to be a matter touching on issues which fell outside its remit.

Clergy Security

- 10.5 The practical effects of clergy fears for security which any change to the freehold would bring are extremely difficult to assess. However, the Working Party felt that there was evidence of sufficient concern whilst at the same time insufficient support for change or potential practical benefit in the reform of the freehold (particularly compared to other avenues available) to suggest that the effort, upheaval and uncertainty of change would be worthwhile. Particularly as, unless dioceses were willing to exercise their new rights and force moves where necessary, clergy would enjoy the same power to prevent change as at present.
- 10.6 The two most favoured options would either remove or temporarily suspend the freehold of benefice property in certain circumstances (though they would not address any of the other major practical problems affecting parsonages). The suspension of the freehold, though it is the second choice of those advocating change, would arguably better address the fears of clergy for their security in that for most of the time the freehold of benefice property would continue.
- 10.7 The Working Party felt that both alternative suggestions for change could bring only limited benefit. As shown in **Annex 3A**, most unsuitable parsonages could not be disposed of for reasons other than the refusal of the incumbent to consent - the "freehold veto" in practice was the deciding factor as regards 2% of all parsonage houses. It was possible to argue therefore, as it was when the original P(A)M was proposed, that despite the fact that many now perceive the freehold veto to be a problem, to reform the freehold of benefice property for this reason would be wielding "a sledgehammer to crack a nut".
- 10.8 Turning to a more general point, the Working Party noted from the responses to the second questionnaire that freehold of benefice property issues cannot (as was supposed in GS1126) easily be separated in the minds of many in the wider Church from freehold of office issues. Many of those advocating change were doing so for reasons more closely connected with the latter (e.g. flexibility to redeploy clergy and disciplinary matters) rather than the former. These issues went beyond the scope of this Working Party's terms of reference but suggest that the former could most effectively be addressed only as part of a wider review of the latter, as and when it is considered appropriate.

11. Possible Alternative Solutions

- 11.1 The Working Party acknowledged that there was frustration in some dioceses with current legal and administrative arrangements for dealing with parsonages. However, we noted that some limited amelioration of the other problems mentioned in the replies to the first questionnaire were in prospect:-
- (a) a number of legislative changes (endorsed by the Turnbull Report) are currently in hand which are expected to reduce significantly the administrative requirements of current legislation. As and when these can become law, simplified procedures will lead to savings in terms of diocesan (and central) staff time.
 - (b) the recent successful consultation with the Department of the Environment, Transport and the Regions regarding Planning Policy Guidance Note 7 on planning in Green Belt and other rural areas. The Department has now agreed that the requirements of Canon Law to provide clergy (and therefore clergy housing) in all parts of the country could be a material planning consideration in specific cases. This could facilitate the building of suitable parsonages where there is no existing alternative.
 - (c) the draft revised Commissioners' Green Guide suggests a more flexible approach to parsonage standards (recognising different styles of ministry and local variations in the level of accommodation required). This should broaden the options available to dioceses in seeking suitable replacements.
- 11.2 The Working Party noted that use of existing powers to suspend presentation during an interregnum could facilitate the replacement of an unsuitable house. There would be occasions when it was proposed to replace a parsonage house (which might be unsuitable either on housing or other pastoral grounds) but such replacement was unlikely to be achieved during a normal interregnum (on the grounds either of the immediate lack of suitable alternative properties or of difficulties in obtaining planning permission). In such circumstances, a formally minuted decision of the Diocesan Parsonages Board to find an alternative parsonage house might, we believe, make it appropriate for the Bishop to facilitate this by seeking to suspend presentation to the benefice for a limited period of three years at the most, and preferably less, on the basis of providing the person engaged in the cure of souls with "appropriate conditions of service" (Section 2(3)) of the Pastoral Measure 1983. Prospective priests-in-charge in these circumstances should be informed of the Parsonages Board's intentions and, if necessary, a short minimum period of occupation of the existing unsuitable house offered.
- 11.3 It was felt that, together, these possibilities offer some relief to the problems reported by dioceses, without attracting the opposition of those who oppose reform of the freehold ownership of parsonages. They were therefore to be preferred.

12. Conclusions

- 12.1 The evidence suggested that, in relation to unsuitable parsonages, problems directly arising from the need to obtain the incumbent's express consent to sales were not sufficient justification for the comprehensive reform or removal of the incumbent's freehold of benefice property. Moreover, neither would address the other, in some cases more significant, problems affecting the management of parsonages e.g. planning restrictions.
- 12.2 In any event, any gains to be made were largely dependent on there being the pastoral will, in extremis, to force clergy and their families to move homes. It is difficult to imagine any dioceses would be willing to invoke this ultimate sanction. It was also clear from the responses that the wish amongst the clergy to have security of housing was a widespread one, and the effect on morale if change was now to be proposed could be significant.
- 12.3 The administrative and flexibility arguments advanced by proponents of change could to an extent be met by alternative means/initiatives without either change to the freehold ownership of benefice property or the temporary suspension of the freehold in certain circumstances.
- 12.4 The Working Party is unaware of any compelling arguments or support for seeking to change the law relating to the vesting and disposal of benefice property other than parsonages (churches and churchyards).

13. Recommendations

- 13.1 The Working Party having examined further, in consultation with dioceses, the basis on which benefice property is held (bearing in mind the need to provide secure housing) found no compelling evidence to suggest that changes to the freehold ownership of benefice property (and parsonage houses in particular) were justified at present.
- 13.2 It supports the proposals in hand to reduce administrative procedures without altering the current rights of interested parties and retaining an appellate function, as currently carried out by the Commissioners' Pastoral Committee.
- 13.3 It recommends disseminating to Diocesan Parsonages Boards/Committees guidance on appropriate procedures for dealing with parsonage property by means of Codes of Practice. It also encourages the early involvement of patrons and PCCs in the preliminary stages of parsonage replacements etc, and not simply at the statutory consultation stage.

13.4 It believes that the practical alternative means of dealing with problems of managing benefice property identified in this report should be actively pursued.

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THE FREEHOLD OWNERSHIP OF PARSONAGE HOUSES

NOTE OF CURRENT LEGAL POSITION

1. The "parson's freehold" comprises two elements: first, an interest in the benefice office which cannot be assigned and, second, the ownership as a corporation sole of the benefice property - ie the freehold of the church/churchyard, the parsonage and, until 1978, glebe. Neither is absolute. The freehold of office has been limited by the introduction of a compulsory retirement age and by other legislation requiring vacation of the benefice in connection with pastoral breakdown and ecclesiastical discipline cases. Incumbents may also be dispossessed of a freehold benefice office where their benefice ceases to exist as a result of pastoral reorganisation. The freehold of property does not give any right of disposal in the case of church/churchyard while the power of disposal in the case of parsonages is a qualified one. In both cases disposal under a Pastoral Scheme can override the incumbent's opposition.
2. Under the Parsonages Measures 1938 and 1947, only the incumbent (or the Bishop in a vacancy) may build, sell, exchange, purchase or improve the parsonage or its grounds. These powers are exercisable on the grounds that the existing parsonage is poorly located, too large or for other good and sufficient reasons. The 1938 Measure specifies three consenting parties: the Diocesan Bishop (unless acting in a vacancy), the Diocesan Parsonages Board/Committee and the Church Commissioners. There are also two interested parties: the PCC(s) and the patron(s), who have rights of representation to the Commissioners. The proceeds of any sale, grant of easement or release of covenant are passed to the Commissioners and held on a fund for the benefit of the benefice until such time as it can be demonstrated that they are not required. At this point the monies may, at the diocesan request and with the Commissioners' consent, be transferred to the Diocesan Pastoral Account or Diocesan Stipends Fund Capital Account. Under other church legislation (and generally with the consent of the Diocesan Parsonages Board and the Commissioners) the incumbent may also grant or take easements and may grant part of the parsonage grounds (or part of the house itself) for various other ecclesiastical purposes, e.g. that of a church hall.
3. A parsonage may also become redundant due to pastoral reorganisation under the Pastoral Measure 1983. In such circumstances, it may be transferred to a Diocesan Board of Finance for disposal (or for diocesan or parochial purposes) or conveyed to diocesan glebe. In preparing its recommendations to the Diocesan Bishop the Diocesan Pastoral Committee ascertains the views of the statutory interested parties: the incumbent/team vicars, PCC(s), patron(s), rural dean, deanery synod lay co-chairman and local planning authority. The Bishop submits his proposals to the Commissioners who prepare a draft Scheme or Order and issue statutory notices giving the interested parties and general public an opportunity to submit representations to them. These are considered by the Commissioners (with a possible appeal to the Privy Council in the case of a Scheme). A final Scheme is confirmed by Her Majesty in Council.
4. Two key enactments affected benefice property in the 1970's. The Repair of Benefice

Buildings Measure 1972 passed legal responsibility for repair and insurance of parsonages from the incumbent to dioceses who were given certain consequential powers over the property, e.g. right of entry. The Endowments & Glebe Measure 1976 transferred all benefice glebe to DBFs. Thereafter, it became possible, if part of the parsonage houses or grounds were deemed by the diocese and the incumbent no longer necessary for the convenient occupation of the incumbent, for the Commissioners by Order to transfer it to diocesan glebe ownership. The incumbent (or sequestrators in a vacancy) has a right of representation which would be considered by the Commissioners. The incumbent also gained a right of representation to the sale, exchange, mortgage or long lease (21 years or more) of diocesan glebe.

