



# Universities and College Estates Act 1925

1925 CHAPTER 24 15 and 16 Geo 5

*Special Provisions as to Advowsons, & c.*

## 33 Power to sell advowsons, &c.

- (1) Arrangements may be made under the authority of the [<sup>F1</sup>Church Commissioners] to enable a university or college—
- (a) to sell any benefices, with or without cure of souls, rights of patronage, impropriate rectories, or any other lands or hereditaments annexed or belonging to or held, either wholly or partly by, or in trust for, the university or college, or the head or other member of the college;
  - (b) to sell rights of patronage of benefices, the patronage whereof is vested in any person in trust for the university or college, or for the benefit of the head or any other member of the college;
  - (c) to invest the proceeds of any such sale in the purchase of land in fee simple or any parliamentary or public stocks or funds of Great Britain or other securities, to be settled, held, applied, and disposed of in such manner as may be arranged and determined by the university or college and the [<sup>F1</sup>Church Commissioners], with proper provision, in cases where the benefice is annexed or, belongs to or is held in trust for, the head or other member of the college, for the payment of the interest thereof to the head or such other member of the college upon his resigning the benefice; and
  - (d) to annex the whole or any part of the endowments belonging to any such benefice being a benefice without cure of souls or impropriate rectory, or other lands or hereditaments as aforesaid, or to apply the proceeds of sale thereof, or to apply the proceeds of sale of any rights of patronage, or any part thereof, whether made under this section or otherwise, or any money, stocks, funds, or securities belonging to the university or college, or to any head or to any other member thereof, by way of endowment or augmentation of any benefice with cure of souls, the patronage whereof belongs to, or is held in trust for, or for the benefit of, the university or college or the head or other member of the college:

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Provided that the powers conferred by this section shall not be exercised to the prejudice of the existing interest of any such head or other member of a college without his consent; and in case of any diminution being occasioned in the income of any such head or other member of a college by any sale, annexation, purchase, or investment that may be made under the provisions of this section, arrangements may be made under the authority of the said Commissioners for giving to such head or other member adequate compensation for such diminution of his income out of the revenues of the college, or out of the proceeds of any such sale or investment.

- (2) Every endowment or augmentation which may be made by a university or college of any benefice with cure of souls under the authority of this section, or by virtue of the provisions of . . . <sup>F2</sup> any other Act shall be valid notwithstanding the clear annual value of such benefice may at the time of such endowment or augmentation exceed or be thereby made to exceed the limits prescribed . . . <sup>F2</sup> by any other Act:  
 . . .  
<sup>F2</sup>
- (3) On the sale or annexation under this section of any benefice without cure of souls, or of any impropriate rectory to which any right of patronage belongs, such right of patronage, if not intended to be included in such sale or to accompany such annexation, shall immediately after such sale or annexation be separated from and be no longer exercised by the holder of such benefice without cure of souls, or impropriate rectory, but shall by force of this Act be absolutely transferred to and vested in the university or college, the former patrons or owners of the benefice or impropriate rectory.
- (4) For the purposes of this section the expression “benefice” includes any canonry, ecclesiastical rectory, prebend, or other preferment.
- (5) Any authority or consent of the [<sup>F1</sup>Church Commissioners] under this or the next succeeding section shall be evidenced in writing under their common seal.

#### Textual Amendments

- F1** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)  
**F2** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)

### 34 Power to purchase advowsons, &c.

- (1) Arrangements may be made under the authority of the [<sup>F3</sup>Church Commissioners] to enable a university or college to purchase, out of any of the corporate funds or revenues thereof, advowsons of benefices and any rights of perpetual presentation or nomination to benefices, whether such benefices are or are not annexed to, or held by, or in trust for, the university or college, or the head or other member of the college.
- (2) The <sup>M1</sup>Lands Clauses Consolidation Act 1845 (except such parts thereof as relate to the purchase of lands otherwise than by agreement, and to the recovery of forfeitures, penalties, and costs, and to the sale of superfluous lands), shall be incorporated with and form part of this section, and as if the university or college in each particular case had been inserted therein instead of “the promoters of the undertaking”: Provided that the powers by the said Act vested in the promoters of the undertaking shall be exercised only by a university or college with the consent of the [<sup>F3</sup>Church Commissioners].

