



# Incumbents and Churchwardens (Trusts) Measure 1964

1964 No. 2

## **3 Vesting of property in diocesan authority.**

- (1) Where upon or after the commencement of this Measure an incumbent or churchwardens or an ecclesiastical corporation sole or a parochial church council hold, acquire or administer any interest to which this Measure applies, it shall be their duty to inform the diocesan authority thereof in writing.
  - (2) If the diocesan authority becomes aware of the existence of any interest to which this Measure may apply (whether as the result of any such information as aforesaid or otherwise) it shall act in accordance with the Schedule to this Measure and may and, subject to the said Schedule, shall by deed vest any interest to which this Measure applies in itself <sup>F1</sup>....
  - (3) Any vesting declaration made by the diocesan authority pursuant to this Measure shall have the operation specified in paragraph (b) of subsection (1) of section forty of the <sup>M1</sup>Trustee Act 1925.
  - (4) It shall be the duty of any person in whom is vested any interest to which this Measure applies and to which any vesting declaration made under this Measure relates, but which, or the right to transfer which, is not by such declaration alone vested in the diocesan authority, to make or concur in making such transfers or other assurances to the diocesan authority as the authority may reasonably require.
  - (5) Any interest which may be vested in the diocesan authority under this section shall so vest subject to all trusts, charges, tenancies, liabilities and other legal incidents affecting the same.
- <sup>F2</sup>(5A) Where any interest is vested in the diocesan authority under this section, the managing trustees shall keep the authority indemnified in respect of—
- (a) all liabilities subject to which the interest is vested or which may at any time affect the property;
  - (b) all rates, taxes, insurance premiums and other outgoings of whatever nature which may from time to time be payable in respect of the interest;

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**Changes to legislation:** There are currently no known outstanding effects for the Incumbents and Churchwardens (Trusts) Measure 1964, Section 3. (See end of Document for details)

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- (c) all costs, charges and expenses incurred by the authority in relation to the acquisition or insurance of the interest or as trustee of the interest; and
  - (d) all costs, proceedings, claims and demands in respect of any of the matters mentioned in paragraphs (a) to (c) of this subsection.]
- (6) The exercise by the diocesan authority of the powers specified in this section and in the Schedule to this Measure shall not affect or prejudice the jurisdiction or powers of the High Court or the [<sup>F3</sup>Charity Commission] to establish a scheme for the administration of any charity to which this Measure applies or otherwise.

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**Textual Amendments**

- F1** Words in s. 3(2) omitted (1.7.2015) by virtue of Ecclesiastical Property Measure 2015 (No. 2), ss. 2(4), 3(2); S.I. 2015/1468, art. 2
- F2** S. 3(5A) inserted (1.7.2015) by Ecclesiastical Property Measure 2015 (No. 2), ss. 2(5), 3(2); S.I. 2015/1468, art. 2
- F3** Words in s. 3(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 43; S.I. 2007/309, art. 2, Sch.
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**Marginal Citations**

- M1** 1925 c. 19.

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