A

MEASURE

PASSED BY

The National Assembly of the Church of England.

To make provision for empowering the Ecclesiastical Commissioners to take over the endowments and property of any see, to pay to the bishop of the diocese an appropriate stipend, to provide for him a suitable residence, to accept responsibility in respect of certain stipends and other official expenses and to deal with any existing house of residence belonging to the see. [4th February 1943.]

Preparation and confirmation of schemes with respect to endowments and property of sees and stipends of bishops.

1.—(1) In the case of any see, the Ecclesiastical Commissioners (hereafter in this Measure referred to as " the Commissioners "), after consultation with the bishop and the diocesan board of finance, may, with the consent of His Majesty, prepare and submit to His Majesty in Council for confirmation a scheme for—

(*a*) vesting in the Commissioners for the purposes of this Measure all endowments and other property belonging to, or held in trust for, the see or the bishop; and

(*b*) securing to the bishop by way of a charge on their common fund such reduced stipend as the Commissioners deem appropriate:

Provided that, so long as the bishop who at the date of the passing of this Measure was in occupation of a see remains in occupation thereof, a scheme with respect to that see shall not be prepared except at his request, nor shall a scheme so prepared be submitted for confirmation unless, as finally settled, it has been approved by him.

(2) An Order in Council confirming a scheme shall be published in the London Gazette and, upon such publication, the scheme shall come into operation and shall have the force of law.

Vesting of endowments and property.

2. The endowments and other property to be vested in the Commissioners by a scheme shall be specified in a schedule thereto and, upon the scheme coming into operation, shall, without any conveyance or other assurance, vest in the Commissioners, freed and discharged from all previously existing trusts in favour of the see or the bishop.

Episcopal houses of residence.

3.—(1) Where by a scheme a house of residence has become vested in the Commissioners, they may, at any time while it remains so vested, make therein such alterations, if any, as they deem necessary and let it to the bishop, and, if at any time they are of opinion that it is too large, or is not and cannot be made convenient, or is not required, for occupation by the bishop, they may deal with it in any of the following ways, that is to say, they may—

(*a*) transfer it, upon such terms as may be agreed, to the diocesan authority for use for purposes connected with the diocese; or

(*b*) convert it, or any part of it, for use for such other purposes, as having regard to any historical and other associations attaching to it, they may from time to time deem proper; or

(*c*) sell, let or otherwise dispose of it; or

(*d*) demolish it, or any part of it:

Provided that, before deciding to sell it, or to demolish or convert it or any part of it, the Commissioners shall consult with the diocesan advisory committee constituted under section five of the Faculty Jurisdiction Measure, 1938.

1 & 2 Geo. 6. No. 6.

(2) Where the Commissioners have disposed of, converted or demolished a house of residence under the preceding subsection, they may at any time purchase, take on lease, build or otherwise provide another house and may let that house to the bishop and, where under the said subsection they have demolished a part of a house of residence, or converted a part of it for use for other purposes, they may at any time alter or adapt and let to the bishop the part left standing or, as the case may be, the part not so converted.

(3) Any house, or part of a house, let to the bishop under this section shall be an episcopal house of residence of the see.

Protection for buildings of historical, &c., interest.

4. Where, in the case of any house of residence, the exercise of any power conferred by this Measure, would in the opinion of the Commissioners affect any building of archaeological, historical or artistic interest (including any such building in the vicinity of the house of residence in question), the Commissioners, before exercising that power, shall consider what consequences would be likely to result from the exercise thereof and what restrictive or other conditions, if any, should be imposed upon a purchaser or lessee, and, if they consider that any such building may be prejudicially affected by the exercise of the power, shall consult with the Ancient Monuments Board for England, constituted under the Ancient Monuments Acts, 1913 and 1931, and, if they think fit, with any other person qualified to advise on such matters.

Power of Commissioners to pay certain expenses.

5. In the case of a see with respect to which a scheme is in force, the Commissioners may at their discretion pay the whole, or any part, of—

(*a*) the stipend of any bishop suffragan or any chaplain to the bishop;

(*b*) such office expenses (including salaries, and provision for the superannuation, of secretaries and clerks) as it is, in their opinion, necessary for the bishop to incur.

Contributions towards pension. 16 & 17 Geo. 5. No. 7.

6. A scheme with respect to any see may contain such provision for determining anew the annual contributions towards pension to be made by the bishop under section four of the Episcopal Pensions Measure, 1926, as the Commissioners deem equitable, regard being had by them to the reduced income to be received by the bishop and to the burdens imposed by the said Measure on their common fund.

Amending schemes.

7. A scheme may at any time be amended by a subsequent scheme prepared, submitted and confirmed under, and in accordance with the provisions of, section one of this Measure: Provided that an amending scheme shall not be submitted for confirmation unless, as finally settled, it has been approved by the Standing Committee of the Church Assembly.

Interpretation.

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

"the bishop" except in the proviso to subsection (1) of section one, means the bishop for the time being of the diocese in question;

"diocesan authority" has the same meaning as in the Parochial Church Councils (Powers) Measure, 1921; 11 & 12 Geo. 5. No. 1.

"endowments" includes any commutation or other payment charged on the common fund of the Commissioners and any money in their hands which represents the proceeds of a sale of land, or of a house of residence, or a fund for repair of a house of residence;

"house of residence" includes any grounds attached to such a house and any buildings occupied therewith;

"property" does not include an advowson or right of patronage, but, save as aforesaid, includes real and personal property of every description; and

"scheme" means scheme under this Measure.

(2) This Measure applies in relation to an archbishop and his see as it applies in relation to a bishop and his see.

Repeals.

9. Upon the coming into operation of a scheme, so much of any Act of Parliament, Measure, Order in Council, trust deed or other instrument as is inconsistent with any provision of the scheme shall cease to have effect in relation to the see to which the scheme relates.

Short title.

10. This Measure may be cited as the Episcopal Endowments and Stipends Measure, 1943.

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