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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

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section 6 of the ^{M1}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

M1 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 ^{M2}Rochdale Vicarage Act 1866.

Marginal Citations

M2 1866 c. 86.

The ^{M3}Walton-on-the-Hill Vicarage Act 1882.

Marginal Citations

M3 1882 c. lvii.

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The ^{M4}Winwick Rectory Act 1884.

Marginal Citations

M4 1884 c. 4.

The ^{M5}Burnley Rectory Act 1890.

Marginal Citations

M5 1890 c. xxiii.

The ^{M6}Handsworth Rectory Act 1891.

Marginal Citations

M6 1891 c. clxv.

The ^{M7}Liverpool City Churches Act 1897.

Marginal Citations

M7 1897 c. cxiii.

The ^{M8}St. Matthew Bethnal Green (Church Rate Abolition) Act 1898.

Marginal Citations

M8 1898 c. xiii.

The ^{M9}St. Marylebone (Church Rate Abolition) Act 1898.

Marginal Citations

M9 1898 c. cxci.

The ^{M10}All Saints Poplar (Rate Abolition) Act 1903.

Marginal Citations

M10 1903 c. xvi.

The ^{M11}Sutton Coldfield Rectory Act 1907.

Marginal Citations

M11 1907 c. xl.

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The ^{M12}St. Mary Stockport Rectory Act 1910.

Marginal Citations

M12 1910 c. xxxiii.

The ^{M13}St. Mary Radcliffe Rectory Act 1911.

Marginal Citations

M13 1911 c. clxxxviii.

The ^{M14}St. Mary Prestwich Rectory Act 1911.

Marginal Citations

M14 1911 c. clxxxix.

The ^{M15}St. Olave's Southwark Church Act 1918.

Marginal Citations

M15 1918 c. xxxix.

The ^{M16}Weaver Navigation Act 1928.

Marginal Citations

M16 1928 c. xxxiv.

PART II

The ^{M17}Walton-on-the-Hill Rectory Act 1843.

Marginal Citations

M17 1843 c. 16.

The ^{M18}Walton-on-the-Hill Rectory Amendment Act 1877.

Marginal Citations

M18 1877 c. 2.

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

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Marginal Citations

M19 1882 c. lvii.

^{F1}SCHEDULE 3

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Textual Amendments

F1 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 ^{M20}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

M20 1968 No. 1.

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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)

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

The Land Registration Act 1925 (c. 21)

F2₁

Textual Amendments

F2 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”.

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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.”

F³SCHEDULE 6

Section 47(2).

Textual Amendments

- F3** 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

F⁴SCHEDULE 7

Section 47(3).

ENACTMENTS WHICH CEASE TO APPLY TO INCUMBENTS

Textual Amendments

- F4** 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)

- 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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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 archdeaconries 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, subparagraph (b) and in subparagraph (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).

Changes to legislation:

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