

GENERAL SYNOD

CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE

Explanatory Notes

The draft Miscellaneous Provisions Measure makes legislative provision for a range of matters that do not merit separate legislation.

Background and summary

1. The draft Measure is the latest in a series of Miscellaneous Provisions Measures dealing with matters that do not merit separate, free-standing legislation.
2. The annex shows the text of enactments as proposed to be amended by the provisions of the draft Measure where the effect of an amendment is not readily apparent from the Measure itself.

Procedural stages

3. Standing Order 48(1) provides for Measures and Canons to be considered by the General Synod on the following successive stages:
 - **First Consideration (see SOs 51 and 52)**
 - Revision Committee (see SOs 54 to 57)
 - Revision (see SOs 53 and 58 to 60)
 - Final Drafting (see SO 61)
 - Final Approval (see SO 64).
4. The draft Measure is being considered by the General Synod at the July 2022 group of sessions on the **First Consideration Stage**.
5. The next stage will be the Revision Committee Stage. Members who wish to send proposals for amendment for consideration by the Revision Committee must do so in writing to revisioncommittee@churchofengland.org not later than 5.30 p.m. on Friday 9th September 2022.
6. The Measure is expected to return to the Synod for the Revision Stage in February 2023, with the Final Drafting and Final Approval Stages being taken in July 2023.

Notes on clauses***Clause 1 Remote meetings : indefinite application of special standing orders***

7. Clause 1 amends the General Synod (Remote Meetings) (Temporary Standing Orders) Measure 2020 (“the Remote Meetings Measure”). That Measure was passed in 2020 to enable the General Synod to hold remote meetings (including hybrid meetings) on a temporary basis.

8. Subsection (1) removes the prohibition in the Remote Meetings Measure on Article 7¹ and Article 8² business being considered at a remote meeting or hybrid meeting of the General Synod.
9. Subsection (2) amends section 3 of the Remote Meetings Measure to enable standing orders for remote/hybrid meetings to continue in operation indefinitely if the Synod so decides.
10. Subsection (3) changes the short title of the Remote Meetings Measure so that it no longer includes “(Temporary Standing Orders)”.

Clause 2 Legislative Reform Measure 2018: removal of sunset

11. Clause 2 removes the sunset provision from the Legislative Reform Measure 2018.
12. The Legislative Reform Measure 2018 introduced a power for the Archbishops’ Council, with the approval on a case by case basis of the General Synod, to make Legislative Reform Orders. Legislative Reform Orders can amend Measures and other provisions of ecclesiastical law contained in primary legislation to remove or reduce burdens that result from that legislation.
13. The Legislative Reform Measure contains a sunset provision which provides for the power to make Legislative Reform Orders to expire five years after the first Order is laid before the Synod. The sunset provision enables the Archbishops’ Council, with the approval of the General Synod, to make an order extending the life of the power to make Legislative Reform Orders beyond that five-year period, subject to the approval of both Houses of Parliament. Extension can be either indefinite or for a specified period of time. The first Legislative Reform Order was laid before the Synod in March 2019. Accordingly, unless it is extended, the power will expire in March 2024.
14. Instead of the Archbishops’ Council making an order to extend the power indefinitely, clause 2 would achieve the same result by removing the sunset provision.

Clause 3 Terms of service

15. Clause 3 amends the Ecclesiastical Offices (Terms of Service) Regulations 2009 (“the Regulations”) which set out the terms of service for clergy and laity who serve under common tenure.
16. Subsection (1) inserts a new paragraph in regulation 2 of the Regulations so that the terms of service for common tenure office holders do not apply to a person who is licensed to exercise ministry as a member of a religious community. Unlike others who hold office under common tenure, members of religious communities are not in receipt of a stipend or provided with housing by “the relevant housing provider”

¹ Article 7 business is synodical business that is concerned with making “provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the Sacraments or sacred rites thereof”. Article 7 business is subject to special procedures involving the possibility of references to the Convocations and the House of Laity.

² Article 8 business is synodical business that is concerned with making a “Measure Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the Ordinal, or a scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England and another Christian body being a body a substantial number of whose members reside in Great Britain”. Article 8 business is subject to special procedures that involve references to diocesan synods and, in some cases, special majorities in the General Synod.

(usually the DBF). Nor are other matters relevant to parochial clergy such as rest days, annual leave, ministerial development review, capability procedures etc. appropriate to members of religious communities. It is therefore inappropriate that the Regulations providing for these matters to apply to them.

17. The Regulations already contain provision that disapplies their provisions to clergy who exercise ministry pursuant to a contract of employment (e.g. hospital chaplains). The amendment made by subsection (1) creates an equivalent exception for members of religious communities. A member of the clergy licensed to serve in connection with a religious community will be subject to the terms of service set out in the Regulations only to the extent (if at all) that he or she also exercises ministry under some other form of licence (for example a licence to minister in a parish). Subsection (2) makes consequential amendments.
18. Subsection (3) inserts provision in regulation 3 which is concerned with the statement of initial particulars of office of a common tenure office holder. The new provision will enable the Archbishops' Council to issue guidance on the preparation of statements of particulars and require a person preparing such a statement to have regard to that guidance, thereby ensuring a consistency of approach in the preparation of these documents.
19. Subsection (4) updates references in regulation 19 to "continuing ministerial education" so that they become references to "continuing ministerial development" (the term which is now generally in use). Subsection (5) is a consequential amendment.
20. Subsection (6) is a technical provision which makes it clear that the amendments to be made by clause 3 of the Measure do not affect the existing power to amend the Regulations by secondary legislation.

Clause 4 Delegation of episcopal functions

21. Clause 4 makes amendments to the Dioceses, Pastoral and Mission Measure 2007 ("the 2007 Measure") concerned with the delegation of episcopal functions.
22. Subsection (1) inserts a new section 14A into the 2007 Measure to provide a general power for either archbishop to delegate archiepiscopal functions to the other archbishop, or to a diocesan, suffragan or assistant bishop, where the archbishop is unable to exercise the functions him- or her-self. This would, for example, enable an archbishop who was due to be on sabbatical or to travel overseas to make arrangements for the exercise of specified archiepiscopal functions in his or her absence. The existing power of either of archbishop to delegate functions in respect of his or her own diocese (i.e. Canterbury or York) on the same basis as other diocesan bishops is unaffected. Subsections (4) and (5) are consequential amendments.
23. Subsections (2) and (3) remove provisions which currently prevent suffragan bishops and bishops acting during vacancies in diocesan sees from dealing with faculties under Canon C 4.5. A faculty under Canon C 4.5 is required where a person to be ordained has remarried and has a living former spouse, or who has married a person who has a living former spouse.

Clause 5 Lay residentiary canons

24. Clause 5 amends the Cathedrals Measure 2021 so that the constitution of a cathedral may make provision for the appointment of lay residentiary canons.

