



Diocesan Stipends Funds Measure 1953

1953 No. 2 1 and 2 Eliz 2

A Measure passed by the National Assembly of the Church of England. To make further provision in relation to diocesan stipends funds established by the Reorganisation Areas Measure, 1944, and the Pastoral Reorganisation Measure, 1949, and for that purpose to amend those Measures and for purposes connected therewith. [26th March 1953]

Commencement Information

II Measure wholly in force at 1.4.1953 see [ss. 11\(2\), 8\(1\)](#).

1 Capital and income accounts of diocesan stipends funds.

- (1) The Church Commissioners (in this Measure called “the Commissioners”) shall open on the appointed day and thereafter keep two accounts for every diocesan stipends fund established under the ^{M1}Reorganisation Areas Measure 1944 or the ^{M2}Pastoral Reorganisation Measure 1949 namely a capital account and an income account.
- (2) Subject to the provisions of section three of this Measure the Commissioners shall allocate to the capital account and income account of each diocesan stipends fund all moneys and other property held by them on behalf of that fund on the appointed day in such proportions as they after consultation with the bishop and the diocesan board of finance shall determine and shall apportion between the capital account and income account of each fund all charges subsisting thereon on the appointed day in such manner as they after such consultation as aforesaid shall determine.

Marginal Citations

M1 1944 No. 1 (7 & 8 Geo. 6).

M2 1949 No. 3.

Status: Point in time view as at 01/06/1992.

Changes to legislation: There are currently no known outstanding effects for the Diocesan Stipends Funds Measure 1953. (See end of Document for details)

2 Moneys to be allocated to capital and income accounts.

Subject to the provisions of section three of this Measure the Commissioners shall after the appointed day:—

- (a) allocate to the capital account of each diocesan stipends fund—
 - (i) any payment (not being a periodical payment) which may be made by the Commissioners to that fund under the provisions of paragraph (b) of subsection (1) of section sixteen of the Measure of 1944;
 - (ii) any legacy not expressly directed or declared to be applicable as income and any donation or other contribution expressly directed or declared to be applicable as capital which may from time to time be received for the credit of or be allocated to that fund under the provisions of sub-section (1) of section thirty of the Measure of 1944 or sub-section (1) of section eleven of the Measure of 1949; and
 - (iii) any other money or property received for the credit of that fund which the Commissioners after consultation with the bishop and the diocesan board of finance may determine to be of a capital nature; and
 - [^{F1}(iv) any moneys standing to the credit of the income account of the fund which the Commissioners with the consent of the diocesan board of finance concerned decide to transfer to the capital account of that fund; and]
- (b) allocate to the income account of each diocesan stipends fund—
 - (i) any periodical payment which may be made by the Commissioners to that fund under the provisions of paragraph (b) of sub-section (1) of section sixteen of the Measure of 1944;
 - (ii) any legacy expressly directed or declared to be applicable as income and any donation or other contribution not expressly directed or declared to be applicable as capital which may from time to time be received for the credit of or be allocated to that fund under the provisions of sub-section (1) of section thirty of the Measure of 1944 or sub-section (1) of section eleven of the Measure of 1949;
 - (iii) ^{F2}
 - (iv) the interest allowed on sums standing to the credit of the capital account of the fund; and
 - (v) any other money or property received for the credit of that fund which the Commissioners after consultation with the bishop and the diocesan board of finance may determine to be applicable as income.

Textual Amendments

F1 S. 2(a)(iv) inserted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 35\(1\)](#)

F2 S. 2(b)(iii) repealed by [Endowments and Glebe Measure 1976 \(No. 4\), Sch. 8](#)

3 Provisions as to moneys so allocated.

- (1) Any money or other property allocated by the Commissioners to the capital account or the income account of a diocesan stipends fund shall not be credited directly to such account but shall be taken over and held by the Commissioners as part of their general fund, and in lieu thereof the Commissioners shall credit the capital account or the income account (as the case may be) of the diocesan stipends fund with a sum

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charged upon their general fund of an amount equal in value as determined by the Commissioners to the money or other property taken over.

- (2) The Commissioners shall allow interest at such rate as they may determine upon all sums credited to the capital account of a diocesan stipends fund.

[^{F3}4

- (1) Subject to any charges imposed on the capital of the diocesan stipends fund of a diocese by any enactment or any scheme or order made under any enactment, moneys standing to the credit of the capital account of that fund may, at the discretion of the Commissioners on the request of the bishop made with the concurrence of the diocesan board of finance, be applied for any or all of the following purposes:—

- (a) the acquisition of any land to be held by the board as part of the diocesan glebe land of the diocese;
- (b) the development or improvement of any such land and the safeguarding of the amenities thereof;
- (c) the discharge of any expense of a capital nature levied under any enactment and payable by the diocesan board of finance as the person for the time being entitled to the interest in any such land by reference to which the expense was levied;
- (d) the discharge of any principal or interest owing in respect of any loan made in respect of any such land; and

[^{F4}(dd) the provision or improvement of parsonage houses;]

- (e) the discharge of any principal or interest owing in respect of any loan made to the board by the Commissioners under section 36 of the ^{M3}Endowments and Glebe Measure 1976.

