

## GENERAL SYNOD

DRAFT CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE AND  
DRAFT AMENDING CANON NO. 31

## Explanatory Memorandum

**Introduction**

1. The draft Measure is introduced on the instructions of the Business Committee.
2. This Measure is the eleventh in a series of Miscellaneous Provisions Measures dealing with uncontroversial matters that do not merit free-standing legislation.

**DRAFT CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE****Clause 1 (Amendment of Ecclesiastical Commissioners Act 1840)**

3. Sub-clause (1) repeals the proviso to section 67 of the Ecclesiastical Commissioners Act 1840, which made provision for the Ecclesiastical Commissioners (now the Church Commissioners), in making “*additional provision for the cure of souls*” to take into account “*the wants and circumstances*” of the places from which the funds had originally come in determining where to make additional provision. This proviso not having been used for over 50 years, the repeal brings the statute into line with the Commissioners’ actual practice.
4. Sub-clause (2) makes a consequential repeal of references elsewhere to the proviso repealed by sub-clause 1.

**Clause 2 (Amendment of Burial Act 1857)**

5. This clause amends the Burial Act 1857 by substituting a new section 25. Under section 25 of the 1857 Act as it currently stands it is a criminal offence to remove a body or human remains from a place of burial without either a faculty (in the case of a body that is moved from one consecrated place of burial to another) or the licence of the Secretary of State in any other case. The new section 25 provides for the continued existence of a criminal offence of removing a body or human remains without a specified form of authority. But the forms of authority that are specified are extended so that they are –
  - a licence granted by the Secretary of State;
  - any faculty authorising the removal of a body or remains (and not, as at present, only a faculty authorising removal from one consecrated place of burial to another);
  - an approval granted under the Care of Cathedrals Measure 2011.
6. Extending the specified forms of approval in this way will mean that in those cases where it is currently necessary to obtain both a faculty and a licence from the Secretary of State, or both an approval under the Care of Cathedrals Measure and a licence from the Secretary of State, only a faculty or an approval under the Measure will be required in future. An unnecessary element of dual secular/ecclesiastical control will be removed leaving removals that are subject to ecclesiastical jurisdiction to be dealt with by those jurisdictions alone.

### **Clause 3 (Amendment of Episcopal Endowments and Stipends Measure 1943)**

7. This clause replaces section 5 of the Episcopal Endowments and Stipends Measure 1943, which confers a discretionary power on the Church Commissioners to pay (a) the stipend of a suffragan bishop or a bishop's chaplain and (b) office expenses. The new provision retains the Commissioners' discretionary power to pay particular expenses, whilst also enabling them to make a lump sum payment to the bishop, which can then be used for payment of expenses as they arise.

### **Clause 4 (Amendment of Ecclesiastical Jurisdiction Measure 1963)**

8. Clause 4 amends the provisions in the Ecclesiastical Jurisdiction Measure 1963 that prescribe the formal qualifications for appointment as the chancellor of a diocese and as Dean of the Arches and Auditor. The relevant provisions currently contained in the 1963 Measure employ statutory legal qualifications that are based on the number of years a person has held the right to appear in certain types of court. Those statutory qualifications are no longer employed in the case of appointments of judges in the temporal courts and they have effectively become obsolete. The amendments, instead of specifying a particular qualification for appointment, provide that a chancellor must at least have the formal qualifications that a person has to have in order to be appointed a circuit judge and that the Dean of the Arches and Auditor must at least have the formal qualifications that a person must have in order to be appointed a Lord Justice of Appeal.

### **Clause 5 (Amendment of Faculty Jurisdiction Measure 1964)**

9. Clause 5 amends a provision contained in the Faculty Jurisdiction Measure 1964 that empowers consistory courts to grant faculties authorising works to monuments that are owned by persons who withhold their consent to such works or who cannot be traced. As the provision currently stands the court is not able to grant such a faculty if the owner of a monument who withholds his or her consent can satisfy the court that he or she is willing and able to remove the monument. This is not considered to result in a satisfactory position because it means that if a court is presented with a case concerning, for example, a dangerous monument which a parochial church council wishes to make safe, the court (and the PCC) would be unable to make it safe if the owner (i.e. the heir of the person in whose honour it was set up) showed that he was in a position to remove the memorial. In those circumstances the court would have to decide between allowing the memorial to be permanently removed from the church, or retaining it in the church in a dangerous state. The provision that constrains the court in this way is removed by the amendment.
10. The amendment inserts a new provision which enables the court to grant a faculty authorising works to a monument without requiring the petitioner to seek consent from the owner, or to seek to trace the owner if his or her identity is not already known, if the matter is of such urgency that it would not be reasonable to require the petitioner to take those steps.