25. Subsection (1) inserts a new section 14A in the Cathedrals Measure which enables, but does not require, the constitution of a cathedral to make provision for the appointment of lay persons as residentiary canons. It will be for each Chapter to decide whether to bring forward amendments to its cathedral's constitution to include such provision. As with any amendment to a cathedral's constitution or statutes, the consent of the bishop and of the Church Commissioners will be required for such an amendment to be made.
26. Subsection (2) makes consequential amendments to sections 12 and 13 of the Cathedrals Measure so that a lay residentiary canon is not treated as a member of the cathedral clergy for the purpose of accountability to the Chapter through the dean and so that only a clerical residentiary canon is eligible for appointment as interim dean.
27. Subsection (3) inserts a definition of "lay residentiary canon" in section 45 of the Cathedrals Measure.
28. Subsections (4) to (9) provide for the making of further consequential amendments to other legislation to take account of the existence of lay residentiary canons. Such amendments are to be made by the Archbishops' Council by means of secondary legislation, subject to the approval of the General Synod and annulment by either House of Parliament.

Clause 6 Bishop's mission order: termination of licence

29. Clause 6 amends section 82 of the Mission and Pastoral Measure 2011 which concerns bishop's mission orders.
30. Subsection (1) clarifies that where a bishop's mission order is revoked or expires, any licence granted to a person to serve in the mission initiative endorsed by the order is automatically terminated.
31. Subsection (2) makes a consequential amendment to the Ecclesiastical Offices (Terms of Service) Measure 2009, adding the case of the revocation or expiry of a bishop's mission order to the list of circumstances in which an office held under common tenure is terminated.
32. Subsection (3) makes it clear that these provisions apply to a bishop's mission order, whether made before or after the coming into force of clause 5.

Clause 7 Judges: appointments and retirement

33. Clause 7 makes amendments to legislation relating to the appointment and retirement of ecclesiastical judges.
34. Subsection (1) amends section 2 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 so that diocesan chancellors, who will continue to be appointed by diocesan bishops, are appointed on the recommendation of the Dean of the Arches and Auditor (as the head of the ecclesiastical judiciary). Although the existing provisions of section 2 require that the Dean of the Arches and Auditor is consulted before a chancellor is appointed, it is currently possible for an individual to be appointed even if the Dean has advised that he or she should not be. As head of the ecclesiastical judiciary, the Dean is best placed to know whether a particular individual has the necessary skills and experience to serve as an ecclesiastical judge. As the person with oversight of the ecclesiastical judiciary, the Dean is also

able to ensure that appointments are made on a fair and equitable basis, taking account of the need to increase the diversity of the ecclesiastical judiciary.

35. Subsection (2) transfers the existing obligation to consult the Lord Chancellor when appointing a diocesan chancellor from the bishop to the Dean of the Arches and Auditor. This brings section 2 into line with what currently happens in practice.
36. Subsection (3) increases the statutory retirement age of diocesan chancellors from 70 to 75. This brings the retirement provisions for ecclesiastical judges into line with recent changes made by the Public Service Pensions and Judicial Offices Act 2022 to the retirement age for judges in other courts.
37. Subsection (4) replaces provisions in section 21 of the Clergy Discipline Measure 2003 which set out the statutory qualifications for legal members of provincial panels (i.e. the judges who chair clergy discipline tribunals). The current reference in section 21 to persons “who have a seven year general qualification” is outdated. The amendment will replace it with a reference to persons who hold or have held “high judicial office” (i.e. High Court judge or above) or hold or have held the office of circuit judge or have the qualifications required for holding the office of circuit judge.
38. Subsection (5) updates section 42(3) of the Ecclesiastical Jurisdiction Measure 1963 (which provides for the composition of a committee of inquiry into a complaint against a bishop for an offence involving doctrine, ritual or ceremonial). The qualification for acting as deputy of the Dean of the Arches and Auditor on a committee of inquiry becomes holding or having held high judicial office or having the qualifications required for appointment as a High Court judge.

Clause 8 Judges: training

39. Clause 8 amends the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 to provide the Dean of the Arches and Auditor with a power to make regulations setting out training requirements to be met by ecclesiastical judges.
40. Subsection (1) inserts new section 21A (training requirements for ecclesiastical judges) in the 2018 Measure. New section 21A confers the power to make regulations on the Dean of the Arches and Auditor. The Dean must obtain the agreement of the Vicar-General of each province before making regulations. And where regulations include requirements to be met by judges who chair clergy discipline tribunals, the Dean must also have obtained the agreement of the President of Tribunals. Regulations made under section 21A must be laid before the General Synod and do not come into force unless approved by it.
41. Subsection (2) amends section 94(1) of the 2018 Measure so that regulations under section 21A will be take the form of a statutory instrument subject to annulment by either House of Parliament.

Clause 9 Disciplinary proceedings

42. Clause 9 makes miscellaneous amendments to legislation relating to disciplinary proceedings.
43. Subsections (1) and (2) amend the Church of England (Legal Aid) Measure 1994. They add a further category or proceedings to the list of proceedings in Schedule 1 for which legal aid may be given. The amendments will enable a person who was a respondent in disciplinary proceedings to apply for legal aid if a decision by the

President of Tribunals in favour of that respondent is subsequently challenged (e.g. by a complainant) by way of judicial review. If such a challenge is brought, although it is technically brought against the President of Tribunals, judges whose decisions are challenged are not normally involved in judicial review proceedings: the party actually seeking to have the decision upheld – and who needs to defend the judicial review proceedings – is the person who was the respondent in the original disciplinary proceedings. It is therefore that person who may need to be represented in the judicial review proceedings and who will – subject to the usual discretion of the Legal Aid Commission – be eligible for a grant of legal aid for that purpose.

44. Subsection (3) amends section 20 of the Clergy Discipline Measure so that applications for leave to appeal against a decision of clergy discipline tribunal are determined by single judge, rather than as at present by a judge and one other person (and which causes delay in the determination of leave applications). The single judge will be either the Dean of the Arches and Auditor or a person nominated by the Dean from among the panel of chairs of clergy discipline tribunals.
45. Subsection (4) makes an amendment to the Clergy Discipline (Appeal) Rules 2005 that is consequential on the amendment made by subsection (3).
46. Subsection (5) is a technical provision which makes it clear that the amendments to be made by subsection (4) do not affect the existing power to amend the Rules by secondary legislation.

Clause 10 Live broadcast of proceedings

47. Clause 10 amends the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 to put provision for the broadcast of proceedings in an ecclesiastical court on a statutory footing. New section 93A sets out the steps that a court must take when directing that proceedings are to be broadcast live to enable members of the public to see and hear the proceedings. It includes provision making it a contempt of court to use the broadcast proceedings in certain prohibited ways.

Clause 11 Care of churches

48. Clause 11 makes amendments to provisions in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 that are concerned with the care of churches.
49. Subsection (1) includes a new requirement in section 35 (duty to have regard to church's purpose) so that a person carrying out functions of care and conservation under the 2018 Measure must have due regard to the importance of environmental protection (as well as to the role of a church as a local centre of worship and mission).
50. Subsection (2) amends section 37 of the 2018 Measure so that a diocesan advisory commission can assist a parochial church council (or other relevant person, such as an archdeacon) by carrying out consultation requirements on their behalf.
51. Subsection (3) amends the provisions in Schedule 2 to the 2018 Measure that are concerned with the constitution of diocesan advisory committees. Provision requiring that one member be appointed after consulting local authorities is removed. Provision is added requiring the appointment of a member with knowledge of environmental matters.

