

GENERAL SYNOD

**DRAFT CHURCH OF ENGLAND
(MISCELLANEOUS PROVISIONS) MEASURE**

**REPORT OF THE STEERING COMMITTEE OF MEMBERS IN
CHARGE**

Chairman: The Venerable Clive Mansell
(the Archdeacon of Tonbridge) (Rochester)

Members: Mr Aiden Hargreaves-Smith (London)
Ms Jacqueline Humphreys (Bristol)
The Venerable Christopher Lawson
(the Archdeacon of Portsdown) (Portsmouth)

1. The draft Church of England (Miscellaneous Provisions) Measure (“the draft Measure”) received First Consideration from the General Synod at the November 2002 Group of Sessions.
2. The draft Measure was committed to a Revision Committee. At the July 2003 Group of Sessions the Synod took note of the Report of that Committee (GS 1476Y) and completed the revision stage for the draft Measure. The draft Measure then stood committed to the Steering Committee under Standing Order 59(a) in respect of its Final Drafting.
3. The Steering Committee has not met since, having conducted its business by correspondence under Standing Order 59(f).
4. The Steering Committee may propose Drafting Amendments or Special Amendments. These are defined in SO 59(g) as follows –
 - (i) a Drafting Amendment means an amendment where only the wording of the Measure is altered and not its substance; and
 - (ii) a Special Amendment means an amendment considered necessary or desirable by the Steering Committee because the Measure is not sufficiently

clear or because some criticism not considered by the Synod or any Revision Committee has been brought to the notice of the Steering Committee.

Drafting Amendments

5. The Steering Committee has agreed the following Drafting Amendments:

Long Title

For the word “Endowment” **substitute** the word “Endowments”.

Clause 2

In subsection (a) **insert** the words “, in the third place where it occurs,” immediately after the words “word “shall””.

Clause 11

In subsection (1) for the word “The” where it first occurs **substitute** the word “This”.

In subsection (3) for the word “Province” **substitute** the word “Provinces”.

Schedule 1

In paragraph 2(a) for the word “(3B)” **substitute** the word “(3A)” and for the word “(3C)” **substitute** the word “(3AA)”.

In paragraph 3 **insert** the words “by or” immediately after the word “conferred”.

Schedule 2

In paragraph 2 **insert** the words “section 6 of” immediately after the words “coming into force of”.

Insert a new paragraph 4 –

“4. In section 14(1)(b) the words “in a case where the parsonage house is to be sold or exchanged,” shall be omitted.”

and **re-number** paragraphs 4 to 10 as paragraphs 5 to 11 respectively.

In paragraph 7(2) (to be re-numbered paragraph 8(2)) immediately after the word “paragraph” **substitute** the word “every” for the word “the” and for the words “the diocese concerned” **substitute** the words “a diocese”.

In paragraph 9 (to be re-numbered 10) **insert** the words “and (6)” immediately after the words “section 19(3)” and **insert** the words “, in each place” immediately after the words ““the Parsonages Fund””.

Schedule 3

In paragraph 2(c) **insert** the word “on” immediately before the words “the parochial church council”.

In paragraph 2(h) **insert** the word “diocesan” immediately after the words “an interest in the”.

In paragraph 5(b) **remove** the comma after the word “Board,” and insert a comma before the words “the parochial church council”.

Insert a new paragraph 7-

“7. In section 45(1), in the definition of “pastoral scheme” the words “and confirmed by order in Council” shall be omitted”.

and **re-number** paragraph 7 as paragraph 8.

Schedule 4

In the headnote to the new section 9 **underline** the headnote.

In paragraph 10 **leave out** the word “which” immediately after the words “or as respects questions” and **insert** the word “which” immediately after the words “or as respects”.

In paragraph 11 **insert** a new sub-paragraph (c) –

“(c) in subsection (6) for the words “such sums” there shall be substituted the words “sums referred to in subsection (5)(d)”; and”

and **re-number** sub-paragraph (c) as sub-paragraph (d).

In paragraph 16 **insert** as a headnote the words ““Application of remainder of proceeds of sales and other disposals” and **leave out** the double apostrophe immediately before the word “52”.

In paragraph 20 **insert** as a headnote the words ““Acquisition of rights of way and other easements” and **leave out** the double apostrophe immediately before the word “60A”.

In paragraph 23 **insert** as a headnote the words ““Power of the Commissioners to seek information and give advice” and **leave out** the double apostrophe immediately before the word “80A(1)”.

Special Amendments

6. The Steering Committee will be moving the following Special Amendments.

Clause 11

In subsection (4), **insert** the word “2,” after the word “sections” in the second line.

NOTE: This amendment is being moved, following consultation with the legal authorities in the Isle of Man, to ensure that the amendments to be made to the Church Commissioners Measure 1947 by section 2 of this Measure can apply to the Isle of Man, given that the 1947 Measure itself extends to the Isle of Man.

Schedule 2

In paragraph 2 for the words “member, fellow or professional associate” **substitute** the words “corporate member”.

NOTE: This amendment is being moved as a result of further negotiations with the Chartered Institute of Building and the Royal Institute of Chartered Surveyors. Both institutions were concerned that the wording employed in the original draft Measure could include those who were not fully qualified and proposed instead the use of the expression

“corporate member”, which would exclude those who were not so qualified.

Schedule 5

At the beginning of the Schedule **insert** –

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|---|-------------------------------------|
| “1960 (8 & 9 Eliz. 2 No. 2) Church Property (Miscellaneous Provisions) Measure | In section 20, subsection (4).”. |
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NOTE: This amendment is being moved to clarify that the existing section 20(4), which contains a spent repealing provision, will be repealed. It will be replaced by the new section 20(4) inserted by section 5(6) of this Measure.

Under the entry relating to the 1972 Measure, **insert** “In Schedule 1, paragraphs 2(6) and (7) and 3(b).” immediately under the words “Section 18.”.

NOTE: Paragraphs 2(6) and (7) and 3(b) of Schedule 1 of the Repair of Benefice Buildings Measure 1972 relate to Parsonages Funds. As such, they will be obsolete following the abolition of such funds by the repeal of section 18 of the 1972 Measure (to be effected by paragraph 9 of Schedule 2 to this Measure).

On behalf of the Committee
Clive Mansell
Chairman
25 November 2003

Destination Table

| <u>GS 1476A</u> <u>Draft Measure at</u> <u>end of revision stage</u> | <u>GS 1476B</u> <u>Draft Measure</u> <u>including Drafting</u> <u>Amendments</u> |
|---|---|
| 1 - 11 | 1 - 11 |
| Schedule 1 1 - 7 | Schedule 1 1 - 7 |
| Schedule 2 1 - 3 - 4 - 10 | Schedule 2 1 - 3 4 5 - 11 |
| Schedule 3 1 - 7 | Schedule 3 1 - 7 |
| Schedule 4 1 - 10 11(a) - (b) - 11(c) 12 - 26 | Schedule 4 1 - 10 11(a) - (b) 11(c) 11(d) 12 - 26 |
| Schedule 5 | Schedule 5 |