



Endowments and Glebe Measure 1976

1976 No. 4

Payments by Church Commissioners towards stipends of certain clergy, etc.

1 Annuities to be paid by Commissioners towards stipends of certain incumbents. **U.K.**

- (1) Where immediately before the appointed day a benefice has endowment income, the general fund of the Commissioners shall stand charged as from that day with the payment towards the stipend of the incumbent of that benefice of an annuity the amount of which shall be fixed in accordance with subsection (2) below.
- (2) Subject to section 3 of this Measure, the amount of the annuity payable in respect of any benefice under subsection (1) above shall be either the amount of the net annual endowment income of the benefice immediately before the appointed day or £1,000, whichever is the less.
- (3) Where by means of a pastoral scheme which comes into operation on or after the appointed day a new benefice is created by the union of two or more benefices, then, if—
 - (a) in the case of a scheme which comes into operation on the appointed day, an annuity would but for the scheme have been payable under subsection (1) above in respect of any of these benefices, or
 - (b) in the case of any other scheme, an annuity was immediately before the scheme comes into operation payable under this section in respect of any of those benefices,

the general fund of the Commissioners shall stand charged as from the day on which the scheme comes into operation with the payment towards the stipend of the incumbent of the new benefice of an annuity the amount of which shall be fixed in accordance with subsection (4) below.

- (4) The amount of the annuity payable in respect of any new benefice under subsection (3) above shall be either—
 - (a) the aggregate of the annuities which would have been or were payable as mentioned in subsection (3) above in respect of the benefices by the union of which the new benefice was created, or

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(b) £1,000,
whichever is the less.

- (5) The annuity with the payment of which the general fund of the Commissioners stands charged under subsection (1) or (3) above is hereafter in this Measure referred to as “the guaranteed annuity”.
- (6) The guaranteed annuity in respect of any benefice shall not be payable during a vacancy in the benefice.

2 Annual personal grants to be made by Commissioners to certain incumbents. U.K.

- (1) Where the guaranteed annuity in respect of any benefice is £1,000, then, if the net annual endowment income of the benefice immediately before the appointed day exceeds that sum, the person who immediately before that day is the incumbent of that benefice shall so long as he continues in that office be entitled to receive from the Commissioners an annual personal grant of a sum equal to the amount of the excess.
- (2) Where by means of a pastoral scheme which comes into operation on or after the appointed day a new benefice is created by the union of two or more benefices, then, if—
- (a) the person who becomes the incumbent of the new benefice was immediately before the scheme comes into operation the incumbent of any of the constituent benefices, and
 - (b) that person, as the incumbent of any of the constituent benefices, would have been or was entitled to an annual personal grant under subsection (1) above,
- he shall be entitled to receive from the Commissioners an annual personal grant of the same amount so long as he holds the office of incumbent of the new benefice created by the scheme.

3 Provisions with respect to benefices held in plurality. U.K.

- (1) Where on or after the appointed day two or more benefices are held in plurality, then, so long as they continue to be so held, they shall be treated for the purposes of section 1 of this Measure as if they constituted one benefice and, accordingly, the amount of the guaranteed annuity payable towards the stipend of the incumbent of those benefices shall be either the aggregate of the guaranteed annuities in respect of those benefices or £1,000, whichever is the less.
- (2) Where immediately before the appointed day two or more benefices are held in plurality, section 2(1) of this Measure shall apply in relation to the incumbent of those benefices as if—
- (a) those benefices constituted one benefice;
 - (b) the guaranteed annuity payable towards the stipend of the incumbent of those benefices in pursuance of subsection (1) above were the guaranteed annuity in respect of that one benefice; and
 - (c) the aggregate of the net annual endowment incomes of those benefices were the net annual endowment income of that one benefice.
- (3) Where the incumbent of benefices held in plurality is entitled by virtue of subsection (2) above to an annual personal grant under section 2(1) of this Measure, then, if on or after the appointed day—

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- (a) he resigns one or more but not all of the benefices so held by him, or
- (b) one or more but not all of those benefices is declared vacant under the ^{M1}Incumbents (Vacation of Benefices) Measure [^{F1}1977],

he shall, so long as he continues to be the incumbent of the other benefice or benefices retained by him, be entitled to receive from the Commissioners under the said section 2(1) an annual personal grant of such amount as may be determined by the Commissioners after consultation with the bishop of the diocese to which that benefice belongs or those benefices belong.

Textual Amendments

F1 “1977” substituted for “1975” by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\)](#), [s. 11\(1\)](#)

Marginal Citations

M1 [1975 No. 3.](#)

4 Provisions with respect to benefices entitled to benefits under certain private or local Acts. **U.K.**

- (1) Schemes under this section may be made by the Commissioners and the provisions of Schedule 1 to this Measure shall have effect with respect to the making and confirmation of such schemes and other matters relating thereto.
- (2) A scheme under this section may provide—
 - (a) that any property vested in the Commissioners under or by virtue of any Act listed in Part I of Schedule 2 to this Measure and section 2 of the ^{M2}Church Commissioners Measure 1947 on trusts to apply the income and capital thereof in the manner directed by that Act shall on and after the date on which the scheme comes into operation be held by the Commissioners as part of their corporate property freed and discharged from those trusts;
 - (b) that any property for the time being vested in any other persons under or by virtue of the Acts listed in Part II of that Schedule on trusts to apply the income and capital thereof in the manner directed by those Acts shall on the said date be transferred to, and by virtue of the scheme and without any conveyance or other assurance vest in, the Commissioners to be held by them as part of their corporate property freed and discharged from those trusts.
- (3) Where it is proposed by a scheme under this section to make provision in accordance with paragraph (a) or (b) of subsection (2) above, the scheme shall also provide that where by virtue of the Act to which the scheme relates the incumbent of a benefice is immediately before the date on which the scheme comes into operation entitled to be paid by the Commissioners or other the trustees for the purposes of that Act an annual sum in respect of, or in augmentation of, his stipend, sections 1 and 2(1) of this Measure shall apply in relation to that benefice and the incumbent thereof—
 - (a) as if that sum had formed part of the net annual endowment income of that benefice immediately before the appointed day; and
 - (b) as if the second reference in section 1(1) and in section 2(1) to the appointed day were a reference to the date on which the scheme comes into operation;and accordingly, but subject to section 1(6) of this Measure, as from the said date a guaranteed annuity in respect of that benefice shall be payable or, as the circumstances

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require, the amount of the guaranteed annuity then payable in respect of that benefice shall be increased, and if at that date the benefice is full and the incumbent thereof then becomes, or is, entitled to an annual personal grant under section 2 of this Measure, that grant shall be payable, or the amount thereof shall be increased, as the case may be, as from that date.

- (4) A scheme under this section may contain such other provisions, including provision for the making of payments for ecclesiastical purposes out of the Commissioners' general fund or for charging that fund with payments for those purposes, as appear to the Commissioners to be necessary or expedient having regard to the provisions of this Measure and of the Act to which the scheme relates.
- (5) A scheme under this section may amend or repeal any provision of the Act to which the scheme relates if it appears to the Commissioners that that provision is inconsistent with or rendered unnecessary by the provisions of the scheme and may repeal any other provision of that Act which appears to the Commissioners to be obsolete or spent.

Marginal Citations

M2 1947 No. 2.

5 Provisions as to payment of guaranteed annuity and personal grant. U.K.

The guaranteed annuity in respect of any benefice and the annual personal grant, if any, to which the incumbent of a benefice is entitled under section 2 of this Measure shall accrue from day to day and shall be payable (subject to any apportionment) by such instalments and on such days as the Commissioners may determine.

6 Payments by Commissioners towards stipends of archdeacons. U.K.

- (1) Subject to subsection (2) below, the Commissioners may from time to time pay out of their general fund such sums as they think fit towards the stipend of any person holding the office of archdeacon.
- (2) Any person who immediately before the appointed day holds the office of archdeacon shall so long as he continues in that office be entitled to receive from the Commissioners an annual grant of a sum not less in amount than that payable to him by the Commissioners as endowment income of the archdeaconry immediately before that day whether in exercise of their powers under the ^{M3}Archdeaconries (Augmentation) Measure 1953 or in the discharge of any obligation imposed on them by or under any other enactment or by any trust.

Marginal Citations

M3 1953 No. 4.

