

Church of England (Miscellaneous Provisions) Measure

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DRAFT of a Measure of the General Synod of the Church of England to make miscellaneous provisions relating to matters concerning the Church of England.

General Synod

1 Remote meetings: indefinite application of special standing orders

- (1) In section 1 of the General Synod (Remote Meetings) (Temporary Standing Orders) Measure 2020 (special standing orders) –
- (a) omit subsection (5) (which prohibits business relating to Article 7 or 8 of the Constitution at a remote meeting), and 5
 - (b) omit subsection (7) (which defines “the Constitution” for the purposes of the Measure).
- (2) In section 3 of that Measure (operation of special standing orders) –
- (a) in subsection (5), for paragraph (b) substitute – 10
 - “(b) 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.”,
 - (b) in subsection (6), for “for such period as the General Synod specifies in the resolution” substitute “either for such period as the General Synod may specify in the resolution or for an indefinite period”, and 15
 - (c) in subsection (7), after “inconsistent” insert “; and “the Constitution” means the Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969”. 20
- (3) The General Synod (Remote Meetings) (Temporary Standing Orders) Measure 2020 may be cited as the General Synod (Remote Meetings) Measure 2020; and, accordingly, in section 5(1) of that Measure (short title), omit “(Temporary Standing Orders)”.

2 Legislative Reform Measure 2018: removal of sunset 25

- (1) Section 10 of the Legislative Reform Measure 2018 (which provides for the expiry of the power to make legislative reform orders five years after the first such order was laid before the General Synod) is repealed.
- (2) If, when this section comes into force, sections 1 to 7 of the Legislative Reform Measure 2018 have already expired under section 10 of that Measure – 30
- (a) subsection (1) of this section is itself repealed,
 - (b) sections 1 to 7 of the Legislative Reform Measure 2018 are revived and are to remain in force for an indefinite period, and

- (c) in consequence of paragraph (b), in section 9 of that Measure (orders), before “8”, in each place it appears, insert “1 or”.
- 3 Safeguarding Code revisions: exceptions to requirement for Synod approval**
- In section 5C of the Safeguarding and Clergy Discipline Measure 2016 (Code of Practice: scrutiny and commencement), in subsection (5), at the end insert “; but subsection (1)(b) does not apply in the case of –** 5
- (a) **proposed revisions to requirements imposed by the Code on relevant persons, if the House of Bishops considers that those proposed revisions are insubstantial, or**
- (b) **proposed revisions to guidance given by the Code to relevant persons on compliance with requirements imposed by the Code on them.”** 10
- 4 Change of name of suffragan see: removal of requirement for Synod approval**
- (1) **In section 11 of the Dioceses, Pastoral and Mission Measure 2007 (change of name of see), in subsection (2), after “a petition under subsection (1) above” insert “to change the name of a diocesan see”.** 15
- (2) **After that subsection insert –**
- “(2A) **Before submitting a petition under subsection (1) to change the name of a suffragan see, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned; the bishop may then, if the bishop decides to proceed with the petition, forward it to His Majesty in Council.”** 20
- (3) **In subsection (3), for “any such petition” substitute “a petition under subsection (1) to change the name of a diocesan see”.**
- Ecclesiastical offices* 25
- 5 Terms of service**
- (1) **In regulation 2 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (interpretation), after paragraph (3) insert –**
- “(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) in respect of the performance of offices or services in accordance with that licence.”** 30
- (2) **In consequence of subsection (1), in paragraph (2) of that regulation, for “paragraph (3)” substitute “paragraphs (3) and (3A)”.**
- (3) **In regulation 3 of those Regulations (statement of initial particulars of office), after paragraph (5) insert –** 35
- “(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).”** 40

- (4) In regulation 19 of those Regulations (continuing ministerial education), in paragraphs (1) and (3) and in the title, for “continuing ministerial education” substitute “continuing ministerial development”.
- (5) In consequence of subsection (4), in the cross-heading preceding regulation 18 of those Regulations, for “continuing ministerial education” substitute “continuing ministerial development”. 5
- (6) The amendments made by this section do not affect the power to make further regulations amending or revoking the provision made by those amendments.

