



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 ^{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—
 - (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

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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.

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.

- [^{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

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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 ^{M3}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.

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Marginal Citations

M3 1960 No. 1.

^{F4}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 ^{M4}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

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Marginal Citations

M4 1953 No. 2.

Changes to legislation:

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