



# Ecclesiastical Commissioners (Powers) Measure 1936

1936 No. 5 26 Geo 5 and 1 Edw 8

A Measure passed by the National Assembly of the Church of England. To confer upon the Ecclesiastical Commissioners temporary power to give financial help for the provision of churches and other buildings for religious worship, and power to make better provision for the endowment of certain bishoprics: to amend and extend the provisions of the Ecclesiastical Leasing Acts: and to amend the Ecclesiastical Commissioners Measure 1926 as to payment by the Ecclesiastical Commissioners of costs of certain legal proceedings. [29th May 1936]

1 ..... F1

## Textual Amendments

F1 S. 1 repealed by [New Housing Areas \(Church Buildings\) Measure 1954 \(No. 1\)](#), s. 2

## 2 Power to make schemes for re-endowing certain bishoprics.

- (1) The [<sup>F2</sup>Church Commissioners] may at any time, with such consent and subject to such approval as hereinafter prescribed, prepare and submit for confirmation to His Majesty in Council a scheme or schemes for transferring to the Commissioners any investments or other property of any description (save as hereinafter mentioned) held by them as or as part of the endowment fund of any of the bishoprics named in the Schedule hereto, and for the payment out of the [<sup>F2</sup>general fund of the Church Commissioners] in exchange for such transfer of a fixed annual income for the bishopric as a re-endowment thereof and for making any incidental provisions necessary or desirable for giving full effect to the proposed transfer and re-endowment.
- (2) The power conferred by this section shall not extend or apply to the episcopal residence or to any fund specifically allotted to the provision or maintenance of the episcopal residence.

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Commissioners (Powers) Measure 1936. (See end of Document for details)**Consents to exercise of power.*

- (3) The said power shall only be exercised with the consent of His Majesty and the consent of the bishop for the time being of the diocese to which the scheme relates, and no scheme as aforesaid shall be submitted to His Majesty in Council in relation to such diocese save with the approval of—
- (a) the Diocesan Board of Finance;
  - (b) the bishop for the time being of any and every contributory bishopric;
  - (c) the Cathedral Commissioners so long as they shall be in existence; and
  - (d) the cathedral council of the cathedral church of the diocese or other the consenting body of the said church for the purposes of the <sup>MI</sup>Cathedrals Measure 1931.

*Publication of order.*

- (4) When any scheme under this section shall have been confirmed by Order in Council, the Order in Council shall be published in the London Gazette and upon such publication the provisions of the scheme shall be effectual in law as fully as if they had been contained in this Measure.

*Vesting of property transferred.*

- (5) Upon any scheme under this section becoming effectual all real and personal property thereby proposed or directed to be transferred to the Commissioners shall vest in them without any further conveyance or assurance and shall be held by them as property the income from which is to be carried to the [<sup>F2</sup>general fund of the Church Commissioners] freed and discharged from all trusts previously affecting the same, including not only the primary trust for the endowment or benefit of the bishopric to which the scheme relates but also all further trusts in favour of any contributory bishopric or for the foundation of a dean and chapter or otherwise.

*Determination of residuary trusts.*

- (6) Any scheme under this section may provide that all trusts and provisions in favour of any contributory bishopric or for the foundation of a dean and chapter shall determine and become void not only in respect of the property transferred by the scheme as provided by the last preceding subsection hereof, but also in respect of any other property which or the income of which then forms part of the endowment of the bishopric to which the scheme relates, and may further provide that such trusts shall not attach to or affect any property or income at any time thereafter becoming part of the endowment or income of that bishopric.
- (7) In this section the expression “contributory bishopric” shall in relation to the endowment fund of any bishopric mean any other bishopric interested under any of the trusts of the said fund which take effect subject to the primary trust for the benefit of the bishopric to which the fund belongs.

**Textual Amendments**

**F2** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

*Status: Point in time view as at 01/02/1991.*

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#### Marginal Citations

M1 1931 No. 7.

3 ..... F3

#### Textual Amendments

F3 S. 3 repealed by Statute Law Revision Act 1964 (c. 79) and Church Commissioners (Miscellaneous Provisions) Measure 1975 (No. 1), s. 1(2)

4 ..... F4

#### Textual Amendments

F4 S. 4 repealed by Pastoral Measure 1968 (No. 1), Sch. 9

5 ..... F5

#### Textual Amendments

F5 S. 5 repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8

### 6 Power to sell rent-charges belonging to an ecclesiastical corporation or to a benefice.

- (1) The Ecclesiastical Leasing Acts shall be construed and have effect as if the power of sale thereby conferred included power to agree to and carry out the release of the whole or any part of any rentcharge rent or other periodical sum whether payable annually or otherwise forming part of the endowment of an ecclesiastical corporation or of a benefice. And for the purpose of such release the corporation or the incumbent of the benefice shall have power to agree with the owner or owners of any land or other property charged with such rentcharge rent or sum for any apportionment necessary or proper for giving full effect to the agreement for release: Provided that no such apportionment shall be made except with such consents and after such notices as are for the time being required in the case of a sale under the said Acts of land belonging to the corporation or the benefice as the case may be.
- (2) This section shall not apply to tithe rentcharge or to any corn-rent modus or other sum payable in lieu of tithe.

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

C1 S. 6 excluded by Ecclesiastical Jurisdiction Measure 1963 (No. 2), s. 53, Sch. 1; repealed as to incumbents by Endowments and Glebe Measure 1976 (No. 4), Sch. 7

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7 ..... F6

**Textual Amendments**

F6 S. 7 repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8

8 ..... F7

**Textual Amendments**

F7 S. 8 repealed by Endowments and Glebe Measure 1976 (No. 4), Sch. 8

9 ..... F8

**Textual Amendments**

F8 S. 9 repealed by Ecclesiastical Jurisdiction Measure 1963 (No. 1), s. 87, Sch. 5

**10 Registration of stock transferred by scheme.**

(1) Where in pursuance of the provisions of any scheme under this Measure any stock is transferred to the Commissioners the production of a copy of the scheme sealed with the seal of the Commissioners shall be a sufficient authority to any company in whose books is standing any stock so transferred to register or inscribe the stock in the name of the Commissioners.

(2) In this section—

“Company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“Stock” includes any share, annuity or other security.

**11 Interpretation.**

In this Measure “benefice” shall include any benefice within the meaning of the Ecclesiastical Leasing Acts.

**12 Application of the Measure.**

The provisions of this Measure shall not apply to the Channel Islands, nor . . . <sup>F9</sup>, to the Isle of Man, but the Measure may be applied to the Channel Islands as defined in the <sup>M2</sup>Channel Islands (Church Legislation) Measure 1931 or either of them, in accordance with that Measure.

**Textual Amendments**

F9 Words repealed by Church Commissioners (Miscellaneous Provisions) Measure 1975 (No. 1), s. 1(2)

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**Marginal Citations**

**M2** [1931 No. 4.](#)

**13 Short title.**

This Measure may be cited as “The Ecclesiastical Commissioners (Powers) Measure 1936.”

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## THE SCHEDULE

Birmingham.

Blackburn.

Bradford.

Bristol.

Chelmsford.

Coventry.

Derby.

Guildford.

Leicester.

Liverpool.

Newcastle.

Portsmouth.

St. Albans.

St. Edmundsbury and Ipswich.

Sheffield.

Southwark.

Southwell.

Truro.

Wakefield.

Worcester.

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