6 Delegation of episcopal functions

- (1) After section 14 of the Dioceses, Pastoral and Mission Measure 2007 insert – 10
- “14A Delegation of archbishop’s functions**
- (1) Either archbishop may by an instrument made under hand delegate to the other archbishop, or to such diocesan, suffragan or assistant bishop as may be specified in the instrument, the exercise of the archbishop’s functions at any time when the archbishop is unable to exercise them. 15
- (2) An instrument under this section may not delegate a function which is capable of being delegated by an instrument under section 13 as a function which the archbishop has in the capacity as bishop of the diocese of Canterbury or, as the case may be, the diocese of York.
- (3) Subsections (2) to (7) and (9) to (15) of section 13 apply to an instrument under this section as they apply to an instrument under that section; and for that purpose – 20
- (a) a reference to the bishop, or to the diocese of the bishop, is to be read as a reference to the archbishop, or to the province of the archbishop, making the delegation, 25
- (b) a reference to the suffragan bishop is to the archbishop or other bishop to whom the delegation is made,
- (c) a reference to the registrar of the diocese is a reference to – 30
- (i) the registrar of the province of the archbishop making the delegation, and
- (ii) (if the delegation is to the other archbishop) the registrar of the other province or (if the delegation is to a diocesan, suffragan or assistant bishop) the registrar of the diocese concerned, and
- (d) a reference to the diocesan registry is to be construed consistently with a reference to the registrar of the diocese (as to which, see paragraph (c)).” 35
- (2) In section 13 of that Measure (delegation of certain functions of diocesan bishop to suffragan etc.), in subsection (1), omit the words from “except functions under any Canon” to the end. 40
- (3) In section 14 of that Measure (discharge of certain functions of bishop), in subsection (1), omit the words from “and functions under any Canon” to the end.
- (4) In section 16 of that Measure (Acts etc. which confer functions on diocesan bishop), the existing text becomes subsection (1) and after that subsection 45

insert –

“(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, has 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.” 5

(5) In consequence of subsection (4), in the title to section 16 of that Measure, after “a diocesan bishop” insert “or an archbishop”.

7 Lay residentiary canons 10

(1) After section 14 of the Cathedrals Measure 2021 insert –

“14A Lay residentiary canons

(1) A **person who has been admitted to the office of reader or as a lay worker for at least six years and is licensed to exercise office or serve as such** is capable of being appointed as a residentiary canon of a cathedral but only if, and in so far as, the constitution so provides. 15

(2) A reference in this **or any other** Measure to a lay residentiary canon of a cathedral is a reference to a **reader or lay worker** appointed under provision included in the constitution by virtue of this section.

(3) This section and any provision included in the constitution by virtue of it have effect in spite of – 20

(a) section 10 of the Act of Uniformity 1662 (which provides that only an episcopally ordained priest can be admitted to an ecclesiastical promotion or dignity), and

(b) section 27 of the Ecclesiastical Commissioners Act 1840 (which requires a person to have been in holy orders for at least six years to be capable of appointment to a residentiary canonry).” 25

(2) **Schedule 1 (which contains amendments that are ancillary to the amendment made by subsection (1)) has effect.**

(3) The Archbishops’ Council may by order make provision in consequence of this section; and an order under this section may – 30

(a) amend, repeal or revoke a provision of, or made under, the Cathedrals Measure 2021 or any other Measure;

(b) include transitional, transitory or saving provision in connection with the commencement of provision made by the order. 35

(4) **Schedule 1 does not restrict the power under this section to make consequential provision.**

(5) **The amendment made by paragraph 8 of Schedule 1 does not affect the power to make further regulations amending or revoking the provision made by that amendment.** 40

8 Bishop’s mission order: termination of licence

(1) In section 82 of the Mission and Pastoral Measure 2011 (bishop’s mission

orders: supplementary provision), after subsection (5) insert –

“(5A) On the revocation or expiry of a bishop’s mission order, any licence granted by the bishop under a Canon to authorise the person specified in the licence to serve for the purposes of or in connection with the mission initiative endorsed by the order is terminated.”. 5

(2) In section 3(3) of the Ecclesiastical Offices (Terms of Service) Measure 2009 (termination of term of office), after paragraph (c) insert –

“(ca) where a licence authorising the office holder to serve for the purposes of or in connection with a mission initiative is terminated under section 82(5A) of the Mission and Pastoral Measure 2011 on the revocation or expiry of the bishop’s mission order;”. 10

(3) This section applies to any bishop’s mission order in force on the commencement of this section (as well as to any bishop’s mission order made subsequently). 15

9 Registered patron disqualified from election: exercise of patronage

In the Patronage (Benefices) Measure 1986, after section 25 (but before the following cross-heading) insert –

“25A Exercise of patronage where registered patron disqualified

(1) **Where the registered patron of a benefice or the representative of that patron is disqualified under Part 7 of the Church Representation Rules, the right of patronage is exercisable by the Diocesan Board of Patronage for the diocese for so long as the disqualification has effect.** 20

(2) **Subsection (1) applies to a disqualification having effect immediately before the commencement of this section (as well as to a disqualification taking effect subsequently).”** 25

Ecclesiastical jurisdiction

10 Judges: appointment and retirement

(1) In section 2 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (appointment of chancellor), in subsection (1), after “letters patent” insert “on the recommendation of the Dean of the Arches and Auditor”. 30

(2) In that section, for subsection (6) substitute –

“(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.” 35

(3) In section 3 of that Measure (chancellor’s term of office) –

(a) in each of subsections (1)(b), (4) and (10) (retirement age), for “70” substitute “75”, and

