



Incumbents and Churchwardens (Trusts) Measure 1964

1964 No. 2

2 Property to which Measure applies.

- (1) This Measure shall apply to any interest mentioned in subsection (2) of this section which is acquired or held on charitable trusts, established for ecclesiastical purposes of the Church of England, and whereof:—
- (a) no present or past trustee (other than the personal representatives of a sole surviving trustee) is or has been any person other than the following:—
 - (i) an incumbent or churchwardens; or
 - (ii) an ecclesiastical corporation sole acting as a joint trustee with an incumbent or churchwardens; or
 - (b) the presently acting trustees (whether or not validly so appointed) are the persons specified in sub-paragraphs (i) or (ii) of paragraph (a) above, unless they are so acting in contravention of the terms of the trust; or
 - (c) the presently acting trustee is the parochial church council not validly so appointed, if the trusts have, immediately previously, been administered by the persons specified in sub-paragraphs (i) or (ii) of paragraph (a) above unless such persons were so acting in contravention of the terms of the trust.
- (2) This section shall apply to any interest being either:—
- (i) an estate or interest in any land; or
 - (ii) an interest in personal property, held or to be held on permanent trusts,
- except any estate or interest:—
- (a) vested in an incumbent, by virtue of his office, in any church, churchyard or burial ground . . . ^{F1};
 - (b) of an incumbent in land or buildings vested in him, before the thirteenth day of April, 1960, by virtue of section seventeen of the ^{M1}New Parishes Measure 1943, and thereafter by virtue of subsections (1) and (2) of section sixteen of that Measure (land and buildings acquired as sites of proposed churches, parsonage houses, etc.);
 - (c) vested in the Official Custodian for Charities;

Changes to legislation: There are currently no known outstanding effects for the Incumbents and Churchwardens (Trusts) Measure 1964, Section 2. (See end of Document for details)

- (d) being a church educational endowment, as defined in section three of the ^{M2}Diocesan Education Committees Measure 1955;
 - [^{F2}(e) being a short lease (within the meaning of section 6 of the Parochial Church Councils (Powers) Measure 1956);]
 - (f) vested in churchwardens in the goods, ornaments, and movables of the church of which they are churchwardens and in an incumbent or churchwardens in any other chattel.
- (3) Any question as to whether personal property is held or to be held on permanent trusts shall be determined for the purposes of this section by a person appointed by the bishop or, during a vacancy in a see, the guardian of the spiritualities:
 Provided that the [^{F3}Charity Commission], in acting under the Schedule to this Measure, shall not be bound by any such determination.

Textual Amendments

- F1** Words repealed (1.4.1978) by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**
 - F2** [S. 2\(2\)\(e\)](#) substituted (1.7.2015) by [Ecclesiastical Property Measure 2015 \(No. 2\)](#), **ss. 2(3)**, 3(2); S.I. 2015/1468, [art. 2](#)
 - F3** Words in s. 2(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 42**; S.I. 2007/309, [art. 2](#), [Sch.](#)
-

Marginal Citations

- M1** 1943 No. 1.
- M2** 1955 No. 1.

Changes to legislation:

There are currently no known outstanding effects for the Incumbents and Churchwardens (Trusts) Measure 1964, Section 2.