- (2) In this section “development”, in relation to a building, includes the division or demolition thereof and “diocesan glebe land” has the same meaning as in the ^{M4}Endowments and Glebe Measure 1976.]

Textual Amendments

F3 S. 4 substituted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 35\(2\)](#)

F4 S. 4(1)(dd) inserted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 17\(1\), Sch. 3 para.6](#); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

Modifications etc. (not altering text)

C1 S. 4 restricted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 37\(2\)](#)

Marginal Citations

M3 1976 No. 4.

M4 1976 No. 4.

[^{F5}5

- (1) Subject to any charges imposed on the income of the diocesan stipends fund of a diocese by any enactment or any scheme or order made thereunder, moneys standing to the credit of the income account of that fund shall be applied—

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- (a) in providing or augmenting the stipends or other emoluments of incumbents, assistant curates licensed under seal and other persons who are declared by the bishop to be engaged in the cure of souls within the diocese;
 - [in meeting expenses incurred in repairing and maintaining parsonage houses;]
 - ^{F6}(aa) and
 - (b) in defraying the expenses incurred by the sequestrators of any benefice in the diocese in the discharge of their functions.
- (2) The said moneys shall be so applied in accordance with directions from time to time given, with the concurrence of the Diocesan Board of Finance, by the bishop or a person duly authorised for that purpose by him.
- (3) Any directions which the bishop or the person so authorised gives under subsection (2) above with respect to the application of the said moneys in providing or augmenting the stipends or other emoluments of the persons mentioned in subsection (1) above shall be consistent with any directions given by the Commissioners, in the exercise of their functions as the Central Stipends Authority, with respect to the forms and levels of the pay of those persons.
- (4) Subject to subsection (3) above, the bishop or the person so authorised shall, in determining the directions to be given under subsection (2) above, have regard to any advice given by the Commissioners with respect to the application of the said moneys.]

Textual Amendments

F5 S. 5 substituted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 9](#)

F6 S. 5(1)(aa) inserted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 17\(1\), Sch. 3 para.7](#); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

Modifications etc. (not altering text)

C2 S. 5 restricted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 37\(2\)](#)

6 ^{F7}

Textual Amendments

F7 S. 6 repealed by [Pastoral Measure 1968 \(No. 1\), Sch. 9](#)

7 Accounts.

So soon as may be after the close of every year the Commissioners shall furnish to the diocesan board of finance a copy of the accounts for that year relating to the capital account and the income account respectively of the diocesan stipends fund.

8 Interpretation.

- (1) In this Measure the following expressions have the meanings hereby respectively assigned to them:—

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“the appointed day” means the first day of April next following the passing of this Measure.

“the Measure of 1944” means the Reorganisation Areas Measure 1944.

“the Measure of 1949” means the Pastoral Reorganisation Measure 1949.

“the bishop” means the bishop for the time being of the diocese concerned . . . ^{F8}

“the diocesan board of finance” means the diocesan board of finance of the diocese concerned.

[^{F9}“parsonage house” has the same meaning as in the Endowments and Glebe Measure 1976]

- (2) In paragraph (c) of sub-section (1) of section seventeen of the Measure of 1944 and in sub-section (7) of section five and sub-section (4) of section twelve of the Measure of 1949 and in this Measure the expression “year” means a period of twelve months beginning on the first day of April in any year and ending on the thirty-first day of March in the year following.

Textual Amendments

- F8** Words repealed by [Church of England \(Miscellaneous Provisions\) Measure 1976 \(No. 3\)](#), **Sch. Pt. II**
- F9** Definition in s. 8(1) inserted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), **Sch. 3 para.8**; Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

9 Provisions as to diocesan boards of finance not regularly constituted.

- (1) Where in any diocese there is a board of finance which, though not duly constituted in accordance with the provisions of the ^{M5}Diocesan Boards of Finance Measure 1925 is recognised for the purpose of this Measure as being the diocesan board of finance, the provisions of this Measure shall apply in relation to that diocese as if the said board had been duly constituted.
- (2) In this section the expression “recognised” means recognised by a certificate signed by the bishop and registered in the diocesan registry.

Marginal Citations

- M5** 1925 No. 3.

10 Repeals.

Sub-sections (2) and (3) of section thirty of the Measure of 1944 and sub-sections (2) and (3) of section eleven of the Measure of 1949 are hereby repealed.

Modifications etc. (not altering text)

- C3** The text of s. 10 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.

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Changes to legislation: There are currently no known outstanding effects for the Diocesan Stipends Funds Measure 1953. (See end of Document for details)

11 Short title and commencement.

- (1) This Measure may be cited as the Diocesan Stipends Funds Measure 1953.
- (2) This Measure shall come into operation on the appointed day.

Status:

Point in time view as at 01/06/1992.

Changes to legislation:

There are currently no known outstanding effects for the Diocesan Stipends Funds Measure 1953.