Clause 12 Disposals etc. of land

52. Clause 12 makes miscellaneous amendments to the Church Property Measure 2018 and the Sharing of Church Buildings Act 1969 to remove lacunae, to update references and to remove unnecessary provisions.
53. Subsection (1) amends section 43 of the Church Property Measure so that where a benefice is vacant the bishop may exercise the power usually exercisable by the incumbent to dedicate as a highway land that forms part of the garden of, or adjoins, the parsonage house. This makes the provision in section 43 consistent with the provision in section 1 of the Church Property Measure which enables the bishop, during the vacancy in a benefice, to sell, exchange or demolish the parsonage house – powers which are otherwise exercisable by the incumbent.
54. Subsection (2) provides a general power for the bishop to do things in relation to land where a benefice is vacant. As matters stand, there is no general provision that enables anybody to act in relation to church or benefice property when a benefice is vacant. This has the potential to cause problems when a parish wishes to grant a licence or other legal right in respect of the church or churchyard, or to enter into an agreement for the release of a covenant or some other right that exists in favour of a church or churchyard. For example, it is not clear in the case of a vacant benefice who, if anybody, is able to grant a wayleave to carry a cable over a churchyard or to grant a licence for the use of the church building by a community group. The new section 45A inserted in the Church Property Measure by subsection (2) would address this lacuna by enabling the bishop to do anything in relation to land which an incumbent could have done, for example to be a party to the grant of a licence. But the bishop must – as an incumbent would have had to – obtain a faculty to authorise e.g. the grant of a licence in the usual way, following a resolution of the parochial church council and public consultation.
55. Subsection (3) inserts a definition of disposal of land in the Church Property Measure so that it has the same meaning as in the Law of Property Act 1925.
56. Subsections (4) and (5) update the Sharing of Church Buildings Act 1969 so that references to provisions of repealed Measures become references to the corresponding provisions in the Mission and Pastoral Measure 2011.
57. Subsection (5) also amends the 1969 Act to make further provision for the making of sharing agreements where a benefice is vacant. The 1969 Act currently allows “the minister in charge” of the parish to be a party to a sharing agreement in place of an incumbent where there is a minister in charge holding office. But it makes no provision for the case where there is neither incumbent nor minister in charge. The amendment in subsection (5)(b) additionally enables the bishop to be a party to a sharing agreement, where a benefice is vacant. The Church of England parties to a sharing agreement in all cases also include the diocesan board of finance and the parochial church council.
58. Subsection (6) provides a definition of the (currently undefined) term “minster in charge” in section 1(6) of the 1969 Act so that it includes a curate licensed to the charge of the parish or a priest in charge.

59. Subsection (7) removes provisions in the Church Property Measure which relate to stamp duty land tax. Those provisions are unnecessary, as church bodies benefit from the charity exemption from stamp duty land tax.

Clause 13 Care of cathedrals

60. Clause 13 amends the Care of Cathedrals Measure 2011. It adds to the matters in respect of which approval is required under the Measure the removal of an object of architectural, archaeological, artistic or historic interest to a place where the object is to be put on display.

Clause 14 Dealings in church property: role of designated adviser

61. Clause 14 amends provisions in the Church Property Measure 2018 concerned with the obtaining of advice prior to entering into certain property transactions. Provisions that require the obtaining of a written report from a qualified surveyor, and related provisions, are amended so that the requirement becomes one to obtain a report from a “designated adviser” – a wider category of professionals, to be prescribed by Regulations made by the Government. This will bring relevant provisions in the Church Property Measure into line with amendments that are to be made to the Charities Act 2011 by the Charities Act 2022. “Designated adviser” is to be defined in the Measure by reference to the amended section 119(1) of the Charities Act 2011.

Clause 15 Elections under Church Representation Rules

62. Clause 15 amends the Church Representation Rules set out in Schedule 3 to the Synodical Government Measure 1969.
63. Subsection (1) makes a drafting correction to rule 45 (which provides for filling casual vacancies among the members of diocesan synods).
64. Subsection (2) amends rule M8 so that if the bishop considers there are exceptional circumstances that justify doing so, the bishop may waive the requirement that a person must be an actual communicant, or the requirement that a person must have had his or her name on the church electoral roll for at least six months, to qualify for election to a parochial church council.

Clause 16 Church Commissioners’ functions etc.

65. Clause 16 amends the Church Commissioners Measure 1947 and other provisions concerning the operation of the Commissioners.
66. Subsection (1) inserts new provision in section 5 of the 1947 Measure to enable committees established by the Measure or by the Commissioners’ Board of Governors to establish sub-committees and to delegate functions to them, and for sub-committees to delegate functions to their chair or deputy chair or to officers.
67. Subsection (2) inserts new provision in section 6 of the 1947 Measure so that standing orders made by the Board of Governors or the Assets Committee may make provision authorising an appropriate officer to act on behalf of a person who has been authorised to act on behalf of the Board or a committee.
68. Subsection (3) amends section 7 of the 1947 Measure so that standing orders regulating the procedure of a sub-committee are made by the committee which

established that sub-committee, and subject to that so that sub-committees may regulate their own procedure.

69. Subsection (4) amends section 10 of the 1947 Measure to confer an express power on the Commissioners to borrow money. The view of the Official Solicitor to the Church Commissioners is that they have the power to borrow, having taken over that power from Queen Anne's Bounty when the 1947 Measure came into force (hence the words "in so far as they do not have power to do so apart from this subsection" being included in the new section 10(7)). However, it is considered desirable to put the matter beyond doubt with an express power to borrow.
70. Subsection (5) is consequential on the amendment made by subsection (1) and amends section 18 of the 1947 Measure to provide that references in the Measure to committees are to be read as including references to sub-committees.
71. Subsection (6) amends the 1947 Measure to ensure that consistent reference is made to the "Audit and Risk Committee" on the face of the Measure (rather than the Audit Committee where such references remain).
72. Subsection (7) amends section 94(1) of the Mission and Pastoral Measure 2011 so that the Commissioners are no longer prevented from meeting their legal expenses incurred in connection with the disposal of closed churches out of the proceeds of sale where the legal work is carried out by the Commissioners' internal lawyers (in addition to the fees of external legal advisers as presently permitted).

Clause 17 Meetings

73. Clause 17 amends the Care of Cathedrals Measure 2011 and the Dioceses, Pastoral and Mission Measure 2007 so that the bodies established by those Measures (the Cathedrals Fabric Commission for England and cathedrals' fabric advisory committees, the Dioceses Commission and the Church Buildings Council) are able to hold and conduct business at remote meetings (including hybrid meetings).
74. It also amends the Dioceses, Pastoral and Mission Measure to provide the Dioceses Commission with a procedure for conducting business by correspondence.

Clause 18 Short title, commencement and extent

75. Clause 18 provides for the citation of the Measure, for its commencement (including the making of transitional, transitory and saving provision) and for its territorial extent.

The Legal Office
Church House, Westminster

June 2022

The text of enactments as amended

This annex shows the text of enactments as proposed to be amended by the provisions of the draft Measure where the effect of an amendment is not readily apparent from the Measure itself.

