



# 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]

## Annotations:

### Commencement Information

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

## [<sup>F1</sup>1 Capital and income accounts of diocesan stipends funds.

The diocesan board of finance of each diocese shall keep two accounts for the diocesan stipends fund, namely, a capital account and income account.]

## Annotations:

### Amendments (Textual)

**F1** S. 1 and sidenote substituted (1.1.2001) by [2000 Measure No. 1, ss. 1\(1\)\(a\), 4, Sch. 2 para. 2](#); [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)

## 2 Moneys to be allocated to capital and income accounts.

<sup>F2</sup> . . . The [<sup>F3</sup>diocesan board of finance of each diocese shall]:—

(a) allocate to the capital account of [<sup>F4</sup>the] diocesan stipends fund—

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

(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 [<sup>F6</sup>a pastoral scheme made under the Pastoral Measure

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- 1983 or any other scheme having effect as if it were such a scheme];  
and
- (iii) any other money or property received for the credit of that fund which the [<sup>F7</sup>diocesan board of finance after consultation with the bishop] may determine to be of a capital nature; and
- [<sup>F8</sup>(iv) any moneys standing to the credit of the income account of the fund which the [<sup>F9</sup>diocesan board of finance decides] to transfer to the capital account of that fund; and]
- (b) allocate to the income account of [<sup>F10</sup>the] diocesan stipends fund—
- <sup>F11</sup>(i) . . . . .
- (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 [<sup>F12</sup>a pastoral scheme made under the Pastoral Measure 1983 or any other scheme having effect as if it were such a scheme];
- (iii) . . . . .<sup>F13</sup>
- <sup>F11</sup>(iv) . . . . .
- (v) any other money or property received for the credit of that fund which the [<sup>F14</sup>diocesan board of finance after consultation with the bishop] may determine to be applicable as income.

#### Annotations:

#### Amendments (Textual)

- F2** Words in s. 2 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F3** Words in s. 2 substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F4** Word in s. 2 substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(b)(i)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F5** S. 2(a)(i) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(b)(ii)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F6** Words in s. 2(a)(ii) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(b)(iii)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F7** Words in s. 2(a)(iii) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(b)(iv)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F8** S. 2(a)(iv) inserted by Endowments and Glebe Measure 1976 (No. 4), **s. 35(1)**
- F9** Words in s. 2(a)(iv) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(b)(v)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F10** Word in s. 2(b) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(c)(i)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F11** S. 2(b)(i)(iv) omitted (1.1.2001) by virtue of 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(c)(ii)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F12** Words in s. 2(b)(ii) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(c)(iii)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F13** S. 2(b)(iii) repealed by Endowments and Glebe Measure 1976 (No. 4), **Sch. 8**
- F14** Words in s. 2(b)(v) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, **Sch. 2 para. 3(c)(iv)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

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<sup>F15</sup> 3 .....

**Annotations:**

**Amendments (Textual)**

**F15** S. 3 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

- <sup>F16</sup> 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 <sup>F17</sup>diocesan board of finance with the concurrence of the bishop], be applied for any or all of the following purposes:—
- <sup>F18</sup>(a) the acquisition of any land to be held as diocesan glebe land of the diocese by the board or <sup>F19</sup>a management subsidiary within the meaning of the Church Property Measure 2018] or investment in any such subsidiary;]
  - <sup>F20</sup>(aa) .....
  - (b) the development or improvement of any such land and the safeguarding of the amenities thereof;
  - <sup>F21</sup>(ba) participation in any collective investment scheme operated for the purposes of this paragraph by the Commissioners;
  - (bb) investment in any investments fund or deposit fund constituted under the Church Funds Investment Measure 1958;
  - <sup>F22</sup>(bc) investment in any investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act);]
  - (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
  - <sup>F23</sup>(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 <sup>F24</sup>section 10(2) or 24 of the Church Property Measure 2018].
- <sup>F25</sup>(1A) The proceeds of, or the capital moneys arising from, a sale, exchange or other dealing with investments or deposits made by the diocesan board of finance under subsection (1) less the costs, charges and expenses directly attributable to the transaction in question shall be allocated to the capital account of the diocesan stipends fund.
- (1B) All dividends or other payments in the nature of income received by the diocesan board of finance in respect of the investment or deposit of any moneys standing to the credit of the capital account of the fund shall be allocated to the income account of the fund.]

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- (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 [<sup>F26</sup>the Church Property Measure 2018].]

