



Endowments and Glebe Measure 1976

1976 No. 4

A Measure passed by the General Synod of the Church of England to make fresh provision with respect to the means by which the clergy and certain lay persons engaged in the cure of souls are remunerated; to transfer glebe land to Diocesan Boards of Finance; to make provision with respect to the powers and duties of such Boards in relation to such land; to restrict the letting of parts of parsonage houses and to make other provision with respect to such houses; to amend the Diocesan Stipends Funds Measure 1953; to amend the law relating to sequestrations; to amend the law relating to the liability to repair certain chancels; and for purposes connected with the matters aforesaid. [22nd November 1976]

Modifications etc. (not altering text)

- C1 Measure: definition of "Diocesan Board of Finance" and "diocesan glebe land" applied (25.9.1991) by [Compulsory Purchase Act 1965 \(c. 56\), s. 31](#) (as amended (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1\), s. 70, Sch. 15 Pt. II para. 19\(c\)](#) (with s. 84(5))); S.I. 1991/2067, [art. 3](#)
- C2 Measure: definition of "Diocesan Board of Finance" applied (*prosp.*) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 1, SIF 21:8\), ss. 31\(1\), 33\(2\)](#) (with s. 31(6)).
- C3 Power to amend conferred by [Pastoral Measure 1983 \(No. 1, SIF 21:4\), s. 31\(3\)](#)
- C4 Measure: definition of "Diocesan Board of Finance" applied (2.1.1992) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10\), s. 34\(4\)](#) (as amended (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF: 28:2\), s. 70, Sch. 15 Pt. II para. 32\(2\)](#)(with s. 84(5))); S.I. 1991/2728, [art. 3](#)

Commencement Information

- II Measure partly in force at Royal Assent see [s. 49\(2\)](#); Measure wholly in force at 1.4.1978.

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

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

- (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

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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
 - (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.

- (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,

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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.

- (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—
 - (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.

- (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—

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- (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 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.

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

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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.

- [^{F2}(1) The Commissioners may from time to time pay out of their general fund—
- (a) such sums as they think fit towards the stipend of any person holding the office of archdeacon, and
 - (b) such annual sum in respect of the expenses incurred by any person referred to in paragraph (a) above in connection with the performance of the duties of that person's office as the Commissioners think fit.]

^{F3}(2)

Textual Amendments

F2 S. 6(1) substituted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), **ss. 10(1), 21(2)**; [S.I. 2014/1369](#), art. 2

F3 S. 6(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

7 Provisions for determining what constitutes endowments, etc.

- (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
 - (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.

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- (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 ^{M3}Church Property (Miscellaneous Provisions) Measure 1960 (payments consequential on the extinguishment of tithes 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.
- (8) In this section “endowments”, in relation to any benefice includes an excluded part of the parsonage house of the benefice.

Marginal Citations

M3 1960 No. 1.

F48 Payments by Commissioners towards stipends, etc. of curates and lay assistants.

Textual Amendments

F4 S. 8 repealed (31.12.2005) by [Stipends \(Cessation of Special Payments\) Measure 2005 \(No. 1\)](#), ss. 2(3), 5(2); 2005 No. 3, Instrument made by Archbishops

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

- (1) For section 5 of the ^{M4}Diocesan Stipends Funds Measure 1953 there shall be substituted the following section :—

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- “5
- (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)

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

Marginal Citations

M4 1953 No. 2.

Extinguishment of certain charges, trusts, etc.

10 Extinguishment of certain charges, etc.

^{F5}(1)

^{F6}(2)

- (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

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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 ^{M5}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.

Textual Amendments

F5 S. 10(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 6 Group 2(2)

F6 S. 10(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 6 Group 2(2)

Marginal Citations

M5 1938 No. 3.

11 Extinguishment of certain trusts.

- (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—
- the incumbent of a benefice,
 - the holder of an archdeaconry, and
 - 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 ^{F7} . . . , with the consent of the Charity Commissioners, transfer the property to the [^{F8}Diocesan Board of Finance of the appropriate diocese] to be held by [^{F9}it] as part of [^{F9}its] 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 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 [^{F10}and any Diocesan Board of Finance qualified to benefit from the trust in question], 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.
- [^{F11}(5) The Diocesan Board of Finance shall allocate to the capital account of its diocesan stipends fund any property which is transferred to it under subsection (2) above.]