(b) omit subsections (5) to (9). 40

(4) In section 21(2) of the Clergy Discipline Measure 2003 (membership of provincial panels), in paragraph (c) (legal members), for the words from “who

- have a seven year general qualification” to the end substitute “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;”.
- (5) In section 42(3) of the Ecclesiastical Jurisdiction Measure 1963 (composition of committee of inquiry), in sub-paragraph (ii) of paragraph (b), for the words from “has a 10-year High Court qualification” to the end substitute “holds or has held high judicial office or has the qualifications required for appointment as a High Court judge;”.
- 11 Judges: training** 10
- (1) Before section 22 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 but after the preceding cross-heading insert –
- “21A Training requirements for ecclesiastical judges**
- (1) The Dean of the Arches and Auditor may by regulations make provision as to the training requirements to be met by ecclesiastical judges. 15
 - (2) “Ecclesiastical judge” means –
 - (a) the Dean of the Arches and Auditor,
 - (b) the Vicar-General of each province,
 - (c) the chancellor of each diocese, 20
 - (d) the chair of a disciplinary tribunal for the purposes of the Clergy Discipline Measure 2003, or
 - (e) the deputy of a person specified in paragraphs (a) to (d).
 - (3) The Dean may not make regulations under subsection (1) without having obtained the agreement of the Vicar-General of each province. 25
 - (4) The Dean may not include in regulations under subsection (1) provision as to the training requirements to be met by an ecclesiastical judge coming within subsection (2)(d) without having also obtained the agreement of the president of tribunals.
 - (5) Regulations under this section may make different provision for different purposes. 30
 - (6) Regulations under this section –
 - (a) must be laid before the General Synod, and
 - (b) may not come into force unless they have been approved by the Synod.” 35
- (2) In section 94(1) of that Measure (regulations etc. to be made by statutory instrument), after paragraph (a) insert –
- “(aa) the power to make regulations under section 21A (training requirements for ecclesiastical judges);”.
- 12 Disciplinary proceedings** 40
- (1) In Schedule 1 to the Church of England (Legal Aid) Measure 1994 (proceedings

for which legal aid may be given), after item 7 insert –

<p>“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.</p>	<p>Any person who, as a respondent to the disciplinary proceedings, is an interested party in the proceedings on the claim for judicial review.”</p>	<p>5</p>
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(2) At the end of that Schedule insert –

“NOTES

<p>1</p>	<p>In item 8, “interested party” has the meaning given in Civil Procedure Rules relating to judicial review.”</p>	<p>10</p>
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(3) In section 20(1B) of the Clergy Discipline Measure 2003 (application for leave to appeal) –

(a) for paragraph (a) substitute –

<p>“(a) shall, at the direction of the Dean of the Arches and Auditor, be heard either –</p>	<p>15</p>
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<p>(i) by the Dean of the Arches and Auditor sitting alone, or</p>	
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<p>(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,” and</p>	<p>20</p>
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<p>(b) in paragraph (c), for “at least one of the judges” substitute “the person hearing the application”.</p>	
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<p>(4) In rule 4D of the Clergy Discipline (Appeal) Rules 2005 (application for leave to appeal) –</p>	<p>25</p>
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<p>(a) in paragraph (1), for “jointly by the Dean and one judge” substitute “by the Dean or by the person”, and</p>	
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<p>(b) in paragraph (3), omit “at least one of the judges is”.</p>	
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<p>(5) The amendments made by subsection (4) do not affect the power to make further rules amending or revoking the provision made by those amendments.</p>	<p>30</p>
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13 Live broadcast of proceedings

After section 93 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 insert –

“Other matters

<p>93A Live broadcast of proceedings</p>	<p>35</p>
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<p>(1) Where an ecclesiastical court directs that certain proceedings are to be broadcast live in order to enable members of the public to see and hear the proceedings, the direction must –</p>	
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<p>(a) specify the means by which the proceedings are to be broadcast (for example, by live stream), and</p>	<p>40</p>
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- (b) state whether the whole, or only a specified part, of the proceedings is to be broadcast.
- (2) It is a contempt of court for a person to make, or attempt to make, a transmission or recording of—
 - (a) an image or sound broadcast in accordance with the direction, or
 - (b) an image of, or sound made by, another person while that other person is viewing or listening to a broadcast made in accordance with the direction.
- (3) Subsection (2) does not apply in so far as the transmission or recording is authorised by the direction or authorised (generally or specifically) by the ecclesiastical court in which the proceedings are being held.
- (4) A broadcast made in accordance with the direction does not amount to a breach of—
 - (a) section 41 of the Criminal Justice Act 1925 (prohibition on taking photographs etc in court), or
 - (b) section 9 of the Contempt of Court Act 1981 (recording).
- (5) “Ecclesiastical court” has the same meaning as in section 83(2)(a) and (b) (see section 83(7)).”