Clause 1

Amendments to sections 1 and 3 of the General Synod (Remote Meetings) (Temporary Standing Orders) Measure 2020

1 Power to make special standing orders for remote meetings of General Synod

(1) The officers of the General Synod acting jointly may make standing orders for persons to attend, speak at, vote in, or otherwise participate in meetings of the General Synod without all of the persons, or without any of the persons, being together in the same place.

(2) The officers of the General Synod are—

- (a) the Archbishops of Canterbury and York,
- (b) the Prolocutors of the Convocations of Canterbury and York, and
- (c) the Chair and Vice-Chair of the House of Laity of the General Synod.

(3) The officers of the General Synod may exercise the power to make standing orders under this section only once; and they may not amend or revoke standing orders made under this section (but section 4 confers a power to amend or revoke on the General Synod itself).

(4) Standing orders under this section may disapply or modify provisions of the Standing Orders of the General Synod.

~~(5) Standing orders under this section may not include provision which would apply to business on—~~

- ~~(a) a Measure, Canon or other provision touching any of the matters referred to in Article 7(1) of the Constitution;~~
- ~~(b) a Measure or Canon to which Article 8 of the Constitution applies by virtue of paragraph (1) of that Article; or~~
- ~~(c) a scheme to which Article 8 of the Constitution applies by virtue of paragraph (1) or (1A) of that Article.~~

(6) If an office referred to in subsection (2) is vacant, the power under this section is exercisable by the holders of such of the offices as are filled acting jointly; and the duties imposed by section 2 are, accordingly, also to be carried out on that basis.

~~(7) In this Measure, “the Constitution” means the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969.~~

3 Operation of special standing orders

(1) Standing orders made under section 1 come into operation on the day after that on which they are published under section 2(3)(a) and continue in operation pending the decision by the General Synod on the question of whether to approve the standing orders.

- (2) The question of whether to approve the standing orders is to be the first item of business at the first meeting of the General Synod held (in whatever manner) after the standing orders come into operation.
- (3) The provisions of the Standing Orders of the General Synod relating to the consideration of an instrument made under a Measure or Canon apply to the standing orders as they apply to such an instrument; and for that purpose the requirement in section 2(3)(a) applies instead of the deadline for providing members of the Synod with a copy of the instrument concerned before it is due to be considered by Synod.
- (4) If the standing orders are approved by the General Synod (with or without amendment), they continue in operation until the end of the period of 12 months beginning with the day on which they are so approved.
- (5) But the General Synod may resolve that the standing orders—
- (a) are not to cease to be in operation at the time when they would otherwise cease to be so under subsection (4) or under the most recent resolution made under this subsection or subsection (6), and
 - (b) ~~are instead to continue in operation after that time for such period as the General Synod specifies in the resolution.~~ **are instead to continue in operation (with or without amendment) either for such period as the General Synod may specify in the resolution or for an indefinite period.**
- (6) If standing orders under section 1 have ceased to be in operation (whether under this section or section 4), the General Synod may resolve that they are to be revived (with or without amendment) and to be in operation ~~for such period as the General Synod specifies in the resolution~~ **either for such period as the General Synod may specify in the resolution or for an indefinite period**; and they are to be treated as being in operation so far as necessary for the purpose of enabling the Synod to consider whether to pass a resolution under this subsection.
- (7) Standing orders under section 1 have effect in spite of any provision in the Constitution or in the Standing Orders of the General Synod with which they are inconsistent; **and “the Constitution” means the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969.**

Clause 3

Amendments to regulations 2 and 3 of the Ecclesiastical Offices (Terms of Service) Regulations 2009

2 Interpretation

(1) In these Regulations—

“capability procedures” means the procedures described in regulation 31 below;

“grievance procedures” means the procedures described in regulation 32 below;

“working day” means any day which is not a rest day or part of a rest period or which is not taken as part of annual or special leave or any such leave as is referred to in regulation 23(1) below and cognate expressions shall be construed accordingly;

“the Measure” means the Ecclesiastical Offices (Terms of Service) Measure 2009;

(2) Subject to ~~paragraph (3)~~ **paragraphs 3 and 3A** below, these Regulations apply to all office holders holding office subject to Common Tenure, whenever appointed to their office, and the following provisions of these Regulations (except regulation 33(3) below) shall apply to an office holder who becomes subject to Common Tenure whilst holding his or her office as if he or she had taken up that office on the day on which he or she became subject to Common Tenure.

(3) Where an office holder holds an office in pursuance of a contract of employment, these Regulations shall not apply to the office holder in respect of that office, without prejudice to the application of the Regulations in respect of any other office held by that office holder.

(3A) These Regulations do not apply to a person licensed under section 2A of the Extra-Parochial Ministry Measure 1967 (ministry by member of religious community) except in so far as the person exercises ministry otherwise than under that licence.

(4) For the purposes of these Regulations, a residentiary canon is a “qualifying residentiary canon” if—

(a) the Commissioners are required to make payments to the residentiary canon under section 28(1)(b) of the Cathedrals Measure 2021,

(b) the Chapter of the cathedral concerned pays the whole of the residentiary canon's stipend or other emoluments and provides the residentiary canon's housing, or

(c) the residentiary canon does not come within sub-paragraph (a) or (b) but the Chapter of the cathedral concerned has resolved that the residentiary canon is nonetheless to be regarded as being a qualifying residentiary canon.

3 Statement of initial particulars of office

(1) An office holder shall be given a written statement of particulars of office by—

(a) an officer of the diocese nominated for that purpose by the diocesan bishop, or

(b) in the case of an office holder who is an archbishop or a diocesan bishop, by an officer of the province nominated by the registrar of the province in which the diocese is situated.

(2) The statement may be given in instalments and (whether or not given in instalments) shall be given not later than the relevant date.

(3) The relevant date for the purposes of paragraph (2) above shall be the expiry of the period of one month from the date on which the office holder took up the office.

- (4) The statement shall contain particulars of—
- (a) the name of the office holder and the title or description of the officer nominated by the bishop or registrar under paragraph (1) above and the body which is to be treated, for the purpose of these Regulations, as the respondent in any proceedings brought by the office holder before an employment tribunal,
 - (b) the title of the office to which the office holder has been appointed, and
 - (c) the date when the appointment took effect.
- (5) The statement shall also contain particulars, as at a specified date not more than seven days before the statement (or the instalment containing them) is given, of—
- (a) whether the office holder is entitled to a stipend and, if so, the amount of the stipend or the method of calculating it,
 - (b) the person or body responsible for the payment of the stipend,
 - (c) the intervals at which any stipend is payable (that is, weekly, monthly or other specified intervals),
 - (d) whether the office holder is entitled to receive parochial fees and the relationship, if any, of the receipt of such fees to any stipend,
 - (e) any terms and conditions relating to the reimbursement of expenses incurred in connection with the exercise of the office,
 - (f) whether the office is full-time or part-time and, in the case of part-time posts, and of posts for which special provision has been made for hours of work, any terms and conditions relating to hours of work (including any terms and conditions relating to normal working hours),
 - (g) any terms and conditions relating to any of the following—
 - (i) entitlement to rest periods and holidays, including public holidays,
 - (ii) incapacity for work due to sickness or injury, including any provision for sick pay,
 - (iii) pensions and pensions schemes, including, where the office holder comes within either the Church of England Pensions Scheme or the Church of England Funded Pensions Scheme, or both, a statement to that effect, and
 - (iv) entitlements to maternity, paternity, parental[, adoption, shared parental and parental bereavement leave] [and time off work to care for dependants] in accordance with regulation 23 below,
 - (h) where the office holder is required, for the better performance of his or her duties, to occupy any particular residence, details of the address of the property concerned, the person or body to whom or which it belongs, the terms of occupation and any contents to be provided by the relevant housing provider,
 - (i) the length of notice which the office holder is required to give and, if applicable, receive to terminate the appointment, and
 - (j) where the appointment is not intended to be permanent, the circumstances in which it may be terminated or, if it is for a fixed term, the date when it is to end.