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Textual Amendments

- F7** Words in 11(2) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F8** Words in s. 11(2) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F9** Word in s. 11(2) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 3 para. 2**; 2006 No. 2, Instrument made by Archbishops
- F10** Words in S. 11(3) inserted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F11** S. 11(5) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(c)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

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

- (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—
- 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
 - 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^{M6} Act 1925 and section 2 of the^{M7} 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, 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

- M6** 1925 c. 87.
M7 1947 No. 2.

Status: Point in time view as at 01/03/2019.

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

F12 13 Provision in certain schemes, etc. for payment of stipends or appropriation of endowments revoked.

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Textual Amendments

F12 S. 13 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

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.

- (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,
- 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.

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Provisions with respect to glebe land

F13 15 Transfer of glebe land to Diocesan Boards of Finance.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 16 Diocesan Board of Finance may require incumbent, etc. to furnish information as to glebe land.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F14 17

Textual Amendments

F14 S. 17 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

F13 18 Means by which land may become diocesan glebe land.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 19 Diocesan glebe land to be held, etc. for benefit of diocesan stipends fund; schemes for management of such land.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

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F13 19A Section 19 schemes: subsidiaries.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 20 Powers of Diocesan Boards of Finance to deal with diocesan glebe land.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F15 21

Textual Amendments

F15 S. 21 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

F13 22 Enforcement of restrictive covenants.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 23 Grant or appropriation of diocesan glebe land for certain purposes.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 24 [F16 Rent free homes on diocesan glebe land for those declared to be engaged in the cure of souls]

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Status: Point in time view as at 01/03/2019.

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

Textual Amendments

- F13** Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2
- F16** S. 24 headnote substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 3**; 2005 No. 2, Instrument made by Archbishops

^{F13}25 Moneys arising from dealings, etc. with diocesan glebe land.

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Textual Amendments

- F13** Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

^{F13}26 Diocesan glebe land income and minerals accounts.

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Textual Amendments

- F13** Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

^{F13}27 Commissioners to be informed of certain matters affecting diocesan glebe land.

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Textual Amendments

- F13** Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

^{F17}28

Textual Amendments

- F17** S. 28 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Provisions with respect to parsonage land

^{F13}29 Letting of certain part of parsonage house prohibited.

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Status: Point in time view as at 01/03/2019.

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

Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 30 Provisions to have effect where part of parsonage house has been let by incumbent.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 31 Diocesan Board of Finance may require incumbent, etc. to furnish particulars of certain leases.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 32 Provisions for transfer of parsonage land to Diocesan Board of Finance.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 33 Repair of former parsonage house while vested in incumbent.

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Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with ss. 16(3), 17(1), 27(4), Sch. 2); S.I. 2019/97, art. 2

F13 34 Sale, exchange, etc. of part of parsonage house.

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Status: Point in time view as at 01/03/2019.

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

Textual Amendments

F13 Ss. 15-34 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with ss. 16(3), 17(1), 27(4), [Sch. 2](#)); S.I. 2019/97, art. 2

Financial provisions

35 Further provisions relating to diocesan stipends funds.

(1) At the end of paragraph (a) of section 2 of the ^{M18}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 :—

“⁴
(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.”

^{F18}(3)

Textual Amendments

F18 S. 35(3) repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); S.I. 2019/97, art. 2

Status: Point in time view as at 01/03/2019.

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)

C6 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

M8 1953 No. 2.

F19 35A Moneys arising from investments of the capital moneys in diocesan stipends funds.

.....

Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

F19 36 Provisions with respect to loans to Diocesan Boards of Finance.

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Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

F20 37

Textual Amendments

F20 S. 37 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Sequestrations

F19 38 Amendments of the law relating to sequestrations.

.....

Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

Status: Point in time view as at 01/03/2019.

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

Repair of chancels

F1939 Liability to repair certain chancels transferred to parochial church councils.

.....

Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

Miscellaneous

F1940 Memorandum etc. of Diocesan Board of Finance extended.

.....

Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

F1941 Amendment as to vesting of certain land acquired by the Commissioners.

.....

Textual Amendments

F19 Ss. 35A-42 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with s. 44, Sch. 2); S.I. 2019/97, art. 2

F2142 Guidance by the Commissioners.

