Endowments and Glebe Measure 1976

1976 No. 4

Provisions with respect to glebe land

15 Transfer of glebe land to Diocesan Boards of Finance. U.K.

(1) Any glebe land which immediately before the appointed day is, or if the benefice were full would be, vested in right of his benefice in the incumbent of any benefice shall on that day and without any conveyance or other assurance vest by virtue of this section in the Diocesan Board of Finance for the diocese to which the benefice belongs freed and discharged from any previously existing trusts and charges in favour of any other benefice and any previously existing charge to which section 37(3) of this Measure relates, but in other respects—

(a) subject to, and with the benefit of, any other previously existing trusts and charges, any previously existing tenancies and any covenants, conditions, agreements, easements and rights to which that land is subject and of which it has the benefit immediately before that day, and

(b) subject to all such rights in the nature of easements as are necessary for the reasonable enjoyment of any parsonage land belonging to the benefice or any church land, being rights which were formerly exercisable by the incumbent of the benefice in right of his benefice.

(2) Such rights as are referred to in paragraph (*b*) of subsection (1) above shall on and after the appointed day take effect by virtue of this section as legal easements appurtenant to the land referred to in that paragraph.

(3) Without prejudice to subsection (1) above, there shall on the appointed day vest in a Diocesan Board of Finance by virtue of this section and without any conveyance or other assurance all such rights in the nature of easements over any parsonage land belonging to the benefice in question or any church land as are necessary for the reasonable enjoyment of any land which by virtue of that subsection is vested in that Board, being rights which were formerly exercisable by the incumbent of the benefice in right of his benefice.

(4) If there is a dispute between a Diocesan Board of Finance and an incumbent or sequestrators as to the land or any right which vests in the Board by virtue of this

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section, or as to any covenant, condition, agreement, easement or right to which any such land was subject or of which it had the benefit immediately before the appointed day, it shall be decided by the Commissioners whose decision shall be final and shall bind both parties to the dispute and any future incumbent of the benefice in question.

(5) Any decision of the Commissioners under this section shall be evidenced by an instrument under their seal.

16 Diocesan Board of Finance may require incumbent, etc. to furnish information as to glebe land. U.K.

(1) The Diocesan Board of Finance for any diocese may from time to time require the incumbent, or the sequestrators, of any benefice belonging to that diocese—

(a) to furnish the Board with such information relating to any land which forms, or has at any time formed, part of the glebe land of the benefice as the Board requires to enable it to discharge its functions under this Measure;

(b) to produce to the Board such documents in his or their possession, or under his or their control, concerning that land as the Board may specify or describe;

and any person to whom a requirement under this subsection is directed shall comply with the requirement.

(2) A Diocesan Board of Finance shall, as respects any land which forms part of the glebe land of a benefice belonging to the diocese and which is subject to a lease, have the same right to require the lessee of that land to furnish the Board with any information it needs relating to that lease as the Board would have if it were the person to whom the rent payable under the lease is for the time being payable.

17 Lists of glebe land vested in Diocesan Boards of Finance to be prepared. U.K.

Within such period after the appointed day as the Commissioners may specify every Diocesan Board of Finance shall prepare a list in such form and containing such particulars as the Commissioners may prescribe of the glebe land which vested in that Board on that day by virtue of section 15 of this Measure and shall send a copy of the list to the Commissioners.

18 Means by which land may become diocesan glebe land. U.K.

(1) A Diocesan Board of Finance may, with the consent of the Commissioners, acquire land to be held as part of the diocesan glebe land of the diocese.

(2) Subject to subsection (3) below, a Diocesan Board of Finance may, with the consent of the Commissioners and of the Charity Commissioners, appropriate for use as diocesan glebe land of the diocese any land vested in the Board, and any land appropriated under this subsection shall be held by the Board as part of such land.

(3) Where any land is vested in a Diocesan Board of Finance pursuant to section 6(2) of the [M1]Parochial Church Councils (Powers) Measure 1956 or section 3 of the [M2]Incumbents and Churchwardens (Trusts) Measure 1964, no appropriation of that land under subsection (2) above shall be made without the consent of the parochial church council concerned or the managing trustees of that land, as the case may be.

(4) In subsection (1) of section 17 of the [M3]New Parishes Measure 1943 (powers of Commissioners and incumbent to sell, etc. land not longer required), the word “and”

at the end of paragraph (c) shall be omitted and after that paragraph there shall be inserted the following paragraph :—

"(cc) if the Diocesan Board of Finance for the diocesse in which that land or building is situated agrees to accept the transfer, to transfer that land or building or any part thereof to that Board, the land or building or part thereof to be held by the Board as part of the diocesan glebe land of the diocese ; and".