(6) The Archbishops' Council may issue guidance on the preparation of a statement under this regulation.

(7) A person preparing a statement under this regulation must, in doing so, have regard to any guidance that is issued under paragraph (6).

Clause 4

Amendments to sections 13(1), 14(1) and 16 of the Dioceses, Pastoral and Mission Measure 2007

13 Delegation by instrument of certain functions to suffragan bishop or assistant bishop

(1) Subject to the provisions of this section, the bishop of a diocese may by an instrument under his hand delegate to a suffragan bishop of the diocese such of his functions as may be specified in the instrument ~~except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No 6) . . . (1993 No 2).~~

14 Discharge of certain functions of bishop

(1) If—

(a) the bishop of a diocese has executed an irreversible instrument of resignation as bishop or the bishop considers that he will be unable to discharge any or all of his functions by reason of disability, illness or absence from his diocese or by reason of his forthcoming translation to another see; and

(b) there is no person in episcopal orders in the diocese who is for the time being authorised to discharge the relevant functions of the bishop,

the bishop may (in the case of resignation or translation before the resignation or translation takes effect) by an instrument under his hand delegate to a person holding office as a diocesan, suffragan or assistant bishop in the Church of England, without the consent of the diocesan synod, but after consultation with the bishop's council and standing committee of that synod, unless the bishop is unable to consult the bishop's council and standing committee by reason of his disability or illness, such of his functions as may be specified in the instrument, ~~except functions to which an instrument made under section 13 above relates and functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No 6) . . . (1993 No 2).~~

16 Provision with respect to Acts, etc which confer functions on a diocesan bishop or an archbishop

(1) Any Act, Measure or Canon which confers or imposes on the bishop of a diocese any functions which by virtue of an instrument made under section 13 or 14 above or a reorganisation scheme may be discharged by a suffragan bishop shall have effect in any diocese subject to the provisions of any such instrument or scheme relating to that diocese and for the time being in force, and references in that Act, Measure or Canon to the bishop of a diocese shall be construed accordingly.

(2) Any Act, Measure or Canon which confers or imposes on an archbishop functions which by virtue of an instrument made under section 14A may be discharged by the other archbishop, or by the bishop specified in the instrument, have effect in the province subject to the provisions of the instrument for the time being in force, and references in that Act, Measure or Canon to the archbishop are to be construed accordingly.

Clause 6

Amendments to sections 2 and 3 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2 Judge: appointment

(1) The consistory court of a diocese is to be presided over by a single judge, appointed by the bishop of the diocese by letters patent **on the recommendation of the Dean of the Arches and Auditor.**

(2) The judge is to continue to be known as the chancellor of the diocese or, in the case of the diocese of Canterbury, the commissary general.

(3) Accordingly, a reference in this Measure to the chancellor of a diocese is, in the case of the diocese of Canterbury, to be read as a reference to the commissary general.

(4) A person may be appointed as chancellor of a diocese only if the person—

(a) holds or has held high judicial office, or

(b) holds or has held the office of circuit judge or has the qualifications required for holding that office.

(5) A lay person may be appointed as chancellor of a diocese only if the bishop is satisfied that the person is a communicant.

~~(6) Before appointing a person as chancellor of a diocese, the bishop must consult—~~

~~(a) the Lord Chancellor, and~~

~~(b) the Dean of the Arches and Auditor.~~

(6) Before making a recommendation under subsection (1), the Dean of the Arches and Auditor must consult the Lord Chancellor as well as the bishop.

3 Judge: term of office

(1) The term of a person's appointment as chancellor of a diocese—

(a) begins with the date of the appointment, and

(b) subject to the following provisions of this section, ends with the day on which the person reaches the age of ~~70~~**75**.

(2) The chancellor of a diocese may resign the office by instrument in writing signed by him or her and addressed to, and served on, the bishop of the diocese.

(3) The bishop of a diocese may remove the chancellor of the diocese from office if the Upper House of the Convocation of the province concerned resolves that he or she is incapable of acting or unfit to act; and such a resolution must be filed in the registry of the province concerned.

(4) Where, during the course of proceedings in the consistory court, the chancellor of the diocese reaches the age of ~~70~~**75**, he or she may continue to act as chancellor for the purposes of the proceedings as if the day on which the proceedings concluded in that court were the day on which he or she reached that age.

~~(5) Where the bishop of a diocese considers that it would be desirable in the interests of the diocese to retain the chancellor in office after the date on which he or she would otherwise retire under~~

~~subsection (1) or (4), the bishop may authorise the continuance in office of the chancellor after that date for a period of up to two years.~~

~~(6) The bishop of a diocese may authorise the further continuance in office of the chancellor of the diocese for periods of up to one year at a time.~~

~~(7) The period during which a person remains in office as chancellor may not be continued under subsection (5) or (6) beyond the date on which the person reaches the age of 75.~~

~~(8) Before authorising a period of continuance under subsection (5) or (6), the bishop must consult the Dean of the Arches and Auditor.~~

~~(9) Where the chancellor of a diocese is continuing in office under subsection (5) or (6) and, during the course of proceedings in the consistory court, the period of continuance under that subsection expires, he or she may continue to act as chancellor for the purposes of the proceedings as if the day on which the proceedings concluded in that court were the day on which the period of continuance expired.~~

(10) The references in subsections (1) and (4) to reaching the age of ~~70~~ **75** apply only in the case of a person appointed as chancellor on or after 31 March 1995; in the case of a person appointed as chancellor before that date, the references are to be read as references to reaching the age at which a circuit judge appointed on the day on which the person was appointed as chancellor would be obliged to vacate office.

Amendments to section 21 of the Clergy Discipline Measure 2003

21 Provincial panels

(1) It shall be the duty of the Clergy Discipline Commission to compile and maintain for each province, in accordance with the provisions of subsection (2) below, a list (hereinafter referred to as “the provincial panel”) of persons available for appointment under the following provisions of this Measure as members of a disciplinary tribunal or of the Vicar-General's court.

