



# Endowments and Glebe Measure 1976

1976 No. 4

## *Provisions with respect to glebe land*

### **20 Powers of Diocesan Boards of Finance to deal with diocesan glebe land.**

[<sup>F1</sup>(1) Subject to the following provisions of this section, a Diocesan Board of Finance may with the consent of the Commissioners sell, exchange, lease, mortgage or otherwise deal with any diocesan glebe land of the diocese; and where the amenities of any land will be affected by the proposed transaction and the Board or the Commissioners think it necessary to do so in the interest of safeguarding those amenities they may, notwithstanding anything in section 19(1) above, include or require to be included such terms safeguarding those amenities as, having regard to all the circumstances, they consider reasonable and proper.]

[<sup>F2</sup>(1A) The consent of the Commissioners shall not be required for any disposition of land other than any such disposition as is specified in Schedule 3 to this Measure.]

[<sup>F3</sup>(2) The consent of the Commissioners shall not be required for a disposition of land to a subsidiary of the Diocesan Board of Finance for the purposes of a scheme made under section 19A above.

(2A) Subject to subsection (6A) below and without prejudice to subsection (2) above, the consent of the Commissioners shall not be required for a disposition of land if—

- (a) the disposition is made to a person who is not a connected person or a trustee for, or nominee of, a connected person; and
- (b) the requirements of subsection (2B) or (2C) below have been complied with in relation to it.

(2B) Except where the proposed disposition is the granting of such a lease as is mentioned in subsection (2C) below, the Diocesan Board of Finance must, before entering into an agreement for the sale or (as the case may be) for a lease or other disposition, of the land—

- (a) obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by and acting exclusively for the Board;

---

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Section 20. (See end of Document for details)*

---

- (b) advertise the proposed disposition for such period and in such manner as the surveyor has advised in his report (unless he has there advised that it would not be <sup>F4</sup>in ]the best interests of the diocese to advertise the proposed disposition); and
  - (c) decide that it is satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made (including any terms for safeguarding the amenities of the land) are the best that can be reasonably obtained for the diocese.
- (2C) Where the proposed disposition is the granting of a lease for a term ending not more than seven years after it is granted (other than one granted wholly or partly in consideration of a fine), the Board must, before entering into an agreement for the lease—
- (a) obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the Board to have the requisite ability and practical experience to provide it with competent advice on the proposed disposition; and
  - (b) decide that it is satisfied, having considered that person's advice, that the terms on which the disposition is proposed to be made (including any terms for safeguarding the amenities of the land) are the best that can reasonably be obtained for the diocese.]
- <sup>F5</sup>(2D) Where the tenant of any diocesan glebe land is entitled, under any enactment, to acquire from or be granted by the Diocesan Board of Finance any interest in the land or to have any existing interest renewed or extended by them the consent of the Commissioners shall not be required to any disposition which gives effect to the tenant's entitlement and subsections (2A), (2B) and (2C) above shall not apply in relation to that disposition.]
- (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 <sup>F6</sup>operation of such provisions of the scheme as may be specified in the notice].
- (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) <sup>F7</sup>Before a Diocesan Board of Finance seeks the consent of the Commissioners under subsection (1) above to a transaction specified in Schedule 3 except any transaction to which subsection (2D) above applies ] 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, <sup>F8</sup> if the benefice is vacant-

---

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
Endowments and Glebe Measure 1976, Section 20. (See end of Document for details)*

---

- (a) on the priest-in-charge of the benefice, in the event of a priest-in-charge being appointed for the benefice during a suspension period declared in respect of the benefice under section 67 of the Pastoral Measure 1983; or
  - (b) on the churchwardens of the parish, in any other case<sup>[F9]</sup> and on the parochial church council 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 <sup>[F10]</sup> priest-in-charge or churchwardens of the parish, as the case may be]
- <sup>[F11][F12]</sup>(6B) Where representations are made to the Board under subsection (5) above, the Board shall forward a copy of the representations to the Commissioners together with details of the proposed transaction and subsection (2A) above shall not apply to the transaction unless the Commissioners, having considered the representations, direct that it shall apply.]
- <sup>[F13]</sup>(6A) Where a transaction is in respect of diocesan glebe land situated in the area of a benefice for which a team ministry is established, subsection (5) above shall have effect in relation to every vicar in the team ministry and, in the case of a house occupied by a member of the team, in relation to that member as it has effect in relation to the incumbent of the benefice.]
- (7) When making an application to the Commissioners for their <sup>[F14]</sup> consent to] any transaction under subsection (1) above, any such Board shall <sup>[F14]</sup>, if no representations were made to the Board under subsection (5) above with respect to the transaction, forward], a statement by the Board to that effect.
  - (8) Before deciding whether to <sup>[F14]</sup> consent to<sup>[F15]</sup>... any transaction under subsection (1) above the Commissioners shall consider any representation a copy of which has been sent to them <sup>F16</sup>..., 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 <sup>[F14]</sup> consent] to <sup>F17</sup>...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 <sup>[F18]</sup> that transaction ] .
  - (10) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have <sup>[F14]</sup> consented to<sup>[F19]</sup>...any transaction under subsection (1) above which is specified in the document shall be conclusive evidence that <sup>[F14]</sup> such consent has been obtained].
  - (11) A statement in a document giving effect to a transaction made by a Diocesan Board of Finance <sup>[F14]</sup> or any subsidiary of the Board under this section that all the requirements of the Measure with respect to the transaction have been complied with shall, if the