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Textual Amendments

F21 S. 42 repealed (1.1.2001) by 2000 Measure No. 1, ss. 8, 20, Sch. 5 para. 12, **Sch. 8 Pt. II**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York and s. 42 restored (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 6**; 2005 No. 2, Instrument made by Archbishops

Status: Point in time view as at 01/03/2019.

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

Textual Amendments

F22 S. 43 repealed by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\)](#), s. 8(11)

F23 **44**

Textual Amendments

F23 S. 44 repealed (1.8.1993) by [1993 c. 10, ss. 98\(2\), 99\(1\)](#), [Sch.7](#)

Supplemental

45 Interpretation.

(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;

F24
...

“the Commissioners” means the Church Commissioners;

“Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the ^{M9}Diocesan Boards of Finance Measure 1925 for that diocese or recognised under section 9 of the ^{M10}Diocesan Stipends Funds Measure 1953 as being the board of finance for that diocese for the purpose of that Measure;

F24
...

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established under the ^{M11}Reorganisation Areas Measure 1944 or the ^{M12}Pastoral Reorganisation Measure 1949 or the ^{M13}Diocesan Stipends Funds Measure 1953 for that diocese;

F24
...

“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;

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Status: Point in time view as at 01/03/2019.

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

“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 ^{M14}Parsonages Measure 1938 is to be deemed not to form part of that house;

^{F24}
...
^{F24}
...

“pastoral scheme” means a scheme made by the Commissioners^{F25}...under Part I of the [^{F26}Pastoral Measure 1983], and includes any scheme made in pursuance of proposals by a joint pastoral committee appointed under [^{F26}section 13] of that Measure;

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

^{F24}
...

^{F27}(2)

(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.

Textual Amendments

- F24** Words in s. 45(1) repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2
- F25** Words in s. 45(1) omitted (1.6.2005) by virtue of Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 7**; 2005 No. 2, Instrument made by Archbishops
- F26** S. 45(1): words in definition of “pastoral scheme” substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 13(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F27** S. 45(2) repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2

Marginal Citations

- M9** 1925 No. 3.
M10 1953 No. 2.
M11 1944 No. 1.
M12 1949 No. 3.
M13 1953 No. 2.
M14 1938 No. 3.

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

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.

Status: Point in time view as at 01/03/2019.

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

47 Amendments, transitional provisions and repeals.

(1) Schedule 5 to this Measure, which contains minor and consequential amendments of certain enactments, shall have effect.

^{F28}(2)

^{F28}(3)

(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.

Textual Amendments

F28 S. 47(2)(3) repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), art. 2

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.

(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 ^{M15}Channel Islands (Church Legislation) Measures 1931 and ^{M16}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

M15 [1931 No. 4.](#)

M16 [1957 No. 1.](#)

49 Short title, and commencement.

(1) This Measure may be cited as the Endowments and Glebe Measure 1976.

^{F29}(2)

Textual Amendments

F29 S. 49(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

Modifications etc. (not altering text)

C8 1.4.1978 appointed under s. 49(2)

Status: Point in time view as at 01/03/2019.

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

SCHEDULES

SCHEDULE 1

Section 4.

PROVISIONS WITH RESPECT TO SCHEMES UNDER SECTION 4

- 1 A draft of a scheme under section 4 of this Measure shall be prepared by the Commissioners after consultation with the bishop of the diocese to which any benefice which may be affected by the scheme belongs.
- 2 The Commissioners shall serve a copy of the draft scheme on—
 - (a) the Diocesan Board of Finance for the said diocese;
 - (b) the incumbent (if any) for the time being of a benefice, the incumbent of which is by virtue of the Act to which the draft scheme relates entitled to be paid an annual sum by the Commissioners or other the trustees for the purposes of that Act;
 - (c) the parochial church council of any parish belonging to that benefice; and
 - (d) if the Act to which the draft scheme relates is one listed in Part II of Schedule 2 to this Measure, the persons who are for the time being the trustees for the purposes of that Act,together with a notice stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than 28 days after the service of the notice.
- 3 (1) The Commissioners shall consider any representations duly made with respect to the draft scheme and any change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form and shall consult the bishop referred to in paragraph 1 above before making their decision.
(2) If the Commissioners decide to amend the draft scheme, the amended draft scheme shall be treated in the same manner as the original draft scheme and paragraph 2 and sub-paragraph (1) above shall apply thereto accordingly.
- 4 (1) If the Commissioners decide to proceed with the draft scheme they shall seal a copy thereof, with such amendments, if any, as they may have made therein, and shall thereby make the scheme.
(2) As soon as possible after making a scheme under section 4 of this Measure the Commissioners shall submit the scheme for confirmation by Her Majesty in Council and shall—
 - (a) notify every person on whom a copy of the draft scheme was required to be served that the scheme has been so submitted; and
 - (b) publish in the London Gazette a notice sufficiently identifying the scheme and stating that it has been so submitted and where a copy of it may be obtained.
- 5 (1) On the publication of a notice in the London Gazette that a scheme under the said section 4 has been submitted for confirmation by Her Majesty in Council the scheme shall be laid before each House of Parliament, and upon the scheme being so laid

