

Draft Church of England (Miscellaneous Provisions) Measure

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Schedule – Minor and Consequential Amendments

A DRAFT OF A MEASURE

To amend section 67 of the Ecclesiastical Commissioners Act 1840; to amend section 25 of the Burial Act 1857; to amend section 5 of the Episcopal Endowments and Stipends Measure 1943; to amend sections 2 and 3 of the Ecclesiastical Jurisdiction Measure 1963; to amend section 3 of the Faculty Jurisdiction Measure 1964; to amend the Overseas Clergy (Ministry and Ordination) Measure 1967; to amend the Patronage (Benefices) Measure 1986; to amend section 18 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991; to make provision for the tenure of office of vicars general and surrogates; to amend the Dioceses, Pastoral and Mission Measure 2007; to make minor and consequential amendments to other enactments; and for connected purposes

1 Amendment of Ecclesiastical Commissioners Act 1840

- (1) In section 67 of the Ecclesiastical Commissioners Act 1840 (which provides for the application of the revenues of the Church Commissioners), the Proviso is repealed.
- (2) Section 12 of the Ecclesiastical Commissioners Act 1860 and, in section 14, the words “the proviso at the end of the said section, or” are repealed.

2 Amendment of Burial Act 1857

For section 25 of the Burial Act 1857 there is substituted the following section—

“25 Offence of removal of body from burial ground

- (1) It is an offence for a body or any human remains which have been interred in a place of burial to be removed unless one of the conditions listed in subsection (2) is complied with.
- (2) The conditions referred to in subsection (1) are—
 - (a) the body or remains is or are removed under a licence from the Secretary of State and in accordance with any conditions attached to the licence;
 - (b) the body or remains is or are removed in accordance with a faculty granted by the court;
 - (c) the body or remains is or are removed in accordance with the approval of a proposal under the Care of Cathedrals Measure 2011 (No. 1) by the Cathedrals Fabric Commission for England or a fabric advisory committee.
- (3) A person who removes a body or remains in contravention of subsections (1) and (2) is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

- (4) In subsection (2)(b) “court” means the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese.”.

3 Amendment of Episcopal Endowments and Stipends Measure 1943

For section 5 of the Episcopal Endowments and Stipends Measure 1943 (6 & 7 Geo. 6 No.2), there is substituted the following section—

“5 Powers of Commissioners to pay expenses

Where a scheme is in force in respect of a see, the Commissioners may—

- (a) pay the whole, or any part, of the stipend of any suffragan bishop or any chaplain to the bishop, and
- (b) provide such amount, by way of annual sum or otherwise, in respect of the expenses of the bishop or any suffragan bishop in connection with the performance of the duties of their offices as the Commissioners think fit.”.

4 Amendment of Ecclesiastical Jurisdiction Measure 1963

- (1) The Ecclesiastical Jurisdiction Measure 1963 (No. 1) is amended as follows.

- (2) For section 2(2) there is substituted the following subsection—

“(2) A person appointed to be chancellor of a diocese shall be a person—

- (a) who holds or has held high judicial office or the office of Circuit judge, or
- (b) has the qualifications required for a person to be appointed a Circuit judge,

and, before appointing a layman, the bishop shall satisfy himself that that person is a communicant.”.

- (3) For section 3(3) there is substituted the following subsection—

“(3) A person appointed to be Dean of the Arches and Auditor shall be a person who—

- (a) holds or has held high judicial office, or
- (b) has the qualifications required for a person to be appointed a Lord Justice of Appeal,

and, before appointing a layman, the archbishops of Canterbury and York shall satisfy themselves that that person is a communicant.”.

- (4) This section does not have effect in relation to the appointment of any person who holds office as Dean of the Arches and Auditor or chancellor immediately before this section comes into force.

5 Amendment of Faculty Jurisdiction Measure 1964

- (1) Section 3 of the Faculty Jurisdiction Measure 1964 (No. 5) is amended as follows.

- (2) In subsection (2), for the words “Subject to the provisions of the succeeding subsection” there are substituted the words “Subject to subsection (3)”.