Church property 20

14 Care of churches

- (1) In section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (duty to have regard to church’s purpose)—
 - (a) after “have due regard to” insert “—
 - (a) ”,
 - (b) after paragraph (a) insert “, and
 - (b) the importance of environmental protection”, and
 - (c) in the title, at the end insert “and environmental protection”.
- (2) In section 37 of that Measure (diocesan advisory committee: functions), after subsection (7) insert—

“(7A) Where rules require a relevant person to carry out consultation, the relevant person may delegate the discharge of that function to the advisory committee.”
- (3) In Schedule 2 to that Measure (diocesan advisory committee: constitution), in paragraph 2 (appointment of members)—
 - (a) in sub-paragraph (3)(b), omit sub-paragraph (ii) (but not the following “and”) (appointment of member after consulting local authorities), and
 - (b) in sub-paragraph (4), omit the “and” preceding paragraph (d) and after paragraph (d) insert “, and
 - (e) knowledge of environmental matters”.
- (4) **In that Schedule, in paragraph 2, after sub-paragraph (4) insert—**

“(4A) **At least one of the members, whether under sub-paragraph (3)(b) or (c), must have personal knowledge and experience of issues that**

need to be addressed when considering how to secure accessibility for disabled people to buildings and facilities.”

- (5) **In section 78 of that Measure (power of chancellor to specify cases where faculty not required), after subsection (2) insert –**

“(2A) **The reference in subsection (2)(a) to section 77(1) is to be read as a reference to section 77(1) as it has effect subject only to section 77(7)(a) to (j); accordingly, an order under this section may specify a matter referred to in section 77(7)(k) (introduction of monument etc.).**” 5

- (6) **In subsection (2)(a) of that section, after “section 77(1)” insert “(but see subsection (2A))”.** 10

15 Disposals etc. of land

- (1) **In section 43 of the Church Property Measure 2018 (power of incumbent to dedicate land for highway), after subsection (3) insert –**

“(4) **Where the benefice is vacant, the power under this section is exercisable by the bishop of the diocese to which the benefice belongs; and subsection (2)(b), accordingly, does not apply.**” 15

- (2) **After section 45 of that Measure insert –**

“45A Power for bishop to act where benefice vacant

- (1) **Where a benefice is vacant, the bishop of the diocese to which the benefice belongs may do anything in relation to any land that the incumbent would be entitled to do in relation to that land if the benefice were full; but the bishop must for that purpose obtain such authority under the faculty jurisdiction as the incumbent would be required to obtain.** 20
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- (2) **The power conferred on the bishop by subsection (1) includes, in a case where the incumbent is the sole trustee of the land concerned, the power to do anything which a trustee of the land is entitled to do.**

- (3) **The power conferred by subsection (1) is in addition to, and does not limit, the powers conferred by sections 1(7), 2(2), 5(4) and (5), 12(1)(b), 43(4) and 45(8).”** 30

- (3) **In section 48 of that Measure (interpretation of references to land), after subsection (11) insert –**

“(11A) **A reference to disposing, in relation to land, has the same meaning as in the Law of Property Act 1925 (see section 205(1)(ii) of that Act).”** 35

- (4) **In section 1 of the Sharing of Church Buildings Act 1969 (agreements for sharing church buildings), in subsection (3)(a) –**

(a) **in sub-paragraph (i), for “Pastoral Measure 1983” substitute “Mission and Pastoral Measure 2011”, and**

(b) **in sub-paragraph (ii), for “section 20(8A)” substitute “section 34(8)”.** 40

- (5) **In that section, in subsection (6) –**

(a) **for “section 67 of the Pastoral Measure 1968” substitute “section 85 of the Mission and Pastoral Measure 2011”, and**

- (b) after “a reference to the minister in charge of the parish” insert “or the bishop of the diocese concerned”.
- (6) In that section, after subsection (10) insert—
- “(11) In subsection (6), the reference to the minister in charge of a parish is a reference to—
- (a) a curate licensed to the charge of the parish, or
- (b) a minister **holding office** as priest-in-charge of the benefice to which the parish belongs.”
- (7) In section 12 of the Church Property Measure 2018, omit subsection (5) and in section 36 of that Measure, omit subsection (2) (each of which is unnecessary).
- 16 Care of cathedrals**
- (1) In section 2 of the Care of Cathedrals Measure 2011 (approval required for alterations to cathedrals), in subsection (1), after paragraph (b) but before the following “or” insert “, or
- (ba) for the removal of any such object as is referred to in paragraph (b) from the cathedral church, from a building within its precinct or from anywhere else within its precinct, to a place where the object is to be put on display,”.
- (2) In that section, in subsection (2), in paragraph (b), at the beginning insert “except in a case within subsection (1)(ba),”.
- (3) **In Schedule 1 to that Measure (Cathedrals Fabric Commission for England), in paragraph 3(a) (membership to include one bishop), for “the members of that House” substitute “those who hold office as a diocesan or suffragan bishop”.**
- 17 Dealings in church property: role of designated adviser**
- (1) In section 20 of the Church Property Measure 2018 (glebe land: dealings), after subsection (4) insert—
- “(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.”
- (2) In section 21 of that Measure (consent to dealings), in subsection (4), omit paragraph (b) (but not the following “and”).
- (3) In section 49 of that Measure (interpretation), for subsection (7) (which defines “qualified surveyor”) substitute—
- “(7) “Designated adviser” means a person who is a designated adviser for the purposes of section 119(1) of the Charities Act 2011.”
- (4) In each of sections 3(7)(a), 21(4)(a), 28(4)(a), 34(4)(a) and 49(8) of that Measure, for “qualified surveyor” substitute “designated adviser”.

