



Endowments and Glebe Measure 1976

1976 No. 4

Extinguishment of certain charges, trusts, etc.

11 Extinguishment of certain trusts. **E**

- (1) Subject to subsections (3) and (4) below, where immediately before the appointed day any property is held by the Commissioners on trust for the purpose of providing or augmenting the stipend or other emoluments of any one or more of the following persons, that is to say—
- the incumbent of a benefice,
 - the holder of an archdeaconry, and
 - an assistant curate or clerical or lay assistant in a parish,
- the property shall on and after that day be held by the Commissioners as part of their corporate property freed and discharged from that trust.
- (2) Subject to subsections (3) and (4) below, where any property is held by any other persons on trust for the purposes mentioned in subsection (1) above, the trustees may^{F1} . . ., with the consent of the Charity Commissioners, transfer the property to the [^{F2}Diocesan Board of Finance of the appropriate diocese] to be held by [^{F3}it] as part of [^{F3}its] corporate property freed and discharged from that trust.
- (3) Subsections (1) and (2) above shall not apply in relation to any property held on trusts which provide that at the discretion of the trustees the property or the income arising therefrom may be applied for a purpose other than that mentioned in subsection (1) above or provide that on the occurrence of a specified event or the failure to comply with a specified condition the property or the said income shall be applied for a purpose other than that so mentioned or provide for a gift over of the property to persons, other than the Commissioners [^{F4}and any Diocesan Board of Finance qualified to benefit from the trust in question], on such an occurrence or failure.
- (4) Subsection (1) above shall not apply in relation to property held by the Commissioners under or by virtue of any Act listed in Part I of Schedule 2 to this Measure and subsection (2) above shall not apply in relation to property held by any person under or by virtue of the Acts listed in Part II of that Schedule.

Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Section 11. (See end of Document for details)

[^{F5}(5) The Diocesan Board of Finance shall allocate to the capital account of its diocesan stipends fund any property which is transferred to it under subsection (2) above.]

Textual Amendments

- F1** Words in 11(2) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F2** Words in s. 11(2) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F3** Word in s. 11(2) substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 3 para. 2**; 2006 No. 2, Instrument made by Archbishops
- F4** Words in S. 11(3) inserted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F5** S. 11(5) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 2(c)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Changes to legislation:

There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Section 11.