Status: Point in time view as at 01/03/2019.

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

section 6 of the ^{M17}Statutory Instruments Act 1946 shall have effect as if this Measure were an Act and the scheme were the draft of a statutory instrument, and section 7(1) of that Act shall apply accordingly.

- (2) If no resolution is passed under the said section 6 that the scheme be not made, Her Majesty may confirm the scheme by Order in Council.

Marginal Citations

M17 1946 c. 36.

- 6 As soon as possible after a scheme under section 4 of this Measure is confirmed by Order in Council under paragraph 5 above there shall be published in the London Gazette a notice sufficiently identifying the scheme and stating that it has been confirmed and where a copy of the Order in Council may be obtained.
- 7 (1) The Commissioners shall send a copy of every Order in Council under paragraph 5 above to—
- (a) every person on whom a copy of a draft of the scheme was required to be served;
 - (b) the bishop of the diocese concerned; and
 - (c) the registrar of that diocese.
- (2) The copy of an Order in Council served on the registrar aforesaid shall be filed by him in the diocesan registry.
- 8 Except insofar as any such scheme, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation on the date on which notice thereof is published in the London Gazette under paragraph 6 above.

SCHEDULE 2

Section 4.

ACTS TO WHICH SECTION 4 APPLIES

PART I

The ^{M18}Rochdale Vicarage Act 1866.

Marginal Citations

M18 1866 c. 86.

The ^{M19}Walton-on-the-Hill Vicarage Act 1882.

Marginal Citations

M19 1882 c. lvii.

Status: Point in time view as at 01/03/2019.

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

The ^{M20}Winwick Rectory Act 1884.

Marginal Citations

M20 1884 c. 4.

The ^{M21}Burnley Rectory Act 1890.

Marginal Citations

M21 1890 c. xxiii.

The ^{M22}Handsworth Rectory Act 1891.

Marginal Citations

M22 1891 c. clxv.

The ^{M23}Liverpool City Churches Act 1897.

Marginal Citations

M23 1897 c. cxiii.

The ^{M24}St. Matthew Bethnal Green (Church Rate Abolition) Act 1898.

Marginal Citations

M24 1898 c. xiii.

The ^{M25}St. Marylebone (Church Rate Abolition) Act 1898.

Marginal Citations

M25 1898 c. cxci.

The ^{M26}All Saints Poplar (Rate Abolition) Act 1903.

Marginal Citations

M26 1903 c. xvi.

The ^{M27}Sutton Coldfield Rectory Act 1907.

Marginal Citations

M27 1907 c. xl.

Status: Point in time view as at 01/03/2019.

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

The ^{M28}St. Mary Stockport Rectory Act 1910.

Marginal Citations

M28 1910 c. xxxiii.

The ^{M29}St. Mary Radcliffe Rectory Act 1911.

Marginal Citations

M29 1911 c. clxxxviii.

The ^{M30}St. Mary Prestwich Rectory Act 1911.

Marginal Citations

M30 1911 c. clxxxix.

The ^{M31}St. Olave's Southwark Church Act 1918.

Marginal Citations

M31 1918 c. xxxix.

The ^{M32}Weaver Navigation Act 1928.

Marginal Citations

M32 1928 c. xxxiv.

PART II

The ^{M33}Walton-on-the-Hill Rectory Act 1843.

Marginal Citations

M33 1843 c. 16.

The ^{M34}Walton-on-the-Hill Rectory Amendment Act 1877.

Marginal Citations

M34 1877 c. 2.