- (5) In each of sections 3(8) and 49(8) of that Measure, for “the surveyor”, in each place it appears, substitute “the designated adviser”.

Church representation

18 Elections under Church Representation Rules etc.

- (1) In Rule 45 of the Church Representation Rules (diocesan synod: casual vacancy), in paragraph (5), for “, Rules 38 to 42” substitute “that the election is to be conducted in accordance with Rules 38 to 42, those Rules”. 5
- (2) In Rule M8 of those Rules (qualification for election as parochial representative), after paragraph (2) insert –
- “(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.” 10
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Bodies

19 Church Commissioners’ functions etc.

- (1) In section 5 of the Church Commissioners Measure 1947 (constitution and functions of Board of Governors), after subsection (4A) insert –
- “(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. 20
- (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.” 25
- (2) In section 6 of that Measure (Assets Committee and Audit and Risk Committee), in subsection (4) –
- (a) after “may provide for” insert “ –
- (a) ”, 30
- (b) after “as the Board” insert “or the committee in question”, and
- (c) after “may think fit” insert “;
- (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.”
- (3) In section 7 of that Measure (procedure), in subsection (2) – 35
- (a) in paragraph (b), after “any Committee of the Board” insert “(but not a sub-committee established by a committee of the Board)”, and
- (b) after paragraph (c) insert “;
- (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 40

such Standing Orders the sub-committee may regulate its own procedure.”

- (4) In section 10 of that Measure (finance), after subsection (6) insert –
- “(7) The Commissioners may borrow money for purposes of or in connection with their functions, in so far as they do not have power to do so apart from this subsection.” 5
- (5) In section 18 of that Measure (interpretation), after subsection (3) insert –
- “(4) A reference in this Measure to a committee constituted by or under this Measure includes a reference to a sub-committee established by that committee (but is not to be read as enabling a sub-committee to establish a sub-committee of its own).” 10
- (6) In sections 5(4)(a), 6(1), (3B) and (3C) and 7(2)(c) of, and paragraph 7 of Schedule 4 to, that Measure, for “Audit Committee” in each place it appears substitute “Audit and Risk Committee”.
- (7) In section 94(1) of the Mission and Pastoral Measure 2011 (use of diocesan pastoral account for expenses subject to certain exceptions including Commissioners’ staff salaries), omit “, or the Commissioners,”. 15

20 Pensions Board: appointments during vacancy in archbishopric

In Part 1 of Schedule 1 to the Church of England Pensions Measure 2018 (Church of England Pensions Board: membership), in paragraph 1, after sub-paragraph (12) insert – 20

“(13) **But where there is a vacancy in the see of one of the Archbishops, the functions of the Archbishops under this paragraph are exercisable by the other Archbishop.**”

21 Meetings 25

- (1) **Schedule 2 (which makes provision about remote meetings) has effect.**
- (2) In Schedule 1 to the Dioceses, Pastoral and Mission Measure 2007 (the Dioceses Commission), after paragraph 17 insert –
- “17A(1) If the Chair considers that the Commission has business which can properly be conducted by correspondence, the Chair may instruct the secretary to circulate to the members of the Commission written proposals requiring the approval of the Commission. 30
- (2) Unless objection is received from a member of the Commission within 14 days of the date on which the proposals were posted or delivered, they are to be treated on the expiry of that period as approved by the Commission as if they had been approved at a duly convened meeting. 35
- (3) The Commission may delegate to the Chair the approval of any matter which requires decision and which, because of its urgency, cannot be dealt with at a meeting of the Commission or in correspondence as mentioned in sub-paragraph (1). 40
- (4) **A delegation under sub-paragraph (3) –**
- (a) **may be general or specific, and**

- (b) is subject to such conditions as the Commission may from time to time impose.”