(5) In subsection (3) of the said section 17 (restriction on appropriation or transfer of land acquired by gift or for nominal consideration), after the words "paragraph (c)" there shall be inserted the words "or (cc)".

(6) . . . . . [F1]

Textual Amendments

F1 S. 18(6)(7) repealed by Pastoral (Amendment) Measure 1982 (No. 1, SIF 21:4), **s. 24(2)**

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

Marginal Citations

M1 1956 No. 3.
M2 1964 No. 2.
M3 1943 No. 1.

19 Diocesan glebe land to be held, etc. for benefit of diocesan stipends fund; schemes for management of such land. U.K.

(1) The diocesan glebe land of a diocese shall be held, managed and dealt with by the Diocesan Board of Finance for the benefit of the diocesan stipends fund of the diocese.

(2) Within such period after the passing of this Measure as the Commissioners may specify the Diocesan Board of Finance for every diocese shall prepare a scheme which makes provision as to the persons by whom and the manner in which the diocesan glebe land of the diocese is to be managed and as to the means by which the expenses of managing that land are to be met and submit the scheme to the Commissioners for their approval.

(3) Such a scheme may provide for the setting up of a committee or committees in accordance with the scheme to carry out such functions with respect to the management of the diocesan glebe land of the diocese as may be specified in the scheme, and any such committee may be the Parsonages Board for the diocese appointed under the [M4]Repair of Benefice Buildings Measure 1972 or a committee constituted in accordance with a scheme under that Measure.

(4) Any such scheme may be varied, revoked or replaced by a subsequent scheme made by the Diocesan Board of Finance and approved by the Commissioners.

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Marginal Citations

M4 1972 No. 2.

VALID FROM 01/01/2001

[F2 19A Section 19 schemes: subsidiaries. E

(1) A scheme made under section 19 above may provide for the setting up of a wholly owned subsidiary or subsidiaries of the Diocesan Board of Finance.

(2) Any such subsidiary shall, subject to the provisions of the scheme, have the same powers and duties as the Diocesan Board of Finance with respect to holding, managing and dealing with such glebe land as may be specified in the scheme.]

Textual Amendments

F2 S. 19A inserted (1.1.2001) by 2000 Measure No. 1 , s. 8 , **Sch. 5 para. 4** ; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

20 Powers of Diocesan Boards of Finance to deal with diocesan glebe land. U.K.

(1) Subject to subsections (2) to (4) below, a Diocesan Board of Finance may sell, exchange, lease, mortgage or otherwise deal with any diocesan glebe land of the diocese on such terms as the Commissioners may approve, being terms which they consider proper and advisable; and where the amenities of any land will be affected by the proposed transaction and the Commissioners think it necessary to do so in the interest of safeguarding those amenities, they may, notwithstanding anything in section 19(1) of this Measure, approve such terms as having regard to all the circumstances they consider reasonable and proper.

(2) When the Commissioners first approve a scheme prepared by a Diocesan Board of Finance under section 19 of this Measure they shall authorise that Board in writing to enter into and carry out any transaction relating to the diocesan glebe land of the diocese, other than a transaction specified in Schedule 3 to this Measure, without the approval of the Commissioners.

(3) If the Commissioners are satisfied—

(a) that the scheme for the management of the diocesan glebe land of a diocese which has been approved by them under the said section 19 is not being complied with, or

(b) that the scheme is not being so operated as to result in the efficient management of that land,

they may by notice in writing given to the Diocesan Board of Finance suspend the authorisation given to that Board under subsection (2) above, and as from the date on which the notice is received by the Board that authorisation shall be of no effect unless and until the suspension is cancelled under subsection (4) below.

(4) If a Diocesan Board of Finance on which a notice has been served under subsection (3) above satisfies the Commissioners that the scheme for the management of the diocesan

glebe land of the diocese is being complied with or, as the circumstances require, that the Board has taken the action necessary to ensure that the scheme will thereafter be so operated as to result in the efficient management of that land, the Commissioners shall by notice in writing given to the Board cancel the suspension effected under subsection (3) above.

(5) Before a Diocesan Board of Finance applies to the Commissioners for their approval of the terms of any transaction under subsection (1) above the Board shall serve on the incumbent of the benefice in the parish of which the land to which the transaction relates is situated or, if the benefice is vacant, on the churchwardens of that parish a notice informing him or them of the nature of the proposed transaction, identifying the land to which it relates and the easements (if any) over any church land or parsonage land of which that land has the benefit, and stating that written representations with respect to the transaction may be made to the Board not later than a date specified in the notice, being a date not less than twenty-one days after service of the notice.

(6) Where a transaction consists of the lease of diocesan glebe land which had it not become such land would be an excluded part of a parsonage house, a notice under subsection (5) above shall, if the benefice is vacant, be served on the bishop of the diocese as well as on the churchwardens of the parish.