7 Provisions for determining what constitutes endowments, etc. U.K.

- (1) Subject to the provisions of this section, what for the purposes of this Measure—
- (a) constitutes the endowments or endowment income of a benefice; or

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- (b) is the amount of the net annual endowment income of a benefice immediately before the appointed day; or
 - (c) is the amount of the endowment income of an archdeaconry immediately before that day,shall be conclusively determined by the Commissioners.
- (2) Any property held by the Commissioners on trust for the purpose of providing or augmenting the stipend or other emoluments of the incumbent of a benefice shall be treated as not constituting part of the endowments of that benefice for the purposes of this Measure if—
 - (a) the trusts on which the property is so held provide that at the discretion of the trustees the property or the income arising therefrom may be applied for another purpose or provide that on the occurrence of a specified event or the failure to comply with a specified condition the property or the said income shall be applied for another purpose or provide for a gift over of the property to persons, other than the Commissioners, on such an occurrence or failure; or
 - (b) the property is held by the Commissioners under or by virtue of any Act listed in Part I of Schedule 2 to this Measure.The provisions of this subsection are without prejudice to the provisions of any scheme made under section 4 of this Measure in relation to property to which paragraph (b) above applies.
- (3) Any property held by persons other than the Commissioners on trust for the purpose of providing or augmenting the stipend or other emoluments of the incumbent of a benefice shall be treated as not constituting part of the endowments of that benefice for the purposes of this Measure.
- (4) Where in accordance with a provision of a scheme or order made under any enactment any sum consisting of the whole or part of the endowment income of a benefice is immediately before the appointed day appropriated or payable to, or carried to the credit of, a diocesan stipends fund, the amount of that sum shall be treated for the said purposes as not being part of the endowment income of that benefice immediately before that day.
- (5) Where in accordance with a provision of a scheme or order made under any enactment relating to two or more benefices which are held in plurality or are to be so held by virtue of the scheme or order any sum consisting of part of the aggregate of the endowment incomes of those benefices is immediately before the appointed day appropriated or payable to, or carried to the credit of, a diocesan stipends fund, then, so long as those benefices continue to be so held, the amount of that sum shall be treated for the said purposes as not being part of the endowment income of any of those benefices immediately before that day.
- (6) Any sum which immediately before the appointed day is payable to the incumbent of a benefice in accordance with section 16(2) of the ^{M4}Church Property (Miscellaneous Provisions) Measure 1960 (payments consequential on the extinguishment of tithe rentcharge) shall be treated for the said purposes as not being part of the endowment income of that benefice immediately before that day.
- (7) Subsection (2) above shall apply in relation to any property held by the Commissioners on trust for the purpose of providing or augmenting the stipend or other emoluments of the holder of an archdeaconry with the substitution, for references to a benefice and the incumbent thereof, of references to an archdeaconry and the holder thereof.

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- (8) In this section “endowments”, in relation to any benefice includes an excluded part of the parsonage house of the benefice.

Marginal Citations

M4 1960 No. 1.

8 Payments by Commissioners towards stipends, etc. of curates and lay assistants. U.K.

- (1) Subject to subsection (2) below, as from the appointed day the Commissioners shall allocate to the income account of the diocesan stipends fund of each diocese an annual sum equal in amount to the aggregate of the following amounts, that is to say:—
- (a) the amount of any annuities or other annual payments which immediately before that day are applicable by the Commissioners towards the stipends or other emoluments of assistant curates or clerical or lay assistants engaged in the cure of souls in particular parishes in that diocese and with the payment of which the general fund of the Commissioners stands charged immediately before that day;
 - (b) the amount of the income which immediately before that day is so applicable and which arises from property held by the Commissioners in pursuance of any enactment; and
 - (c) the amount of the income arising from any property which immediately before that day is held by the Commissioners on trusts by virtue of which that income is so applicable unless those trusts provide that at the discretion of the trustees the property or the income arising therefrom may be applied for another purpose or provide that on the occurrence of a specified event or the failure to comply with a specified condition the property or the said income shall be applied for another purpose or provide for a gift over of the property to persons, other than the Commissioners, on such an occurrence or failure.
- (2) Subsection (1) above shall not apply in relation to property held by the Commissioners under or by virtue of any Act listed in Part I of Schedule 2 to this Measure.
- (3) As from the appointed day the income account of each diocesan stipends fund shall stand charged with the payment towards the stipend or other emoluments of any assistant curate or clerical or lay assistant while engaged in the cure of souls in any parish in the diocese of an annual sum of the same amount as that which but for the provisions of sections 10 and 11 of this Measure would be applicable by the Commissioners for augmenting the stipends or other emoluments of assistant curates or clerical or lay assistants in that parish.
- (4) Any question as to the amount of any sum to be allocated to a diocesan stipends fund under subsection (1) above, or as to the amount of any sum with the payment of which any such fund stands charged by virtue of subsection (3) above, shall be conclusively determined by the Commissioners.

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9 Application of moneys credited to income account of diocesan stipends fund.

U.K.

(1) For section 5 of the ^{M5}Diocesan Stipends Funds Measure 1953 there shall be substituted the following section :—

- (1) Subject to any charges imposed on the income of the diocesan stipends fund of a diocese by any enactment or any scheme or order made thereunder, moneys standing to the credit of the income account of that fund shall be applied—
 - (a) in providing or augmenting the stipends or other emoluments of incumbents, assistant curates licensed under seal and other persons who are declared by the bishop to be engaged in the cure of souls within the diocese ; and
 - (b) in defraying the expenses incurred by the sequestrators of any benefice in the diocese in the discharge of their functions.
- (2) The said moneys shall be so applied in accordance with directions from time to time given, with the concurrence of the Diocesan Board of Finance, by the bishop or a person duly authorised for that purpose by him.
- (3) Any directions which the bishop or the person so authorised gives under subsection (2) above with respect to the application of the said moneys in providing or augmenting the stipends or other emoluments of the persons mentioned in subsection (1) above shall be consistent with any directions given by the Commissioners, in the exercise of their functions as the Central Stipends Authority, with respect to the forms and levels of the pay of those persons.
- (4) Subject to subsection (3) above, the bishop or the person so authorised shall, in determining the directions to be given under subsection (2) above, have regard to any advice given by the Commissioners with respect to the application of the said moneys.”

Modifications etc. (not altering text)

C1 The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M5 1953 No. 2.

Extinguishment of certain charges, trusts, etc.

10 Extinguishment of certain charges, etc. **U.K.**

- (1) On the appointed day the general fund of the Commissioners shall be freed and discharged from the payment to any benefice (whether then existing or to be created), or in augmentation of the income of any archdeaconry, or towards the stipend or other emoluments of any assistant curate or clerical or lay assistant, of any annual sum of

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money with the payment of which that fund stands charged immediately before that day whether in pursuance of any enactment or otherwise.

- (2) On the appointed day the general fund of the Commissioners shall be freed and discharged from the payment of any annual sum of money with the payment of which that fund stands charged immediately before that day, being an annual sum which in accordance with a provision of a scheme or order made under any enactment is immediately before that day appropriated or payable to, or carried to the credit of, a diocesan stipends fund and which but for that provision would be payable to a benefice.
- (3) Subject to subsection (4) below, where before the appointed day any capital sum of money was appropriated or credited by the Commissioners, in pursuance of any enactment or otherwise, to a benefice (whether then existing or to be created) or an archdeaconry or as a fund for making payments towards the stipends or other emoluments of assistant curates or clerical or lay assistants, then, on that day the appropriation or credit shall be cancelled, and as from that day the said sum shall be held by the Commissioners as part of their corporate property freed and discharged from any trust or charge in favour of any benefice or the incumbent thereof or an archdeaconry or such curates or assistants but subject to any other charge to which immediately before that day the sum so appropriated or credited was subject.
- (4) Subsection (3) above shall not apply in relation to any sum of money paid to the Commissioners under section 1(5) of the ^{M6}Parsonages Measure 1938 (moneys arising from sale or exchange of parsonage house, etc.) and held by them at the appointed day to be applied and disposed of in accordance with section 5 of that Measure.

Marginal Citations

M6 1938 No. 3.

