



# 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.**

- (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
  - (b) £1,000,

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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,
 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

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(b) one or more but not all of those benefices is declared vacant under the <sup>M1</sup>Incumbents (Vacation of Benefices) Measure [<sup>F1</sup>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—
  - (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 <sup>M2</sup>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

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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.

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**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 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.**

- [<sup>F2</sup>(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.]

<sup>F3</sup>(2) .....

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**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

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- (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 <sup>M3</sup>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.
- (8) In this section “endowments”, in relation to any benefice includes an excluded part of the parsonage house of the benefice.

*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

M3 1960 No. 1.

### <sup>F4</sup>8 **Payments by Commissioners towards stipends, etc. of curates and lay assistants.**

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#### 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 <sup>M4</sup>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

*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

M4 1953 No. 2.

### *Extinguishment of certain charges, trusts, etc.*

## 10 Extinguishment of certain charges, etc.

<sup>F5</sup>(1) . . . . .

<sup>F6</sup>(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 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 <sup>M5</sup>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—

- (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 <sup>F7</sup> . . . , with the consent of the Charity Commissioners, transfer the property to the

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[<sup>F8</sup>Diocesan Board of Finance of the appropriate diocese] to be held by [<sup>F9</sup>it ] as part of [<sup>F9</sup>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 [<sup>F10</sup>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.
- [<sup>F11</sup>(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.]

#### 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—
- (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<sup>M6</sup> Act 1925 and section 2 of the<sup>M7</sup> Church Commissioners



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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.

**<sup>F12</sup>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.

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- (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*

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

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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

**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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*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

**<sup>F13</sup>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

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

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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

**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

**<sup>F13</sup>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

**<sup>F13</sup>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

**<sup>F13</sup>27 Commissioners to be informed of certain matters affecting diocesan glebe land.**

.....

*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

**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.**

.....

**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.**

.....

**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.**

.....

**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.**

.....

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

.....

#### 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.**

.....

#### 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 <sup>M8</sup>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 ;

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

- (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.”

<sup>F18</sup>(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

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**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

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**Marginal Citations**

**M8** [1953 No. 2](#).

<sup>F19</sup>**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

<sup>F19</sup>**36 Provisions with respect to loans to Diocesan Boards of Finance.**

.....

**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

<sup>F20</sup>**37** .....

*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**

**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

*Repair of chancels*

**F19 39 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*

**F19 40 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

**F19 41 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



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

**F21 42 Guidance by the Commissioners.**

.....

**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

**43** ..... **F22**

**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 <sup>M9</sup>Diocesan Boards of Finance Measure 1925 for that diocese or recognised under section 9 of the <sup>M10</sup>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 <sup>M11</sup>Reorganisation Areas Measure 1944 or the <sup>M12</sup>Pastoral Reorganisation Measure 1949 or the <sup>M13</sup>Diocesan Stipends Funds Measure 1953 for that diocese;

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

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;

F24 ...

F24 ...

F24 ...

F24 ...

F24 ...

“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 <sup>M14</sup>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<sup>F25</sup> ...under Part I of the [<sup>F26</sup>Pastoral Measure 1983], and includes any scheme made in pursuance of proposals by a joint pastoral committee appointed under [<sup>F26</sup>section 13] of that Measure;

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

F24 ...

<sup>F27</sup>(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.

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

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.

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

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

<sup>F28</sup>(2) .....

<sup>F28</sup>(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)**

**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

**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 <sup>M15</sup>Channel Islands (Church Legislation) Measures 1931 and <sup>M16</sup>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.

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

**49 Short title, and commencement.**

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

<sup>F29</sup>(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)**

**C4** 1.4.1978 appointed under s. 49(2)

**Changes to legislation:**

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