



# Patronage (Benefices) Measure 1986

1986 No. 3

## PART III

### MISCELLANEOUS PROVISIONS AS TO PATRONAGE

*Other amendments of the law relating to rights of patronage etc.*

#### **33 Transfer of advowson [<sup>F1</sup>subject to trust of land] or comprised in settled land.**

- (1) Where any advowson is [<sup>F2</sup>subject to a trust of land], it shall be lawful for the trustees to transfer the advowson gratuitously to any person who has agreed to accept it and—
  - (a) being an individual—
    - (i) is an ecclesiastical corporation sole, or
    - (ii) is an actual communicant member of the Church of England, or
  - (b) being a body of persons, corporate or unincorporate,—
    - (i) is one of the bodies mentioned in section 8(7) of this Measure, or
    - (ii) has the furtherance of the work of the Church of England as one of its objects.
- (2) Where the consent of any person is by any instrument containing such a trust, or by any statutory provision, made requisite to the execution of the trust, then, subject to [<sup>F3</sup>section 10 of the Trusts of Land and Appointment of Trustees Act 1996 (consents)], the trustees shall obtain the consent of that person to the execution of a transfer made lawful by subsection (1) above.
- (3) The tenant for life of settled land may make a grant in fee simple of any advowson comprised in the settled land gratuitously to any such person as is referred to in subsection (1) above.
- (4) Subsection (3) above shall be construed as one with the <sup>M1</sup>Settled Land Act 1925, and that Act shall apply as if the power conferred by subsection (3) had been conferred by that Act.

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*Status: Point in time view as at 01/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 33. (See end of Document for details)*

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- (5) Nothing in any local Act or trust deed shall prevent the transfer inter vivos by trustees of an advowson which is the subject of a trust.

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**Textual Amendments**

- F1** Words in s. 33 heading substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), [7\(3\)](#)
- F2** Words in s. 33(1) substituted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 24\(a\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
- F3** Words in s. 33(2) substituted (1.1.1997) by 1996 c. 47, s. 25(1), [Sch. 3 para. 24\(b\)](#) (with ss. 24(2), 25(4)); S.I. 1996/2974, [art. 2](#)
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**Marginal Citations**

- M1** 1925 c. 18.

**Status:**

Point in time view as at 01/01/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 33.