(2) Each provincial panel shall contain the names of—

(a) two lay persons from each diocese nominated by the bishop of the diocese after consultation with the bishop's council, being persons who are resident in the diocese and are on the electoral roll of a parish in the diocese or on the community roll of a cathedral which is not a parish church;

(b) two persons in Holy Orders from each diocese nominated by the bishop of the diocese after consultation with the bishop's council, being persons who have served in Holy Orders for at least seven years and are resident in the diocese;

(c) ten persons nominated by the archbishop of the relevant province, being persons ~~who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c 41) or who have held or are holding high judicial office or the office of Circuit judge who—~~

(i) hold or have held high judicial office, or

(ii) hold or have held the office of circuit judge or have the qualifications required for holding that office;

(d) such persons as may be nominated under subsection (3) below.

(3) The archbishop of the relevant province may also nominate for inclusion on the provincial panel—

(a) not more than five persons who are resident in the province and are on the electoral roll of a parish in the province or on the community roll of a cathedral which is not a parish church; and

(b) not more than five persons who have served in Holy Orders for at least seven years and reside in the province.

(4) No lay person who is not an actual communicant, within the meaning of Rule 83(2) of the Church Representation Rules, shall be nominated to serve on the provincial panel.

(5) Persons nominated to serve on the provincial panel shall so serve for a period of six years, and on retiring from the panel, a person nominated under subsection (2)(a) or (b) or (3) shall be eligible to be nominated to serve for not more than one further period of six years, and a person nominated under subsection (2)(c) shall be eligible to be nominated to serve for one or more further periods of six years:

Provided that, of the persons nominated to serve on the provincial panel on the first occasion after the passing of this Measure, half of those nominated under paragraph (a) of subsection (2) above, half of those nominated under paragraph (b), half of those nominated under paragraph (c) and half of those nominated under subsection (3) above shall retire from the panel after serving for a period of three years, those retiring being determined by lot.

(6) Where the period of service of a person nominated to serve on the provincial panel expires while he is a member of a disciplinary tribunal or of the Vicar-General's court to which proceedings under this Measure are referred, he shall continue to be a member of the tribunal or court until the completion of the proceedings.

(7) Where a casual vacancy occurs on the provincial panel the Archbishop of the relevant province or the bishop of the relevant diocese, as the case may be, may nominate a person to fill the vacancy, and the provisions of subsections (2) and (4) above, relating to qualifications and consultations shall apply for the purposes of this subsection as they applied for the purposes of the nomination of the person whose place he takes on the panel.

(8) Any person nominated to fill a casual vacancy shall serve only for the unexpired term of service of the person whose place he takes on the panel.

Clause 8

Amendments to Schedule 1 to the Church of England (Legal Aid) Measure 1994

SCHEDULE 1

PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN

<i>Description of proceedings</i>	<i>Description of applicants</i>
1. Proceedings in any ecclesiastical court or before any disciplinary tribunal commission, committee, bishop or examiner in respect of an offence under the Ecclesiastical Jurisdiction Measure 1963 or of misconduct under the Clergy Discipline Measure 2003.	Any accused person.
2. Proceedings on an enquiry under Part I of the Incumbents (Vacation of Benefices) Measure 1977 conducted by a provincial tribunal.	The incumbent concerned in the proceedings.
<i><repealed ></i>	<i>< repealed ></i>
5. Proceedings on an appeal under any Canon made in pursuance of section 7 of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 against revocation of a licence granted to a minister, deaconess, lay worker or stipendiary reader.	The appellant.
6. Proceedings on an appeal under section 50 of the Ecclesiastical Jurisdiction Measure 1963 against an intended deposition of a priest or deacon from Holy Orders.	The appellant.
7. Proceedings on an appeal under section 36(6) or by virtue of section 37(6) of the Clergy Discipline Measure 2003 against a suspension made in reliance on section 36(1)(e) or 37(1)(e) of that Measure.	The appellant.
8. Proceedings on a claim for judicial review of a decision by the president of tribunals on disciplinary proceedings under the Clergy Discipline Measure 2003.	Any person who, as a respondent to the disciplinary proceedings, is an interested party in the proceedings on the claim for judicial review.

NOTES

1 In item 8, “interested party” has the meaning given in Civil Procedure Rules relating to judicial review.

20 Right of appeal

(1) Subject to the following provisions of this section, in disciplinary proceedings under this Measure—

(a) the respondent may appeal against any penalty imposed on him, and

(b) the respondent on a question of law or fact, and the designated officer, on a question of law, may appeal against any finding of the disciplinary tribunal or the Vicar-General's court,

to the Arches Court of Canterbury (where the proceedings take place in the province of Canterbury) or the Chancery Court of York (where the proceedings take place in the province of York).

(1A) An appeal by the respondent or the designated officer may only be brought with the leave of the disciplinary tribunal or the Vicar-General's court, as the case may be, or the appeal court.

(1B) Any application for leave of the appeal court under subsection (1A)—

(a) shall, **at the direction of the Dean of the Arches and Auditor, be heard either—**

(i) by the Dean of the Arches and Auditor sitting alone, or

(ii) if the Dean is unable to hear the application, by a single person appointed by the Dean from among those nominated under section 21(2)(c) to serve on the relevant provincial panel;

(b) may, if the Dean of the Arches and Auditor so directs, be determined without a hearing; and

(c) shall be granted if ~~at least one of the judges~~ **the person hearing the application** considers either that the appeal would have a real prospect of success or that there is some other compelling reason why the appeal should be heard.

(1C) If the disciplinary tribunal or the court grants the application for leave, it may direct that the issues to be heard on the appeal be limited in such way as the tribunal or the court may specify.]

(2) Subject to subsection (3) below, proceedings on an appeal under subsection (1) above shall be heard and disposed of by the Dean of the Arches and Auditor sitting with two persons in Holy Orders and two lay persons appointed by the president of tribunals for the purpose of those proceedings from among the persons nominated to serve on the provincial panel of the relevant province otherwise than by the bishop of the diocese concerned.

(3) In the case of an appeal from a decision of the Vicar-General's court—

(a) one of the persons in Holy Orders shall be in Episcopal Orders, whether or not that person has been nominated to serve on the provincial panel mentioned in subsection (2) above, and

(b) where the appeal is by an archbishop, subsection (2) shall have effect as if the reference to persons nominated to serve on the provincial panel otherwise than by the bishop of the diocese concerned were a reference to persons (other than the person in Episcopal Orders) nominated to serve on the provincial panel of the other province.

(4) Before the president of tribunals appoints a person to sit as a judge for the purpose of proceedings on an appeal under subsection (1) or on an application for leave to appeal under subsection (1A) above he shall satisfy himself that there is no reason to question the impartiality of that person.

(5) Before appointing a person to sit as a judge for the purpose of proceedings on an appeal under subsection (1) or on an application for leave to appeal under subsection (1A) above the president of tribunals shall afford an opportunity to the respondent to make representations as to the suitability of that person to be appointed.