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Section 20. (See end of Document for details)*

document is sealed with the seal of the Board or the subsidiary or is signed on behalf of the Board [<sup>F20</sup>or its subsidiary by a person duly authorised by the Board or its subsidiary, as the case may be, ] to act in its behalf, be conclusive evidence of that fact.

[<sup>F21</sup>(11A) Where any such document as is mentioned in subsection (11) above does not contain such a statement as is there mentioned then in favour of a person who (whether under the transaction or afterwards) in good faith acquires an interest in the diocesan glebe land in question for money or money's worth the disposition effected by the transaction shall be valid whether or not the consent of the Commissioners was required to the transaction.]

[<sup>F22</sup>(12) In this section the expressions “ connected person ” and “ qualified surveyor ” have the same meanings as in section 1 of the Parsonages Measure 1938. ]

#### Textual Amendments

- F1** S. 20(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. (5)(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F2** S. 20(1A) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(a)**; 2005 No. 2, Instrument made by Archbishops
- F3** S. 20(2)(2A)(2B)(2C): by 2000 Measure No. 1, s. 8, **Sch. 5 para. 5(b)** it is provided that for subsection (2) there shall be substituted the subsections (2)(2A)(2B)(2C) reproduced in this version of this provision and by s. 20, Sch. 8 of that 2000 measure it is provided that subsection (2) is repealed; Sch. 5 and Sch. 8 of that 2000 measure are brought into force on 1.1.2001 by an Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F4** Word in s. 20(2B)(b) inserted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 3 para. 5(a)**; 2006 No. 2, Instrument made by Archbishops
- F5** S. 20(2D) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(b)**; 2005 No. 2, Instrument made by Archbishops
- F6** Words in s. 20(3) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, Sch. 5 para. 5(c)(d); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F7** Words in s. 20(5) substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(c)**; 2005 No. 2, Instrument made by Archbishops
- F8** Words in s. 20(5) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 13 (a)**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York
- F9** Words in s. 20(5) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(c)**; 2005 No. 2, Instrument made by Archbishops
- F10** Words in s. 20(6) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para. 13 (b)**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York
- F11** S. 20(6A) inserted (1.1.2001) after subsection (6) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 5(e)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F12** S. 20(6B): s. 20(6A) renumbered as s. 20(6B) (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(d)**; 2005 No. 2, Instrument made by Archbishops
- F13** S. 20(6A) inserted (1.5.1996) by 1995 Measure No. 1, s. 14(2); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York
- F14** Words in s. 20(7)(8)(9)(10)(11) substituted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 5(f)(g)(h)(i)(j)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F15** Words in s. 20(8) omitted (1.6.2005) by virtue of Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 3 para. 2(e)**; 2005 No. 2, Instrument made by Archbishops

---

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
Endowments and Glebe Measure 1976, Section 20. (See end of Document for details)*

---

- F16** Words in s. 20(8) omitted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 3 para. 5(b)**; 2006 No. 2, Instrument made by Archbishops
- F17** Words in s. 20(9) omitted (1.6.2005) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 3 para. 2(f)**; 2005 No. 2, Instrument made by Archbishops
- F18** Words in s. 20(9) substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 3 para. 2(f)**; 2005 No. 2, Instrument made by Archbishops
- F19** Words in s. 20(10) omitted (1.6.2005) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 3 para. 2(g)**; 2005 No. 2, Instrument made by Archbishops
- F20** Words in s. 20(11) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 3 para. 5(c)**; 2006 No. 2, Instrument made by Archbishops
- F21** S. 20(11A) inserted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 3 para. 2(h)**; 2005 No. 2, Instrument made by Archbishops
- F22** S. 20(12) inserted (1.1.2001) by 2000 Measure No. 1, s. 8, **Sch. 5 para. 5(k)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

**Status:**

Point in time view as at 01/10/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Endowments and Glebe Measure 1976, Section 20.