(3) For subsection (3) there is substituted the following subsection—

“(3) Where the court is satisfied that the matter is of such urgency that it would not be reasonable to require the petitioner for the faculty to seek the consent of the owner of the monument or to take the other steps referred to in subsection (2)(i), the court may grant a faculty notwithstanding that that consent has not been sought or that those steps have not been taken.”.

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

(1) The Overseas and Other Clergy (Ministry and Ordination) Measure 1967 (No.3) is amended as follows.

(2) In section 1—

- (a) in subsection (4), after the word “permission” there are inserted the words “or any instrument under subsection (6) revoking a permission”;
- (b) After subsection (5) there is inserted the following subsection—

“(5A) The Archbishop of the same province may, if he considers that there is any cause which appears to him to be good and reasonable, revoke a permission granted to an overseas clergyman under this section, unless—

- (a) the clergyman is a freehold incumbent or, at that time, holds office under Common Tenure, or
- (b) the matter which constitutes the good and reasonable cause is a matter for which a penalty under section 24(1)(a), (c) or (d) or 30 or 31 of the Clergy Discipline Measure 2003 could be, but has not been, imposed.”.

(3) After section 1 there is added the following section—

“1A General permission to overseas clergymen to officiate

- (1) Without prejudice to section 1 of this Measure, the Archbishop of either province may, by an instrument in writing, grant, in accordance with the following provisions of this section, a general permission to overseas clergymen to officiate as priest or deacon in that province.
- (2) A permission granted under this section shall specify—
 - (a) the class or description of overseas clergymen to which it relates,
 - (b) the functions, or class or description of functions, which any clergyman may exercise in accordance with the permission, and
 - (c) the duration of the permission.
- (3) A permission granted under this section may be for an indefinite period or for such period as is specified in the permission and, where it is granted for a limited period, may be extended by a further permission, either for an indefinite or for a limited period.
- (4) A clergyman may not, in accordance with any permission granted under this section, solemnize or publish the banns of, a marriage.

- (5) The Archbishop of either province may, at any time, amend or revoke a permission granted by him under this section by a further instrument in writing.
- (6) No overseas clergyman may hold office under Common Tenure, unless he has a permission to officiate under section 1 of this Measure.
- (7) Subject to subsections (4) and (6) of this section, a clergyman who officiates under a permission granted under this section shall, when exercising any function to which the permission relates, —
 - (a) be in the same position as if he had been granted permission to officiate under section 1 of this Measure, and
 - (b) for the duration of the permission, possess the same rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by a bishop in a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).
- (8) Section 1(4) of this Measure shall apply to a permission granted under this section or an instrument amending or revoking such a permission as it applies to a permission granted or an instrument amending or revoking a permission under that section and the reference in section 1(6) to a permission granted under that section shall include a reference to a permission granted under this section.”.

7 Amendment of Patronage (Benefices) Measure 1986

- (1) The Patronage (Benefices) Measure 1986 (No. 3) is amended as follows —
- (2) After section 16 there is inserted the following section —

“16A Special procedure for appointment of priest in charge as incumbent

 - (1) The following provisions of this section apply where a benefice is vacant and —
 - (a) the bishop is aware that a suspension period in respect of the benefice is shortly to come to an end, or has come to an end, or a restriction on presentation to the benefice is shortly to cease to be in force, or has ceased to be in force and,
 - (b) the bishop proposes that a priest in charge who holds office in respect of the benefice should be instituted or collated to the benefice.
 - (2) Where subsection (1) above applies, the bishop may give notice of his proposal to —
 - (a) the registered patron, unless the bishop is the registered patron;
 - (b) the priest in charge, and
 - (c) the parochial church council of each parish belonging to the benefice.
 - (3) Upon receiving the notice referred to in subsection (2) above and after the suspension period has come to an end or the restriction has ceased to be in force, if in either case, he has not already done so, the registered patron may, unless the bishop is the registered patron, send a notice to the bishop presenting the priest in charge to him for admission to the benefice, if the following conditions are satisfied —