#### Annotations:

##### Amendments (Textual)

- F16** S. 4 substituted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 35\(2\)](#)
- F17** Words in s. 4(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 4, [Sch. 2 para. 4\(a\)](#); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F18** S. 4(1)(a) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 3\(2\)\(a\), 16\(2\)](#); S.I. 2006/2, Instrument made by Archbishops
- F19** Words in s. 4(1)(a) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\), s. 53\(2\), Sch. 1 para. 4\(2\)](#); S.I. 2019/97, art. 2
- F20** S. 4(1)(aa) omitted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 3\(2\)\(b\), 16\(2\)](#); S.I. 2006/2, Instrument made by Archbishops
- F21** S. 4(1)(ba)(bb)(bc) inserted (1.1.1999) by 1998 No. 1, [ss. 13\(1\), 15](#), 19981014 Sch. 5 para. 1(a); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F22** S. 4(1)(bc) substituted (1.2.2001) by 2000 c. 29, s. 40(1), [Sch. 2 Pt. II para. 51](#) (with s. 35); S.I. 2001/49, [art. 2](#)
- F23** 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.
- F24** Words in s. 4(1)(e) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\), s. 53\(2\), Sch. 1 para. 4\(3\)](#); S.I. 2019/97, art. 2
- F25** S. 4(1A)(1B) inserted (1.3.2019) by [Church Property Measure 2018 \(No. 8\), ss. 38, 53\(2\)](#); S.I. 2019/97, art. 2
- F26** Words in s. 4(2) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\), s. 53\(2\), Sch. 1 para. 4\(4\)](#); S.I. 2019/97, art. 2

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

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

[<sup>F27</sup> 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—
- (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;
- [<sup>F28</sup>(aa) in meeting expenses incurred in repairing and maintaining parsonage houses;] and
- [<sup>F29</sup>(ab) in paying secondary Class 1 contributions under section 6 of the Social Security Contributions and Benefits Act 1992 in respect of ministers of the Church of England who are not employed under a contract of service; 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.

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[<sup>F30</sup>(3) Before giving any directions 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, the bishop or the person so authorised shall have regard to any recommendations made by the Central Stipends Authority with respect to the forms and levels of the stipends and other emoluments 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 [<sup>F31</sup>Archbishops' Council] with respect to the application of the said moneys.]

**Annotations:**

**Amendments (Textual)**

- F27** S. 5 substituted by [Endowments and Glebe Measure 1976 \(No. 4\), s. 9](#)
- F28** 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.
- F29** S. 5(1)(ab) inserted (1.1.1999) by [1998 No. 1, ss. 13\(1\)\(b\), 15](#); Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#)
- F30** S. 5(3) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 3\(3\), 16\(2\)](#); S.I. 2006/2, Instrument made by Archbishops
- F31** Words in s. 5(4) substituted (1.1.2001) by [2000 Measure No. 1, s. 4, Sch. 2 para. 5\(b\)](#); Instrument dated 14.12.2000 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\(2\)](#)

[<sup>F32</sup>**5A Total return investment**

- (1) Nothing in this Measure prevents or restricts the diocesan board of finance from making a resolution under section 104A of the Charities Act 2011 in relation to the capital account of the diocesan stipends fund.
- (2) Where the board makes a resolution under that section in relation to that account, the decisions which it may take about the allocation of the unapplied total return from the account (regardless of when it arose) are decisions as to its allocation between the capital account and the income account.
- (3) In their application to the capital account of a diocesan stipends fund, the regulations under section 104B of the Charities Act 2011 have effect with such modifications as are necessary in light of this section.]

**Annotations:**

**Amendments (Textual)**

- F32** [S. 5A](#) inserted (16.5.2016) by [Diocesan Stipends Funds \(Amendment\) Measure 2016 \(No. 2\), ss. 1, 2\(2\)](#)

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**Annotations:**

**Amendments (Textual)**

**F33** S. 6 repealed by [Pastoral Measure 1968 \(No. 1\)](#), [Sch. 9](#)

<sup>F347</sup> **Accounts.**

**Annotations:**

**Amendments (Textual)**

**F34** S. 7 repealed (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), [ss. 3, 11\(2\)](#); [S.I. 2005/2](#), Instrument made by Archbishops

**8 Interpretation.**

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

“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 . . . <sup>F35</sup>

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

[<sup>F36</sup>“parsonage house” has the same meaning as in [<sup>F37</sup>the Church Property Measure 2018]].

(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.

**Annotations:**

**Amendments (Textual)**

**F35** Words repealed by [Church of England \(Miscellaneous Provisions\) Measure 1976 \(No. 3\)](#), [Sch. Pt. II](#)

**F36** 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.

**F37** Words in s. 8(1) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 1 para. 5](#); [S.I. 2019/97](#), art. 2

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**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 <sup>M1</sup>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.

**Annotations:**

**Marginal Citations**

**M1** 1925 No. 3.

<sup>F38</sup>**10 Repeals.**

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**Annotations:**

**Amendments (Textual)**

**F38** S. 10 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

**11 Short title and commencement.**

- (1) This Measure may be cited as the Diocesan Stipends Funds Measure 1953.

<sup>F39</sup>(2) .....

**Annotations:**

**Amendments (Textual)**

**F39** S. 11(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 6** Group 2(2)

**Changes to legislation:**

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