11 Extinguishment of certain trusts. U.K.

- (1) Subject to subsections (3) and (4) below, where immediately before the appointed day any property is held by the Commissioners on trust for the purpose of providing or augmenting the stipend or other emoluments of any one or more of the following persons, that is to say—
 - (a) the incumbent of a benefice,
 - (b) the holder of an archdeaconry, and
 - (c) an assistant curate or clerical or lay assistant in a parish,
 the property shall on and after that day be held by the Commissioners as part of their corporate property freed and discharged from that trust.
- (2) Subject to subsections (3) and (4) below, where any property is held by any other persons on trust for the purposes mentioned in subsection (1) above, the trustees may on or after the appointed day, with the consent of the Charity Commissioners, transfer the property to the Commissioners to be held by them as part of their corporate property freed and discharged from that trust.
- (3) Subsections (1) and (2) above shall not apply in relation to any property held on trusts which provide that at the discretion of the trustees the property or the income arising therefrom may be applied for a purpose other than that mentioned in subsection (1) above or provide that on the occurrence of a specified event or the failure to comply

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with a specified condition the property or the said income shall be applied for a purpose other than that so mentioned or provide for a gift over of the property to persons, other than the Commissioners, on such an occurrence or failure.

- (4) Subsection (1) above shall not apply in relation to property held by the Commissioners under or by virtue of any Act listed in Part I of Schedule 2 to this Measure and subsection (2) above shall not apply in relation to property held by any person under or by virtue of the Acts listed in Part II of that Schedule.
- (5) The Commissioners shall allocate to the capital account of the diocesan stipends fund of the appropriate diocese—
 - (a) any property which by virtue of subsection (1) above is to be held by them freed and discharged from the trusts on which it was previously held, except any property so held on trusts directed to the benefit of a particular benefice, a particular archdeaconry or a particular parish; and
 - (b) any property which is transferred to the Commissioners under subsection (2) above.

The appropriate diocese for the purpose of this subsection is the diocese to which any benefice, archdeaconry or parish which is qualified to benefit from the trust in question belongs, and where there are two or more such benefices, archdeacons or parishes belonging to different dioceses, the Commissioners may apportion the property between those dioceses or such of them, and in such manner, as the Commissioners may determine and allocate part of the property accordingly.

12 Provisions with respect to certain rentcharges, tithes, corn rents, etc. **U.K.**

- (1) Any rentcharge, tithe or payment in lieu of tithe which immediately before the appointed day is attached to a benefice and to which this subsection applies shall on that day be transferred to, and by virtue of this subsection vest in, the Commissioners for all the interest therein so attached freed and discharged from any trust or charge in favour of any benefice or the incumbent thereof and from any liability which falls within section 39 of this Measure but subject to any other charge or liability affecting that interest, and shall be held by the Commissioners as part of their corporate property.
- (2) Subsection (1) above applies to any rentcharge, tithe or payment in lieu of tithe—
 - (a) which under any Act or award is directed to be collected for the benefit of the benefice by churchwardens or any other person and not by the incumbent of the benefice; or
 - (b) which arises in so much of any ecclesiastical parish situated partly within and partly without the City of London as is situated without that City.
- (3) Any rentcharge, corn rent, tithe or other payment attached to a benefice which immediately before the appointed day is vested in the Commissioners by virtue of section 3 or 14 of the Tithe^{M7} Act 1925 and section 2 of the^{M8} Church Commissioners Measure 1947 for all the interest therein so attached shall, on and after that day, be held by them as part of their corporate property freed and discharged from any trust or charge in favour of any benefice or the incumbent thereof and from any liability which falls within section 39 of this Measure but subject to any other charge or liability affecting that interest.
- (4) Nothing in subsection (1) above shall affect the powers of the persons who were directed to collect any rentcharge, tithe or payment to which that subsection applies,

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or of the person in whom it was vested, to recover and enforce the recovery of any arrears payable before the appointed day.

Marginal Citations

M7 1925 c. 87.
M8 1947 No. 2.

13 Provision in certain schemes, etc. for payment of stipends or appropriation of endowments revoked. U.K.

- (1) On the appointed day, any provision of a scheme or order made under any enactment—
- (a) directing that there shall be paid out of a diocesan stipends fund specified in the scheme or order to the incumbent of a benefice so specified a stipend determined by the scheme or order; or
 - (b) charging the income account of a diocesan stipends fund so specified with the payment to the incumbent of a benefice so specified of a stipend so specified; or
 - (c) appropriating part of the endowments of a benefice so specified for the augmentation of a proposed benefice which has not been constituted before the appointed day,
- shall cease to have effect.
- (2) Where such a scheme or order contains such a provision as is mentioned in subsection (1)(c) above, then—
- (a) if a fund was established for the purposes of the scheme or order, the balance standing to the credit of the fund immediately before the appointed day shall on that day be allocated to the capital account of the diocesan stipends fund of the diocese to which the benefice specified in that provision belongs; and
 - (b) if the part of the endowments of that benefice appropriated as mentioned in that provision consists of an annual amount specified therein, the Commissioners shall on that day allocate to the capital account of the said fund a sum of such amount as will in their opinion produce an annual income equal in amount to that so specified.

Future gifts for endowment of benefice, etc.

14 Property left or given to Commissioners or incumbent for certain purposes to be transferred to Diocesan Board of Finance. U.K.

- (1) Where on or after the appointed day any property is acquired by the Commissioners, or by the incumbent of a benefice in his capacity as such, by way of devise, bequest or gift, then, if—
- (a) the property is by the terms of the devise, bequest or gift to be held on permanent trusts for the provision or augmentation of the stipend of any person engaged in the cure of souls in, or in any part of, the area of a particular benefice or, as the case may be, the incumbent's benefice; or
 - (b) the property consists of any building or land which by the terms of the devise or gift is to be used for, or for the extension of, a house of residence for any person so engaged, other than an incumbent,

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the Commissioners or incumbent shall transfer or convey the property to the Diocesan Board of Finance for the diocese to which that benefice belongs to be held by the Board subject to and in accordance with the terms of the devise, bequest or gift.

- (2) Where a benefice becomes vacant after the incumbent thereof has acquired any property to which subsection (1) above applies and before he has complied with that subsection, the bishop of the diocese to which the benefice belongs shall during the vacancy have power and be under a duty to deal with the property in accordance with that subsection.
- (3) Where subsection (1) above would apply in relation to any property devised or bequeathed to an incumbent of a benefice but for the fact that at the relevant date the benefice is vacant, the Diocesan Board of Finance for the diocese to which the benefice belongs shall during the vacancy have power to acquire the property in place of the incumbent.
- (4) Notwithstanding anything in subsection (1) above or in the terms subject to and in accordance with which any property transferred or conveyed to a Board under that subsection is to be held, the Board to which any property falling within paragraph (a) of that subsection is so transferred or conveyed shall have power to apply any income arising from that property in defraying any expenses incurred by any person who is an object of the trusts created by those terms in performing the duties attaching to his office.

Provisions with respect to glebe land

15 Transfer of glebe land to Diocesan Boards of Finance. U.K.

- (1) Any glebe land which immediately before the appointed day is, or if the benefice were full would be, vested in right of his benefice in the incumbent of any benefice shall on that day and without any conveyance or other assurance vest by virtue of this section in the Diocesan Board of Finance for the diocese to which the benefice belongs freed and discharged from any previously existing trusts and charges in favour of any other benefice and any previously existing charge to which section 37(3) of this Measure relates, but in other respects—
 - (a) subject to, and with the benefit of, any other previously existing trusts and charges, any previously existing tenancies and any covenants, conditions, agreements, easements and rights to which that land is subject and of which it has the benefit immediately before that day, and
 - (b) subject to all such rights in the nature of easements as are necessary for the reasonable enjoyment of any parsonage land belonging to the benefice or any church land, being rights which were formerly exercisable by the incumbent of the benefice in right of his benefice.
- (2) Such rights as are referred to in paragraph (b) of subsection (1) above shall on and after the appointed day take effect by virtue of this section as legal easements appurtenant to the land referred to in that paragraph.
- (3) Without prejudice to subsection (1) above, there shall on the appointed day vest in a Diocesan Board of Finance by virtue of this section and without any conveyance or other assurance all such rights in the nature of easements over any parsonage land belonging to the benefice in question or any church land as are necessary for the reasonable enjoyment of any land which by virtue of that subsection is vested in that

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Board, being rights which were formerly exercisable by the incumbent of the benefice in right of his benefice.