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**Textual Amendments**

**F3** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

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**Marginal Citations**

**M1** [1845 c. 18.](#)

**35 Power to substitute lands, &c. for rents, &c. as endowments of benefices.**

- (1) Where any rent or annual sum of money granted, reserved, or made payable, whether before or after the commencement of this Act, under any of the powers of the <sup>M2</sup>Augmentation of Benefices Act 1854, or of the several Acts therein mentioned or otherwise, to the incumbent of any church, by way of endowment, or in augmentation of the endowment of any church or chapel, is charged upon or made payable out of any revenues, lands, or other hereditaments belonging to a university or college, it shall be lawful—
- (a) for the university or college, with the consent of the incumbent for the time being of the church, and also with the consent of the bishop of the diocese within which the church is situate, and of the patron thereof, and notwithstanding any statute or law to the contrary, by deed to appropriate and annex in perpetuity to the church any land, tithe rentcharge, or other hereditaments belonging to the university or college, to the intent that the same may be held and enjoyed by the incumbent for the time being of the church in lieu of and substitution for such rent or annual sum of money as aforesaid; and
  - (b) for the incumbent for the time being to accept to him and his successors such substituted endowment or augmentation, and by the same or any other deed, to release any revenues, lands, or other hereditaments theretofore charged with the said rent or annual sum of money;
- and the premises so released shall be thenceforth wholly discharged from the said rent or sum of money, and from all powers and remedies for the recovery thereof.
- (2) A bishop shall not give his consent to any such annexation and release as aforesaid unless it is proved to his satisfaction that the substituted endowment or augmentation will produce an income which will exceed or be fully equal to the rent or annual sum of money for which the same is to be substituted.
- (3) Such deed or deeds as aforesaid shall be executed by the patron and bishop whose consent is so required as aforesaid, and shall state that such proof as aforesaid has been given to the satisfaction of the bishop.

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**Marginal Citations**

**M2** [1854 c. 84.](#)

**36 Severances of benefices from headships of colleges.**

Where a benefice is by statute or otherwise annexed to the headship of a college as part of the endowment of the headship, and it appears that the endowments of the benefice are sufficient to bear such a charge as is hereinafter mentioned, the college may by deed charge the whole or any part of the land or other endowments of the

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benefice with the payment to the head of the college for the time being of such an annual sum, not exceeding one half of such endowments, as is in the opinion of the [<sup>F4</sup>Church Commissioners] and the bishop of the diocese proper and adequate, regard being had to the value of the benefice, the requirements of the college, and, in the case of a parochial benefice, the population and other circumstances of the parish, and thereupon the advowson and right of presentation of and in such benefice shall be vested in the college freed and discharged from any trust in favour of the head for the time being.

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**Textual Amendments**

**F4** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

**37 Power to transfer advowsons, &c. gratuitously.**

It shall be lawful for a university or college to transfer gratuitously to a bishop, [<sup>F5</sup>Chapter,] dean and chapter, or other ecclesiastical corporation willing to accept the same, any right of patronage belonging to the university or college.

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**Textual Amendments**

**F5** Word in [s. 37](#) inserted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\), Sch. 4 para. 4](#) (with [ss. 42\(4\), 48, 52\(1\)](#))

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**Modifications etc. (not altering text)**

**C1** [S. 37](#) amended (30.6.1999) by [1999 Measure No. 1, ss. 36\(2\)\(6\), 38\(2\)\(3\)\(5\)](#)(with [ss. 33, 34, 37, 38\(6\)](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A and cross-heading inserted by [2022 c. 6 s. 24\(2\)](#)