5. It should be noted that recent legislation has served to widen those who have an interest in benefice property. For example, under the Team and Group Ministries Measure 1995, a member of a team occupying the parsonage becomes a consenting party (in addition to the team rector) to any transaction affecting the house. Furthermore although under the Measure, a team rector is now (or will become) a leaseholder, he or she continues to hold benefice property for the term of his office as if a freeholder (Section 20(2) of the Pastoral Measure, as amended). Similarly, under the Church of England (Miscellaneous Provisions) Measure 1992, sequestrators responsible for the management of benefice property in a vacancy were specified to be a minimum of the rural dean and the churchwardens of every parish within the benefice, together with such other persons as the Bishop shall direct.

**FREEHOLD OWNERSHIP OF BENEFICE PROPERTY
OTHER THAN THE PARSONAGE HOUSE**

1. Other than the parsonage house, freehold property in the ownership of an incumbent in right of his benefice can include churches (other places of worship are vested normally in Diocesan Boards of Finance), churchyards and burial grounds.

The acquisition of churches, church sites, churchyards and burial grounds

2. Buildings and land for a church, churchyard or burial ground are now generally acquired using the New Parishes Measure 1943. The Measure empowers various bodies to pass property to the Commissioners, which automatically vests in the incumbent under Section 16 of the Measure. (The same vesting applies to property acquired for these purposes under earlier legislation. However ancient churches will vest in the lay rector if the benefice is a vicarage - this makes no difference to disposal under paragraph 4 below).
3. No other consents to acquisition are required but, as a matter of practice and convention the incumbent will normally be a party to the conveyance (and must be where he is required to give covenants). The PCC is also made a party in some cases, e.g. where it is paying the purchase price or where the vendor or donor requires it to enter into covenants (such as covenants to erect or maintain boundary fences). Once in benefice ownership, a building which is to become a parish church needs to be approved as suitable by the Commissioners upon an application of the diocese (Section 27 of the Pastoral Measure) and consecrated (where not so consecrated). The Commissioners' consent is given if the Diocesan Pastoral and Advisory Committees support the application and there are no unusual circumstances. If there is no other parish church in the parish the matter is dealt with by a Commissioners' Instrument under the Pastoral Measure; where there is already a parish church, by a Pastoral Scheme or Order. An incumbent (in common with others) would have a right of representation in the latter case only. Any objections would be considered by the Commissioners' Pastoral Committee. Consecration of the property is a matter for the diocesan bishop.

Disposal

(a) Churches

4. Under Section 28 of the Pastoral Measure 1983, a Pastoral Scheme (but not an Order) may make a declaration of redundancy in respect of all or part of a church. This has the effect of removing the church from the parochial system and vesting it in the Diocesan Board of Finance for care and maintenance whilst the Diocesan Redundant Churches Uses Committee seeks a suitable alternative use for it. The future of the building is dealt with by a separate Redundancy Scheme (except in certain circumstances where a Pastoral Scheme may both declare a church redundant and deal with its future). The procedure for making a Pastoral Scheme is broadly as set out in Paragraph 3 of **Annex 1**. The incumbent is one of the statutory interested parties

with rights of representation but his express consent is not required. The Commissioners' Pastoral Committee considers any representations.

(b) Consecrated churchyards and burial grounds

5. A Pastoral Scheme under Section 30 of the Pastoral Measure 1983 is generally required before a consecrated churchyard or burial ground may be appropriated to an alternative use and disposed of for that purpose. The Scheme transfers the land into diocesan ownership and empowers the diocesan authority to dispose of it for that use. The incumbent enjoys a right of representation, in common with the other statutory interested parties, with objections being considered by the Commissioners' Pastoral Committee.

(c) Unconsecrated churchyards and burial grounds

6. Where unconsecrated churchyard etc is no longer required, (if not subject to faculty jurisdiction see paragraph 9) be disposed of under various authorities, most usually the New Parishes Measure. Section 17(1) of the Measure provides that unconsecrated church, churchyard or burial ground land acquired by the Church Commissioners or their predecessors (and now vested in the incumbent) and no longer required may be sold; exchanged for another piece of land which is more suitable for the original purpose; appropriated or transferred to another ecclesiastical, educational, charitable or public purpose relating to the parish; transferred to the Diocesan Board of Finance to be held as glebe; or reconveyed to the original donor or his successors without consideration.
7. Under Section 17 of the New Parishes Measure, before the Commissioners can consider any proposal from a parish to dispose of unconsecrated property not acquired under the Measure and subject to faculty jurisdiction, they need to be assured that both the incumbent and the bishop are satisfied that the land concerned is not required for its original purpose and that they have consented to the disposal. If the land had been acquired under the Measure by way of gift or for a nominal consideration and is to be appropriated without payment, the consent of the original donor or his successors (where practicable) is required.
8. Alternatively, where the land was acquired by an incumbent under the Gifts for Churches Acts 1803 and 1811 or the Consecration of Churchyards Act 1867, powers of disposal similar to those described above are incorporated in Section 7 of the Church Property (Miscellaneous Provisions) Measure 1960. The bishop must consent to any disposal by the incumbent (although the Commissioners are not involved except insofar as any sale proceeds would be payable to them and they would need to join in the conveyance in order to acknowledge receipt).
9. Under Section 7 of the Faculty Jurisdiction Measure 1964 where unconsecrated land forms, or is part of, the curtilage of a church within the jurisdiction of a Consistory Court, the disposal of such property by the incumbent should be dealt with simply under the authority of a faculty.

10. In all of these cases of unconsecrated property vested in the incumbent, the incumbent conveys the property and therefore, as with the Parsonages Measures, the transaction cannot proceed without his or her express consent.

RESPONSES TO FIRST QUESTIONNAIRE

1. Information obtained from the questionnaire relates to 7,873 parsonages. Of these 7,873 houses, 1,098 are regarded as unsuitable for whatever reason. Of those, 970 are unsuitable other than on pastoral grounds e.g. because they are over or under-sized, have poor layout of accommodation or are over-expensive to maintain.
2. In addition to those reasons suggested in the questionnaire, a number of other issues relating to a diocese's inability, or in some cases unwillingness, to replace or sell the remaining unsuitable parsonages were brought to light. The main categories summarised, in order of frequency, are as follows:
 - (a) unavailability of a suitable replacement house (or site) or property capable of being improved to Green-Guide standards within the benefice: 218
 - (b) financial constraints: 174
 - (c) unwillingness of the incumbent : 160
 - (d) pastoral reorganisation is in hand: 67
 - (e) lack of planning permission to build in the grounds if there is no other suitable replacement property (or site) within the benefice (some PCCs have stated that they will actively oppose any planning application from the diocese): 60
 - (f) diocesan officials do not have the time to spare in dealing with non-urgent schemes. Although unsuitable by Green-Guide standards, the properties are in reasonable condition and their replacement is not high on diocesan lists of priorities: 57
 - (g) diocesan policy is to wait until the change of incumbency before attempting to replace the house. They want either to avoid confrontation or do not want to put the priest, who would not necessarily actively oppose the replacement, through a 'double-move': 40
 - (h) the lifestyle or ministry of the incumbent: 32
 - (i) property forms part of a 'God's Acre' or is physically attached to the church. some parsonages share heating plant or other utilities with the church: 32
 - (j) unwillingness of the diocese to serve notice on unco-operative patrons or PCCs likely to be against the proposal. The latter have usually either had a long established use of part of 'their' parsonage or grounds and believe that its loss would prove detrimental to the ministry within the parish. PCCs are sometimes divided on the issue and some dioceses believe that forcing a divisive proposal (and leaving it to the Commissioners to adjudicate on it) would cause a 'pastoral breakdown': 29

(k) although pastoral reorganisation is not actually in hand, the long term future of the benefices lie with others. Parsonages of those other benefices will eventually be the designated houses for the new united benefices and the current ones will be disposed of under the provisions of pastoral schemes: 12

3. The remaining 89 houses are not being replaced/sold at present for a wide variety of reasons including (i) the houses in question are regarded only as temporary, (ii) the patrons pay for the maintenance, (iii) there is a reverter to the original donor, (iv) the diocese are hoping to influence the Local Plan for the area and are awaiting the outcome, (v) there were a combination of factors with no one reason paramount.
4. The responses to the questionnaire indicate that the unwillingness of an incumbent to facilitate dealing with an unsuitable parsonage relates to 2.03% of the housing stock (or 16.5% of those unsuitable on housing grounds). This is increased to 2.54% (or 20.62% of those unsuitable on housing grounds) if one includes the houses outlined in paragraph (g) above, where a change of incumbency is awaited before seeking the replacement of a house.