- (4) If there is a dispute between a Diocesan Board of Finance and an incumbent or sequestrators as to the land or any right which vests in the Board by virtue of this section, or as to any covenant, condition, agreement, easement or right to which any such land was subject or of which it had the benefit immediately before the appointed day, it shall be decided by the Commissioners whose decision shall be final and shall bind both parties to the dispute and any future incumbent of the benefice in question.
- (5) Any decision of the Commissioners under this section shall be evidenced by an instrument under their seal.

16 Diocesan Board of Finance may require incumbent, etc. to furnish information as to glebe land. U.K.

- (1) The Diocesan Board of Finance for any diocese may from time to time require the incumbent, or the sequestrators, of any benefice belonging to that diocese—
 - (a) to furnish the Board with such information relating to any land which forms, or has at any time formed, part of the glebe land of the benefice as the Board requires to enable it to discharge its functions under this Measure;
 - (b) to produce to the Board such documents in his or their possession, or under his or their control, concerning that land as the Board may specify or describe;
 and any person to whom a requirement under this subsection is directed shall comply with the requirement.
- (2) A Diocesan Board of Finance shall, as respects any land which forms part of the glebe land of a benefice belonging to the diocese and which is subject to a lease, have the same right to require the lessee of that land to furnish the Board with any information it needs relating to that lease as the Board would have if it were the person to whom the rent payable under the lease is for the time being payable.

17 Lists of glebe land vested in Diocesan Boards of Finance to be prepared. U.K.

Within such period after the appointed day as the Commissioners may specify every Diocesan Board of Finance shall prepare a list in such form and containing such particulars as the Commissioners may prescribe of the glebe land which vested in that Board on that day by virtue of section 15 of this Measure and shall send a copy of the list to the Commissioners.

18 Means by which land may become diocesan glebe land. U.K.

- (1) A Diocesan Board of Finance may, with the consent of the Commissioners, acquire land to be held as part of the diocesan glebe land of the diocese.
- (2) Subject to subsection (3) below, a Diocesan Board of Finance may, with the consent of the Commissioners and of the Charity Commissioners, appropriate for use as diocesan glebe land of the diocese any land vested in the Board, and any land appropriated under this subsection shall be held by the Board as part of such land.
- (3) Where any land is vested in a Diocesan Board of Finance pursuant to section 6(2) of the ^{M9}Parochial Church Councils (Powers) Measure 1956 or section 3 of the ^{M10}Incumbents and Churchwardens (Trusts) Measure 1964, no appropriation of that

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land under subsection (2) above shall be made without the consent of the parochial church council concerned or the managing trustees of that land, as the case may be.

- (4) In subsection (1) of section 17 of the ^{M11}New Parishes Measure 1943 (powers of Commissioners and incumbent to sell, etc. land not longer required), the word “and” at the end of paragraph (c) shall be omitted and after that paragraph there shall be inserted the following paragraph :—

“(cc) if the Diocesan Board of Finance for the diocese in which that land or building is situated agrees to accept the transfer, to transfer that land or building or any part thereof to that Board, the land or building or part thereof to be held by the Board as part of the diocesan glebe land of the diocese ; and”.

- (5) In subsection (3) of the said section 17 (restriction on appropriation or transfer of land acquired by gift or for nominal consideration), after the words “paragraph (c)” there shall be inserted the words “or (cc)”.

- (6) F2

Textual Amendments

F2 S. 18(6)(7) repealed by Pastoral (Amendment) Measure 1982 (No. 1, SIF 21:4), s. 24(2)

Modifications etc. (not altering text)

C2 The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M9 1956 No. 3.

M10 1964 No. 2.

M11 1943 No. 1.

19 Diocesan glebe land to be held, etc. for benefit of diocesan stipends fund; schemes for management of such land. U.K.

- (1) The diocesan glebe land of a diocese shall be held, managed and dealt with by the Diocesan Board of Finance for the benefit of the diocesan stipends fund of the diocese.
- (2) Within such period after the passing of this Measure as the Commissioners may specify the Diocesan Board of Finance for every diocese shall prepare a scheme which makes provision as to the persons by whom and the manner in which the diocesan glebe land of the diocese is to be managed and as to the means by which the expenses of managing that land are to be met and submit the scheme to the Commissioners for their approval.
- (3) Such a scheme may provide for the setting up of a committee or committees in accordance with the scheme to carry out such functions with respect to the management of the diocesan glebe land of the diocese as may be specified in the scheme, and any such committee may be the Parsonages Board for the diocese appointed under the ^{M12}Repair of Benefice Buildings Measure 1972 or a committee constituted in accordance with a scheme under that Measure.
- (4) Any such scheme may be varied, revoked or replaced by a subsequent scheme made by the Diocesan Board of Finance and approved by the Commissioners.

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Marginal Citations

M12 1972 No. 2.

VALID FROM 01/01/2001

[^{F3}19A Section 19 schemes: subsidiaries. **E**

- (1) A scheme made under section 19 above may provide for the setting up of a wholly owned subsidiary or subsidiaries of the Diocesan Board of Finance.
- (2) Any such subsidiary shall, subject to the provisions of the scheme, have the same powers and duties as the Diocesan Board of Finance with respect to holding, managing and dealing with such glebe land as may be specified in the scheme.]

Textual Amendments

F3 S. 19A inserted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 4**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

20 Powers of Diocesan Boards of Finance to deal with diocesan glebe land. **E**

- (1) Subject to subsections (2) to (4) below, a Diocesan Board of Finance may sell, exchange, lease, mortgage or otherwise deal with any diocesan glebe land of the diocese on such terms as the Commissioners may approve, being terms which they consider proper and advisable; and where the amenities of any land will be affected by the proposed transaction and the Commissioners think it necessary to do so in the interest of safeguarding those amenities, they may, notwithstanding anything in section 19(1) of this Measure, approve such terms as having regard to all the circumstances they consider reasonable and proper.
- (2) When the Commissioners first approve a scheme prepared by a Diocesan Board of Finance under section 19 of this Measure they shall authorise that Board in writing to enter into and carry out any transaction relating to the diocesan glebe land of the diocese, other than a transaction specified in Schedule 3 to this Measure, without the approval of the Commissioners.
- (3) If the Commissioners are satisfied—
 - (a) that the scheme for the management of the diocesan glebe land of a diocese which has been approved by them under the said section 19 is not being complied with, or
 - (b) that the scheme is not being so operated as to result in the efficient management of that land,
 they may by notice in writing given to the Diocesan Board of Finance suspend the authorisation given to that Board under subsection (2) above, and as from the date on which the notice is received by the Board that authorisation shall be of no effect unless and until the suspension is cancelled under subsection (4) below.
- (4) If a Diocesan Board of Finance on which a notice has been served under subsection (3) above satisfies the Commissioners that the scheme for the management of the diocesan

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glebe land of the diocese is being complied with or, as the circumstances require, that the Board has taken the action necessary to ensure that the scheme will thereafter be so operated as to result in the efficient management of that land, the Commissioners shall by notice in writing given to the Board cancel the suspension effected under subsection (3) above.

- (5) Before a Diocesan Board of Finance applies to the Commissioners for their approval of the terms of any transaction under subsection (1) above the Board shall serve on the incumbent of the benefice in the parish of which the land to which the transaction relates is situated or, [^{F4} if the benefice is vacant-
 - (a) on the priest-in-charge of the benefice, in the event of a priest-in-charge being appointed for the benefice during a suspension period declared in respect of the benefice under section 67 of the Pastoral Measure 1983; or
 - (b) on the churchwardens of the parish, in any other case] a notice informing him or them of the nature of the proposed transaction, identifying the land to which it relates and the easements (if any) over any church land or parsonage land of which that land has the benefit, and stating that written representations with respect to the transaction may be made to the board not later than a date specified in the notice, being a date not less than twenty-one days after service of the notice.
- (6) Where a transaction consists of the lease of diocesan glebe land which had it not become such land would be an excluded part of a parsonage house, a notice under subsection (5) above shall, if the benefice is vacant, be served on the bishop of the diocese as well as on the [^{F5} priest-in-charge or churchwardens of the parish, as the case may be]
- [^{F6}(6A) Where a transaction is in respect of diocesan glebe land situated in the area of a benefice for which a team ministry is established, subsection (5) above shall have effect in relation to every vicar in the team ministry and, in the case of a house occupied by a member of the team, in relation to that member as it has effect in relation to the incumbent of the benefice.]
- (7) When making an application to the Commissioners for their approval of the terms of any transaction under subsection (1) above, any such Board shall forward with the application a copy of any representations which have been made to the Board under subsection (5) above with respect to the transaction or, if no such representations were made to the Board on or before the date specified in the notice required by that subsection, a statement by the Board to that effect.
- (8) Before deciding whether to approve the terms of any transaction under subsection (1) above the Commissioners shall consider any representation a copy of which has been sent to them under subsection (7) above, and where the transaction consists of the lease of such land as is referred to in subsection (6) above they shall, if the incumbent concerned so requests, or if during a vacancy the bishop of the diocese or the churchwardens of the parish so request, give him or them, as the case may be, an opportunity to make oral representations to their representative with respect to the proposed transaction.
- (9) As a condition of giving their approval to the terms of any transaction under subsection (1) above the Commissioners may require the Board to include in the conveyance, deed of exchange, lease or other document such provisions, if any, as appear to them to be necessary to give effect to those terms.

