



# Bishops Trusts Substitution Act 1858

1858 CHAPTER 71 21 and 22 Vict

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts. [2nd August 1858]

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

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)

**1 [F<sup>1</sup>Charity Commission] may make Order enabling Bishop of one Diocese to act for another, as to certain Trusts &c.**

In all cases in which the bishop of a diocese is as such bishop, alone or jointly with any other person or persons, trustee of or invested with any power of nomination or control or other power in relation to any charitable foundation or other trust for public purposes within, or in favour of the clergy, parishioners, or other persons or objects of or belonging to, any place which, at the time when such bishop or his predecessor was first invested with such trust or power, was within that diocese, or concerning any church or chapel in any such place, and by reason of an alteration of the limits of the diocese such place is transferred to and included in some other diocese, it shall be lawful for the [F<sup>1</sup>Charity Commission], if it appear to [F<sup>2</sup>it] that such trust or power was first so vested in the bishop or his predecessor by reason of the place being then within his diocese, and may be conveniently vested in the bishop in whose diocese such place is included, to make an order under their seal substituting from the date thereof for the first-mentioned bishop the bishop of the diocese in which such place is included; and such order shall operate to vest in such lastly-mentioned bishop, either solely or jointly with any other person or persons, as the case may require, all estate, property, stock, funds, monies, securities, rights, titles, patronage, and authority in relation to the charity or trust, as fully and effectually as if he had been originally appointed to have and exercise the same.

*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Bishops Trusts Substitution Act 1858. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 1 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 4(a)**; S.I. 2007/309, art. 2, Sch.
- F2** Word in s. 1 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 4(b)**; S.I. 2007/309, art. 2, Sch.

## 2 Order to be made on the application of the bishops or of one of them.

Provided, that every order to be made under this Act shall be made upon the application of the bishops concerned in such order, or one of them; and no such order shall be made in relation to any advowson or right of patronage or presentation part of the possessions of a see, which might be exchanged or otherwise disposed of by scheme of the [<sup>F3</sup>Church Commissioners], confirmed by Her Majesty in Council; nor shall any such order under this Act be made in relation to any ecclesiastical patronage or power of nomination or appointment of any curate, chaplain, or spiritual person under any trust, without the consent of the [<sup>F3</sup>Church Commissioners] under their common seal.

#### Textual Amendments

- F3** Words substituted by virtue of [Church Commissioners Measure 1967 \(No. 2\)](#), s. 18(2)

## 3 How costs are to be defrayed.

Any costs necessarily incident to effecting the aforesaid transfers shall be defrayed by order of the [<sup>F4</sup>Charity Commission] out of the property, real or personal, as the [<sup>F4</sup>Charity Commission] may direct, which shall be transferred as aforesaid.

#### Textual Amendments

- F4** Words in s. 3 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 5**; S.I. 2007/309, art. 2, Sch.

## 4 Nothing to affect Trusts, &c. within the Universities, and colleges of Eton, Winchester, and Westminster.

Provided always, that nothing herein contained shall be construed to extend to or in any way affect trusts of a visitorial or any other nature or character exercised in or over any college, hall, or school within the precincts or under the jurisdiction or government or either of the Universities of Oxford or Cambridge, or in or over the colleges or schools of Saint Mary at Eton, Saint Mary at Winchester, and Saint Peter at Westminster.

## 5 Nothing to affect certain Endowments, &c.

Provided also, that nothing in this Act, contained shall be construed to extend to endowments of an eleemosynary or any other character, whose foundation trusts are or may be governed by any specific Act of Parliament.

**Status:**

Point in time view as at 27/02/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Bishops Trusts Substitution Act 1858.