TABLE OF RESPONSES TO FIRST QUESTIONNAIRE

QUESTION	UNSUITABLE PARSONAGES OTHER THAN ON PASTORAL GROUNDS									UNSUITABLE PARSONAGES ON PASTORAL GROUNDS	
	A1 HOW MANY PARSONAGES ?	A2 HOW MANY ARE UNSUITABLE ?	A3 HOW MANY UNSUITABLE ON HOUSING GROUNDS?	A4a FINANCIAL CONSTRAINTS?	A4b UNWILLING INCUMBENT?	A4c INAPPROPRIATE LIFESTYLE?	A4d PASTORAL REORG?	A4e OTHER	A5a PASTORAL REORGANISATION ?	A5b PR DELAYED ?	A5c OTHER
DIOCESE											
Bath and Wells	204	17	17	0	0	0	0	17	0	0	0
Birmingham	160	34	17	11	4	0	1	1	1	0	16
Blackburn	215	22	22	22	0	0	0	0	0	0	0
Bradford	112	10	10	0	0	0	0	10	0	0	0
Bristol	112	8	8	0	3	0	0	5	0	0	0
Canterbury	145	18	18	0	0	0	0	18	0	0	0
Carlisle	146	19	19	0	5	0	1	13	0	0	0
Chelmsford	345	48	44	8	6	0	1	29	4	0	0
Chester	228	49	49	41	1	0	0	7	0	0	0
Chichester	270	48	44	6	3	0	0	35	0	0	4
Coventry	124	6	5	0	0	0	0	5	0	0	1
Derby	165	41	41	0	0	0	0	41	0	0	0
Durham	235	57	57	10	2	11	13	21	0	0	0
Ely	167	36	20	6	7	1	1	5	5	0	11
Exeter	199	21	21	0	7	1	3	10	0	0	0
Gloucester	152	46	46	0	1	0	0	45	0	0	0
Guildford	147	14	13	0	1	0	1	11	0	0	1
Hereford	96	10	10	2	1	0	0	7	0	0	0
Leicester	137	16	16	1	1	0	3	11	0	0	0
Lichfield	287	22	16	0	3	0	6	7	3	2	1
Lincoln	201	17	15	0	6	0	5	4	0	0	2
Liverpool	197	13	12	8	1	2	0	1	0	0	1

TABLE OF RESPONSES TO FIRST QUESTIONNAIRE

QUESTION	UNSUITABLE PARSONAGES OTHER THAN ON PASTORAL GROUNDS								UNSUITABLE PARSONAGES ON PASTORAL GROUNDS		
	A1	A2	A3	A4a	A4b	A4c	A4d	A4e	A5a	A5b	A5c
	HOW MANY PARSONAGES ?	HOW MANY ARE UNSUITABLE ?	HOW MANY UNSUITABLE ON HOUSING GROUNDS?	FINANCIAL CONSTRAINTS?	UNWILLING INCUMBENT?	INAPPROPRIATE LIFESTYLE?	PASTORAL REORG?	OTHER	PASTORAL REORGANISATION ?	PR DELAYED ?	OTHER
DIOCESE											
*London	352	36			NOT AVAILABLE						
Manchester	272	42	42	11	5	0	11	15	0	0	0
Newcastle	121	16	16	0	0	0	4	12	0	0	0
Norwich	203	48	21	0	0	3	2	16	27	0	0
Oxford	313	24	23	0	8	0	4	11	1	0	0
Peterborough	159	22	20	0	5	5	2	8	2	0	0
Portsmouth	101	10	10	0	5	2	2	1	0	0	0
Ripon	117	17	17	7	7	0	0	3	0	0	0
Rochester	187	14	13	10	2	0	0	1	0	0	1
Salisbury	171	19	19	0	7	5	0	7	0	0	0
Sheffield	154	27	25	17	4	0	0	4	0	0	2
Southwark	286	109	109	0	29	1	2	77	0	0	0
Southwell	154	14	14	1	2	0	1	10	0	0	0
St Albans	226	30	30	1	0	0	0	29	0	0	0
St E & I	163	25	24	1	8	0	0	15	0	1	0
Truro	134	22	22	0	15	0	0	7	0	0	0
Wakefield	163	11	11	0	3	1	1	6	0	0	0
Winchester	181	9	9	9	0	0	0	0	0	0	0
Worcester	122	10	9	0	0	0	0	9	1	0	0
York	250	21	16	2	8	0	3	3	0	5	0
TOTAL	7873	1098	970	174	160	32	67	537	44	8	40

*Split figures unavailable

BREAKDOWN OF OTHER REASONS (QUESTION 4E)

	NUMBER OF PARSONAGES IN THE DIOCESE	UNSUITABLE ON HOUSING GROUNDS	HOUSE OR SITE UNAVAILABLE	PART OF CHURCH PLANT	LACK OF PLANNING PERMISSION	UNWILLINGNESS OF DIO TO SERVE NOTICE ON UN-COOP PCC/PATRON	LACK OF DIOCESAN TIME OR NON- URGENT	LONG TERM FUTURE ELSEWHERE	WAITING UNTIL VACANCY	OTHER	TOTAL
<u>DIOCESE</u>											
Bath & Wells	204	17	0	0	0	0	0	0	17	0	17
Birmingham	160	17	1	0	0	0	0	0	0	0	1
Blackburn	215	22	0	0	0	0	0	0	0	0	0
Bradford	112	10	10	0	0	0	0	0	0	0	10
Bristol	112	8	0	1	4	0	0	0	0	0	5
Canterbury	145	18	18	0	0	0	0	0	0	0	18
Carlisle	146	19	2	5	2	0	0	0	2	2	13
Chelmsford	345	44	7	2	8	0	0	0	0	12	29
Chester	228	49	0	3	0	4	0	0	0	0	7
Chichester	270	44	7	4	6	5	0	0	5	8	35
Coventry	124	5	5	0	0	0	0	0	0	0	5
Derby	165	41	5	0	0	3	33	0	0	0	41
Durham	235	57	14	0	0	0	7	0	0	0	21
Ely	167	20	0	0	0	0	0	0	0	5	5
Exeter	199	21	10	0	0	0	0	0	0	0	10
Gloucester	152	46	0	0	4	7	14	12	8	0	45
Guildford	147	13	11	0	0	0	0	0	0	0	11
Hereford	96	10	6	0	0	1	0	0	0	0	7
Leicester	137	16	0	6	5	0	0	0	0	0	11
Lichfield	287	16	2	0	0	4	0	0	1	0	7
Lincoln	201	15	0	0	0	0	1	0	0	3	4
Liverpool	197	12	1	0	0	0	0	0	0	0	1
*London	352					NOT AVAILABLE					

BREAKDOWN OF OTHER REASONS (QUESTION 4E)

	NUMBER OF PARSONAGES IN THE DIOCESE	UNSUITABLE ON HOUSING GROUNDS	HOUSE OR SITE UNAVAILABLE	PART OF CHURCH PLANT	LACK OF PLANNING PERMISSION	UNWILLINGNESS OF DIO	LACK OF	LONG TERM	WAITING		
Manchester	272	42	0	0	0	3	0	0	1	11	15
Newcastle	121	16	12	0	0	0	0	0	0	0	12
Norwich	203	21	0	0	0	0	0	0	0	16	16
Oxford	313	23	11	0	0	0	0	0	0	0	11
Peterborough	159	20	3	0	0	0	0	0	1	4	8
Portsmouth	101	10	0	0	0	1	0	0	0	0	1
Ripon	117	17	3	0	0	0	0	0	0	0	3
Rochester	187	13	0	0	1	0	0	0	0	0	1
Salisbury	171	19	4	2	0	1	0	0	0	0	7
Sheffield	154	25	1	0	1	0	0	0	2	0	4
Southwark	286	109	50	0	27	0	0	0	0	0	77
Southwell	154	14	4	0	0	0	2	0	2	2	10
St Albans	226	30	7	9	2	0	0	0	1	10	29
St E & I	163	24	0	0	0	0	0	0	0	15	15
Truro	134	22	7	0	0	0	0	0	0	0	7
Wakefield	163	11	6	0	0	0	0	0	0	0	6
Winchester	181	9	0	0	0	0	0	0	0	0	0
Worcester	122	9	8	0	0	0	0	0	0	1	9
York	250	16	3	0	0	0	0	0	0	0	3
TOTAL	7873	970	218	32	60	29	57	12	40	89	537

*Split figures
unavailable

THE FREEHOLD OF THE OWNERSHIP OF PARSONAGE HOUSES

FIRST QUESTIONNAIRE

Q1.	How many parsonages are there in your diocese?	A1 <input style="width: 40px; height: 25px;" type="text"/>
Q2.	How many are considered by your Parsonages Board/Committee to be unsuitable for whatever reason? (Attached is a list showing our current understanding of your unsuitable houses. Please delete any houses which have been replaced or are otherwise now suitable and add any houses not on this list which are now considered to be unsuitable. Please then return the revised list).	A2 <input style="width: 40px; height: 25px;" type="text"/>
Q3.	How many of those in A2 are regarded as being unsuitable <u>other</u> than on pastoral grounds e.g. because they are over or under-sized, over-expensive to maintain or have poor layout of accommodation?	A3 <input style="width: 40px; height: 25px;" type="text"/>
	(A2 - A3 should equal the number of houses which are unsuitable only on pastoral grounds, e.g. located at the wrong end of the benefice.)	
Q4.	Of the unsuitable houses in A3, how many is the diocese unable to replace/sell because of:	A4(a) <input style="width: 40px; height: 25px;" type="text"/>
	(a) financial constraints?	
	(b) the unwillingness of the incumbent to move house or otherwise to facilitate its replacement?	A4(b) <input style="width: 40px; height: 25px;" type="text"/>
	(c) the lifestyle or ministry of the incumbent would be inappropriate to a new ('suitable') property?	A4(c) <input style="width: 40px; height: 25px;" type="text"/>
	(d) pastoral reorganisation is in hand? to a new ('suitable') property?	A4(d) <input style="width: 40px; height: 25px;" type="text"/>
	(e) other reasons (please specify)?	A4(e) <input style="width: 40px; height: 25px;" type="text"/>
	(A4(a) - (e) should equal A3)	<input style="width: 40px; height: 25px;" type="text"/>

Q5. Of the houses which are unsuitable only on pastoral grounds, how many is the diocese unable to replace/sell because:

(a) pastoral reorganisation is in hand?

A5(a)

(b) pastoral reorganisation is delayed because (for example) the Note by Anne Griffiths (RC(04)5) attached. lifestyle or ministry of an incumbent in post would be inappropriate to new pastoral arrangements (such as a union of benefices)?

A5(b)

(c) other reasons (please specify)?

A5(c)

(A5(a) - 5(c) should equal A2 -A3)

Q6. Does your Diocesan Board of Finance include parsonages houses on the Balance Sheet in the Board's Accounts?

YES NO

**PLEASE RETURN TO: James Davidson-Brett
Church Commissioners
1 Millbank
London SW1P 3JZ**

Signed:..... Diocesan Parsonages Board/Committee

Date:.....