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- (10) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have approved the terms of any transaction under subsection (1) above which is specified in the document shall be conclusive evidence that those terms have been so approved.
- (11) A statement in a document giving effect to a transaction made by a Diocesan Board of Finance under this section that the approval of the Commissioners of the terms of the transaction is not required under subsection (1) above shall, if the document is sealed with the seal of that Board or is signed on behalf of the Board by a person duly authorised by the Board to act in its behalf, be conclusive evidence of that fact.

Textual Amendments

- F4** Words in s. 20(5) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 13** (a); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York
- F5** Words in s. 20(6) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 13** (b); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York
- F6** S. 20(6A) inserted (1.5.1996) by 1995 No. 1, s. 14(2); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York

21 Power to vary list of transactions terms of which require the Commissioners' approval. **U.K.**

- (1) The Commissioners may by order vary any of the provisions of Schedule 3 to this Measure either by adding one or more entries or by altering or deleting any entry for the time being contained in it, and the references in section 20(2) of this Measure, or in any authorisation given thereunder, to that Schedule shall be construed as a reference to that Schedule as for the time being in force.
- (2) Every order made under subsection (1) above shall be laid before the General Synod and shall not come into operation unless and until it has been approved by the General Synod.
- (3) The ^{M13}Statutory Instruments Act 1946 shall apply to any order approved by the Synod under subsection (2) above as if the order were a statutory instrument and were made when so approved and as if this Measure were an Act providing that any such order should be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M13 1946 c. 36.

22 Enforcement of restrictive covenants. **U.K.**

Where a Diocesan Board of Finance has sold, exchanged or leased any diocesan glebe land of the diocese and the document giving effect to the transaction contains a restrictive covenant imposed for the benefit of any church land or parsonage land, that covenant shall be enforceable by the Board as if it were the owner of that land.

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23 Grant or appropriation of diocesan glebe land for certain purposes. **E**

- (1) Notwithstanding anything in section 19(1) of this Measure, a Diocesan Board of Finance may, in the exercise of its powers under section 14 of the ^{M14}New Parishes Measure 1943 (power of certain bodies to grant to the Commissioners buildings or land for any purpose mentioned in section 13 of that Measure) and with the consent of the Commissioners, grant to the Commissioners—
- (a) any building on any diocesan glebe land of the diocese, being a building which consists of a church or part of a church or is fit to be used as or to be converted into a church;
 - (b) any such land as a site for a new church or for a church to be substituted for an existing church or for enlarging the site of an existing church;
 - (c) any such land for providing a new or extending an existing churchyard or burial ground;
 - (d) any such building or land for, or for the extension of, a house of residence for an incumbent;
 - (e) any such land required for providing access to or improving the amenities of any such church, churchyard, burial ground or house of residence;
- and no such Board may in the exercise of the said powers grant any such building or land for any other purpose mentioned in section 13 of that Measure.
- (2) Notwithstanding anything in section 19(1) of this Measure, a Diocesan Board of Finance may with the consent of the Commissioners appropriate any such building or land for any purpose mentioned in paragraph (bb) [^{F7}or (f) of section 13(1) of the said Measure of 1943 (provision of building or land for various purposes connected with church halls etc.)]
- (3) Where any building or land is appropriated by such a Board under subsection (2) above, the parochial church council of the parish in which the building or land is situated shall have the like powers and obligations in relation to it as if it were vested in the Board pursuant to section 6(2) of the ^{M15}Parochial Church Councils (Powers) Measure 1956.

Textual Amendments

- F7** Words in s. 23(2) substituted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 17\(1\), Sch. 3 para.14](#); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York

Marginal Citations

- M14** 1943 No. 1.
M15 1956 No. 3.

24 Rent free house for team vicar on diocesan glebe land. **E**

Notwithstanding anything section 19(1) of this Measure, a Diocesan Board of Finance may permit a person holding the office of vicar in a team ministry [^{F8}or assistant curate or a deaconess or lay worker] to reside in a dwelling house situated on the diocesan glebe land of the diocese without payment of any rent.

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Textual Amendments

- F8** Words in s. 24 inserted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 15**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York

25 Moneys arising from dealings, etc. with diocesan glebe land to be paid to the Commissioners. **U.K.**

- (1) Subject to subsection (2) below, the proceeds of, or the capital moneys arising from, any sale, exchange or other dealing with the diocesan glebe land of a diocese, and any other payment in the nature of capital made to a Diocesan Board of Finance in respect of such land, shall be paid by the Board to the Commissioners immediately after the completion of the transaction in question or, as the case may be, the payment is made, and the amount so paid shall be allocated by the Commissioners to the capital account of the diocesan stipends fund of that diocese.
- (2) Where any diocesan glebe land of a diocese is subject to a mortgage and any estate or interest in that land is sold or exchanged by the Diocesan Board of Finance, any principal money or interest owing under the mortgage at the date of the completion of the transaction may be discharged by the Board out of the proceeds arising from the sale or exchange.
- (3) Where a payment has been made to the Commissioners under subsection (1) above, the costs, charges and expenses of the related transaction shall be charged on the capital account of the diocesan stipends fund of the diocese concerned and shall be paid by the Commissioners out of that fund.
- (4) All rents or other periodical payments in the nature of income received by a Diocesan Board of Finance in respect of the diocesan glebe land of the diocese, less so much of any such payments as is required to enable the Board to meet any recurring outgoings attributable to that land or the expenses incurred in managing that land, shall be paid by the Board to the Commissioners at such times and in such manner as the Commissioners may specify, and, subject to subsection (5) below, the sums so paid shall be allocated by the Commissioners to the income account of the diocesan stipends fund of that diocese.
- (5) Any periodical or other payment for or in respect of mines and minerals vested in a Diocesan Board of Finance as part of the diocesan glebe land of the diocese, other than surface rents, shall be treated as a payment in the nature of capital for the purposes of subsection (1) above.
- (6) Any question whether any sum paid to the Commissioners under this section should be allocated to the capital account or income account of a diocesan stipends fund, any question whether any outgoings are recurring outgoings attributable to the diocesan glebe land of a diocese, and any question whether any expenses were or will be incurred in managing such land, shall be conclusively determined by the Commissioners.

26 Diocesan glebe land income and minerals accounts. **U.K.**

- (1) Every Diocesan Board of Finance shall open and thereafter keep—

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- (a) an account of the income of the Board arising from the diocesan glebe land of the diocese during the period to which the account relates and of the expenditure incurred by the Board during that period in meeting the recurring outgoings attributable to that land and the expenses of managing it; and
 - (b) an account of the periodical or other payments for or in respect of mines and minerals vested in the Board as part of the diocesan glebe land of the diocese, other than surface rents, received by the Board during the period to which the account relates and of the expenditure incurred by the Board during that period in respect of fees or other charges for services rendered in connection with the searching for, working and getting of such mines and minerals.
- (2) The references in subsection (1) above to the period to which an account relates shall be construed as references to the period of a year or such other period, if any, as the Commissioners may from time to time specify, and the date on which for the purposes of that subsection any period begins shall be that specified by the Commissioners.
 - (3) Every Diocesan Board of Finance shall transmit to the Commissioners annually a copy of each of the accounts referred to in subsection (1) above duly audited together with a return containing particulars of such of the matters to which the accounts relate as the Commissioners may prescribe.