(7) When making an application to the Commissioners for their approval of the terms of any transaction under subsection (1) above, any such Board shall forward with the application a copy of any representations which have been made to the Board under subsection (5) above with respect to the transaction or, if no such representations were made to the Board on or before the date specified in the notice required by that subsection, a statement by the Board to that effect.

(8) Before deciding whether to approve the terms of any transaction under subsection (1) above the Commissioners shall consider any representation a copy of which has been sent to them under subsection (7) above, and where the transaction consists of the lease of such land as is referred to in subsection (6) above they shall, if the incumbent concerned so requests, or if during a vacancy the bishop of the diocese or the churchwardens of the parish so request, give him or them, as the case may be, an opportunity to make oral representations to their representative with respect to the proposed transaction.

(9) As a condition of giving their approval to the terms of any transaction under subsection (1) above the Commissioners may require the Board to include in the conveyance, deed of exchange, lease or other document such provisions, if any, as appear to them to be necessary to give effect to those terms.

(10) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have approved the terms of any transaction under subsection (1) above which is specified in the document shall be conclusive evidence that those terms have been so approved.

(11) A statement in a document giving effect to a transaction made by a Diocesan Board of Finance under this section that the approval of the Commissioners of the terms of the transaction is not required under subsection (1) above shall, if the document is sealed with the seal of that Board or is signed on behalf of the Board by a person duly authorised by the Board to act in its behalf, be conclusive evidence of that fact.

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21 Power to vary list of transactions terms of which require the Commissioners' approval. U.K.

(1) The Commissioners may by order vary any of the provisions of Schedule 3 to this Measure either by adding one or more entries or by altering or deleting any entry for the time being contained in it, and the references in section 20(2) of this Measure, or in any authorisation given thereunder, to that Schedule shall be construed as a reference to that Schedule as for the time being in force.

(2) Every order made under subsection (1) above shall be laid before the General Synod and shall not come into operation unless and until it has been approved by the General Synod.

(3) The [M5]Statutory Instruments Act 1946 shall apply to any order approved by the Synod under subsection (2) above as if the order were a statutory instrument and were made when so approved and as if this Measure were an Act providing that any such order should be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M5 1946 c. 36.

22 Enforcement of restrictive covenants. U.K.

Where a Diocesan Board of Finance has sold, exchanged or leased any diocesan glebe land of the diocese and the document giving effect to the transaction contains a restrictive covenant imposed for the benefit of any church land or parsonage land, that covenant shall be enforceable by the Board as if it were the owner of that land.

23 Grant or appropriation of diocesan glebe land for certain purposes. U.K.

(1) Notwithstanding anything in section 19(1) of this Measure, a Diocesan Board of Finance may, in the exercise of its powers under section 14 of the [M6]New Parishes Measure 1943 (power of certain bodies to grant to the Commissioners buildings or land for any purpose mentioned in section 13 of that Measure) and with the consent of the Commissioners, grant to the Commissioners—

(a) any building on any diocesan glebe land of the diocese, being a building which consists of a church or part of a church or is fit to be used as or to be converted into a church;

(b) any such land as a site for a new church or for a church to be substituted for an existing church or for enlarging the site of an existing church;

(c) any such land for providing a new or extending an existing churchyard or burial ground;

(d) any such building or land for, or for the extension of, a house of residence for an incumbent;

(e) any such land required for providing access to or improving the amenities of any such church, churchyard, burial ground or house of residence;

and no such Board may in the exercise of the said powers grant any such building or land for any other purpose mentioned in section 13 of that Measure.

(2) Notwithstanding anything in section 19(1) of this Measure, a Diocesan Board of Finance may with the consent of the Commissioners appropriate any such building or land for any purpose mentioned in paragraph (*bb*) of section 13(1) of the said Measure of 1943, **[**[F3](provision of building or land for use as a church hall or for use both as a place of worship and as a church hall, etc.)**]**

(3) Where any building or land is appropriated by such a Board under subsection (2) above, the parochial church council of the parish in which the building or land is situated shall have the like powers and obligations in relation to it as if it were vested in the Board pursuant to section 6(2) of the [M7]Parochial Church Councils (Powers) Measure 1956.

Textual Amendments

F3 Words substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 1(3)**

Marginal Citations

M6 1943 No. 1.

M7 1956 No. 3.

24 Rent free house for team vicar on diocesan glebe land. U.K.

Notwithstanding anything section 19(1) of this Measure, a Diocesan Board of Finance may permit a person holding the office of vicar in a team ministry to reside in a dwelling house situated on the diocesan glebe land of the diocese without payment of any rent.