- (a) the priest in charge has stated in writing that he is willing to be instituted or collated to the benefice, and
 - (b) the parochial church council of each parish belonging to the benefice has passed a resolution stating that it approves the proposal that the priest in charge should be so instituted or collated.
- (4) Once the bishop has received the notice referred to in subsection (3) above, the bishop may, provided that the conditions set out in subsection (3)(a) and (b) are satisfied, and he has complied with the requirements of section 19, institute or collate the priest in charge to the benefice.
- (5) Where the bishop is the registered patron, and the conditions set out in subsection (3)(a) and (b) are satisfied, he may, after giving the notice required by subsection (2), and complying with the requirements of section 19, collate the priest in charge to the benefice.
- (6) Where section 2 of the 2010 Measure applies and the bishop is the relevant bishop for the purposes of section 2(2), the bishop shall, if Her Majesty has not given notice under section 2(3), if the conditions set out in subsection (3)(a) and (b) are satisfied, present the priest in charge on behalf of Her Majesty for admission to the benefice.
- (7) Where—
 - (a) the registered patron has given notice in accordance with subsection (3) above, or
 - (b) the bishop has complied with the requirements of section 19 under subsection (5) above, or
 - (c) the bishop has presented the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (6) above.the provisions of this Measure mentioned in subsection (8) below and section 88(d) of the Mission and Pastoral Measure 2011 shall not apply.
- (8) The provisions referred to in subsection (7) above are sections 7, 11, 12, 13, 14, 15 and 16.
- (9) Where a registered patron (other than the bishop) proposes to send a notice to the bishop in accordance with subsection (3) above, sections 8 and 9 shall apply as if the notice given by the bishop under subsection (2) were a notice under section 7(4).
- (10) In this section “suspension period” has the meaning assigned to it in section 85(1) of the Mission and Pastoral Measure 2011 and “restriction” means a restriction on the right of presentation to a benefice imposed under section 38 or 87 of that Measure.”
- (3) In section 35(1A), the word “and” after paragraph (c) is omitted and there is added, at the end of paragraph (d), the word “and” and the following paragraph—
 - “(e) section 16A except subsection (9).”.
- (4) The Schedule contains further amendments to the Patronage (Benefices) Measure 1986.

8 Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991

Section 18 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1) is amended as follows—

- (a) for subsection (1)(a), there is substituted the following paragraph—
 - “(a) that the demolition of the whole or part of a church in the diocese is urgently necessary in the interests of safety or health or for the preservation of the church;”;
- (b) in subsection (1)(b), the words “in the case of a church which is a listed building or is in a conservation area” are repealed; and
- (c) at the end of subsection (1) the words “without a faculty” are repealed.

9 Tenure of office of vicars general and surrogates

- (1) The appointment of a person to be the vicar general of a province or diocese does not cease to have effect by reason only that a vacancy in the archiepiscopal or diocesan see is terminated and the appointment has not previously been confirmed.
- (2) The appointment of a person to be a surrogate does not cease to have effect by reason only of the occurrence of a vacancy in the office of vicar general of the diocese by whom the surrogate was appointed.

10 Amendment of Dioceses, Pastoral and Mission Measure 2007

- (1) The Dioceses, Pastoral and Mission Measure 2007 (No. 1) is amended as follows,
- (2) In section 4(3), at the end there are added the following paragraphs—
 - “(e) the re-naming of a diocesan or suffragan see;
 - “(f) the creation of a new suffragan bishopric.”.
- (3) After section 4(3) there is inserted the following subsection—
 - “(3A) Where a new suffragan bishopric is created under subsection (3) above, the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragan Nominations Act 1888 directing that the town concerned may be taken and accepted for the see of a suffragan bishop.”.
- (4) The Schedule contains further amendments to the Dioceses, Mission and Pastoral Measure 2007.

11 Minor and consequential amendments

The Schedule contains minor amendments and amendments which are consequential on other enactments or which clarify ambiguities in the law.