27 Commissioners to be informed of certain matters affecting diocesan glebe land. U.K.

Every Diocesan Board of Finance shall keep the Commissioners informed of such matters as the Commissioners may from time to time prescribe, being matters arising from any notice given to the Board by a Government department or local or public authority or public utility undertakers and affecting the diocesan glebe land of the diocese.

28 Liability of incumbents to make payments in respect of cost of repairs to glebe buildings abolished. U.K.

- (1) On the appointed day any provision made by virtue of section 7 of the ^{M16}Repair of Benefice Buildings Measure 1972 (provision for requiring incumbents to pay annual sums in respect of the cost of repairs to glebe buildings and for crediting such sums to benefice account) in a scheme under that Measure shall cease to have effect.
- (2) The aggregate of any sums which at the appointed day stand to the credit of any account for a benefice kept by a Parsonages Board in accordance with any such provision shall—
 - (a) if the Diocesan Board of Finance for the diocese to which the benefice belongs is the Parsonages Board for that diocese, be credited to the diocesan glebe land income account kept by the Diocesan Board of Finance in accordance with section 26(1)(a) of this Measure; and
 - (b) in any other case, be paid by the Parsonages Board to the Diocesan Board of Finance for the diocese to which the benefice belongs not later than twenty-eight days after the appointed day and be credited to the said account.
- (3) The aggregate of the sums apportioned under section 18(1) of the said Measure of 1972 to glebe buildings belonging to benefices in a diocese and held by the Commissioners at the appointed day shall be paid by the Commissioners to the Diocesan Board of

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Finance for the diocese, and the amount so paid shall be credited to the account mentioned in paragraph (a) of subsection (2) above.

Marginal Citations

M16 1972 No. 2.

Provisions with respect to parsonage land

29 Letting of certain part of parsonage house prohibited. U.K.

Neither the incumbent of a benefice nor any sequestrators thereof shall grant a lease of any excluded part of a parsonage house belonging to the benefice to any person on or after the appointed day; and any lease granted in contravention of this section shall be void.

30 Provisions to have effect where part of parsonage house has been let by incumbent. U.K.

- (1) Where any excluded part of a parsonage house belonging to a benefice is the subject of a lease, the incumbent shall within seven days after any sum in respect of rent under the lease is received by him pay that sum to the Diocesan Board of Finance for the diocese to which the benefice belongs (hereafter in this section referred to as “the Board”).
- (2) Any sum which an incumbent is required by subsection (1) above to pay to the Board shall be recoverable as a debt due to the Board from the incumbent or his personal representative.
- (3) Any sum paid to the Board under subsection (1) above shall be deemed to be income of the Board arising from the diocesan glebe land of the diocese and shall be deemed not to form part of the income of the incumbent by whom the sum was paid.
- (4) The Board may require the incumbent to take all necessary steps to enforce any covenant by the lessee contained in the lease and, in particular, the covenant to pay rent.
- (5) If the incumbent fails to take or prosecute such steps or requests the Board to do so on his behalf, the Board may take or continue, in the name and on behalf of the incumbent, proceedings for enforcing any such covenant, and shall be deemed for that purpose to be the duly authorised attorney of the incumbent and his successors; and the incumbent shall leave the conduct of the proceedings in the hands of the Board.
- (6) The Board shall indemnify the incumbent in respect of any costs reasonably incurred by him in any proceedings to enforce any such covenant and not recovered from the other party.
- (7) The Board shall make good to the incumbent or defray on his behalf the cost of fulfilling his obligations under the lease and of meeting any expenses of maintenance, repairs and insurance of the premises subject to the lease which fall to be borne by him.
- (8) Any payments made by the Board under subsection (7) above shall be deemed for the purposes of section 25(4) of this Measure to have been made to meet recurring outgoings attributable to the diocesan glebe land of the diocese.

Status: Point in time view as at 01/05/1996. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976. (See end of Document for details)

- (9) During a vacancy in a benefice the preceding provisions of this section shall have effect with the substitution for references to the incumbent of references to the sequestrators of the benefice.

31 Diocesan Board of Finance may require incumbent, etc. to furnish particulars of certain leases. U.K.

The Diocesan Board of Finance for a diocese may from time to time require the incumbent, or the sequestrators, of a benefice belonging to the diocese to supply the Board with particulars of any part of the parsonage land of the benefice which is the subject of a lease and of the terms of the lease, and any person to whom a requirement under this section is directed shall comply with the requirement.

32 Provisions for transfer of parsonage land to Diocesan Board of Finance. E

- (1) Where the Commissioners are satisfied that any parsonage land belonging to a benefice or any part thereof, and, in particular, a parsonage house or any excluded part of a parsonage house, is not necessary for the convenient occupation of the incumbent or, as the case may be, is not required as the residence house of the benefice, they may, subject to subsection (2) below, by order under their seal provide for the transfer on such date as may be specified in the order of that land to the Diocesan Board of Finance for the diocese to which the benefice belongs.
- (2) Before exercising their powers under this section the Commissioners shall consult the Diocesan Board of Finance for the diocese to which the benefice in question belongs and the incumbent or any sequestrators concerned

[^{F9}and, in the case of a benefice in respect of which a team ministry is established, every member of the team.]

- (3) On the date specified in an order under this section—
- (a) the land referred to therein shall without any conveyance or other assurance vest in the Board by virtue of this section subject to and with the benefit of any previously existing tenancies and any covenants, conditions, agreements, easements and rights to which that land is subject and of which it has the benefit immediately before that date, and
 - (b) if the order so provides, subject to all such rights in the nature of easements as are necessary for the reasonable enjoyment of any other parsonage land belonging to the benefice in question or any church land, being rights which were formerly exercisable by the incumbent of that benefice in right of his benefice;

and where the order contains a provision made in pursuance of paragraph (b) above, such rights as are referred to in that provision shall on and after the date so specified take effect by virtue of this section as legal easements appurtenant to the land referred to in that provision.

- (4) An order under this section may also provide that on the date specified in the order there shall without any conveyance or other assurance vest by virtue of this section in the Board to which any parsonage land is transferred by the order all such rights in the nature of easements over any other parsonage land belonging to the benefice in question or any church land as are necessary for the reasonable enjoyment of the land transferred, being rights which were formerly exercisable by the incumbent of that benefice in right of his benefice.

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- (5) An order under this section may specify any tenancy, covenant, condition, agreement, easement or right subject to, or with the benefit of, which the land to which the order relates vests in the Diocesan Board of Finance by virtue of this section.
- (6) Any land which vests in a Diocesan Board of Finance by virtue of this section shall be held by the Board as part of the diocesan glebe land of the diocese.
- (7) An order under this section may contain such incidental or supplementary provisions as appear to the Commissioners to be necessary or expedient for giving effect to the purpose of the order.
- (8) The Commissioners may by a further order under this section remedy any defects or omissions which in their opinion exist in the original, or any previous amending, order made by them thereunder.

Textual Amendments

F9 Words in s. 32(2) inserted (1.5.1996) by 1995 No. 1, s. 14(3); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York

33 Repair of former parsonage house while vested in incumbent. **U.K.**

- (1) Any dwelling-house which in the opinion of the Commissioners should be retained for use as a parsonage house, together with the buildings, gardens, orchards, paddocks, walls, fences and appurtenances necessary for the convenient occupation of the house, shall, so long as the house is, or if the benefice were full would be, vested in the incumbent of a benefice be deemed to be a parsonage house for the purposes of the ^{M17}Repair of Benefice Buildings Measure 1972.
- (2) This section does not apply to a dwelling-house held under a lease which makes the landlord wholly or mainly responsible for the repairs.

Marginal Citations

M17 1972 No. 2.

34 Sale, exchange, etc. of part of parsonage house. **U.K.**

For the removal of doubt it is hereby declared that section 1 of the ^{M18}Parsonages Measure 1938 (incumbent, etc. to have power in certain circumstances to sell, exchange or pull down residence house of a benefice, etc.) applies to any excluded part of a parsonage house of a benefice so long as that part is, or if the benefice were full would be, vested in the incumbent.

Marginal Citations

M18 1938 No. 3.