RESPONSES TO SECOND QUESTIONNAIRE

1. Following discussion with the Diocesan Secretaries' Liaison Group (which broadly agreed the proposed consultation process), questionnaires were sent to the Diocesan Chairmen and Secretaries and the Houses of Clergy Chairmen of the 42 mainland dioceses (i.e. excluding Europe and Sodor & Man). Each was encouraged to consult a wider constituency and to return a single collated response. A total of 418 responses were received. There were a number of multiple diocesan responses (especially where the questionnaire had been circulated widely amongst clergy e.g. Lichfield and Truro). No response was received from 28 Diocesan Chairmen (67%), 17 Diocesan Secretaries (40%) and 9 House of Clergy Chairmen (21%) or their constituencies.

Parsonage Houses

2. On the key question of whether the freehold ownership of parsonages should be changed (Question 1), the breakdown of diocesan responses and non-responses collated where necessary to one per constituency was as follows:

	<u>Chairmen</u>	<u>Secretaries</u>	<u>Clergy*</u>
Yes	27%	47%	29%
No	6%	12%	49%
No reply from diocese	67%	41%	22%

(*Excludes 7 responses where no diocese could be identified. These were: 29% - Yes; 71% - No.)

3. Ignoring no replies the collated break-down on the same question was:

	<u>Chairmen</u>	<u>Secretaries</u>	<u>Clergy</u>
Yes	82%	79%	37%
No	18%	21%	63%

However the break-down of individual responses (ie where several uncollated replies were received from dioceses) was:

	<u>Chairmen</u>	<u>Secretaries</u>	<u>Clergy</u>
Yes	66%	79%	41%
No	34%	21%	59%

4. Those advocating modification or abolition of the freehold ownership of parsonages from incumbents did so on grounds of, inter alia, increased flexibility, parity with non-incumbent status clergy and the improvement of management and maintenance arrangements for parsonages (including a reduction in the need for expenditure on unnecessary repairs). Some felt that it would prevent unreasonable behaviour (e.g. where an incumbent reneges on a commitment made prior to induction) and might save administrative costs. There

was some suggestion that removal of the freehold would assist in deployment of clergy, and prevent hindrance of pastoral reorganisation and abuse of power by incumbents.

- Of those who advocated change, the breakdown by the number of individual replies of preferred alternatives (Questions 2, 3, 4 and 5) was as follows:

The vast majority (around 90%) of those preferring the transfer of the freehold in all three constituencies favoured the DBF, in one form or another, taking it on.

- There was little enthusiasm for altering the representation rights of PCCs and patrons (Questions 6 and 7). Of those who replied to these questions, the breakdown was as follows:

	<u>Chairmen</u>	<u>Secretaries</u>	<u>Clergy</u>
Maintain	90%	69%	91%
Alter	10%	31%	9%

There was no clear consensus amongst those advocating change for suggested alternatives. These varied between giving the PCC a veto to removing both patrons' and PCCs' rights altogether.

Churches and Churchyards

- There was little support for change to the freehold ownership of churches and churchyards (Question 8):

	<u>Chairmen</u>	<u>Secretaries</u>	<u>Clergy</u>
Yes	21%	41%	20%
No	79%	59%	80%

On the whole, those advocating change felt that the freehold of churches and churchyards should be passed to DBFs in trust for PCCs. Few reasons were given.

Retrospection

- A narrow majority of those advocating change in all three constituencies and who expressed a view on the retrospection point (63%, 52%, and 54% respectively) felt that any requisite legislation should not be retrospective (Question 9).

General Comments

- There was a variety of general comments (Question 10). These are fully summarised in **Annex 4D**. Apart from a number echoing the proposals for change set out in paragraph 4, the majority can be further summarised as follows:

Change was inevitable but not advisable at the moment or at least not in the limited form

proposed. Any reform needed to be considered as part of a wider review.

Those opposing change stressed the need for security, questioned whether the problems were sufficient to justify reform and whether the financial benefits would outweigh the costs.

Most individual problems tended to work themselves out over time and could be dealt with in the next interregnum - a few 'hard cases' could not justify the removal of the freehold for all.

Most of the problems faced by dioceses in dealing with housing stock (e.g. no suitable alternative available) would not be solved by amending the freehold ownership of parsonages in any case.

The current arrangements had certain benefits: incumbents needed independence which was essential for freedom of the ministry against centralised control, cost-cutting and reorganisation and enabled variation in churchmanship.

It was suggested that the removal of an incumbent (and his or her family) from a parsonage was pastorally divisive and moreover that an incumbent could always find ways of frustrating change.

There were one or two suggestions that all parsonages should be sold and clergy enabled to buy their own houses ("New Freeholds for Old") or might benefit from an "equity share" arrangement.

RESPONSES TO THE SECOND QUESTIONNAIREPARSONAGES

- | | | |
|----|--|-----|
| 1. | Do you think that the incumbent's freehold ownership of the parsonage should be changed (i.e. modified or abolished)? | |
| | No | 226 |
| | Yes | 192 |
| 3. | Should change be achieved by: | |
| | (a) limiting the effect of the incumbent's freehold in certain circumstances? | 80 |
| | (b) the transfer of the freehold ownership of the parsonage to another body? | 112 |
| 4. | If you think that the incumbent's freehold ownership of the parsonage should be limited, should this be by: | |
| | (a) temporary suspension in certain circumstances? | 68 |
| | (b) the use of devices within existing legislation? | 6 |
| | (c) another method? | 6 |
| 6. | Should the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage be: | |
| | (a) maintained | 357 |
| | (b) altered | 44 |

CHURCHES AND CHURCHYARDS

8. Do you feel there are any reasons for change in the freehold ownership of these properties?

Yes

82

No

303

RETROSPECTION

9. If you advocate any changes to the freehold ownership of the parsonage and/or other property, do you believe that any requisite legislation should be non-retrospective in terms of incumbents in their existing posts?

Yes

92

76

No

Not specified

24

FREEHOLD RESPONSES

QUESTION 1

Do you think that the incumbent's freehold ownership of the parsonage should be changed?

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	Number of parsonages	Number of unsuitable parsonages
Bath and Wells	-	no	yes: 1	204	17
Birmingham	-	-	-	160	34
Blackburn	yes	yes	yes: 8	215	22
Bradford	yes	yes	yes: 3 no: 4	112	10
Bristol	-	no	yes: 6 no: 11	112	8
Canterbury	-	-	no: 5	145	18
Carlisle	yes	yes	-	146	19
Chelmsford	yes	yes	yes: 5 no: 12	345	48
Chester	-	-	no: 1	228	49
Chichester	-	-	-	270	48
Coventry	-	-	-	124	6
Derby	-	-	-	165	41
Durham	-	-	yes: 2 no: 3	235	57
Ely	-	-	-	167	36
Exeter	yes: 3 no: 3	yes: 7 no: 1	yes: 2 no: 8	199	21
Gloucester	yes	yes	no: 1	152	46
Guildford	yes: 1 no: 1	yes: 1 no: 1	no: 5	147	14
Hereford	-	-	yes: 20	96	10
Leicester	-	-	-	137	16
Lichfield	-	-	yes: 24 no: 21	287	22
Lincoln	-	yes	yes: 2 no: 1	201	17
Liverpool	-	yes	-	197	13
London	-	yes	no: 4	352	36
Manchester	-	-	-	272	42
Newcastle	-	no	no: 1	121	16
Norwich	-	yes	yes: 2 no: 11	203	48
Oxford	-	no	yes: 2 no: 1	313	24
Peterborough	-	yes	yes: 1 no: 2	159	22

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	Number of parsonages	Number of unsuitable parsonages
Portsmouth	yes	yes	yes: 1 no: 5	101	10
Ripon	-	-	no: 1	117	17
Rochester	yes	yes	yes: 11 no: 16	187	14
St Albans	no	yes: 1 no: 1	no: 1	226	30
St E & I	-	yes	yes: 6 no: 10	163	25
Salisbury	-	yes	yes: 8	171	19
Sheffield	yes	yes	yes: 1 no: 5	154	27
Southwark	yes	yes	yes: 2 no: 10	286	109
Southwell	-	-	yes: 1	154	14
Truro	yes: 7 no: 6	yes	yes: 16 no: 32	134	22
Wakefield	-	-	yes: 14 no: 14	163	11
Winchester	yes	yes	no: 1	181	9
Worcester	-	-	yes: 3 no: 17	122	10
York	-	-	yes: 1	250	21
Unidentifiable			yes: 2 no: 5	-	-
TOTAL	yes: 21 no: 11 no reply: 28	yes: 27 no: 7 no reply: 17	yes: 144 no: 208 no reply: 9	7,873	1,098

QUESTION 1: SUMMARY

Do you think that the incumbent's freehold ownership of the parsonage should be changed?

CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY

Response	Total	Weighted number of parsonages (% total)	Weighted number of unsuitable parsonages (% total)
Yes *	21	2124 (27%)	343 (31%)
No *	11	461 (6%)	58 (5%)
No diocesan reply	28	5288 (67%)	697 (64%)

SECRETARIES / OTHER SENIOR DIOCESAN STAFF

Response	Total	Weighted number of parsonages (% total)	Weighted number of unsuitable parsonages (% total)
Yes *	27	3820 (49%)	556 (51%)
No *	7	961 (12%)	90 (8%)
No Diocesan Reply	17	3092 (39%)	452 (41%)

HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY

Response	Total	Weighted number of parsonages (% total)	Weighted number of unsuitable parsonages (% total)
Yes*	144	2365 (30%)	242 (22%)
No*	208	3872 (49%)	596 (54%)
No Diocesan Reply	9	1636 (20%)	260 (24%)

WEIGHTED NUMBER: amount of parsonages per diocese, divided by the total amount of replies, for or against, per constituency.