Clause 10

Amendments to section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018

35 Duty to have regard to church's purpose and environmental protection

A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to—

- (a) the role of a church as a local centre of worship and mission, **and**
- (b) **the importance of environmental protection.**

Amendments to paragraph 2 of Schedule 2 to the Ecclesiastical Jurisdiction and Care of Churches Measure 2018

SCHEDULE 2

DIOCESAN ADVISORY COMMITTEE: CONSTITUTION

Membership: appointment

2

- (1) The committee consists of—
 - (a) a chair,
 - (b) the archdeacon of each archdeaconry in the diocese, and
 - (c) at least 12 other members.
- (2) The chair is appointed by the bishop of the diocese after consultation with—
 - (a) the bishop's council,
 - (b) the chancellor of the diocese, and
 - (c) the Church Buildings Council.
- (3) The other members are—
 - (a) two persons appointed by the bishop's council of the diocese from among the elected members of the diocesan synod,
 - (b) at least ten other persons appointed by the bishop's council of the diocese of whom—
 - (i) one is appointed after consultation with the Historic Buildings and Monuments Commission for England,
 - ~~(ii) one is appointed after consultation with such associations as the Dean of the Arches and Auditor may from time to time designate as the relevant associations of local authorities in relation to the diocese, and~~
 - (iii) one is appointed after consultation with the national amenity societies, and
 - (c) such other persons as may be co-opted under paragraph 5.
- (4) In making an appointment under sub-paragraph (3)(b), the bishop's council must ensure that the persons so appointed have between them—
 - (a) knowledge of the history, development and use of church buildings,

- (b) knowledge of Church of England liturgy and worship,
- (c) knowledge of architecture, archaeology, art and history, ~~and~~
- (d) experience of the care of historic buildings and their contents, **and**
- (e) knowledge of environmental matters.**

(5) The first appointments of the chair and of other members under sub-paragraph (3)(a) and (b) take place as soon as practicable.

(6) Subsequent new appointments of the chair or of a member under sub-paragraph (3)(a) or (b) must be made within the period of one year following the formation of the second new diocesan synod after the latest appointments.

Clause 11

Amendments to section 1 of the Sharing of Church Buildings Act 1969

1 Agreements for sharing church buildings

(1) It shall be lawful, notwithstanding any statutory or other legal provision, for any two or more Churches to which this Act applies to make agreements, through the parties mentioned in this section and in accordance with the provisions thereof, for the sharing by them of church buildings, and to carry such agreements into effect, and such agreements are in this Act referred to as “sharing agreement”.

(2) A sharing agreement may be made in respect of a single church building or two or more church buildings in the same locality, and in respect of any existing or proposed church building, and, subject to the following provisions of this Act relating to consecrated churches of the Church of England and the sharing of residential buildings, may provide for the shared building or any of the shared buildings to be owned or continue to be owned by one only of the sharing Churches or to be jointly owned by all or some of the sharing Churches.

(3) The parties to a sharing agreement shall—

(a) as respects the Church of England, be the Diocesan Board of Finance of the diocese and the incumbent and parochial church council of the parish in which the building or buildings is or are or will be situated and, where a team ministry is established for the benefice comprising that parish,—

(i) any vicar in the team ministry to whom a special cure of souls in respect of the parish has been assigned by a scheme under the ~~Pastoral Measure 1983~~ **Mission and Pastoral Measure 2011** or by his licence from the bishop; or

(ii) any member of the team to whom a special responsibility for pastoral care in respect of the parish has been assigned under ~~section 20(8A)~~ **section 34(8)** of that Measure, the parish not being one in respect of which a special cure of souls has been assigned as mentioned in paragraph (i) above

(b) as respects any other Church, be such persons as may be determined by the appropriate authority of that Church;

and shall also include, in the case of an existing building, the person (if not otherwise a party) in whom the building is vested and any managing trustees thereof, and may also include, in the case of a proposed building, any person in whom it is to be vested or who is to be a managing trustee thereof.

(4) A sharing agreement shall not be made on behalf of the Church of England without the consent of the bishop and the mission and pastoral committee of the diocese concerned, and the appropriate authority of any other Church to which this Act applies may require the consent of any body or person specified by the authority to be given to sharing agreements made on behalf of that Church.

(5) Where a church building is held on trust for educational purposes which include instruction in religious knowledge according to the faith and practice of the Church of England, the consent of the Diocesan Education Committee of the diocese concerned to a sharing agreement in respect of that building shall be required in lieu of the consent of the mission and pastoral committee thereof, and the agreement shall be subject to the approval of the Secretary of State.

(6) Where a benefice is vacant and a suspension period is current under ~~section 67 of the Pastoral Measure 1983~~ **section 85 of the Mission and Pastoral Measure 2011**, subsection (3)(a) of this section shall have effect with the substitution for the reference to the incumbent of a

reference to the minister in charge of the parish **or the bishop of the diocese concerned**, but otherwise a sharing agreement shall not be made on behalf of the Church of England during a vacancy in the benefice concerned.

(7) Where a see is vacant, or the bishop of the diocese is unable because of illness or absence to give his consent under subsection (4) of this section, the archbishop of the province may appoint by an instrument under his hand a suffragan or assistance bishop or an archdeacon of the diocese to act in place of the bishop under the said subsection for a period specified in the instrument; and in the event of a vacancy in the see of an archbishop or his illness or absence, and appointment under this subsection, either in respect of the see of the archbishop or another see in the province, may be made by the other archbishop.

(8) A sharing agreement shall be under seal and shall be registered, in the case of the Church of England, in the registries of the province and diocese, and, in the case of other Churches, in the registry or office of the appropriate authority, and the consent required as aforesaid shall be signified in writing by the secretary or clerk of the body concerned or by the person concerned and shall be registered with the deed.

(9) A sharing agreement shall be binding on the successors to the parties thereto, that is to say, on the persons who would at any subsequent time be required to be parties if the agreement were then being made, and any reference in this Act to the parties to a sharing agreement shall be construed, as respects anything done at a subsequent time, as referring to the said persons.

(10) A sharing agreement may be amended by agreement of the parties thereto and with the consents that would then be required to a new sharing agreement.

(11) In subsection (6), the reference to the minister in charge of the parish in question is a reference to—

- (a) a curate licensed to the charge of the parish, or**
- (b) a minister acting as priest-in-charge of the benefice to which the parish belongs.**

Clause 12

Amendments to section 2(1) and (2) of the Care of Cathedrals Measure 2011

2 Approval required for alterations to cathedrals

(1) Subject to subsection (2) and to sections 5 and 6 the Chapter of a cathedral shall not, unless it has been approved under this Measure, implement or consent to the implementation of any proposal—

(a) for the carrying out of works, including works of repair or maintenance, on, above or below land the fee simple in which is vested in the corporate body, being works which would materially affect—

- (i) the architectural, archaeological, artistic or historic character of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
- (ii) the immediate setting of the cathedral church, or
- (iii) any archaeological remains in or under the cathedral church or within its precinct, or
- (iv) any human remains in or under the cathedral church or within its precinct, or

(b) for the sale, loan or other disposal of any object the property in which is vested in the corporate body or which is in the possession or custody of the corporate body or to whose possession or custody the corporate body is entitled, being an object of architectural, archaeological, artistic or historic interest, including any object to which section 7 applies,

(ba) for the removal of any such object as is referred to in paragraph (b) from the cathedral church, from a building within the precinct or from anywhere else within its precinct, to a place where the object is to be put on display, or

(c) for the carrying out of any work to any such object as is referred to in paragraph (b) which would materially affect the architectural, archaeological, artistic or historic character of the object, or

(d) for the permanent addition to the cathedral church of any object which would materially affect the architectural, archaeological, artistic or historic character of the cathedral church.