### **Clause 6 (Amendment of Overseas and Other Clergy (Ministry and Ordination) Measure 1967)**

11. Clause 6 inserts new provisions into the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.

12. Section 1 of the 1967 Measure currently empowers the archbishop of the province to grant a permission to an individual ‘overseas clergyman’ (ie essentially a person ordained priest or deacon by a bishop of a Church outside the British Isles which is in communion with the Church of England) enabling him or her to officiate in the province on the same basis as clergy who have been ordained by a bishop of the Church of England. The power is routinely exercised to enable clergy from other provinces in the Anglican Communion to exercise ministry in England. The grant of a permission under section 1 of the 1967 Measure does not remove the need for the priest or deacon to obtain a licence or permission to officiate from the bishop of the diocese where the ministry is to be exercised where such a licence or permission to officiate would be required by a member of the clergy of the Church of England.
13. Clause 6(2) inserts a new provision enabling the archbishop to revoke a permission granted to an individual ‘overseas clergyman’ under section 1 of the 1967 Measure for “*any cause which appears to him to be good and reasonable*”. However the power to revoke a permission will not be available in the case of an ‘overseas clergyman’ who is a freehold incumbent or who currently holds office under common tenure. It will also not be possible for the archbishop to revoke a permission for a cause that amounts to misconduct which is capable of being the subject of proceedings under the Clergy Discipline Measure 2003 unless the ‘overseas clergyman’ in question has been dealt with under that Measure and has had a penalty of prohibition for life, removal from office or revocation of licence imposed on him or her.
14. The power conferred by section 1 of the 1967 Measure is limited to granting permissions to individual priests and deacons. It does not provide for the grant of general permissions, for example to specified categories of ‘overseas clergymen’. So, for example, when there are a large number of overseas clergy present in England around the time of the Lambeth Conference, there is no facility for the grant of a general permission to such clergy to celebrate the Holy Communion or to preach if invited to do so by an incumbent. Clause 6(3) inserts a new section 1A into the Measure empowering the archbishop of the province to grant general permissions, specifying the category of clergy and the range of ecclesiastical functions to which the permission relates. Such a permission could be for a specified period or could be indefinite. The archbishop would be able to revoke the permission at any time. It will not be possible for an ‘overseas clergyman’ to conduct marriages or publish banns under the authority of such a general permission (an individual permission being required for that purpose).

#### **Clause 7 (Amendment of Patronage (Benefices) Measure 1986)**

15. Clause 7(2) inserts a new section 16A into the Patronage (Benefices) Measure 1986, so as to provide a new special procedure for the appointment of a priest in charge as incumbent when a suspension of the right of presentation, or restriction on presentation, comes to an end.
16. The purpose of the provision is to remove the need for the application of the full statutory appointment procedure contained in Part 2 of the 1986 Measure where all the interested parties – the patron, the bishop, the parochial church council and the priest in charge – are agreed that a priest in charge should become the incumbent of the benefice.
17. Accordingly, the new section 16A provides for a simplified process. The process is initiated by the bishop giving formal notice to the registered patron, the priest in charge and the parochial church council of a proposal that the priest in charge should be appointed

incumbent. It is then open to the patron to present the priest in charge for admission to the benefice if two conditions are satisfied:

- the priest in charge states in writing that he or she is willing to be appointed; and
- the PCC passes a resolution approving the proposal that the priest in charge should be appointed.
- The patron is not under any obligation to present the priest in charge. It remains open to the patron – as at present – to present someone other than the priest in charge. If the patron does not present the priest in charge, the normal statutory appointment process is engaged.

18. Particular provision is made to deal with the situations where (a) the bishop is the registered patron and (b) where the right of patronage belongs to the Crown by virtue of a vacancy in see.