12 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 20.....
- (2) This section shall come into force on the day on which this Measure is passed and the other provisions of this Measure shall come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint and—

- (a) different days may be appointed for different provisions or for different purposes, and
 - (b) an order may contain transitional or saving provisions.
- (3) This Measure extends to the whole of the provinces of Canterbury and York, except that it only extends to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.
- (4) The following provisions extend to the Isle of Man—
 - (a) sections 1 and 6 and this section; and
 - (b) paragraphs 3, 5, 7, 13, 14 and 18(1) of the Schedule and section 11, so far as it relates to those paragraphs.
- (5) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the following provisions also extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act of Tynwald or instrument—
 - (a) sections 4, 5, 7, 8, 9 and 10, and
 - (b) paragraphs 4, 6, 8, 9, 10, 12, 16, 17 and 19 of the Schedule and section 11, so far as it relates to those paragraphs.
- (6) This section and sections 6, 7, 8 and 10 and any provision of the Schedule which amends an enactment which extends to the Channel Islands and section 11, so far as it relates to that provision, may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures.
- (7) The power to make an order conferred by subsection (2) shall be exercisable by statutory instrument and the Statutory Instruments Act 1946 (c.36) shall apply to any such order as if it had been made by a Minister of the Crown and as if this Measure were an Act.
- (8) Provision made under subsection (2)(b) may be contained in a separate order from the order which provides for the commencement to which the provision relates and, for that purpose, it does not matter—
 - (a) whether the order which provides for the commencement includes a provision made under subsection (2)(b);
 - (b) whether the commencement has taken place.
- (9) An order which contains a provision made under subsection (2)(b) must be laid before Parliament and is subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE

Section 11

MINOR AND CONSEQUENTIAL AMENDMENTS

Ecclesiastical Commissioners Act 1850

- 1 Section 1(2) of the Ecclesiastical Commissioners Act 1850 (13 & 14 Vict. c. 94) is repealed.

New Parishes Measure 1943

- 2 (1) The New Parishes Measure 1943 (6 & 7 Geo. No. 1) is amended as follows.
- (2) In section 17—
- (a) in subsection (1), for the words “the Commissioners or the Church Building Commissioners” there shall be substituted the words “the Commissioners, the Church Building Commissioners or a diocesan board of finance”;
 - (b) in paragraph (cc) of subsection (1), at the beginning there are inserted the words “except in the case of land or a building vested in the diocesan board of finance,”;
 - (c) after subsection (1A) there is inserted the following subsection—

“(1B) Where land or a building is vested in the diocesan board of finance the board may execute a declaration stating that, from the date of the declaration, the land or building is to be held as part of the diocesan glebe land of the diocese.”;
 - (d) in subsection (7), after paragraph (i) there is inserted the following paragraph—

“(ia) the diocesan board of finance, if the land or building is vested in it,”.

Church Commissioners Measure 1947

- 3 (1) The Church Commissioners Measure 1947 (10 & 11 Geo. 6 c. 2) is amended as follows.
- (2) In section 4(5) after the word “post” there are inserted the words “or by electronic transmission”.
- (3) Section 6 is amended as follows—
- (a) the Audit Committee established by section 6(1) is re-named the Audit and Risk Committee and, accordingly, the references in that section and in any other provision of the Measure and in any other enactment to the Audit Committee shall be construed as references to the Audit and Risk Committee;
 - (b) in subsection (3A), in the definition of “actuary”, for the words “Institute of Actuaries or of the Faculty of Actuaries in Scotland” there are substituted the words “Institute and Faculty of Actuaries”;
 - (c) in subsection (3B), after paragraph (a) there is inserted the following

paragraph –

“(aa) a duty to keep under review the risks, including financial risks, to which the Commissioners are exposed in carrying out their functions and the adequacy of the steps taken by the Commissioners to mitigate those risks;”;

(d) For subsection (4) there is substituted the following subsection –

“(4) The Standing Orders regulating the procedure of the Board, the Assets Committee or any committee appointed by the Board may provide for authorising the chairman, deputy chairman, or an appropriate officer to act on behalf of the Board, the Assets Committee or other committee, as the case may be, in relation to such matters as the Board may think fit.”; and

(e) for the heading to the section there is substituted “Assets Committee and Audit and Risk Committee”.

(4) In section 9, there is added at the end the following subsection –

“(3) In this section “signature” includes signature by electronic means.”

(5) In paragraph 5A of Schedule 1, for the words “a House” there are substituted the words “the House of Bishops”.