(*Includes more than one reply per constituency per diocese)

QUESTION 3

For those **21 CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY** who advocated change:

Response	Total	Weighted number of parsonages (% total)
Limiting the Freehold	6	408 (5%)
Transferring to another specified body	15	1716 (22%)

For those **27 SECRETARIES / OTHER SENIOR DIOCESAN STAFF** who advocated change:

Response	Total	Weighted number of parsonages (% total)
Limiting the Freehold	3	302 (4%)
Transferring to another specified body	24	3518 (45%)

For those **144 HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY** who advocated change:

Response	Total	Weighted number of parsonages (% total)
Limiting the Freehold	71	1011 (13%)
Transferring to another specified body	70	1293 (16%)
Transfer to another unspecified body	3	61 (1%)

QUESTION 4

For those **6 CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY** who advocated limiting the freehold:

Method	Total	Weighted number of parsonages (% total)
Temporary suspension	6	408 (5%)
The use of devices	0	0 (0 %)
Another method	0	0 (0 %)

For those **3 SECRETARIES / OTHER SENIOR DIOCESAN STAFF** who advocated limiting the freehold:

Method	Total	Weighted number of parsonages (% total)
Temporary suspension	3	302 (4%)
The use of devices	0	0 (0 %)
Another method	0	0 (0 %)

For those **71 HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY** who advocated limiting the freehold:

Method	Total	Weighted number of parsonages (% total)
Temporary suspension	59	859 (11%)
The use of devices	6	100 (1%)
Another method	6	52 (1%)

QUESTION 5

For those **15 CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY** who advocated transferring the freehold to another body, the preferred option was:

Body	Total	Weighted number of parsonages (% total)
Diocesan Board of Finance	7	1313 (17%)
DBF / other Diocesan Committee	6	62 (1%)
DBF in trust for the PCC	1	187 (2%)
DBF Corporate property / Glebe	1	154 (2%)

For those **24 SECRETARIES / OTHER SENIOR DIOCESAN STAFF** who advocated transferring the freehold to another body, the preferred option was:

Body	Total	Weighted number of parsonages (% total)
Diocesan Board of Finance	15	2851 (36%)
DBF/the Bishop	6	155 (2%)
DBF in trust for the PCC	1	187 (2%)
DBF Corporate property / Glebe	1	154 (2%)
Glebe	1	171 (2%)

For those **73 HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY** who advocated transferring the freehold to another body, the preferred option was:

Body	Total	Weighted number of parsonages (% total)
Diocesan Board of Finance	53	957 (12%)
DBF in trust for the PCC	5	43 (1%)
Diocesan Parsonages Board	4	218 (3%)
Other Diocesan Committee	3	12 (-%)
Not specified	3	61 (1%)
The Bishop	2	23 (-%)
Central parsonages body for England	1	24 (-%)
DBF/Diocesan Trust/The Church Commissioners	1	6 (-%)
The Commissioners	1	10 (-%)

QUESTION 6

Should the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage be altered or maintained:

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	How altered
Bath and Wells	-	maintained	maintained: 1	
Birmingham	-	-	-	
Blackburn	altered	altered	altered: 8	PCC's rights should be stronger than patron's. (8)
Bradford	maintained	maintained	maintained: 5 altered: 2	PCC and patron to lose rights. (1) PCC to have right of veto. (1)
Bristol	-	altered	maintained: 17	PCC should only have rights to oppose change if willing to contribute financially to the status quo. (1)
Canterbury	-	-	maintained: 5	
Carlisle	maintained	maintained	-	
Chelmsford	-	-	maintained: 3	
Chester	-	-	maintained: 1	
Chichester	-	-	-	
Coventry	-	-	-	
Derby	-	-	-	
Durham	-	-	maintained: 5	
Ely	-	-	-	
Exeter	maintained: 6	maintained: 6 altered: 2	maintained: 8 altered: 2	Abolition/reduction. (2) Abolition of all rights. (1)
Gloucester	maintained	maintained	maintained: 1	
Guildford	maintained: 2	maintained: 2	maintained: 5	
Hereford	-	-	maintained: 20	
Leicester	-	-	-	
Lichfield	-	-	maintained: 42 altered: 3	Appeal to the Area Pastoral Committee, rather than the Church Commissioners. (1)
Lincoln	-	maintained	maintained: 3	
Liverpool	-	maintained	-	
London	-	-	maintained: 4	
Manchester	-	-	-	
Newcastle	-	maintained	maintained: 1	
Norwich	-	maintained	maintained: 13	

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	How altered
Oxford	-	altered	maintained: 3	Where covenant concerns former vicarage, only consult PCC of affected parish, if part of multi-parish benefice(1)
Peterborough	-	altered	maintained: 3	Abolition(1)
Portsmouth	maintained	maintained	maintained: 6	
Ripon	-	-	maintained: 1	
Rochester	maintained	maintained	maintained: 21 altered: 6	
St Albans	altered	altered: 2	maintained: 1	Patron to lose rights(2) PCC/ patron's rights to status quo linked to financial contributions(1)
St E & I	-	maintained	maintained: 13 altered: 3	Patron to lose rights(3)
Salisbury	-	altered	maintained: 8	Abolition(1)
Sheffield	maintained	maintained	maintained: 4 altered: 2	Appeal to DBF(1) Abolition(1)
Southwark	altered	altered	maintained: 11 altered: 1	Appeal to DBF(2) Abolition(1)
Southwell	-	-	altered: 1	Patron to lose rights(1)
Truro	maintained: 13	maintained	maintained: 47 altered: 1	
Wakefield	-	-	maintained: 28	
Winchester	maintained	maintained	maintained: 1	
Worcester	-	-	maintained: 18 altered: 2	PCC to have more say in the parsonage and be financially responsible(1)
York	-	-	maintained: 1	
Unidentifiable	-	-	maintained: 7	
TOTAL	maintained: 28 altered: 3 no reply: 29	maintained: 22 altered: 10 no reply: 19	maintained: 307 altered: 31 no reply: 9	

QUESTION 6: SUMMARY

Should the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage be altered or maintained:

CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY

Response	Total
Maintained	28
Altered	3
No response	29

SECRETARIES / OTHER SENIOR DIOCESAN STAFF

Response	Total
Maintained	22
Altered	10
No response	19

HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY

Response	Total
Maintained	307
Altered	31
No response	9

NOTE: These figures include more than one response per constituency per diocese.

QUESTION 7

Of the **3 CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY** who advocated a change in the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage, the nature of the change proposed was:

Nature of change	Total
Patron to lose rights	2
Appeal to DBF instead of the Commissioners	1

Of the **10 SECRETARIES / OTHER SENIOR DIOCESAN STAFF** who advocated a change in the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage, the nature of the change proposed was:

Nature of change	Total
Abolition/reduction	5
Where covenant concerns former vicarage, only consult PCC of affected parish, if part of multi - parish benefice	1
PCC should only have rights to oppose change if willing to contribute financially to the status quo	1
Patron to lose rights	1
PCC/patron's rights to status quo linked to financial contributions	1
Appeal to DBF instead of the Commissioners	1

Of the **31 HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY** who advocated a change in the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage, the nature of the change proposed was:

Nature of change	Total
Not specified	11
PCC's rights should be stronger than patrons	8
Patron to lose rights	4
Abolition	3
PCC and patron to lose rights	1
PCC to have right of veto	1
Appeal to an Area Pastoral Committee instead of the Commissioners	1
PCC to be financially responsible for the parsonage	1
Appeal to DBF instead of the Commissioners	1

QUESTION 8

Do you feel that there are any reasons for change in the freehold ownership of churches and churchyards?

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries to DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	Proposed vesting body	Churches in the diocese
Bath and Wells	-	no	yes: 1	DBF/PCC(1)	575
Birmingham	-	-	-		193
Blackburn	no	no	no: 8		286
Bradford	yes	yes	yes: 2 no: 5	DBF/PCC(2) Not specified(2)	167
Bristol	-	no	yes: 3 no: 14	Not specified(3)	205
Canterbury	-	-	yes: 1 no: 4	DBF/PCC(1)	329
Carlisle	no	no	-		351
Chelmsford	-	-	no: 2		611
Chester	-	-	no: 1		370
Chichester	-	-	-		514
Coventry	-	-	-		240
Derby	-	-	-		336
Durham	-	-	yes: 1 no: 4	Diocese(1)	304
Ely	-	-	-		341
Exeter	no: 6	-	yes: 2 no: 8	Diocese(1) DBF/PCC(1)	619
Gloucester	no	no	no: 1		404
Guildford	-	-	no: 5		216
Hereford	-	-	yes: 20	DBF/PCC(20)	425
Leicester	-	-	-		330
Lichfield	-	-	yes: 11 no: 34	DBF/PCC(5) Not specified(3) Commissioners(1) Diocese(1) The Bishop(1)	580
Lincoln	-	yes	yes: 1 no: 2	Diocese. (1) DBF/PCC. (1)	665
Liverpool	-	yes	-	Not specified. (1)	256
London	-	yes	no: 4	Not specified. (1)	477
Manchester	-	-	-		371
Newcastle	-	no	no: 1		251
Norwich	-	no	no: 13		650
Oxford	-	no	no: 3		817
Peterborough	-	yes	no: 3	DBF/PCC. (1)	380
Portsmouth	no	no	no: 6		168
Ripon	-	-	no: 1		267
Rochester	yes	yes	no: 27	DBF/PCC. (2)	264

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries to DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans	Proposed vesting body	Churches in the diocese
St Albans	no	yes: 1 no: 1	-	DBF/PCC. (1)	412
St E & I	-	no	yes: 4 no: 12	DBF/PCC. (4)	479
Salisbury	-	no	yes: 8	Not specified (8)	580
Sheffield	-	-	yes: 1 no: 4	Commissioners/DBF (1)	223
Southwark	yes	yes	no: 12	DBF/PCC. (2)	386
Southwell	-	-	no: 1		312
Truro	yes: 2 no: 11	no	yes: 6 no: 42	DBF (5) DBF/PCC (1) Not specified. (2)	314
Wakefield	-	-	no: 28		241
Winchester	yes	yes	no: 1	DBF/PCC. (2)	409
Worcester	-	-	yes: 5 no: 15	Not specified. (2) Diocese. (1) DBF/PCC or Local Authority. (2)	283
York	-	-	no: 1		612
Unidentifiable	-	-	yes: 1 no: 6	DBF/PCC. (1)	
TOTAL	yes: 6 no: 22 no reply: 31	yes: 9 no: 13 no reply: 21	yes: 67 no: 268 no reply: 10		16,213

QUESTION 8: SUMMARY

Do you feel that there are any reasons for change in the freehold ownership of churches and churchyards?

CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY

Response	Total	Weighted number of churches (% total)
Yes	6	1274 (8%)
No	22	2506 (15%)
No Diocesan Reply	31	12433 (77%)

SECRETARIES / OTHER SENIOR DIOCESAN STAFF

Response	Total	Weighted number of churches (% of total)
Yes	9	3210 (20%)
No	13	5286 (33%)
No Diocesan Reply	21	7717 (47%)

HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY

Response	Total	Weighted number of churches (% of total)
Yes	67	2547 (16%)
No	268	10319 (64%)
No Diocesan Reply	10	3347 (20%)

For those **6 CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY** who advocated a change in the freehold ownership of churches and churchyards, the preferred option was:

Body	Total	Weighted number of churches (% total)
DBF in trust for the PCC	4	1226 (8%)
DBF	2	48 (-%)

For those **9 SECRETARIES / OTHER SENIOR DIOCESAN STAFF** who advocated a change in the freehold ownership of churches and churchyards, the preferred option was:

Body	Total	Weighted number of churches (% total)
DBF in trust for the PCC	6	1795 (11%)
Not specified	2	743 (5%)
Diocesan Board of Finance	1	672 (4%)

For those **67 HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY** who advocated a change in the freehold ownership of churches and churchyards, the preferred option was:

Body	Total	Weighted number of churches (% total)
DBF in trust for the PCC	35	1543 (9%)
Not specified	20	500 (3%)
Diocesan Board of Finance	7	413 (2%)
PCC/Local Authority	2	28 (-%)
DBF/Church Commissioners	1	37 (-%)
The Bishop	1	13 (-%)
The Commissioners	1	13 (-%)

QUESTION 9

If you advocate any changes to the freehold ownership of the parsonage and/or other property, do you believe that any requisite legislation should be non-retrospective in terms of incumbents in their existing posts?

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans
Bath and Wells	-	-	yes: 1
Birmingham	-	-	-
Blackburn	yes	yes	yes: 8
Bradford	yes	yes	no: 3
Bristol	-	-	yes: 4 no: 2
Canterbury	-	-	-
Carlisle	yes	yes	-
Chelmsford	-	-	yes: 1 no: 1
Chester	-	-	-
Chichester	-	-	-
Coventry	-	-	-
Derby	-	-	-
Durham	-	-	yes: 1 no: 1
Ely	-	-	-
Exeter	yes: 3	yes: 2 no: 5	yes: 1 no: 1
Gloucester	no	no	-
Guildford	-	-	-
Hereford	-	-	yes: 20
Leicester	-	-	-
Lichfield	-	-	yes: 11 no: 12
Lincoln	-	no	no: 2
Liverpool	-	yes	-
London	-	-	-
Manchester	-	-	-
Newcastle	-	-	-
Norwich	-	yes	yes: 2
Oxford	-	-	yes: 2
Peterborough	-	no	no: 1
Portsmouth	yes	yes	-
Ripon	-	-	-
Rochester	no	no	yes: 4 no: 1
St Albans	-	yes	-
St E & I	-	no	yes: 1 no: 5
Salisbury	-	yes	yes: 8
Sheffield	-	-	no: 1

Diocese	Chairmen of DBF/Lay Chairmen	Secretaries of DBF/Senior Diocesan Staff	House of Clergy Chairmen/Rural Deans
Southwark	yes	yes	no: 2
Southwell	-	-	no: 1
Truro	yes: 1 no: 4	no	yes: 4 no: 9
Wakefield	-	-	no: 14
Winchester	yes	yes	-
Worcester	-	-	yes: 1 no: 2
York	-	-	yes: 1
Unidentifiable	-	-	no: 1
TOTAL	yes: 10 no: 6 no reply: 32	yes: 12 no: 11 no reply: 25	yes: 70 no: 59 no reply: 19

QUESTION 9: SUMMARY

If you advocate any changes to the freehold ownership of the parsonage and/or other property, do you believe that any requisite legislation should be non-retrospective in terms of incumbents in their existing posts?

CHAIRMEN / DEANERY LAY CHAIRMEN / OTHER LAITY

Response	Total
Yes	10*
No	6*
No comment	5*

SECRETARIES / OTHER SENIOR DIOCESAN STAFF

Response	Total
Yes	12*
No	11*
No comment	4*

HOUSE OF CLERGY CHAIRMEN / RURAL DEANS / OTHER CLERGY

Response	Total
Yes	70*
No	59*
No comment	15*

*These figures relate to those who advocated change to parsonage ownership in response to Question 1 (see Summary on page 35). A smaller number advocated change in respect of church/churchyard ownerships.

FREEHOLD REVIEW - FOLLOW UP QUESTIONNAIRE

COMMENTS

QUESTION 2

Comments in favour of change of freehold ownership

Contemporary situation has changed, need for flexibility, more clergy are without freehold, unreasonable for one person to frustrate diocesan plans. (*house of clergy, Bradford*)

Abolish the freehold of parsonages in order to create flexibility of use for varied ministry patterns. (*DBF, Bradford*)

Prevents waste of resources on uneconomic repairs, removes accountability from bishop/incumbent and incumbent/congregation. Freeholders should be on par with priests-in-charge. Ease of deployment. (*Clergy, Bristol*)

Increases flexibility and strategic planning, but all with extreme caution to prevent erosion of clergy security. (*DBF, Carlisle*)

Gives Bishop/Archdeacon firmer ground from which to advocate moving clergy. There should not be 'suspension of presentation' just so that the parsonage situation can be examined. (*Incumbents, Chelmsford*)

As long as parsonage is up to Green Guide standard, incumbent should live (in consultation with PCC/Diocese) where put. (*Incumbent, Durham*)

Parsonages provided with the benefice should be phased out and stipends increased in order for incumbent to buy own house. (*Incumbent, Exeter*)

Prevents unreasonable and un-cooperative behaviour. (*diocesan parsonages Board, Exeter*)

Fixed term appointments. (*House of Clergy, Guildford*)

Incumbent can renege on pre-induction promises to move, but need remains for job security. (*Diocese, Lichfield*)

All church houses should be sold and clergy own their own properties. (*Rural Dean, Lichfield*)

All housing should be vested in the diocese. (*Diocesan Secretary, Norwich*)

Freehold means that some clergy do not consult the laity and behave in a dictatorial

fashion. (*Chairman, House of Clergy, Oxford*)

Transfer of parsonages to diocesan Houses Committee will give better control and more flexibility in management, care and replacement of parsonages. (*DBF, Peterborough*)

Transfer of parsonages to diocese would give greater flexibility for deployment, but with concern for clergy family. (*DBF, Rochester*)

Allows removal of incumbents where there is severe incompetence. Incumbent should be party to discussions relating to change of house but the veto is destructive. Removal of freehold will give incumbents greater freedom should they wish to leave stipendary ministry. Responses to initial questionnaire pinpointed such diverse reasons for a diocese's inability to replace unsuitable houses that a change in the freehold conditions is not going to resolve the problems. (*Incumbents, Rochester*)

It is unrealistic for an incumbent to have a veto when he has no financial responsibility but considerable influence over the parish. (*DBF, St E and I*)

Enables oversize parsonages to be replaced. (*Incumbents, Southwark*)

Change would enable repeal of outdated legislation with associated savings in administration. (*DBF, Southwark*)

Parsonages should be transferred to glebe to help reassure clergy that change would be beneficial. assurances with regard to standards of accommodation could be provided by the diocese being required to consult the incoming incumbent with regard to improvements against the background of the Commissioners' Green Guide. (*DBF, Sheffield*)

Freehold gives the incumbent an unfair advantage over the diocese. Management of housing stock should not be subject to the whim of an individual. Introduce three/five year fixed term contracts (*Incumbents, Truro*)

Incumbent of long standing can suffer 'beneficial inertia'. (*Incumbent, Worcester*)

Need to be able to remove incumbent after pastoral breakdown/incompetence. (*Incumbent, Worcester*)

Incumbent should not be able to veto considered opinion of diocesan authorities. (*Many*)

freehold gives too much protection from church authorities, but security of tenure also needed. (*Many*)

Ease of deployment. (*Anon*)

All clergy should own their own properties with a salary to match. (*Two, Anon*)

QUESTION 4

Methods of limiting freehold ownership

Give Incumbent 5 years to move house/job. (*incumbent, Southwark*)

temporary suspension after a set number of years' occupancy (say 7) to review the situation. (*Incumbent, Truro*)