### **Clause 8 (Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991)**

19. Clause 8 amends the power contained in section 18 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 that enables the chancellor of a diocese to authorise the emergency demolition of a church. There are doubts as to the whether that power is currently exercisable in the way it was intended to be when the 1991 Measure was enacted. The amendment made by clause 8 will ensure that the power is exercisable in any circumstances where demolition of the whole or part of a church is urgently necessary in the interests of safety or health or for the preservation of the church. It will continue to be the case that where the church is listed or is in a conservation area demolition will not be permitted if the safety or health concerns or the preservation of the building can be dealt with by way of repair or temporary support or shelter. And the works of demolition must be limited to those that are immediately necessary. Those two restrictions are extended by the amendment made in clause 8(b) so that they will also apply to unlisted churches that are not in a conservation area.

### **Clause 9 (Tenure of office of vicars general and surrogates)**

20. At common law the office of vicar general of a province or of a diocese automatically ceases when a vacancy in the archiepiscopal or diocesan see comes to an end, unless the appointment has previously been confirmed by the capitular body of the metropolitan or cathedral church. Clause 9(1) provides that the office of vicar general will not automatically cease in those circumstances and brings the position in respect of the office of vicar general into line with the position in respect of the office of diocesan chancellor. (The offices of vicar general and chancellor are always held by the same person.)
21. The vicar general of each diocese appoints deputies called surrogates who have jurisdiction in respect of the grant of marriage licences that are known as ‘common licences’. At common law, the office of surrogate ceases automatically when the vicar general who appointed the surrogate leaves office. That is not a convenient situation and clause 9(2) provides that the office of surrogate will not automatically cease in those circumstances.

### **Clause 10 (Amendment of Dioceses, Pastoral and Mission Measure 2007)**

22. Clause 10 makes amendments to the powers of the Dioceses Commission so that a diocesan or suffragan see can be renamed by a reorganisation scheme and so that a reorganisation scheme can create new suffragan bishoprics irrespective of whether that scheme abolishes a diocesan bishopric.

### **Clause 11 (Minor and consequential amendments)**

23. Clause 11 gives effect to the minor and consequential amendments that are set out in the Schedule to the Measure.

### **Clause 12 (Citation, commencement and extent)**

24. Clause 12 provides for the citation of the Measure and its commencement and extent.

### **Schedule**

25. *Paragraph 1* removes the requirement for the appointment of the First and Third Church Estates Commissioners to be published in the London Gazette.
26. *Paragraph 2* amends section 17 of the New Parishes Measure 1943 to reflect the fact that diocesan boards of finance, rather than the Church Commissioners, now have power to acquire land for purposes set out in section 13 of that Measure (following amendments made by the Church of England (Miscellaneous Provisions) Measure 2010), and therefore they need a corresponding power to dispose of such land.
27. *Paragraph 3* amends the Church Commissioners Measure 1947 to alter the powers and duties of the Church Commissioners in relation to their own governance and organisation.
28. *Paragraph 3(2)* amends section 4 to enable notices and agendas for general meetings of the Church Commissioners to be sent out by electronic means as well as by post.
29. *Paragraph 3(3)* amends section 6 of the Measure for the following purposes:
- It renames the Audit Committee the ‘Audit and Risk Committee’.
  - It imposes a new duty on that Committee to review the risks, including financial risks, to which the Commissioners are exposed.
  - It amends the definition of ‘actuary’ to reflect the fact that there is now a single professional body covering England and Scotland, rather than a separate body for each.
  - It slightly expands the powers of the Commissioners to make provision in Standing Orders for delegation to chairs of Committees, their deputies and officers.
30. *Paragraph 3(4)* expands the meaning of ‘signature’ in section 9 of the Measure to include electronic signatures.
31. *Paragraph 3(5)* amends Schedule 1 to the Measure, which makes provision for election of Commissioners by the General Synod. At present, it is open to members of Synod to elect a person who is not a Synod member as a Commissioner. However, anomalously, if a person who is a member of Synod is elected as a Commissioner and is subsequently not re-elected to the relevant House of Synod, Schedule 1 presently provides that the person also ceases to be a Commissioner. The amendment restricts this effect to the House of Bishops, which can elect Commissioners only from among its members by virtue of paragraph 1(b) of Schedule 1: a member of the House of Clergy or the House of Laity who ceases to be a member of Synod will not, in future, also automatically cease to be a Commissioner.
32. *Paragraph 3(6)* provides for the Board of Governors or any Committee of the Commissioners to make standing orders enabling them to make decisions on proposals

outside meetings by circulating the proposal by post or electronically, enabling a decision to be taken on an urgent matter without the need to call a meeting at short notice.