(6) After paragraph 5 of Schedule 4 there is inserted the following paragraph –

“5A (1) The chairman of the Board or of any committee may, if he considers that any business can properly be conducted by correspondence, instruct the secretary of the Board or of the committee to circulate to the Board or the committee in writing or by electronic transmission proposals requiring the approval of its members.

(2) Unless objections to the proposals are received from any members in such numbers and within such period from the date of their posting or transmission (as the case may be), as may be specified in Standing Orders, the proposals shall be deemed, at the expiry of that period, to be approved by the Board or the committee with the same effect as if they had been approved at a duly convened meeting.”.

Parochial Church Councils (Powers) Measure 1956

4 (1) The Parochial Church Councils (Powers) Measure 1956 (4 & 5 Eliz. 2 No. 3) is amended as follows.

(2) After section 3 there is inserted the following section –

“3A Employment of members and other contractual services

(1) Subject to subsection (3), a parochial church council may enter into a paid contract of employment or other contract with one or more members of the council or one or more connected persons to provide such services to or on behalf of the Council as may be specified in the contract, provided that the conditions specified in subsection (2) are fulfilled.

- (2) The conditions referred to in subsection (1) are that—
- (a) before entering into the contract the council is satisfied that it would be in the best interests of the council for the services to be provided by the person concerned for the amount, or maximum amount, of remuneration set out in the contract;
 - (b) the total number of any persons employed at any time under subsection (1) constitute a minority of the members of the council;
 - (c) the terms of the contract, including the remuneration paid, are set out in an agreement in writing between the council and the member concerned; and
 - (d) the amount or maximum amount of the remuneration does not exceed what is reasonable in the circumstances for the provision by that member of the services in question.”
- (3) Subsections (1) and (2) do not apply to services provided by a person in that person’s capacity as a member of the council.
- (4) A person is a connected person for the purposes of this section if that person is—
- (a) a child, parent, grandchild, brother or sister of a member of the council, and
 - (b) the spouse or civil partner of a member or of any person falling within paragraph (a).”.
- (3) Section 7 shall become subsection (1) of that section and there is added the following subsection—
- “(2) The objects referred to in subsection (1)(iv) may be determined either generally or by reference to particular occasions or occasions of a particular class.”.

Clergy Pensions Measure 1961

- 5 (1) The Clergy Pensions Measure 1961 (9 & 10 Eliz. 2 No. 3) is amended as follows.
- (2) In section 21, there are added at the end the following subsections—
- “(14) The Board and its committees may, in accordance with the standing orders, authorise officers to carry out functions on behalf of the Board or its committees.
- (15) The chairman of the Board or any committee of the Board may, if he or she considers that its business can properly be conducted by correspondence, instruct the secretary to circulate to the Board or the committee in writing or by electronic transmission proposals requiring the approval of its members.
- (16) Unless objections to the proposals are received from members of the Board or the committee in such numbers and within such period from the date of their posting or transmission (as the case may be) as may be specified in the standing orders, the proposals shall be deemed to have been approved, at the expiry of that period, with the same effect as if they had been approved at a duly convened meeting.”.

- (3) In section 46(1), in the definition “actuary”, for the words “Institution of Actuaries or of the Faculty of Actuaries in Scotland” there are substituted the words “Institute and Faculty of Actuaries”.

Synodical Government Measure 1969

- 6 In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (No. 2) –
- (a) in rule 42(1), there is added at the end the following paragraph
 - “(h) the Chair of the Dioceses Commission”; and
 - (b) in rule 46A (c), the words “the Central Board of Finance” are omitted.