Final

22 Orders: procedure

- (1) **An order under section 7 (lay residentiary canons: consequential provision) or paragraph 10 of Schedule 2 (remote meetings) may not be made unless –** 5
- (a) a draft of the order has been laid before the General Synod and approved by it with or without amendment, and
- (b) the draft so approved has been referred to the Archbishops’ Council.
- (2) **On referral of the draft under subsection (1)(b), the Archbishops’ Council must –** 10
- (a) if the draft was approved without amendment, make the order by applying its seal, or
- (b) if the draft was approved with amendment – 15
- (i) make the order by applying its seal, or
- (ii) withdraw the draft for further consideration.
- (3) **An order under section 7 or paragraph 10 of Schedule 2 may not come into force unless it has been sealed by the Archbishops’ Council.**
- (4) **If the Business Committee of the General Synod determines that a draft of an order under section 7 or paragraph 10 of Schedule 2 does not need to be debated by the Synod, the draft is to be treated as approved without amendment for the purposes of this section unless a member of the Synod gives notice in accordance with its Standing Orders that the member –** 20
- (a) wishes the draft order to be debated, or
- (b) wishes to move an amendment to it. 25
- (5) **The power to make an order under section 7 or paragraph 10 of Schedule 2 is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies –**
- (a) as if the order had been made by a Minister of the Crown, and
- (b) as if this Measure were an Act of Parliament providing for the instrument containing the order to be subject to annulment in pursuance of a resolution of either House of Parliament. 30

23 Short title, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2022. 35
- (2) The following provisions of this Measure come into force on the day on which this Measure is passed –
- (a) section 1 (General Synod: indefinite provision for remote meetings);
- (b) section 2 (Legislative Reform Measure 2018: removal of sunset);
- (c) **section 3 (safeguarding code: Synod approval);** 40
- (d) section 5 (terms of service);
- (e) section 6 (delegation of episcopal functions);
- (f) section 8 (bishop’s mission order: termination of licence);

- (g) **section 9 (disqualified person: exercise of patronage);**
- (h) section 18 (elections under Church Representation Rules);
- (i) section 19 (Church Commissioners' functions);
- (j) **section 20 (Pension Board: appointments if archbishopric vacant);**
- (k) section 21 and Schedule 2 (meetings); 5
- (l) **section 22 (orders: procedure);**
- (m) this section.
- (3) Section 7 (residential lay canons) comes into force in relation to each cathedral to which the Cathedrals Measure 2021 applies –
- (a) if the constitution and statutes have, when this Measure is passed, not taken effect in accordance with section 53 of that Measure, on the day on which they take effect; 10
- (b) if the constitution and statutes have, when this Measure is passed, taken effect in accordance with that section, on the day on which this Measure is passed. 15
- (4) The other provisions of this Measure come into force on such day as the Archbishops of Canterbury and York acting jointly may by order appoint; and different days may be appointed for different purposes.
- (5) The Archbishops of Canterbury and York acting jointly may by order make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure. 20
- (6) Transitory provision under subsection (5) may, in particular, modify the application of a provision of this Measure pending the commencement of a provision of another Measure or a provision of an Act of Parliament.
- (7) The power to make an order under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament. 25
- (8) This Measure extends to –
- (a) the whole of the province of Canterbury, except the Channel Islands (subject to subsection (9)), and 30
- (b) the whole of the province of York, except the Isle of Man (subject to subsections (10) to (12)).
- (9) This Measure may be applied to the Channel Islands or either of them, with or without modifications, under any procedure for doing so which has effect in the Islands or (as the case may be) the Island in question; and for this purpose, the references to the Channel Islands or either of them have the same meaning as references to the Bailiwicks or either of them have in the Channel Islands Measure 2020. 35
- (10) Sections 1, 2, 19 and 20 extend to the Isle of Man. 40
- (11) Sections 5, 7 and 15 to 17, and paragraphs 5 and 6 of Schedule 2, do not extend to the Isle of Man.
- (12) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, other provisions of this Measure extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument. 45

SCHEDULES

SCHEDULE 1

Section 7(2)

LAY RESIDENTIARY CANONS: ANCILLARY AMENDMENTS

Ecclesiastical Commissioners Act 1840

- 1 (1) **Section 14A of the Cathedrals Measure 2021 (inserted by section 7 of this Measure) provides that that section applies in spite of section 27 of the Ecclesiastical Commissioners Act 1840.** 5
- (2) **None of the other provisions of that Act apply in relation to a lay residentiary canon.**

Synodical Government Measure 1969

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- 2 **In the Church Representation Rules (set out in Schedule 3 to the Synodical Government Measure 1969), in paragraph 23(1) (deanery synod: scheme of representation for cathedrals), in sub-paragraph (a), after “other ministers” insert “and any lay residentiary canon”.**

Ecclesiastical Offices (Age Limit) Measure 1975

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- 3 **In the Schedule to the Ecclesiastical Offices (Age Limit) Measure 1975 (ecclesiastical offices to which age limit of 70 applies), after “Residentiary canon in a cathedral church” insert “, including a lay residentiary canon”.**

Ecclesiastical Offices (Terms of Service) Measure 2009

- 4 **The Ecclesiastical Offices (Terms of Service) Measure 2009 is amended as follows.** 20
- 5 **In section 1 (common tenure), in subsection (1)(d), after “(interim dean)” insert “, and any lay residentiary canon of a cathedral”.**
- 6 **In section 3B (suspension of dean or residentiary canons), after “residentiary canon” insert “, including a lay residentiary canon”.** 25
- 7 (1) **Section 4 (provision of housing for office holders) is amended as follows.**
- (2) **After subsection (3) insert—**
- “(3A) **A lay residentiary canon of a cathedral does not have the right conferred by subsection (1) or (3) but the relevant housing provider may nonetheless decide to provide the office holder with a house of residence”.** 30

- (3) In subsection (7) (meaning of “relevant housing provider”), in paragraph (b), after “in a cathedral” insert “or in the case of a lay residentiary canon of a cathedral”.