33. *Paragraph 4* amends the Parochial Church Councils (Powers) Measure 1956.
34. *Paragraph 4(2)* confers a power allowing members of a PCC to receive benefits under contracts with their PCC (notwithstanding the normal rule that charity trustees may not ‘profit’ from their position as such) provided certain conditions are met. Based on a power available to charity trustees generally under the Charities Act 2011, the new power will enable a PCC member, or a ‘connected person’, to be paid for services provided to their PCC under a contract of employment, or a contract for services, if (amongst other matters) the remuneration paid is reasonable and only a minority of the PCC members are benefitting under the power. The power will allow PCCs to appoint a member or connected person as an employee, subject to compliance with the specified conditions, without having to obtain prior authority from the Charity Commission to do so.
35. *Paragraph 4(3)* amends section 7 of the 1956 Measure to allow a minister and PCC greater flexibility in determining the objects to which monies collected in church are to be allocated. As section 7(iv) currently stands, it requires the minister and PCC to determine the particular objects – i.e. the particular destination – for monies collected, whether those be the general funds of the PCC, one of its restricted funds, or another named charity or named charities. It does not, for example, currently make provision to allow the minister and PCC to determine in general that monies collected at a funeral may be allocated to any charity that the family of the deceased may specify. The Legal Advisory Commission, in considering its opinion on collections and funerals observed that it would be helpful if the power were more flexible. The amendment is intended to achieve that.
36. *Paragraph 5* amends the Clergy Pensions Measure 1961. It provides as follows:
  - The Church of England Pensions Board and its committees may delegate functions to officers.
  - The Chair of the Board or of any of its committees may provide for circulation of a proposal to its members for a decision to be taken outside a meeting, so enabling a decision to be taken on an urgent matter without the need to call a meeting at short notice.
  - The definition of ‘actuary’ is amended to reflect that there is now a single professional body covering England and Scotland, rather than a separate body for each.
37. *Paragraph 6* amends the Church Representation Rules so that the Chair of the Dioceses Commission, if a lay person, is an *ex officio* member of the House of Laity of the General Synod.
38. *Paragraph 7* amends the Endowments and Glebe Measure 1976.
39. *Paragraph 7(2)* substitutes a new subsection (1) of section 6. The amendment expands the Commissioners’ powers to enable them to pay the stipend and expenses of an archdeacon. The present text of subsection (1) enables the payment of stipend only and makes no provision for expenses.
40. *Paragraph 7(3) and (4)* insert new provisions in place of section 23(1). The present text of section 23(1) provides that a Diocesan Board of Finance may exercise its powers under section 14 of the New Parishes Measure 1943 to grant certain land to the Commissioners.

However, such grants are no longer to be made to the Commissioners under section 14, following amendments made to the New Parishes Measure by the Church of England (Miscellaneous Provisions) Measure 2010, and therefore section 23(1) in its present form has become meaningless. The amended text provides for a Diocesan Board of Finance to make a declaration that diocesan glebe land held by it is henceforth to be held for a purpose set out in new subsection (1A).