Status: Point in time view as at 01/05/1996. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976. (See end of Document for details)

Financial provisions

35 Further provisions relating to diocesan stipends funds. U.K.

(1) At the end of paragraph (a) of section 2 of the ^{M19}Diocesan Stipends Funds Measure 1953 (moneys to be allocated to capital and income accounts), there shall be inserted the following sub-paragraph :—

“(iv) any moneys standing to the credit of the income account of the fund which the Commissioners with the consent of the diocesan board of finance concerned decide to transfer to the capital account of that fund ; and”.

(2) For section 4 of the said Measure of 1953 there shall be substituted the following section :—

(1) Subject to any charges imposed on the capital of the diocesan stipends fund of a diocese by any enactment or any scheme or order made under any enactment, moneys standing to the credit of the capital account of that fund may, at the discretion of the Commissioners on the request of the bishop made with the concurrence of the diocesan board of finance, be applied for any or all of the following purposes:—

- (a) the acquisition of any land to be held by the board as part of the diocesan glebe land of the diocese ;
- (b) the development or improvement of any such land and the safeguarding of the amenities thereof ;
- (c) the discharge of any expense of a capital nature levied under any enactment and payable by the diocesan board of finance as the person for the time being entitled to the interest in any such land by reference to which the expense was levied ;
- (d) the discharge of any principal or interest owing in respect of any loan made in respect of any such land ; and
- (e) the discharge of any principal or interest owing in respect of any loan made to the board by the Commissioners under section 36 of the Endowments and Glebe Measure 1976.

(2) In this section “development”, in relation to a building, includes the division or demolition thereof and “diocesan glebe land” has the same meaning as in the Endowments and Glebe Measure 1976.”

(3) For subsection (3) of section 5 of the ^{M20}Parsonages Measure 1938 there shall be substituted the following subsection :—

“(3) Any moneys arising from any sale or exchange of any part of the property of a benefice under this Measure, in so far as they shall not be applied and disposed of under the foregoing provisions of this section or under section 36(2) of the Endowments and Glebe Measure 1976, shall be allocated by the Church Commissioners to the capital account of the diocesan stipends fund of the diocese to which the benefice belongs.”

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Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976. (See end of Document for details)

Modifications etc. (not altering text)

- C3** The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M19** 1953 No. 2.
M20 1938 No. 3.

VALID FROM 01/01/1999

[^{F10}35A Moneys arising from investments of the capital moneys in diocesan stipends funds. **E**

- (1) The proceeds of, or the capital moneys arising from, any sale, exchange or other dealing with investments made by a Diocesan Board of Finance under section 4(1) of the Diocesan Stipends Funds Measure 1953 less the costs, charges and expenses directly attributable to the transaction in question shall be paid by the Board to the Commissioners immediately after the completion of the transaction, and the amount so paid shall be allocated by the Commissioners to the capital account of the diocesan stipends fund of the diocese concerned.
- (2) All dividends or other payments in the nature of income received by a Diocesan Board of Finance in respect of the investment of any moneys standing to the credit of the capital account of the diocesan stipends fund of the diocese concerned shall be paid by the Board to the Commissioners at such times and in such manner as the Commissioners may specify, and the sums so paid shall be allocated by the Commissioners to the income account of that fund.
- (3) Any question whether any sum paid to the Commissioners under this section should be allocated to the capital account or income account of a diocesan stipends fund shall be conclusively determined by the Commissioners.]

Textual Amendments

- F10** S. 35A inserted (1.1.1999) by 1998 No. 1, s. 13(1), **Sch. 5 para. 4**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

36 Provisions with respect to loans to Diocesan Boards of Finance. **U.K.**

- (1) The Commissioners shall have power to make to a Diocesan Board of Finance, and any such Board shall have power to receive, loans of such amounts, on such terms, and subject to the payment of interest at such rate, as the Commissioners think fit for any or all of the following purposes:—
 - (a) the acquisition of any land to be held by the Board as part of the diocesan glebe land of the diocese;
 - (b) the development or improvement of any such land and the safeguarding of the amenities thereof;

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- (c) the discharge of any principal or interest owing under any mortgage on any such land; and
 - (d) the provision, development or improvement of parsonage land and the safeguarding of the amenities thereof.
- (2) Where a loan has been made to a Diocesan Board of Finance by the Commissioners or any other person for any purpose specified in paragraph (d) of subsection (1) above and the parsonage land in connection with which the loan was made is subsequently sold or exchanged under the ^{M21}Parsonages Measure 1938, then, without prejudice to section 5(2) of that Measure, any moneys arising from the sale or exchange may be applied by the Commissioners in or towards the discharge of any principal or interest which remains owing in respect of that loan.
- (3) In this section “development”, in relation to a building, includes the division or demolition thereof.

Marginal Citations

M21 1938 No. 3.

37 Provisions with respect to certain loans outstanding at the appointed day. U.K.

- (1) The amount of any principal money or interest which at the appointed day remains owing in respect of—
- (a) any loan made by Queen Anne’s Bounty or the Commissioners to the incumbent of a benefice for or towards the erection, purchase or improvement of a glebe building, or the purchase or improvement of glebe land or the cost of repairs to any glebe building, or
 - (b) any loan made by a Parsonages Board to the incumbent of a benefice for or towards the cost of repairs to any glebe building,
- shall be paid to the Commissioners or the said Board, as the case may be, out of either the income account of the diocesan stipends fund of the diocese to which the benefice belongs or the capital account of that fund as the Commissioners, after consultation with the Diocesan Board of Finance for that diocese, may determine.
- (2) Subsection (1) above shall have effect notwithstanding anything in section 4 or 5 of the ^{M22}Diocesan Stipends Funds Measure 1953.
- (3) The amount of any principal money or interest which at the appointed day remains owing in respect of any loan made under the ^{M23}Clergy Residences Repair Act 1776 or any other Act or Measure to the incumbent of a benefice, being a loan made for or towards the provision, division, improvement or repair of a parsonage house or for any purpose specified in section 10 of the ^{M24}Parsonages Measure 1938, shall on that day become secured on the parsonage house of that benefice in like manner as it was previously secured on the glebe, rents and other profits and emoluments thereof.

Marginal Citations

M22 1953 No. 2.

M23 1776 c. 53 (17 Geo. 3).

M24 1938 No. 3.

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Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976. (See end of Document for details)

Sequestrations

38 Amendments of the law relating to sequestrations. **E**

- (1) Section 3 of the ^{M25}Benefices (Sequestrations) Measure 1933 (sequestrators may require income of vacant benefice payable by the Commissioners to be apportioned) and section 70 of the ^{M26}Pastoral Measure 1968 (disposal of profits in hands of sequestrators on dissolution of benefice) shall cease to have effect.
- (2) The bishop of a diocese may with the consent of the Commissioners authorise the sequestrators of any benefice in the diocese, if they think fit, but subject to section 29 of this Measure, to grant a lease of any parsonage land belonging to the benefice for such period as the bishop may authorise, and any such lease shall be subject to the provisions of section 59 of the ^{M27}Pluralities Act 1838.
- (3) [^{F11}Except where a period of suspension of presentation immediately follows a period during which the benefice has been vacant, the sequestrators of a vacant benefice] shall at the close of the sequestration pay the balance in their hands, as certified by the bishop or some person duly authorised by him, to the Commissioners, and the Commissioners shall allocate the amount received to the income account of the diocesan stipends fund.
- (4) ^{F12}

Textual Amendments

- F11** Words in s. 38(3) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para.16**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York
- F12** S. 38(4)(5) repealed by Pastoral Measure 1983 (No. 1, SIF 21:4), s. 93, **Sch. 9**

Modifications etc. (not altering text)

- C4** The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M25** 1933 No. 4.
M26 1968 No. 1.
M27 1838 c. 106.

Repair of chancels

39 Liability to repair certain chancels transferred to parochial church councils. **U.K.**

The liability to repair, or to pay a proportion of the cost of repairing, the chancel of a church, being a liability—

- (a) arising from the ownership immediately before the appointed day of glebe land or any other property constituting part of the endowments of a benefice and held by or in trust for the incumbent of the benefice, or

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(b) arising from the ownership of any title^{M28}rentcharge which was extinguished on 2 October 1936 by the Tithe Act 1936 and immediately before that date was held by Queen Anne's Bounty in trust for the incumbent of a benefice, shall on the appointed day and without any assurance be transferred to and become the liability of the parochial church council of the parish in which the church is situated.

Marginal Citations

M28 1936 c. 43.