The ^{M35}Walton-on-the-Hill Vicarage Act 1882.

Status: Point in time view as at 01/03/2019.

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

Marginal Citations

M35 1882 c. lvii.

F30 SCHEDULE 3

...

Textual Amendments

F30 Sch. 3 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. II**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York and Sch. 3 restored (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 8**; 2005 No. 2, Instrument made by Archbishops; and expressed to be repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2

SCHEDULE 4

Section 46.

PROVISIONS WITH RESPECT TO DIVERSION OF ENDOWMENT INCOME PROVISIONS IN CERTAIN SCHEMES AND ORDERS

- 1 Where before the appointed day—
- (a) the pastoral committee of a diocese had given notice in writing to the incumbent (if any) of a benefice in the diocese, and to the parochial church council of every parish belonging to the benefice, that the committee was considering whether to make a recommendation to the bishop under section 3 of the ^{M36}Pastoral Measure 1968 that part of the income of the endowments of the benefice should be paid to the income account of the diocesan stipends fund; or
 - (b) the said committee had submitted to the bishop under subsection (5) of the said section 3 a draft proposal that part of the income of the endowments of a benefice in the diocese should be so paid,

and a pastoral scheme or order containing a provision that a specified annual amount of the income of the endowments of that benefice, or the excess over a specified amount thereof, shall be so paid is made, and, in the case of such a scheme, confirmed by Her Majesty in Council, on or after the appointed day, paragraph 3 below shall apply to that provision.

Marginal Citations

M36 1968 No. 1.

Status: Point in time view as at 01/03/2019.

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

- 2 Where a pastoral scheme or order made and, in the case of such a scheme, confirmed by Her Majesty in Council before the appointed day contains a provision that a specified annual amount of the income of the endowments of a benefice, or the excess over a specified amount thereof, shall be paid to the income account of the diocesan stipends fund, and that provision comes into force on or after the appointed day, paragraph 3 below shall apply to that provision.
- 3 A provision to which this paragraph applies shall have effect—
- (a) as if it had been in force immediately before the appointed day; and
 - (b) as if the guaranteed annuity in respect of the benefice to which the provision relates and the annual personal grant, if any, payable under section 2 of this Measure to the incumbent of that benefice had been endowment income of that benefice immediately before that day;
- and, notwithstanding anything in section 1 or 2 of this Measure, the amount of that grant and, if necessary, of that annuity shall be recalculated accordingly, but any change resulting from the recalculation shall not take effect until the provision in question actually comes into force in accordance with the scheme or order containing it.

SCHEDULE 5

Section 47(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C9** 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

The Land Registration Act 1925 (c. 21)

F31₁

Textual Amendments

- F31** Sch. 5 para. 1 repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 13](#) (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

The Ecclesiastical Jurisdiction Measure 1963 (No. 1)

- 2 In section 71(4) of the Ecclesiastical Jurisdiction Measure 1963, for the words from “the net” to the end of the subsection there shall be substituted the words “any one or more of the following, that is to say, the guaranteed annuity payable in respect of the benefice under section 1 of the Endowments and Glebe Measure 1976, the personal grant, if any, to which such person is entitled under section 2 of that Measure and the profits of the benefice as he thinks fit and may, if necessary, sequester the said profits for the payment of the part thereof so assigned”.

Status: Point in time view as at 01/03/2019.

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

The Cathedrals Measure 1963 (No. 2)

- 3 In section 17(2) of the Cathedrals Measure 1963 for the words from “and subsection” to the end there shall be substituted the words “and if at any time any part of the sum which has been so appropriated is expended for the benefit of that cathedral, the annual sum or sums payable to the cathedral chapter by the Commissioners shall be reduced by the proportion which the amount so expended bears to the total amount held to the account of that chapter by the Commissioners”

The Repair of Benefice Building Measure 1972 (No. 2)