QUESTION 5A

Alternative bodies to have freehold ownership

A central Parsonages Body for the England, with surpluses from one diocese going to another if required (*Incumbent, Durham*)

DBF to sell all parsonages with subsequential stipend increase for incumbents to buy their own house. (*Many*)

A specially convened, skilled body with clergy representation. (*Incumbent, Exeter*)

DBF in trust for PCC or DBF Corporate (*Anon, Rochester*)

Diocese/parish (as in Germany). (*Incumbent, Worcester*)

Right of exclusive occupation whilst incumbent. House's ownership transferred to diocese and incumbent makes any representation to the DAC. (*Incumbent, Truro*)

Diocesan Board of Finance. (*Many*)

Diocesan Pastoral Committee (*Many*)

QUESTION 5B

Alternative rights for incumbent if freehold transferred

The guarantee of a house within the benefice unless agreed by the bishop, incumbent and the PCC. (*DBF, Bradford*)

None. (*Incumbent, Durham*)

Incumbent to have right of appeal to Bishop's Council or an independent person. (*diocesan parsonages Board, Exeter*)

Right of representation to the DBF, but no veto. (*DBF, St E and I*)

Incumbent should have 5 years to comply with move to new PH or move job. (*Incumbent, Southwark*)

Representation to the DBF. (*DBFs, Peterborough, Southwark*)

Incumbent should have recourse to the Commissioners in event of an impasse. (DBF, St E and I)

Same rights as any lay tenant. Right to be re-housed. Incumbent to have a contractual right to be provided with alternative suitable accommodation within the parish by mutual agreement. (Incumbent, Truro)

Right of consultation, but no veto. (Many)

Rolling contract. Fixed term 5 years, extendable by 3, reviewed year 3 of first 5. (Anon)

QUESTION 6

Continuance of PCCs' and patrons' rights to make representations

Maintained

A voice outside the diocese is an incumbent's important protection. (incumbent, Chelmsford)

Maintained. (Many)

Altered

PCC should have right of veto. (House of Clergy, Bradford)

PCC should have say only if they contribute financially. (DBF, Bristol)

Neither PCC nor patrons should have rights as neither contributes to costs of repairs or improvements. (DBF, Peterborough)

Keep PCC, remove patron. (House of Clergy, Southwell. Incumbents, Truro and Rochester)

Limited to consultation. (incumbent, Southwark)

Representation to the DBF. (DBF, Southwark)

PCC should not have right of veto. (Incumbent, York)

Removed. (two, Anon)

PCCs must have more financial responsibility for house. (two, Anon)

QUESTION 8

Reasons for changing freehold ownership of Church and church yard.

DBF in trust for PCC or DBF Corporate. (*Incumbents, Exeter, Peterborough, Rochester, DBF, Bristol, Canterbury, Lichfield, Southwark and Truro.*)

Commissioners. (*Incumbent, Lichfield*)

Freehold re-considered every ten years. (*Incumbent, Salisbury*)

Transfer of freehold from incumbents to the diocese will increase costs and create fund-raising difficulties but could help to challenge sentimental attachment and allow the concentration of work and ministry in fewer buildings. (*Bishop's Staff, St Albans*)

Whole set-up needs to be re-examined. (*Incumbent, Worcester*)

Diocese. (*Two, Anon*)

Responsibility transferred to Local Authority. (*Two, Anon*)

QUESTION 9

Should any legislation be retrospective?

No legislation should ever be retrospective. (*Two, Anon*)

QUESTION 10

Other general comments

Change will come, but now is not the time. (*Diocese, Bath and Wells*)

No need to consider further change. Will restrict growth of vocation. (*Incumbent, Bristol*)

Security of tenure needed when changes unpopular but necessary. Parsonages should be administered by PCC and incumbent. (*Incumbent, Bristol*)

In any freehold review, the alternative options must be made clear. Conditions of service for those without the freehold should be revised. (*Incumbent, Canterbury*)

Financial savings/benefits might not outweigh financial costs. Average incumbency is only 6 years so any problems are easily solved within short time. Difficulties experienced are nowhere near significant enough to justify legislation which threatens the security of the clergy family. Any changes should give more security to clergy without freehold. (*DBF, Carlisle*)

The freehold should pass to the diocese, resulting in equity with unbeneficed clergy, simplification of associated legislation and administration and increased episcopal

authority. All clergy would have the right to housing whilst they held the bishop's licence or a freehold of office. In cases of dispute the bishop would act as a 'court of appeal'. (*DBF, Chelmsford*)

Incumbents need to retain independence of attitude and action. (*incumbent, Chelmsford*)

All property transferred to the Diocese on a set date, with no exceptions. (*Incumbent, Durham*)

Cure transferring from clergy to lay groups with priestly oversight. Not all past replacements have been found to be wise and a more effective mechanism needs to be devised to scrutinise all proposed replacements. (*Incumbent, Exeter*)

Incumbents flout Canon Law too easily, and "true" clergy have nothing to fear. (*Incumbent, Lichfield*)

Do not change law because of a few 'hard cases'. Have not seen any constructive alternatives which would not leave clergy too vulnerable to cost-cutting and re-organisation. (*Incumbents, London*)

Authority and responsibility should be combined. (*Incumbent, Newcastle*)

Consideration should be given to an 'equity share' system where clergy have a housing allowance of £5,000 per annum and a build up equity over a 30 year ministry. (*Chairman, House of Clergy, Oxford*)

Parishes increasingly bear the costs of clergy, do not deprive them of their say. (*House of Clergy, Ripon*)

Plenty of opportunity to sort out housing during the interregnum. (*Incumbent, Rochester*)

The Commissioners' current regime with regard to the management of glebe where transactions must be on terms that they consider 'proper and advisable' and considering 'such terms as having regard to all the circumstances they consider reasonable and proper' would be the proposed vehicle of ownership for clergy housing with the built-in rights of representation of the incumbent/priest-in-charge or churchwardens in a vacancy, or all the members of the team (including curates and anyone licensed by the bishop) if the house is in a team ministry. (*DBF, Salisbury*)

Leave freehold alone. An incumbent can always find a way of holding up change and it is expensive to deal with it. Freehold of property essential to freedom of ministry. Too much power resides with Bishop. (*Incumbents, Southwark*)

Division of ownership and responsibility for maintenance inefficient. (*DBF, Southwark*)

The Freehold is not good for the Church or the individual. Employment practices need to be brought into line with other major employers. Incumbent needs to know

that he and his family are not at the whim of the PCC or congregation, at the same time flexibility has to be maintained so that standards of accommodation are those of the Green Guide. If the freehold is abolished great sensitivity will be necessary concerning churchmanship and local views of ministry and mission. Any change in freehold likely to create as many problems as it solves. Appoint priests on a 1 year probation before installation as incumbent. (*Incumbent, Truro*)

Removal of incumbent from freehold of house not pastorally effective, does not engender feelings of loyalty by clergy for diocesan administrators. (*Incumbent, Winchester*)

Much stronger guidelines needed for parsonage standards. Freehold is a safeguard against centralised control, malicious accusation, arbitrary movement and concentration of one type of clergyman in one diocese. not concerned with ownership but with maintenance. Incumbents with children need security. (*Incumbents, Worcester*)

Security of the home is paramount. (*Four, Anon*)

Categorised comments

1. In the matter of parity with Priests-in-Charge

Abolish freehold to create more parity between incumbents and priests-in-charge. (*many*)

Fixed term appointments. (*Incumbent, Salisbury*)

Introduce three/five year fixed term contracts. (*Incumbents, Truro*)

2. In the matter of diocesan deployment strategy

Need for flexibility. (*House of Clergy, Bradford*)

Abolish the freehold of parsonages in order to create flexibility of use for varied ministry patterns. (*DBF, Bradford*)

Ease of deployment. (*Clergy, Bristol*)

Increases flexibility and strategic planning, but all with extreme caution to prevent erosion of clergy security. (*DBF, Carlisle*)

Gives Bishop/Archdeacon firmer ground from which to advocate moving clergy. (*Incumbents, Chelmsford*)

As long as parsonage is up to Green-Guide standard, incumbent should live where put (in consultation with PCC/Diocese). (*Incumbent, Durham*)

Transfer of parsonages to diocese would give greater flexibility for deployment, but with concern for clergy family. (*DBF, Rochester*)

Gives Bishop more flexibility. Allow the Bishop greater freedom to deploy his clergy. (*Incumbents, Rochester*)

Incumbent of long standing can suffer 'beneficial inertia'. (*Incumbent, Worcester*)

Ease of deployment. (*Anon*)

Incumbent should not be able to veto considered opinion of diocesan authorities. (*Many*)

3. In the matter of pastoral reorganisation

Unreasonable for one person to frustrate diocesan plans. (*house of clergy, Bradford*)

Freehold means that clergy do not consult the laity and behave in a dictatorial fashion. (*Chairman House of Clergy, Oxford*)

Freehold gives too much protection from church authorities, but security of tenure also needed. (*many*)

4. In the matter of retention of unsuitable parsonages

Prevents waste of resources on uneconomic repairs. (*Clergy, Bristol*)

There should not be 'suspension of presentation' just so that the parsonage situation can be examined. (*Incumbent, Chelmsford*)

As long as parsonage is up to Green-Guide standard, incumbent should live where put (in consultation with PCC/Diocese). (*Incumbent, Durham*)

Incumbent can renege on pre-induction promises with regard to the parsonage. (*Diocese, Lichfield*)

Freehold results in missed opportunities. Removal allows diocese to dispose of unsuitable parsonages. (*Incumbents, Lichfield*)

Transfer of parsonages to Diocesan Houses Committee will give better control and more flexibility in care and replacement of parsonages. (*DBF, Peterborough*)