Miscellaneous

40 Memorandum etc. of Diocesan Board of Finance extended. U.K.

The Memorandum and Articles of Association of a Diocesan Board of Finance or (if any such Board is not a registered company) the constitution thereof shall be deemed to include the furtherance of the work of the Church of England by the exercise of functions under this Measure and such ancillary powers as are necessary for the exercise of those functions.

41 Amendment as to vesting of certain land acquired by the Commissioners.

U.K.

(1) In section 16(2) of the^{M29}New Parishes Measure 1943 (provisions with respect to vesting of land acquired by the Commissioners under section 13 of that Measure for house of residence for incumbent, etc.), the words "or other ecclesiastical prson" and the words from "or, if the land" to the end of the subsection shall be omitted.

(2) For subsection (3) of the said section 16 there shall be substituted the following subsection :—

“(3) Where any building or land acquired under section 13 of this Measure is—

- (a) a building for use as a church hall or for use both as a church or other place of worship and as church hall ;
- (b) land for the site of such a building ;
- (c) a building or land for, or for the extension of, a house of residence for an ecclesiastical person other than an incumbent ; or
- (d) land required for providing access to or omproving the amenities of such a house,

and that building or land, or any part thereof, is, with the consent of the diocesan authority, designated in the conveyance under which the building or land is so acquired as vesting in that authority, it shall vest in that aauthority accordingly.”

Modifications etc. (not altering text)

C5 The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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Marginal Citations

M29 1943 No. 1.

42 Guidance by the Commissioners. U.K.

The Commissioners may at any time seek information from, and give advice to, any Diocesan Board of Finance on any matter concerning their functions under this Measure, and that Board shall provide such information and have regard to such advice.

43 F13 U.K.

Textual Amendments

F13 S. 43 repealed by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), s. 8(11)

F14 44 E

Textual Amendments

F14 S. 44 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

Supplemental

45 Interpretation. E

(1) In this Measure, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the appointed day” means the day appointed under section 49(2) of this Measure;

“benefice” means the office of a rector or vicar of a parish or parishes, with cure of souls, but not including the office of vicar in a team ministry;

“church land” means the site of any church together with the churchyard and other land annexed or belonging to the church, and any burial ground vested in the incumbent of a benefice (when the benefice is full) but not annexed or belonging to a church;

“the Commissioners” means the Church Commissioners;

“Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the ^{M30}Diocesan Boards of Finance Measure 1925 for that diocese or recognised under section 9 of the ^{M31}Diocesan Stipends Funds Measure 1953 as being the board of finance for that diocese for the purpose of that Measure;

“diocesan glebe land” means glebe land acquired by a Diocesan Board of Finance under any provision of this Measure and any other land acquired by such a Board, being land which by virtue of, or of any enactment amended

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by, a provision of this Measure is to be held as part of the diocesan glebe land of the diocese;

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established under the ^{M32}Reorganisation Areas Measure 1944 or the ^{M33}Pastoral Reorganisation Measure 1949 or the ^{M34}Diocesan Stipends Funds Measure 1953 for that diocese;

“glebe land” means land vested in the incumbent of a benefice (when the benefice is full) as part of the endowments of the benefice other than parsonage land;

“land” includes land of any tenure, and mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, also a manor, a rent and other incorporeal hereditaments other than an advowson, and an easement, right, privilege or benefit in, over or derived from land; [“lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been licensed by a bishop to serve as such a worker;]

“lease” includes an underlease and a tenancy and an agreement for a lease, underlease or tenancy, and “lessee” shall be construed accordingly;

“mines and minerals” includes any stratum or seam of minerals or substances in or under any land, and powers of searching for, working and getting the same, and “minerals” includes sand and gravel;

“mortgage” includes charge;

“Parsonages Board” means the Board appointed or designated under section 1 of the ^{M35}Repair of Benefice Buildings Measure 1972 for the purposes of that Measure;

“parsonage house” means a residence vested in the incumbent of a benefice (when the benefice is full), being his official residence, and includes the buildings, gardens, orchards, paddocks, walls, fences and appurtenances occupied with the residence; and “excluded part of a parsonage house” means any part of a parsonage house which by reason of a certificate of the bishop under section 11 of the ^{M36}Parsonages Measure 1938 is to be deemed not to form part of that house;

“parsonage land” means any of the following—

- (a) a parsonage house;
- (b) any excluded part of a parsonage house;
- (c) any building, part of a building or land which the incumbent of a benefice has acquired or agreed to acquire as a parsonage house or for the site of such a house;
- (d) any building, part of a building or land vested in the incumbent of a benefice (when the benefice is full), being a building or land which in the opinion of the Commissioners should be retained for use as a parsonage house or as the site for such a house;
- (e) any parsonage house or part thereof which ceases to be, or to be part of, such a house by virtue of a pastoral scheme or order and for which no provision for its transfer is made by that scheme or order;
- (f) any parsonage house or part thereof which has ceased to be, or to be part of, such a house otherwise than by virtue of a pastoral scheme or order and in relation to which the consent of the Commissioners for its sale under the ^{M37}Parsonages Measure 1938 has been given;

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“pastoral order” means an order made by the bishop under section 7 of the ^{M38}Pastoral Measure 1968;

“pastoral scheme” means a scheme made by the Commissioners and confirmed by Order in Council under Part I of the Pastoral Measure 1968, and includes any scheme made in pursuance of proposals by a joint pastoral committee appointed under section 12 of that Measure;

“sale”, in relation to an easement, right, privilege, or benefit in, over or derived from land, includes grant.

- (2) If any question whether any land is parsonage land arises it shall be conclusively determined by the Commissioners.
- (3) Any reference in this Measure to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Measure.

Modifications etc. (not altering text)

- C6** Definition in s. 45(1) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No.1\)](#), s. 17(1), [Sch. 3 para.17](#); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York

Marginal Citations

- M30** 1925 No. 3.
M31 1953 No. 2.
M32 1944 No. 1.
M33 1949 No. 3.
M34 1953 No. 2.
M35 1972 No. 2.
M36 1938 No. 3.
M37 1938 No. 3.
M38 1968 No. 1.

46 **Effect of endowment income diversion provisions in certain schemes and orders.** **U.K.**

The provisions of Schedule 4 to this Measure shall have effect in relation to a provision in a pastoral scheme or order that part of the income of the endowments of a benefice shall be paid to the income account of a diocesan stipends fund where—

- (a) the scheme or order is made, and in the case of the scheme confirmed, on or after the appointed day but the inclusion therein of such a provision was under consideration before that day; or
- (b) the scheme or order was made, and in the case of the scheme confirmed, before that day but the provision in question comes into force on or after that day.

47 **Amendments, transitional provisions and repeals.** **U.K.**

- (1) Schedule 5 to this Measure, which contains minor and consequential amendments of certain enactments, shall have effect.
- (2) The transitional provisions in Schedule 6 to this Measure shall have effect.

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- (3) The enactments specified in Schedule 7 to this Measure, being enactments relating to the sale, purchase, exchange, leasing and other dealings with ecclesiastical property, shall to the extent specified in column 3 of that Schedule cease to apply to any incumbent.
- (4) The Acts and Measures specified in Schedule 8 to this Measure are hereby repealed to the extent specified in column 3 of that Schedule.

Modifications etc. (not altering text)

- C7** The text of ss. 9, 18(4)(5), 35, 38(1), 41, 44, 47(1)(4), Sch. 5 and Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

48 Extent and application. U.K.

- (1) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the diocese of Sodor and Man, but may be applied to the Channel Islands or either of them, as defined in the ^{M39}Channel Islands (Church Legislation) Measures 1931 and ^{M40}1957, in accordance with those Measures.
- (2) This Measure applies to benefices in the patronage of the Crown or of the Duchy of Cornwall.

Marginal Citations

- M39** 1931 No. 4.
M40 1957 No. 1.

49 Short title, and commencement. U.K.

- (1) This Measure may be cited as the Endowments and Glebe Measure 1976.
- (2) Sections 9, 16, 19(2) to (4), 31, 32 and 34 of this Measure shall come into force on the passing of this Measure and the other provisions thereof shall come into force on such day as the Commissioners may by order appoint.

Modifications etc. (not altering text)

- C8** 1.4.1978 appointed under s. 49(2)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Endowments and Glebe Measure 1976.