41. *Paragraph 8* makes amendments to the compensation provisions contained in Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977 so that the pensions provisions refer to the Church of England Funded Pensions Scheme.
42. *Paragraph 9* corrects the definition of ‘church’ in the Ecclesiastical Fees Measure 1986.
43. *Paragraph 10* makes minor amendments to the Patronage (Benefices) Measure 1986, including to take account of provision made in section 2 of the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010.
44. *Paragraph 11* amends the Planning (Listed Buildings and Conservation Areas) Act 1990 to make it clear that chapels in episcopal houses of residence that are subject to the faculty jurisdiction receive the benefit of the ecclesiastical exemption from listed building consent.
45. *Paragraph 12* makes amendments to the Care of Churches and Ecclesiastical Jurisdiction Measure to take account of the fact that the Royal Commission on the Historical Monuments of England has been merged with the Historic Buildings and Monuments Commission for England (‘English Heritage’).
46. *Paragraph 13* amends the Pensions Measure 1997 to confer on the Business Committee the power to decide whether rules in relation to the funded pension scheme may be considered by the General Synod under the ‘deemed procedure’ and to amend the definition of ‘actuary’ to reflect that there is now a single professional body covering England and Scotland, rather than a separate body for each.
47. *Paragraph 14* amends the National Institutions Measure 1998.
48. *Paragraph 14(2)* removes the requirement that the Standing Orders of the General Synod must always provide for at least one-third of the members of the Appointments Committee to be members of the Archbishops’ Council. Whilst there is no current proposal to amend the Standing Orders to remove the requirement to that effect contained in SO 116, the amendment will confer greater flexibility to adjust the position in future if circumstances required it and the Synod agreed the necessary change to SO 116 (eg in the event that the membership of the Council was reduced in size and in those circumstances it was no longer considered desirable for four of the Council’s members to have to serve on the Appointments Committee).
49. *Paragraph 14(3)* provides for the Council and its committees to delegate functions to officers and to make decisions on proposals outside meetings by circulating the proposal by post or electronically, so enabling a decision to be taken on an urgent matter without the need to call a meeting at short notice.
50. *Paragraph 15* amends the Cathedrals Measure 1999 to make it clear that where, prior to the application of the 1999 Measure to a particular cathedral, the dean and chapter were the

guardians of the spiritualities of the province or bishopric, that role has now passed to the Chapter of the cathedral.

51. *Paragraph 16* amends the constitution of the Dioceses Commission contained in Schedule 1 to the Dioceses, Pastoral and Mission Measure 2007 so that the Chair of the Commission need not be appointed from among the existing members of the General Synod.
52. *Paragraph 17* amends the Ecclesiastical Offices (Terms of Service) Measure 2009.
53. *Paragraph 17(a)* corrects an omission in section 3(a) by adding to the list of events which serve to terminate an office held under common tenure the resignation of a bishop or archbishop under section 1 or 4 of the Bishops (Retirement) Measure 1986.
54. *Paragraph 17(c)* confers on a bishop the power to revoke the licence of a deaconess, reader or licensed lay worker who holds office under common tenure, by reason of that person's misconduct. Under section 1(1)(h) any deaconess, reader or lay worker who receives a stipend or other emoluments of office now holds office under common tenure. Lay office holders are not subject to the Clergy Discipline Measure 2003 or the Ecclesiastical Jurisdiction Measure 1963 and section 3 currently contains no means by which the office of a lay person who is subject to common tenure may be terminated by reason of misconduct, as opposed to capability. This amendment, together with the related amendments to Canons D 3, E 6 and E 8 in Amending Canon 31, makes such provision.
55. *Paragraph 17(d)* repeals certain provisions in Schedule 2 which have not been brought into force because they are inconsistent with the compensation provisions in Regulation 30(5) of the Ecclesiastical Offices (Terms of Service) Regulations 2009.
56. *Paragraph 18* repeals a provision in the Church of England (Miscellaneous Provisions) Measure 2010 that it is no longer intended to bring into force and makes provision putting beyond doubt the effect of a repeal that was contained in that Measure.
57. *Paragraph 19* amends the Mission and Pastoral Measure 2011 for a number of purposes.
  - It extends the powers under a pastoral scheme to make provision for the transfer of a parsonage house for specified purposes or for its disposal, so that in future the power will also apply to a house, or part of a house, which is held as part of the diocesan glebe land but was formerly a parsonage house.
  - It makes provision enabling the Churches Conservation Trust to make gifts to another charitable foundation, with the consent of the Church Commissioners.
  - It extends the purposes for which the Temporary Maintenance Account can be used to include applications for planning permission and funding demolition. In consequence it also changes the name of the account to reflect its expanded range of purposes.
  - It amends the provisions contained in Schedule 4 of the 2011 Measure that are concerned with compensation of the clergy who lose office as a result of pastoral reorganisation so that the pensions provisions refer to the Church of England Funded Pensions Scheme.
58. *Paragraph 20* amends the definition of 'actuary' in regulation 2(1) of the Church of England Pensions Regulations 1988 to reflect that there is now a single professional body covering England and Scotland, rather than a separate body for each.