Endowments and Glebe Measure 1976

- 7 (1) The Endowments and Glebe Measure 1976 (No. 4) is amended as follows.
- (2) For section 6(1) there is substituted the following subsection –
- “(1) The Commissioners may from time to time pay out of their general fund –
- (a) such sums as they think fit towards the stipend of any person holding the office of archdeacon, and
 - (b) such annual sum in respect of the expenses incurred by any person referred to in (a) above in connection with the performance of the duties of that person’s office as the Commissioners think fit.”
- (3) For section 23(1) there is substituted the following subsection –
- “(1) Notwithstanding anything in section 19(1) of this Measure, a Diocesan Board of Finance may, in the exercise of its powers under section 14 of the New Parishes Measure 1943 (power of certain bodies to grant buildings or land for any purpose mentioned in section 13 of that Measure) execute a declaration stating that, from the date of the declaration, any such buildings or land vested in it as are referred to in subsection (1A) below for a purpose mentioned in that subsection are held by it or are to vest in the incumbent in accordance with section 16 of that Measure and no such Board may in the exercise of those powers execute any such declaration for any other purpose mentioned in section 13 of that Measure.”.
- (4) After section 23(1) there is inserted the following subsection –
- “(1A) The buildings and land mentioned in subsection (1) above are –
- (a) any building on any diocesan glebe land of the diocese, being a building which consists of a church or part of a church, or is fit to be used as or to be converted into a church;
 - (b) any such land as a site for a new church or for a church to be substituted for an existing church or for enlarging the site of an existing church;
 - (c) any such land for providing a new or extending an existing churchyard or burial ground;

- (d) any such building or land for, or for the extension of, a house of residence for an incumbent;
 - (e) any such land required for providing access to or improving the amenities of any such church, churchyard or burial ground or house of residence.”.
- (5) In section 23(2) the words “with the consent of the Commissioners” are repealed.

Incumbents (Vacation of Benefices) Measure 1977

8 Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977 is amended as follows –

- (a) in paragraph 2(1)(a)(i), after the words “ecclesiastical service” there are inserted the words “, in respect of service served up to 31st December 1997 and in pensionable service within the meaning of rules made under section 2 of the Pensions Measure 1997 (“the Funded Scheme rules”), in respect of service served after that date”;
- (b) in paragraph 2(2)(b), after the words “pension regulations” there are inserted the words “or the Funded Scheme rules”;
- (c) in paragraph 2(2)(c), for the words from “whole-time” to “pensions regulations” there are substituted the words “service which is pensionable service within the meaning of the Funded Scheme rules”;
- (d) for paragraph 2(4) there is substituted the following sub-paragraph –
 - “(4) The period during which a person is in receipt of periodical payments under paragraph 2 shall be deemed to be a period of pensionable service for the purposes of the Funded Scheme rules”;
- (e) in paragraph 7 there are added the words “and, in the case of a person who is in receipt of periodical payments under paragraph 12, the diocesan board of finance is “the responsible body” for the purposes of section 4 of the Pensions Measure 1997”; and
- (f) In paragraph 8 –
 - (i) in sub-paragraph (1), after the definition of “pensions regulations” there are inserted, at the appropriate place the following definitions –
 - “the Funded Scheme Rules” means the rules made under section 2 of the Pensions Measure 1997,
 - “stipendiary ecclesiastical service” has the same meaning as in the pensions regulations, and
 - “retiring age” has the same meaning as in the Funded Scheme rules”; and
 - (ii) sub-paragraph (2) is omitted.

Ecclesiastical Fees Measure 1986

9 In section 10 of the Ecclesiastical Fees Measure 1986 (No. 2), in the definition of “church”, after the words “parish church” there are inserted the words “a parochial chapel, a chapel of ease, a chapel of a conventional district”.

Patronage (Benefices) Measure 1986

- 10 (1) The Patronage (Benefices) Measure 1986 (No. 3) is further amended as follows.
- (2) For section 35(1B) there are inserted the following subsections—
- “(1B) Where—
- (a) Her Majesty has the right of presentation to a benefice which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop, and Her Majesty has given notice under section 2(3) of the 2010 Measure, or
- (b) that right of presentation is exercisable on behalf of Her Majesty by the relevant bishop under section 2(2) of that Measure,
- any reference to the registered patron in any provision of this Measure listed in subsection (1C) below shall be construed as references—
- (i) where (a) above applies, to Her Majesty, and
- (ii) where (b) above applies, to the relevant bishop.
- (1C) The provisions referred to in subsection (1B) are sections 7(4), 11(8), so far only as it relates to parish representatives, 13(1)(b)(i), (3) and so far only as they relate to parish representatives, (4) and (5), 22 and 34(5).”.
- (3) In section 35(7)(a) the words “, in the case of a shared benefice,” are omitted.
- (4) After section 35(7) there is inserted the following subsection—
- “(7A) Where section 2 of the 2010 Measure applies,—
- (a) if Her Majesty has not given any such notice as is referred to in subsection (3) of that section, section 35(7)(a) above has effect as if the second reference to Her Majesty were a reference to the relevant bishop, and
- (b) section 35(7)(b) above has effect as if the reference to a person other than Her Majesty did not include a reference to the relevant bishop.”.
- (5) In section 39(1), at the beginning of the definitions, there is inserted the following definition—
- ““the 2010 Measure” means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010;”.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 11 In section 60(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9), at the end there are added the following words “unless it is a building which is a chapel forming part of an episcopal house of residence and is included in the list maintained by the Church Buildings Council under section 1 of the Care of Places of Worship Measure 1999”.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

