



Ecclesiastical Commissioners (Powers) Measure 1936

1936 No. 5 26 Geo 5 and 1 Edw 8

2 Power to make schemes for re-endowing certain bishoprics.

- (1) The [^{F1}Church Commissioners] may at any time, with such consent and subject to such approval as hereinafter prescribed, prepare and submit for confirmation to His Majesty in Council a scheme or schemes for transferring to the Commissioners any investments or other property of any description (save as hereinafter mentioned) held by them as or as part of the endowment fund of any of the bishoprics named in the Schedule hereto, and for the payment out of the [^{F1}general fund of the Church Commissioners] in exchange for such transfer of a fixed annual income for the bishopric as a re-endowment thereof and for making any incidental provisions necessary or desirable for giving full effect to the proposed transfer and re-endowment.
- (2) The power conferred by this section shall not extend or apply to the episcopal residence or to any fund specifically allotted to the provision or maintenance of the episcopal residence.

Consents to exercise of power.

- (3) The said power shall only be exercised with the consent of His Majesty and the consent of the bishop for the time being of the diocese to which the scheme relates, and no scheme as aforesaid shall be submitted to His Majesty in Council in relation to such diocese save with the approval of—
 - (a) the Diocesan Board of Finance;
 - (b) the bishop for the time being of any and every contributory bishopric;
 - (c) ^{F2}...and
 - (d) [^{F3}the Chapter] of the cathedral church of the diocese ^{F4}...

Publication of order.

- (4) When any scheme under this section shall have been confirmed by Order in Council, the Order in Council shall be published in the London Gazette and upon such

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publication the provisions of the scheme shall be effectual in law as fully as if they had been contained in this Measure.

Vesting of property transferred.

- (5) Upon any scheme under this section becoming effectual all real and personal property thereby proposed or directed to be transferred to the Commissioners shall vest in them without any further conveyance or assurance and shall be held by them as property the income from which is to be carried to the [^{F1}general fund of the Church Commissioners] freed and discharged from all trusts previously affecting the same, including not only the primary trust for the endowment or benefit of the bishopric to which the scheme relates but also all further trusts in favour of any contributory bishopric or for the foundation of a dean and chapter or otherwise.

Determination of residuary trusts.

- (6) Any scheme under this section may provide that all trusts and provisions in favour of any contributory bishopric or for the foundation of [^{F5}the Chapter] shall determine and become void not only in respect of the property transferred by the scheme as provided by the last preceding subsection hereof, but also in respect of any other property which or the income of which then forms part of the endowment of the bishopric to which the scheme relates, and may further provide that such trusts shall not attach to or affect any property or income at any time thereafter becoming part of the endowment or income of that bishopric.
- (7) In this section the expression “contributory bishopric” shall in relation to the endowment fund of any bishopric mean any other bishopric interested under any of the trusts of the said fund which take effect subject to the primary trust for the benefit of the bishopric to which the fund belongs.

Textual Amendments

- F1** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)
- F2** S. 2(3)(c) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 6 Group 2\(1\)](#)
- F3** Words in s. 2(3)(d) substituted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\), Sch. 4 para. 5\(a\)](#) (with ss. 42(4), 48, 52(1))
- F4** Words in s. 2(3)(d) repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1, s. 39\(1\), Sch. 2 para. 1](#) (with ss. 33, 34, 37)
- F5** Words in s. 2(6) substituted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\), Sch. 4 para. 5\(b\)](#) (with ss. 42(4), 48, 52(1))

Changes to legislation:

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