Change would allow proper management and maintenance of property. (*DBF, Portsmouth*)

Incumbent should be party to discussions relating to change of house but the veto is destructive. (*Incumbents, Rochester*)

Enables oversize parsonages to be replaced. (*Incumbents, Southwark*)

Assurances with regard to standards of accommodation could be provided by the diocese being required to consult the incoming incumbent with regard to improvements against the background of the Commissioners' Green Guide. (*DBF, Sheffield*)

Management of housing stock should not be subject to the whim of an individual. (*Incumbents, Truro*)

5. In the matter of alternative provisions

Parsonages provided with the benefice should be phased out and stipends increased in order for incumbent to buy own house. (*Incumbent, Exeter*)

All property transferred to the Diocese on a set date, with no exceptions. (*Incumbent, Durham*)

Consideration should be given to an 'equity share' system where clergy have a housing allowance of £5,000 per annum and a build up equity over a 30 year ministry. (*Chairman House of Clergy, Oxford*)

Removal of freehold will give incumbents greater freedom should they wish to leave stipendary ministry. (*Incumbents, Rochester*)

The Commissioners' current regime with regard to the management of glebe where transactions must be on terms that they consider 'proper and advisable' and considering 'such terms as having regard to all the circumstances they consider reasonable and proper' would be the proposed vehicle of ownership for clergy housing with the built-in rights of representation of the incumbent/priest-in-charge or churchwardens in a vacancy, or all the members of the team (including curates and anyone licensed by the bishop) if the house is in a team ministry. (*DBF, Salisbury*)

Parsonages should be transferred to glebe to help reassure clergy that change would be beneficial. (*DBF, Sheffield*)

6. With regard to security

No need to consider further change. (*Incumbent, Bristol*)

Difficulties experienced are nowhere near significant enough to justify legislation which threatens the security of the clergy family. Any changes should give more security to clergy without freehold. (*DBF, Carlisle*)

Incumbents need to retain independence of attitude and action. (*Incumbent, Chelmsford*)

Have not seen any constructive alternatives which would not leave clergy too vulnerable to cost-cutting and re-organisation. (*Incumbents, London*)

Freehold of property essential to freedom of ministry. (*Incumbents, Southwark*)

Incumbent needs to know that he and his family are not at the whim of the PCC or congregation, at the same time flexibility has to be maintained so that standards of accommodation are those of the Green Guide. If the freehold is abolished great sensitivity will be necessary concerning churchmanship and local views of ministry and mission. (*Incumbents, Truro*)

Removal of incumbent from freehold ownership not pastorally effective, does not engender feelings of loyalty by clergy for diocesan administrators. (*Incumbent, Winchester*)

Freehold is a safeguard against centralised control, malicious accusation, arbitrary movement and concentration of one type of clergyman in one diocese. Incumbents with children need security. (*Incumbents, Worcester*)

Security of the home is paramount. (*Many*)

**THE INCUMBENT'S FREEHOLD OWNERSHIP OF PARSONAGE
HOUSES AND OTHER PROPERTY**

FOLLOW-UP QUESTIONNAIRE

PARSONAGES*

1. Do you think that the incumbent's freehold ownership of the parsonage should be changed (i.e. modified or abolished)?

No

(Please now go to Q6)

OR

Yes

(Please now go to Q2)

2. *(First read Note 1.)*

If you think that the current arrangements should be changed, what are your main reasons for this?

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.....

(Please now go to Q3)

3. *(First read Notes 2 & 3.)*

Should change be achieved by:

- (a) limiting the effect of the incumbent's freehold in certain circumstances?

(Please now go to Q4)

OR

* Before completing this section you may wish to study the results of the initial questionnaire on one aspect of this issue.

(b) the transfer of the freehold ownership of the parsonage to another body?

(Please now go to Q5)

4. If you think that the incumbent's freehold ownership of the parsonage should be limited, should this be by:

(a) temporary suspension in certain circumstances?
(See note 2)

(Please now go to Q6)

OR

(b) the use of devices within existing legislation?
(See note 3)

(Please now go to Q6)

OR

(c) another method? Please specify.

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.....

(Please now go to Q6)

5. If you have indicated that the freehold ownership of the parsonage should pass to another body, please indicate which body and what, if any, alternative rights the incumbent should have relating to the acquisition, improvement and disposal of parsonages?

(a) please specify body to which ownership should transfer.

.....
.....

(b) please indicate what, if any, alternative rights any incumbent should have.

.....
.....
.....

(Please now go to Q6)

6. (First read Note 1.)

Should the existing rights of PCCs and patrons to make representations concerning the acquisition, improvement and disposal of the parsonage be:

(a) maintained?

(please now go to Q8)

OR

(b) altered?

(please now go to Q7)

7. If you have indicated that PCC/patrons' rights should be altered, what arrangement do you propose?

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.....
.....

(Please now go to Q8)

CHURCHES AND CHURCHYARDS

8. (First read Notes 1 and 4.)

Do you feel there are any reasons for change in the freehold ownership of these properties and, if so, why?

Yes

OR

No

If you have answered YES please indicate what change you propose.

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.....

(Please now go to Q9)

RETROSPECTION

9. If you advocate any changes to the freehold ownership of the parsonage and/or other property, do you believe that any requisite legislation should be non-retrospective in terms of incumbents in their existing posts?

Yes

(Please now go to Q10)

OR

No

(Please now go to Q10)

GENERAL

10. Please add any other comments that you wish to make.

Please address all replies to:

**James Davidson-Brett
Church Commissioners
1 Millbank
London SW1P 3JZ**

THE INCUMBENT'S FREEHOLD OWNERSHIP OF PARSONAGE HOUSES AND OTHER PROPERTY

NOTES TO FOLLOW-UP QUESTIONNAIRE

Note 1 - The Parson's Freehold

The 'parson's freehold' comprises two elements, neither of which is absolute. First, an interest in the benefice office which cannot be assigned and, second, the ownership as a corporation sole of the benefice's property - i.e. the freehold of the parsonage and its grounds and of the church/churchyard. Under the Parsonages Measures 1938/47, only the incumbent (or Bishop in a vacancy), subject to the consent of the Bishop, the Diocesan Parsonages Board and the Church Commissioners, may build, sell, exchange, purchase or improve the parsonage or its grounds. Thus the incumbent effectively has a right of veto. A priest-in-charge does not enjoy the rights of an incumbent in this respect. Instead, the Bishop authorises any transactions. PCCs and patrons have a right of representation against the incumbent's (or the Bishop's) proposal to deal with parsonage property and any objections are considered by the Church Commissioners. Sale proceeds are passed to the Commissioners and are held on a fund for parsonage purposes of the benefice until such time as it can be demonstrated that the fund is no longer required. At this point the money may, at the diocese's request and with the Commissioners' consent, be transferred to the Diocesan Pastoral Account or the Diocesan Stipends Fund.

The freehold of property does not give the incumbent any right of disposal in the case of churches or churchyards (which normally are dealt with by Schemes under the Pastoral Measure 1983, under which the incumbent (in common with others) has a right to make representations to the Commissioners).

Note 2

The last occasion on which legislation was proposed to address situations where the incumbent's veto prevented the replacement of unsuitable parsonages was the abortive Parsonages (Amendment) Measure of 1977. The original proposal was that, where replacement of a parsonage had been recommended (essentially on repair grounds) but the incumbent refused to co-operate, his freehold ownership of the property should be temporarily suspended thereby enabling the diocese to act. The incumbent would have had a right of representation to the Commissioners, along with the existing rights of PCCs and patrons. However, in the event the P(A)M was drafted more broadly and it was defeated in the Synod after the reference to a 'trigger' on repairs grounds was removed.

Note 3

The Parsonages Measures 1938/47 provide the main legislation for dealing with the replacement of parsonages. However it is theoretically possible though not present practice to use provisions within other existing legislation to acquire or dispose of a parsonage house without obtaining the incumbent's consent and notwithstanding his or her objections. It has long been felt by both the Synod and the Commissioners that such provisions theoretically

available within existing the Endowments and Glebe Measure 1976, the New Parishes Measure 1943, the Pastoral Measure 1983 and the Parsonages Act 1865 are not intended for such use and should not be used in substitution for the Parsonages Measures 1938/47. To legitimise these alternatives might require Synod endorsement if dioceses and the Commissioners wished not to be open to accusations of seeking to undermine the freehold by the back door. Even if endorsed, there remain practical shortcomings. For example, under the Pastoral Measure option the interested parties gain additional opportunities to make representations with the attendant costs in time and money.

Note 4

the Working Party is unaware of any instances where the incumbent's freehold ownership of the church and churchyard has proved an insuperable obstacle to its proper management. The Pastoral Measure gives the incumbent no freehold veto in respect of consecrated land. The initiative for dealing with and benefits to be drawn from the disposal of unconsecrated property are the incumbent's and PCC's and as a result are largely non-contentious.

MEMBERSHIP OF THE STAFF WORKING PARTY

Martin Elengorn (Chairman)	(Commissioners' Pastoral and Redundant Churches Secretary)
* Canon Bryan Pettifer	(Synod's Advisory Board of Ministry)
# The Venerable Gordon Kuhrt	(Chief Secretary, Synod's Advisory Board of Ministry)
Graham Donaldson	(latterly Gloucester Diocesan Parsonages Board Secretary and nominated by the Diocesan Secretaries' Liaison Group)
Sue Jones	(Commissioners' Deputy Official Solicitor)
Alan Guthrie-Jones	(Head of the Commissioners' Pastoral Division)
Stephen Bowler	(latterly of the Commissioners' Pastoral Division)
James Davidson-Brett	(Commissioners' Pastoral Division)

*To 31 December 1997

#From 1 January 1998