



Endowments and Glebe Measure 1976

1976 No. 4

Extinguishment of certain charges, trusts, etc.

10 Extinguishment of certain charges, etc.

^{F1}(1)

^{F2}(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 ^{M1}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

F1 S. 10(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

F2 S. 10(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

Marginal Citations

M1 1938 No. 3.

Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Cross Heading: Extinguishment of certain charges, trusts, etc.. (See end of Document for details)

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^{F3} . . ., with the consent of the Charity Commissioners, transfer the property to the [^{F4}Diocesan Board of Finance of the appropriate diocese] to be held by [^{F5}it] as part of [^{F5}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 [^{F6}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.
- [^{F7}(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

- F3** 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
- F4** 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
- F5** 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
- F6** 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
- F7** 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

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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^{M2} Act 1925 and section 2 of the^{M3} 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

- M2** 1925 c. 87.
M3 1947 No. 2.

^{F8}13 Provision in certain schemes, etc. for payment of stipends or appropriation of endowments revoked.

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Textual Amendments

- F8** S. 13 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

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