



# Endowments and Glebe Measure 1976

1976 No. 4

*Supplemental*

## 45 Interpretation.

- (1) In this Measure, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the appointed day” means the day appointed under section 49(2) of this Measure;

“benefice” means the office of a rector or vicar of a parish or parishes, with cure of souls, but not including the office of vicar in a team ministry;

F1  
...

“the Commissioners” means the Church Commissioners;

“Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the <sup>M1</sup>Diocesan Boards of Finance Measure 1925 for that diocese or recognised under section 9 of the <sup>M2</sup>Diocesan Stipends Funds Measure 1953 as being the board of finance for that diocese for the purpose of that Measure;

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...

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established under the <sup>M3</sup>Reorganisation Areas Measure 1944 or the <sup>M4</sup>Pastoral Reorganisation Measure 1949 or the <sup>M5</sup>Diocesan Stipends Funds Measure 1953 for that diocese;

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...

“land” includes land of any tenure, and mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, also a manor, a rent and other incorporeal hereditaments other than an advowson, and an easement, right, privilege or benefit in, over or derived from land;

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F1 ...

F1 ...

“parsonage house” means a residence vested in the incumbent of a benefice (when the benefice is full), being his official residence, and includes the buildings, gardens, orchards, paddocks, walls, fences and appurtenances occupied with the residence; and “excluded part of a parsonage house” means any part of a parsonage house which by reason of a certificate of the bishop under section 11 of the <sup>M6</sup>Parsonages Measure 1938 is to be deemed not to form part of that house;

F1 ...

F1 ...

“pastoral scheme” means a scheme made by the Commissioners<sup>F2</sup>...under Part I of the [<sup>F3</sup>Pastoral Measure 1983], and includes any scheme made in pursuance of proposals by a joint pastoral committee appointed under [<sup>F3</sup>section 13] of that Measure;

“sale”, in relation to an easement, right, privilege, or benefit in, over or derived from land, includes grant.

F1 ...

<sup>F4</sup>(2) .....

- (3) Any reference in this Measure to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Measure.

#### Textual Amendments

- F1** Words in s. 45(1) 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
- F2** Words in s. 45(1) omitted (1.6.2005) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 3 para. 7**; 2005 No. 2, Instrument made by Archbishops
- F3** S. 45(1): words in definition of “pastoral scheme” substituted (1.1.2001) by [2000 Measure No. 1](#), s. 8, **Sch. 5 para. 13(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F4** S. 45(2) 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

#### Marginal Citations

- M1** 1925 No. 3.
- M2** 1953 No. 2.
- M3** 1944 No. 1.
- M4** 1949 No. 3.
- M5** 1953 No. 2.
- M6** 1938 No. 3.

## 46 Effect of endowment income diversion provisions in certain schemes and orders.

The provisions of Schedule 4 to this Measure shall have effect in relation to a provision in a pastoral scheme or order that part of the income of the endowments of a benefice shall be paid to the income account of a diocesan stipends fund where—

- (a) the scheme or order is made, and in the case of the scheme confirmed, on or after the appointed day but the inclusion therein of such a provision was under consideration before that day; or

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- (b) the scheme or order was made, and in the case of the scheme confirmed, before that day but the provision in question comes into force on or after that day.

#### 47 Amendments, transitional provisions and repeals.

- (1) Schedule 5 to this Measure, which contains minor and consequential amendments of certain enactments, shall have effect.

<sup>F5</sup>(2) .....

<sup>F5</sup>(3) .....

- (4) The Acts and Measures specified in Schedule 8 to this Measure are hereby repealed to the extent specified in column 3 of that Schedule.

##### Textual Amendments

- F5** S. 47(2)(3) 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

##### 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

#### 48 Extent and application.

- (1) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the diocese of Sodor and Man, but may be applied to the Channel Islands or either of them, as defined in the <sup>M7</sup>Channel Islands (Church Legislation) Measures 1931 and <sup>M8</sup>1957, in accordance with those Measures.
- (2) This Measure applies to benefices in the patronage of the Crown or of the Duchy of Cornwall.

##### Marginal Citations

- M7** [1931 No. 4.](#)  
**M8** [1957 No. 1.](#)

#### 49 Short title, and commencement.

- (1) This Measure may be cited as the Endowments and Glebe Measure 1976.

<sup>F6</sup>(2) .....

##### Textual Amendments

- F6** S. 49(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 2(2)

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

**C2** 1.4.1978 appointed under s. 49(2)

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