25 Moneys arising from dealings, etc. with diocesan glebe land to be paid to the Commissioners. U.K.

(1) Subject to subsection (2) below, the proceeds of, or the capital moneys arising from, any sale, exchange or other dealing with the diocesan glebe land of a diocese, and any other payment in the nature of capital made to a Diocesan Board of Finance in respect of such land, shall be paid by the Board to the Commissioners immediately after the completion of the transaction in question or, as the case may be, the payment is made, and the amount so paid shall be allocated by the Commissioners to the capital account of the diocesan stipends fund of that diocese.

(2) Where any diocesan glebe land of a diocese is subject to a mortgage and any estate or interest in that land is sold or exchanged by the Diocesan Board of Finance, any principal money or interest owing under the mortgage at the date of the completion of the transaction may be discharged by the Board out of the proceeds arising from the sale or exchange.

(3) Where a payment has been made to the Commissioners under subsection (1) above, the costs, charges and expenses of the related transaction shall be charged on the capital account of the diocesan stipends fund of the diocese concerned and shall be paid by the Commissioners out of that fund.

(4) All rents or other periodical payments in the nature of income received by a Diocesan Board of Finance in respect of the diocesan glebe land of the diocese, less so much of

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any such payments as is required to enable the Board to meet any recurring outgoings attributable to that land or the expenses incurred in managing that land, shall be paid by the Board to the Commissioners at such times and in such manner as the Commissioners may specify, and, subject to subsection (5) below, the sums so paid shall be allocated by the Commissioners to the income account of the diocesan stipends fund of that diocese.

(5) Any periodical or other payment for or in respect of mines and minerals vested in a Diocesan Board of Finance as part of the diocesan glebe land of the diocese, other than surface rents, shall be treated as a payment in the nature of capital for the purposes of subsection (1) above.

(6) Any question whether any sum paid to the Commissioners under this section should be allocated to the capital account or income account of a diocesan stipends fund, any question whether any outgoings are recurring outgoings attributable to the diocesan glebe land of a diocese, and any question whether any expenses were or will be incurred in managing such land, shall be conclusively determined by the Commissioners.

26 Diocesan glebe land income and minerals accounts. U.K.

(1) Every Diocesan Board of Finance shall open and thereafter keep—

(a) an account of the income of the Board arising from the diocesan glebe land of the diocese during the period to which the account relates and of the expenditure incurred by the Board during that period in meeting the recurring outgoings attributable to that land and the expenses of managing it; and

(b) an account of the periodical or other payments for or in respect of mines and minerals vested in the Board as part of the diocesan glebe land of the diocese, other than surface rents, received by the Board during the period to which the account relates and of the expenditure incurred by the Board during that period in respect of fees or other charges for services rendered in connection with the searching for, working and getting of such mines and minerals.

(2) The references in subsection (1) above to the period to which an account relates shall be construed as references to the period of a year or such other period, if any, as the Commissioners may from time to time specify, and the date on which for the purposes of that subsection any period begins shall be that specified by the Commissioners.

(3) Every Diocesan Board of Finance shall transmit to the Commissioners annually a copy of each of the accounts referred to in subsection (1) above duly audited together with a return containing particulars of such of the matters to which the accounts relate as the Commissioners may prescribe.

27 Commissioners to be informed of certain matters affecting diocesan glebe land. U.K.

Every Diocesan Board of Finance shall keep the Commissioners informed of such matters as the Commissioners may from time to time prescribe, being matters arising from any notice given to the Board by a Governement department or local or public authority or public utility undertakers and affecting the diocesan glebe land of the diocese.

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28 Liability of incumbents to make payments in respect of cost of repairs to glebe buildings abolished. U.K.

(1) On the appointed day any provision made by virtue of section 7 of the [M8]Repair of Benefice Buildings Measure 1972 (provision for requiring incumbents to pay annual sums in respect of the cost of repairs to glebe buildings and for crediting such sums to benefice account) in a scheme under that Measure shall cease to have effect.

(2) The aggregate of any sums which at the appointed day stand to the credit of any account for a benefice kept by a Parsonages Board in accordance with any such provision shall—

(a) if the Diocesan Board of Finance for the diocese to which the benefice belongs is the Parsonages Board for that diocese, be credited to the diocesan glebe land income account kept by the Diocesan Board of Finance in accordance with section 26(1)(*a*) of this Measure; and

(b) in any other case, be paid by the Parsonages Board to the Diocesan Board of Finance for the diocese to which the benefice belongs not later than twenty-eight days after the appointed day and be credited to the said account.

(3) The aggregate of the sums apportioned under section 18(1) of the said Measure of 1972 to glebe buildings belonging to benefices in a diocese and held by the Commissioners at the appointed day shall be paid by the Commissioners to the Diocesan Board of Finance for the diocese, and the amount so paid shall be credited to the account mentioned in paragraph (*a*) of subsection (2) above.

Marginal Citations

M8 1972 No. 2.

Status:
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