- 12 Section 17(5)(c) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1) is amended as follows—
- (a) for the words “Royal Commission on the Historical Monuments of England” there are substituted the words “Historic Buildings and Monuments Commission for England”; and
 - (b) for the words “the said Royal Commission” in sub-paragraphs (i) and (ii) there are substituted in each case the words “the Commission”.

Pensions Measure 1997

- 13 (1) The Pensions Measure 1997 (No. 1) is amended as follows.
- (2) In section 2(3) for the words “Standing Committee” there are substituted the words “Business Committee”.
 - (3) In section 9(1), in the definition of “actuary”, for the words “Institute of Actuaries or of the Faculty of Actuaries in Scotland” there are substituted the words “Institute and Faculty of Actuaries”.

National Institutions Measure 1998

- 14 (1) The National Institutions Measure 1998 (No. 1) is amended as follows.
- (2) In section 10(a), the words from “at least one third” to the end of the paragraph are omitted.
 - (3) In Part II of Schedule 1, there is added at the end the following paragraph—
 - “17 (1) The Council and its committees may authorise such officers as the Council may specify to carry out on its or their behalf such functions as may be specified.
 - (2) The Council or any of its committees may, if it considers that any business can properly be conducted by correspondence, instruct the Secretary General or the secretary of the committee to circulate to the Council or the committee in writing or by electronic transmission proposals requiring the approval of its members.
 - (3) Unless objections to the proposal are received from members of the Council or the committee in such numbers and within such period from the date of their posting or transmission (as the case may be), as the Council or the committee may specify, the proposals shall be deemed, at the expiry of that period, to be approved by the Council or the committee with the same effect as if they had been approved at a duly convened meeting.”

Cathedrals Measure 1999

- 15 In section 36 of the Cathedrals Measure 1999 (No. 1), after subsection (1A)

there is inserted the following subsection –

“(1B) Where, immediately before the relevant date, the guardianship of the spiritualities of a province or bishopric belonged to the dean and chapter of a cathedral, it shall belong to the Chapter of the cathedral.”.

Dioceses, Pastoral and Mission Measure 2007

16 (1) The Dioceses, Pastoral and Mission Measure 2007 (No. 1) is amended as follows.

(2) For paragraph 2 of Schedule 1 there is substituted the following paragraph –

“2 (1) The Chair and Vice Chair shall be appointed by the Archbishops of Canterbury and York acting jointly in the following manner –
(a) the Chair shall be appointed with the approval of the General Synod, and
(b) the Vice Chair shall be appointed from among the members of the House of Clergy and the House of Laity of the General Synod.

(2) Before appointing a lay person to be the Chair the Archbishops shall satisfy themselves that that person is an actual communicant within the meaning of rule 54(1) of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969.”.

(3) Paragraph 5 of Schedule 6 becomes sub-paragraph (1) of that paragraph and there is added the following sub-paragraph –

“(2) On making an instrument under sub-paragraph (1) the bishop shall send a copy of the instrument to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.”.

Ecclesiastical Offices (Terms of Service) Measure 2009

17 Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (No. 1) is amended as follows.