Ecclesiastical Offices (Terms of Service) Regulations 2009

- 8 In regulation 2 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (interpretation), in paragraph (1), after the definition of “grievance procedures” insert –
““residentiary canon” includes a lay residentiary canon;”.

Care of Cathedrals Measure 2011

- 9 In section 11 of the Care of Cathedrals Measure 2011 (Commission of Review), after subsection (3) insert –
“(3A) The reference in subsection (3)(b) to a person who is or has been a residentiary canon of a cathedral church includes a reference to a person who is or has been a lay residentiary canon of the cathedral.”

Church of England Pensions Measure 2018

- 10 The Church of England Pensions Measure 2018 is amended as follows.
- 11 In each of the following provisions, for “or licensed lay worker”, in each place it appears, substitute “, licensed lay worker or lay residentiary canon” –
(a) in section 5 (service to be treated as pensionable service), subsections (1), (2) and (4) to (6);
(b) section 7 (the funded scheme);
(c) in section 11 (liability of Church Commissioners), subsection (1)(a), (b) and (c);
(d) in section 39 (schemes for church workers), subsection (3);
(e) in section 43 (loans for residences), subsections (2)(a) and (b) and (5).
- 12 In section 41 (provision of residences), in subsection (1)(a) and (b), for “and licensed lay workers” substitute “, licensed lay workers and lay residentiary canons”.
- 13 In section 53 (power to make further provision by regulations), in subsection (1)(a), (b), (c) and (d), for “or church worker” substitute “, church worker or lay residentiary canon”.

Cathedrals Measure 2021

- 14 The Cathedrals Measure 2021 is amended as follows.
- 15 In section 3 (the College of Canons), in subsection (5), after “a lay canon” insert “, a lay residentiary canon”.

- 16 **In section 5 (constitution: general provision), after subsection (10) insert—**
 “(11) The constitution may include provision in accordance with section 14A for the appointment of a lay person as a residentiary canon of a cathedral.”
- 17 **In section 9 (the bishop), in subsection (4), after “the Crown” insert “; and that, accordingly, includes a lay residentiary canon.”** 5
- 18 (1) **Section 12 (the dean) is amended as follows.**
 (2) **In each of subsections (7), (8) and (12), for “clergy of the cathedral” substitute “ministers of the cathedral”.**
 (3) **In subsection (10), after “a residentiary canon” insert “(including any lay residentiary canon)”.** 10
 (4) **In subsection (12), after “clerk in Holy Orders” insert “, or any lay residentiary canon,”.**
- 19 **In section 13 (interim dean), in subsection (1), after “the period concerned” insert “(and the reference to a residentiary canon does not, accordingly, include a reference to a lay residentiary canon)”.** 15
- 20 **In section 14 (residentiary canons), after subsection (6) insert—**
 “(7) This section (including as it is applied by subsection (6)) does not apply to a lay residentiary canon”.
- 21 **In section 19 (senior management group), after subsection (1) insert—** 20
 “(1A) A lay residentiary canon is entitled to have responsibility of a kind referred to in subsection (1)(b), except in so far as the constitution provides otherwise.”
- 22 **In section 22 (disposal of land), after subsection (10) insert—**
 “(11) In the case of a lay residentiary canon who is provided with a house of residence under section 4 of the Ecclesiastical Offices (Terms of Service) Measure 2009, the reference in subsection (2)(a) to a residentiary canon includes a reference to that lay residentiary canon.” 25
- 23 **In section 28 (payments from Church Commissioners’ general fund), after subsection (9) insert—** 30
 “(10) This section (including as it is applied by subsection (9)) does not apply to a lay residentiary canon.”
- 24 **In section 40 (modification of the Church Representation Rules), in subsection (3)(e) —** 35
 (a) **after “clerk in Holy Orders” insert “, and any lay residentiary canon of the cathedral,” and**
 (b) **after “other clerk” insert “, or lay residentiary canon,”.**
- 25 **In section 45(1) (interpretation), at the appropriate place insert—**
 ““lay residentiary canon” has the meaning given in section 14A(2);”.
- 26 **In Schedule 1 (the Chapter), in paragraph 1 (membership), after sub-**

paragraph (8) insert –

“(9) The reference in sub-paragraph (1) to the residentiary canons of the cathedral includes a reference to any lay residentiary canon of the cathedral; and a lay residentiary canon who carries out cathedral duties is accordingly an executive member, except in so far as the constitution provides otherwise.” 5

27 In Schedule 2 (diocese of Leeds: the College of Canons), in the modified version of section 3 set out by paragraph 1, in subsection (7), after “a lay canon” insert “, a lay residentiary canon”.