(2) Subsection (1) shall not apply in relation to anything which—

(a) is done by the Chapter in furtherance of its duties under the constitution and statutes of the cathedral church with respect to the ordering of services or otherwise in furtherance of the mission of the cathedral church,

(b) **except in a case within subsection (1)(ba)**, is of a temporary nature, and

(c) does not materially affect the fabric of the cathedral church.

Clause 13

Amendment to section 20 of the Church Property Measure 2018

20 Dealings

(1) The power of a DBF or management subsidiary to deal with diocesan glebe land (whether by way of sale, exchange, lease, mortgage, charge or otherwise) is exercisable in accordance with this section and sections 21 and 22.

(2) The DBF or subsidiary may, if it thinks it necessary, include such terms for safeguarding the amenities of land that will be affected by the proposed transaction as it considers reasonable and proper, having regard to all the circumstances.

(3) A DBF or management subsidiary may permit a person to reside, without paying rent, in a dwelling house situated on the diocesan glebe land if the bishop of the diocese has declared that the person is engaged in the cure of souls within the diocese.

(4) Where a DBF or management subsidiary sells, exchanges or leases diocesan glebe land and the document giving effect to the transaction includes a restrictive covenant imposed for the benefit of church land or parsonage land, the covenant is enforceable by the DBF or subsidiary as if it were the owner of that land.

(4A) A DBF or management subsidiary may grant a lease of diocesan glebe land, other than a short lease (as to which, see subsection (5)), only if—

(a) it has obtained a written report on the proposed transaction from a designated adviser instructed by and acting exclusively for it, and

(b) having considered the report, it is satisfied that the terms of the proposed transaction are the best that can reasonably be obtained for the diocese.

(5) A DBF or management subsidiary may grant a short lease of diocesan glebe land only if—

(a) it has obtained advice on the proposed transaction from a person who it believes has the necessary ability and practical experience to provide it with competent advice, and

(b) having considered the advice, it is satisfied that the terms of the proposed transaction are the best that can be reasonably obtained for the diocese.

(6) “Short lease” means a lease for a term of no more than seven years which is not granted wholly or partly at a premium.

Clause 14

Amendment to Rule M8 of the Church Representation Rules

Qualifications of persons to be elected

M8

(1) A person is qualified for election as a parochial representative of the laity to the deanery synod or PCC under Rule M6(1)(a) or (b) if—

- (a) the person is aged 16 or over,
- (b) he or she is an actual communicant, and
- (c) his or her name is on the roll of the parish and, unless he or she is aged under 18 at the date of the election, has been on the roll for at least the preceding six months.

(2) But if the person has his or her name on the roll of more than one parish, he or she must choose one of the parishes concerned for the purpose of qualifying for election as a parochial representative of the laity to the deanery synod.

(2A) Where a person does not satisfy the condition in paragraph (1)(b), or the condition in paragraph (1)(c) for the person's name to have been on the roll for at least the previous six months, the bishop may waive the condition concerned so far as it applies to qualification for election to the PCC, if the bishop considers there are exceptional circumstances which justify waiving the condition.

[...]

Clause 15

Amendments to sections 5, 6(4) and 7 of the Church Commissioners Measure 1947

5 Constitution and functions of Board of Governors

- (1) The Board shall consist of the Commissioners mentioned in paragraph 1(b) of Schedule 1 to this Measure.
 - (2) The Archbishop of Canterbury shall be the chairman of the Board and—
 - (a) he may appoint a deputy chairman from among the members of the Board, who may act as chairman in the Archbishop's absence at any meeting to be held during the period of five years following the date of his appointment; and
 - (b) if neither the chairman nor the deputy chairman is present at any meeting, the members attending the meeting may elect a member to act as chairman of that meeting.
 - (3) Subject to the provisions of this Measure, all the functions and business of the Commissioners shall be exercised and transacted by the Board.
 - (4) The Board shall have power—
 - (a) to refer for consideration and report any matter within their jurisdiction to the Assets Committee or the Audit and Risk Committee, or to any other committee which the Board may appoint for the purpose or which the Board and the Archbishops' Council acting jointly may appoint;
 - (b) to authorise the Assets Committee or any other such committee as aforesaid, to do and complete any matter on behalf of the Board;
 - (c) to make general rules for the direction and guidance of the Assets Committee or any committee appointed by the Board, as to the matters and acts to be considered and done by that committee, and as to the general principles upon which that committee shall act in carrying out such functions as may from time to time be delegated to them by the Board.
- (4A) Commissioners shall constitute a majority of the members of any committee appointed under subsection (4)(a) above.
- (4B) A committee constituted by or under this Measure may itself establish one or more sub-committees and may delegate functions to any sub-committee so established.**
- (4C) A sub-committee established by a committee constituted by or under this Measure may itself delegate functions to the chair or deputy chair of the sub-committee or to an appropriate officer.**

6 Assets Committee and Audit and Risk Committee

- (4) The Standing Orders regulating the procedure of the Board, the Assets Committee or any committee appointed by the Board may provide for—
 - (a) 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 **or the committee in question** may think fit;
 - (b) **authorising an appropriate officer to act in relation to a matter on behalf of a person authorised by virtue of paragraph (a) to act in relation to that matter.**

7 Procedure

(1) The provisions of the Fourth Schedule to this Measure shall have effect with regard to the meetings and procedure of the Commissioners and of the Board and of any committee constituted by or under this Measure.

(1A) A majority of the members of the Board, and a majority of the members of each committee constituted by or under this Measure, must be members of the Church of England.

(2) Subject as aforesaid and to any other provisions of this Measure—

(a) the Commissioners may regulate their own procedure and may from time to time at any general meeting make, vary and revoke Standing Orders for the purpose;

(b) the Board may from time to time make, vary and revoke Standing Orders for regulating the procedure of the Board or of any Committee of the Board **(but not a sub-committee established by a committee of the Board)** and subject to any such Standing Orders the Board and any such committee may regulate their own procedure;

(c) the Assets Committee and the Audit **and Risk** Committee may regulate their own procedure and may from time to time make, vary and revoke Standing Orders for the purpose;

(d) a committee constituted by or under this Measure which establishes a sub-committee may from time to time make, vary and revoke Standing Orders for regulating the procedure of the sub-committee and subject to any such Standing Orders the sub-committee may regulate its own procedure.

Amendment to section 94(1) of the Mission and Pastoral Measure 2011

94 Payment of expenses from diocesan pastoral accounts and application of moneys

(1) Expenses incurred by or on behalf of, or under the authority or direction of, the bishop of any diocese or any mission and pastoral committee or the Commissioners for the purposes of this Measure or any scheme or order made shall be paid out of the moneys standing to the credit of the diocesan pastoral account so far as those moneys suffice, but any such expenses shall not include the salaries or wages of persons in the regular employment of the bishop, any board or committee of the diocese, ~~or the Commissioners,~~ or any part of any such salaries or wages.