## DRAFT AMENDING CANON NO. 31

59. *Paragraph 1* replaces a reference in Canon B 14A (Of services in churches and other places of worship) to the Pastoral Measure 1983 with a reference to the corresponding provision of the Mission and Pastoral Measure 2011.
60. *Paragraph 2* replaces the references in Canon B 43 (Of relations with other Churches) to various provisions of the Dioceses, Pastoral and Mission Measure 2007 with references to the corresponding provisions of the Mission and Pastoral Measure 2011.
61. *Paragraph 3* replaces the references in Canon B 44 (Of local ecumenical projects) to various provisions of the Dioceses, Pastoral and Mission Measure 2007 with references to the corresponding provisions of the Mission and Pastoral Measure 2011.
62. *Paragraph 4* replaces a reference in Canon C 8 (Of relations with other Churches) to a provision of the Dioceses, Pastoral and Mission Measure 2007 with a reference to the corresponding provisions of the Mission and Pastoral Measure 2011.
63. *Paragraph 5* reinstates, in modified form, Canon C 19 (Of guardians of spiritualities). The previous version of Canon C 19 was repealed by amending Canon No. 23 (promulgated on 29 February 2000). It is now considered that Canon C 19 should have been amended rather than repealed.
64. The spiritualities of a see or of a province are those things which constitute the spiritual jurisdiction of the bishop or archbishop and include such things as the giving of institution to benefices, the grant of marriage licences etc. Although substantial provision is made in statute law for the delegation of episcopal functions during a vacancy in see, the guardians of the spiritualities continue to have a role in relation to the spiritualities of a vacant see. Some statutory provisions expressly confer functions on the guardian of the spiritualities during a vacancy in see. Where that is the case, the functions in question cannot be the subject of a statutory delegation of episcopal functions during the vacancy: they can only be exercised by the guardian while the see is vacant. The spiritualities of a province are not capable of statutory delegation at all and remain with the guardians during a vacancy in an archiepiscopal see.
65. The repeal of the previous version of Canon C 19 did not abolish the role of guardian of the spiritualities because the Canon only declared what the law already was in that regard. However, given that it has been recognised that guardians continue to have a legal role during a vacancy in see (and have been called on to exercise it since 2000) it is desirable that Canon C 19 should be reinstated. Paragraph 5 re-inserts a modified version of the previous Canon C 19 that takes account of legislative developments that have taken place since its predecessor was promulgated but which otherwise generally leaves the position concerning the guardianship of the spiritualities as it was described in the previous version.
66. The new Canon C 19 does not change the identity of the guardian of the spiritualities in respect of any see: the guardian remains whoever it currently is.
67. *Paragraph 6* amends Canon D 3 to provide that a bishop may revoke the licence of a deaconess who holds office under common tenure on the grounds of her misconduct, subject to the procedure set out in the Canon.

68. *Paragraphs 7 and 8* make similar amendments to those in paragraph 6, in relation to readers and licensed lay workers who hold office under common tenure.
69. *Paragraph 9* amends Canon G 2 so that the qualifications for appointment as a chancellor are not spelled out in the Canon but are simply stated to be the qualifications that are prescribed by Measure. If the qualifications for appointment as a chancellor are changed again, it will no longer be necessary to amend the Canon.
70. *Paragraph 10* amends Canon G 3 so that rather than specifying the composition of the provincial courts in different circumstances, their composition is simply stated as being such as may be prescribed by Measure. The qualifications for appointment as Dean of the Arches and Auditor are similarly left to be prescribed by Measure without seeking to repeat the relevant statutory provisions in the Canon.
71. *Paragraph 11* amends the provisions in Canon H 2 concerned with the representation of the clergy in the Lower Houses of the Convocations. An amendment is made to reflect the fact that the Forces Synodical Council is now the Armed Forces Synod. The Chair of the Dioceses Commission is made an *ex officio* member of the Lower House of the relevant Convocation if that person is a priest or deacon residing in the province.
72. *Paragraph 12* makes equivalent amendments in relation to Canon H 3 which is concerned with the constitution of the Upper Houses of the Convocations. It also makes an amendment to take account of legislation relating to the delegation of episcopal functions during a vacancy in see.
73. *Paragraph 13* adds a new Canon, Canon I 1, which makes provision in two respects (relating to repeal and re-enactment and gender and number respectively) for the interpretation of the Canons generally, corresponding to provision already applying, under the Interpretation Act 1978, to the interpretation of Measures.