(a) after subsection (3)(a) there is inserted the following sub-paragraph –

“(aa) in the case of an archbishop or a bishop, on his resignation under section 1 or 4 of the Bishops (Retirement) Measure 1986;”;

(b) in subsection (4) the words “or (h)” are omitted;

(c) after subsection (4) there is inserted the following subsection –

“(4A) The bishop of the diocese in which an office holder referred to in section 1(1)(h) of this Measure holds office may revoke the office holder’s licence to exercise the office only on grounds of misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial or in accordance with the capability procedures”; and

(d) Paragraphs 6, 10, 12 and 13 of Schedule 2 are repealed.

Church of England (Miscellaneous Provisions) Measure 2010

- 18 (1) Section 8 of the Church of England (Miscellaneous Provisions) Measure 2010 (No. 1) (“the 2010 Measure”) is repealed.
- (2) For the avoidance of doubt, the repeal by section 12 of and Schedule 2 to the 2010 Measure of paragraph 13 of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) does not affect the amendment made by that paragraph to the Commons Registration Act 1965 (c. 64).

Mission and Pastoral Measure 2011

- 19 (1) The Mission and Pastoral Measure 2011 (No. 3) is amended as follows.
- (2) In section 45(1)(d), after the words “part of a parsonage house” there are inserted the words “, a house or part of a house which, before it became diocesan glebe land under a pastoral scheme, was a parsonage house or part of a parsonage house”.
- (3) In section 57, after subsection (5) there is inserted the following subsection—
- “(5A) The Churches Conservation Trust shall have power, with the consent of the Commissioners, to transfer, by way of grant, property or funds held by it, other than any church building, to such charitable foundation as it thinks fit.”.
- (4) In section 90(3) for “76” there is substituted “77”.
- (5) Section 95 shall be amended as follows—
- (a) the temporary maintenance account is re-named “The closed church buildings support account” and the heading to that section shall become “**The closed church buildings support account**”;
- (b) in subsection (3), for the words “and maintenance” there are substituted the words “, maintenance and, where the scheme authorises it, demolition”; and
- (c) After subsection (3) there is added the following subsection—
- “(3A) The Commissioners may also apply moneys standing to the credit of the closed church buildings support account (whether the building is vested in the Commissioners or a diocesan board of finance) for the purpose of applying for planning permission in respect of a building closed for regular public worship in the circumstances mentioned in relation to that body in subsection (3).”.
- (6) Any reference in the Mission and Pastoral Measure 2011 to the temporary maintenance account shall be construed as a reference to the closed church buildings support account.
- (7) In paragraph 11 of Schedule 4—
- (a) in sub-paragraph (1)(a), for the words from “the Clergy Pensions Measure 1961” to “that Measure” there are substituted the words “the Funded Scheme rules, shall be deemed for the purposes of those rules”;
- (b) in sub-paragraph (1)(b), for the words “on attaining the retiring age within the meaning of that Measure, he or she shall be deemed to

retire for the purposes of that Measure” there are substituted the words “on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules, he or she shall be deemed to be so entitled and to retire for the purposes of those rules” and the words from “and, if his or her” to the end of that paragraph are omitted.

- (c) sub-paragraph (1)(c) including the definition of “prescribed period” is omitted;
- (d) in sub-paragraph (4), for the words from “on attaining the retiring age” to the end of the sub-paragraph there are substituted the words “on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules he or she is deemed to be so entitled and to retire for the purposes of this paragraph and compensation shall cease to be payable when he or she attains that age”;
- (e) for sub-paragraph (6) there is substituted the following sub-paragraph—
 - “(6) Any reference to the Funded Scheme rules is a reference to the rules made under section 2 of the Pensions Measure 1997.”; and
- (f) after sub-paragraph (6) there is added the following sub-paragraph—
 - “(7) The diocesan board of finance for the diocese concerned is the responsible body for the purposes of the Pensions Measure 1997 in respect of a person who is deemed to be in pensionable service for the purposes of this paragraph.”.

Church of England Pensions Regulations 1988

- 20 In regulation 2(1) of the Church of England Pensions Regulations 1988 (SI 1988/2256), in the definition of “actuary”, for the words “Institute of Actuaries or of the Faculty of Actuaries in Scotland” there are substituted the words “Institute and Faculty of Actuaries”.