- 4 (1) The Repair of Benefice Buildings Measure 1972 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 16—
- (a) in subsection 1(e), for the words “or improvement” there shall be substituted the following words “improvement, division or demolition”, and after the word “residence” there shall be inserted the words “or the safeguarding of the amenities thereof”; and
- (b) at the end there shall be inserted the following subsection:—
- “(3) The Board shall in respect of any parsonage house in the diocese have power to defray on behalf of the Diocesan Board of Finance for the diocese any periodical payment in respect of a loan made by the Commissioners to that Board for the provision, improvement, division or demolition of that house or the safeguarding of the amenities thereof and any accrued interest thereon.”
- (3) In the proviso to section 20(1) for the word “glebe” there shall be substituted the words “any other”
- (4) In the proviso to section 26(1), after the words “out of” there shall be inserted the words “moneys in the hands of the sequestrators or out of”.
- (5) In section 31(1)—
- (a) after the definition of “Diocesan Dilapidations Board” there shall be inserted the following definition:—
- “diocesan glebe land” has the same meaning as in the Endowment and Glebe Measure 1976 ”
- (b) in the definition of “parsonage house” the words from “or the designated” to “1968” shall be omitted ; and
- (c) at the end there shall be inserted the following definition:—
- “team vicar’s house” means a residence vested in a Diocesan Board of Finance as part of the diocesan glebe land of the diocese, being the designated residence of a vicar in team ministry established for a benefice under section 19 of the Pastoral Measure 1968, except a residence held under a lease which makes the landlord wholly or mainly responsible for the repairs, and includes the buildings, gardens, orchards, paddocks, walls, fences and appurtenances necessary for the convenient occupation of the residence ”.
- (6) For section 31(2) there shall be substituted the following subsection:—

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“(2) This Measure shall, so far as applicable, apply to a team vicar’s house as it applies to a parsonage house with the omission of references to the patron and to a previous incumbent, and with the substitution , for references to the incumbent, of references to the Diocesan Board of Finance in which the house is vested and the vicar, except that—

- (a) in sections 9, 12(3), 13(5), 15(1)(a) and 16(2), the references shall be to that Board only ;
- (b) in sections 4(1)(b), 11 and 13(1) and (4), the references shall be to the vicar only ; and
- (c) in sections 20(2) and 21(2), the references shall be to such one of them as is responsible for the contravention in question.”

F32 SCHEDULE 6

Section 47(2).

Textual Amendments

F32 Sch. 6 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), Sch. 3 (with Sch. 2); S.I. 2019/97, art. 2

F33 SCHEDULE 7

Section 47(3).

ENACTMENTS WHICH CEASE TO APPLY TO INCUMBENTS

Textual Amendments

F33 Sch. 7 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), Sch. 3 (with Sch. 2); S.I. 2019/97, art. 2

SCHEDULE 8

47(4)

ACTS AND MEASURES REPEALED

Modifications etc. (not altering text)

C10 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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Acts

Chapter	Short Title	Extent of Repeal
28 Hen. 8. c.11	The Tithe Act 1536.	Sections 1 to 3 in so far as they apply to archdeaonries and benefices. Section 8.
17 Geo. 3. c. 53.	The Clergy Residences Repair Act 1776.	The whole Act except sections 13 and 15. In section 13, the words from “upon the” to “principal”. In section 15, the words from the beginning to “and that”.
21 Geo. 3. c. 66	The Clergy Residences Repair Act 1780.	The whole Act.
55 Geo. 3. c. 147	The Glebe Exchange Act 1815	The whole Act.
56 Geo. 3. c.52	The Glebe Exchange Act 1816	The whole Act.
1 Geo. 4. c. 6.	The Glebe Exchange Act 1820	The whole Act.
6 Geo. 4. c. 8	The Glebe Exchange Act 1825	The whole Act
1 & 2 Vict. c. 23.	The Parsonages Act 1838	The whole Act except sections 5 and 16. In section 5, the words from “upon the” to “principal”.
1 & 2 Vict. c. 106.	The Pluralities Act 1838.	Sections 70 and 71. In section 73, the words from “upon the” to “principal”. Sections 74 and 83. Sections 90 to 92. In section 93, the words from “and also” to the end. Section 94. In section 96, the words from “and such portion” to “curate”, where next occurring. In section 99, the words from “such stipend” to “thereof”.

