

## GENERAL SYNOD

### STATUTE LAW (REPEALS) MEASURE

#### Explanatory Memorandum

1. The draft Statute Law (Repeals) Measure repeals a number of enactments that are spent, obsolete, unnecessary or otherwise not now of practical utility. “Enactment” in this context can include a whole Act of Parliament or Church Measure or any provision of an Act or Measure.
2. Enactments within the following categories have deliberately not been included in this exercise:
  - a. those which are concerned with the Church Commissioners’ powers (except those which are clearly obsolete or spent);
  - b. subject to a small number of exceptions, those which are subject to current consolidation exercises (including enactments relating to pensions and to ecclesiastical jurisdiction and the care of churches);
  - c. most legislation concerned with tithes (given the complex interaction of those enactments with private rights).
3. The initial list of enactments proposed for repeal was compiled by the Legal Office. This was subject to a consultation contained in GS Misc 1128. A description of each of the provisions proposed for repeal was set out in that consultation paper.
4. The consultation period lasted from 4 November 2015 until 29 January 2016. Nineteen responses to the consultation were received, one of which was from the Ecclesiastical Law Society with the remainder from individuals. Following consideration of the responses, a small number of enactments are no longer included for repeal on the basis that they still serve a useful purpose. These include the following–
  - Clergy Ordination Act 1804
  - Pluralities Act 1838, sections 36, 59, 124 (part) and 133
  - Ecclesiastical Commissioners Act 1840, section 27
  - Baptismal Fees Abolition Act 1872
  - Church Dignitaries (Retirement) Measure 1949.
5. The main provisions that are included for repeal in the draft Measure are considered to meet the description of being spent, obsolete, unnecessary or otherwise not now of practical utility.
6. The draft Measure also contains repeals of various other enactments which are consequential on the main repeals.

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