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		In section 100, the words from “out of” to “hands”.
		Section 101.
		Schedule 2
1 & 2 Vict c. 107.	The Church Building Act 1838.	Section 14
2 & 3 Vict. c. 49.	The Church Building Act 1839.	The whole Act.
3 & 4 Vict. c. 20.	The Queen Anne’s Bounty Act 1840.	Section 5
3 & 4 Vict c. 113.	The Ecclesiastical Commissioners Act 1840.	In section 55, the words from the beginning to “provided; and”.
		Section 56.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act 1841.	In section 12, the words from “and for the competent” to “arise” and the words from “shall be endowed” to “on and”.
5 & 6 Vict. c. 27.	The Ecclesiastical Leases Act 1842.	The whole Act.
13 & 14 Vict. c. 94.	The Ecclesiastical Commissioners Act 1850.	Section 25.
19 & 20 Vict. c. 50.	The Sale of Advowsons Act 1856.	In section 9, the words from “3d.” to “annum”.
24 & 25 Vict. c. 105.	The Ecclesiastical Leases Act 1861.	The whole Act.
25 & 26 Vict. c. 52.	The Ecclesiastical Leases Act 1862.	The whole Act.
28 & 29 Vict. c. 69.	The Parsonages Act 1865.	Section 1.
		In section 2, the words from “and the said monies” to the end.
29 & 30 Vict. c. 111.	The Ecclesiastical Commissioners Act 1866.	Sections 9 and 16.
		In section 17, the words from the beginning to “next” where last occurring.
34 & 35 Vict. c. 45.	The Sequestration Act 1871.	In section 1, the words from “with such stipend” to “license” where next occurring.
		Section 3.

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35 & 36 Vict. c. 49.	The Church Seats Act 1872.	Section 3.
48 & 49 Vict. c. 54.	The Pluralities Acts Amendment Act 1885.	In section 9, the words from “and to assign” to “fit”. In section 13, the words from “and to” to “same” and the words from “with such stipend” to “pounds”.
51 & 52 Vict. c. 20.	The Glebe Lands Act 1888.	The whole Act.
62 & 63 Vict. c. 30.	The Commons Act 1899.	In Schedule 1, the reference to the Clergy Residences Repair Act 1776.
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act 1908.	Section 40(3). Section 48.
8 & 9 Geo. 5. c. 42.	The Loans (Incumbents of Benefices) Amendment Act 1918.	The whole Act.
9 & 10 Geo. 5. c. 59.	The Land Settlement (Facilities) Act 1919.	Section 8
12 & 13 Geo. 5. c. 16.	The Law of Property Act 1922.	Section 43(8)
15 & 16 Geo. 5. c. 87.	The Tithe Act 1925.	Section 3.
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act 1926.	In the Schedule, the entry relating to section 43 of the Law of Property Act 1922.
17 & 18 Geo. 5. c. 36.	The Landlord and Tenant Act 1927.	Section 24(3) In Schedule 2, in Part II, in paragraph 1, sub- paragraph (b) and in sub- paragraph (c) the words from “and every” to the end.
26 Geo. 5. & 1 Edw. 8. c. 43.	The Tithe Act 1936.	In Schedule 3, in Part II, paragraphs 1 to 3.
6 & 7 Geo. 6. c. 21.	The War Damage Act 1943.	In section 76(2), paragraph (c).
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	Section 88(2) and (3).
17 & 13 Geo. 6. c. 74.	The Coast Protection Act 1949.	In section 33(1)(b), the words from “or make” to the end.
2 & 3 Eliz. 2. c. 56	The Landlord and Tenant Act 1954.	Section 61.

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1965 c. 2.	The Administration of Justice Act 1965.	In Schedule 1, the entry relating to the Glebe Exchange Act 1815.
1972 c. 70.	The Local Government Act 1972.	In Schedule 29, paragraph 21.

Measures.

Number	Short Title	Extent of Repeal
14 & 15 Geo. 5. No. 3.	The Ecclesiastical Dilapidations Measure 1923.	Section 52(6)
16 & 17 Geo. 5. No. 8.	The Benefices (Ecclesiastical Duties) Measure 1926.	Parts II and III.
18 & 19 Geo. 5. No. 1.	The Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measure 1928.	The whole Measure.
20 & 21 Geo. 5. No. 5.	The Ecclesiastical Commissioners (Sodor and Man) Measure 1930.	In section 1, the words from “and of” to “1928”.
21 & 22 Geo. 5. No. 6.	The Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measure 1928 (Amendment) Measure 1931.	The whole Measure.
23 & 24 Geo. 5. No. 4.	The Benefices (Sequestrations) Measure 1933.	In section 1(1), the words from “in addition” to “diocese” and the word “also”. Sections 3 and 4. In section 6 the words from “and for” to the end.
26 Geo. 5. & 1 Edw. 8. No. 5.	The Ecclesiastical Commissioners (Powers) Measure 1936.	Sections 5, 7 and 8.
1 Edw. 8. & 1 Geo. 6. No. 1.	The Queen Anne’s Bounty (Powers) Measure 1937.	The whole Measure
1 & 2 Geo. 6. No. 3.	The Parsonages Measure 1938.	In section 1(1A), paragraph (iii) and the word “and” immediately preceding it. In section 2(1), paragraph (iv). In section 5(2), the words from “under the” to “same”, the word “other” and the words from “or in

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		any” to “Measure”, where last occurring.
		Section 10.
1 & 2 Geo. 6. No. 4.	The Ecclesiastical Commissioners (Powers) Measure 1938.	The whole Measure except sections 2(1), (2) and (4), 9 and 13.
2 & 3 Geo. 6. No. 1.	The Queen Anne’s Bounty (Powers) Measure 1939.	The whole Measure.
6 & 7 Geo. 6. No. 1.	The New Parishes Measure 1943.	In section 14, in subsection (2), the words from “and be” to “benefices”, and in subsection (3), the words from “or as” to the end. In section 16(2), the words “or other ecclesiastical person”, and the words from “or, if the land” to the end. In section 17(6), the words from “the Union” to “1952” and the words from “or the” to the end.
9 & 10 Geo. 6. No. 1.	The Ecclesiastical Commissioners (Curate Grants) Measure 1946.	Section 1(2) and (3).
14 & 15 Geo. 6. No. 5.	The Benefices (Stabilization of Incomes) Measure 1951.	The whole Measure.
1 & 2 Eliz. 2. No. 2.	The Diocesan Stipends Funds Measure 1953.	Section 2(b)(iii).
1 & 2 Eliz. 2. No. 4.	The Archdeaconries (Augmentation) Measure 1953.	The whole Measure.
7 & 8 Eliz. 2. No. 2.	The Vacancies in Sees Measure 1959.	Sections 3, 4 and 7.
8 & 9 Eliz. 2. No. 1.	The Church Property (Miscellaneous Provisions) Measure 1960.	Sections 13 and 14.
1964 No. 2.	The Incumbents and Churchwardens (Trusts) Measure 1964.	In section 2(2)(a), the words “or in the endowments of his benefice”.
1968 No. 1.	The Pastoral Measure 1968.	In section 33, subsection (1), in subsection (2) the proviso, and subsections (6) to (10). In section 38, in paragraph (1) the words “or of curacy endowments” and

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1972 No. 2.

The Repair of Benefice
 Buildings Measure 1972.

the words from “and (9)” to the end.

Section 70.

In section 76(2), the words “any glebe land or glebe house or”.

In section 85(2), in paragraph (b), the words from “loans” to “1918” and paragraphs (c) and (f).

In Schedule 3, in paragraph 6(1), the words “or endowments” and the words from “or, in” to the end; and paragraphs 7(2) and 10(2).

In Schedule 7, paragraph 2, in paragraph 3(1), the words “in the Tithe Act 1536 or” and the word “other”; in paragraph 6 the words “and the Commissioners” and “or the Commissioners”, and paragraph 7(1).

Section 2(2).

In section 4, in subsection (1) (e) and in subsection (2), the words “or any glebe building”.

Sections 6 and 7.

Section 8(4).

In section 12, in subsection (1), the words from “and (b)” to “incumbent”, in subsection (3), the words “or glebe building”, the words “in the case of a parsonage house” and the words from “and, in” to “damage” where next occurring, and subsection (4).

In section 18(3), paragraph (c).

In section 19, in subsection (4), the words “or any glebe building” and the

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words “or glebe building, as the case may be”, and in subsection (6), the words “and any scheme under section 7”.

In section 20, in subsection (1), the words “on any glebe land or”, in subsection (3), the words “on glebe land or” and in subsection (6), the words “or any glebe building, as the case may be”.

In section 21, in subsection (1), the words “or any glebe buildings”

Section 22.

Section 26(3) and (4).

In section 31(1), in the definition of “buildings of a benefice” the words from “and” to “benefice”, the definition of “glebe building” and in the definition of “parsonage house” the words from “or the designated” to “1968” .

In Schedule 1, paragraph 2(4).

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Changes to legislation:

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