SCHEDULE 2

Section 21(1) 10

REMOTE MEETINGS

Diocesan synods, deanery synods, PCCs, parochial church meetings etc.

1 After Rule 83 of the Church Representation Rules insert –

“Interpretation: remote meetings

83A (1) This Rule applies for the purposes of these Rules and for the purposes of any provision made by or under any other Measure or other instrument (whenever passed or made) about meetings of a body constituted by or under these Rules or about parochial church meetings. 15

(2) A reference to a meeting includes a reference to a meeting which persons may attend, speak at, vote in, or otherwise participate in without any, or without all, of the persons being together in the same place. 20

(3) A reference to a place where a meeting is held, or is to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers. 25

(4) A person is to be regarded as present at a meeting at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present. 30

(5) A reference to being present at a meeting includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming. 35

(6) Relevant procedural rules are to be taken to provide, in so far as they do not already, for participation in meetings without any, or without all, of the persons being together in the same place; and for this purpose, “relevant procedural rules” are – 40

- (a) in the case of a deanery synod, rules under Rule 26;
- (b) in the case of a diocesan synod, standing orders under Rule 44;

- (c) in the case of a parochial church meeting, rules of procedure under Rule M7.”
- 2 In Form M1 of the Church Representation Rules (notice of annual meeting), in the sentence beginning “The Annual Parochial Church Meeting will be held”, for the words from “in” to “on” substitute “*[in.....] [and] [if applicable, insert details of how to access remote meeting] on*”. 5
- 3 In section 12 of the Patronage (Benefices) Measure 1986 (joint meeting of PCC with bishop and patron), after subsection (9) insert—
- “(10) Rule 83A of the Church Representation Rules (remote meetings) applies to a meeting under this section as it applies to a meeting of a parochial church council.” 10

Churchwardens: parishioners’ meetings

- 4 In section 13 of the Churchwardens Measure 2001 (interpretation), after subsection (1A) insert— 15
- “(1B) A reference in this Measure to a meeting of parishioners includes a reference to a meeting which persons may attend, speak at, vote in or otherwise participate in without any, or without all, of the persons being together in the same place.
- (1C) A reference in this Measure to the place where a meeting of parishioners is to be held includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers. 20
- (1D) A person is to be regarded for the purposes of this Measure as present at a meeting of parishioners at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present. 25
- (1E) A reference in this Measure to being present at a meeting of parishioners includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.” 30

Cathedral bodies

- 5 In section 32 of the Care of Cathedrals Measure 2011 (interpretation), after subsection (3) insert—
- “(4) For the purposes of this Measure, where a meeting is held in more than one place (including electronic, digital or virtual locations, web addresses or conference call telephone numbers), and accordingly without any, or without all, of the persons being together in the same place— 35
- (a) a reference to being present at the meeting includes a reference to being present by electronic means (including by telephone conference, video conference, live webcast or live interactive streaming), and 40
- (b) a person is to be regarded as present at the meeting if the person is at that time able to hear and be heard by, and 45

where practicable to see and be seen by, the other persons present.”

- 6 In section 45 of the Cathedrals Measure 2021 (interpretation), after subsection (6) insert—

- “(7) For the purposes of this Measure or any other Measure (whenever passed) which makes procedural provision about a body constituted by or under this Measure, where a meeting is held in more than one place (including electronic, digital or virtual locations, web addresses or conference call telephone numbers) and accordingly without any, or without all, of the persons being together in the same place—
- (a) a reference to being present at the meeting includes a reference to being present by electronic means (including by telephone conference, video conference, live webcast or live interactive streaming), and
- (b) a person is to be regarded as present at the meeting at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.”

Diocesan Boards of Education

- 7 In section 20 of the Diocesan Boards of Education Measure 2021 (interpretation), after subsection (8) insert—

- “(9) For the purposes of this Measure, where a meeting is held in more than one place (including electronic, digital or virtual locations, web addresses or conference call telephone numbers) and accordingly without any, or without all, of the persons being together in the same place—
- (a) a reference to attending the meeting includes a reference to attending it by electronic means (including by telephone conference, video conference, live webcast or live interactive streaming), and
- (b) a person is to be regarded as attending the meeting at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons attending.”

Dioceses Commission and Church Buildings Council

- 8 In section 62 of the Dioceses, Pastoral and Mission Measure 2007 (interpretation), after subsection (6) insert—

- “(7) For the purposes of this Measure, where a meeting is held in more than one place (including electronic, digital or virtual locations, web addresses or conference call telephone numbers), and accordingly without any, or without all, of the persons being together in the same place—
- (a) a reference to being present at the meeting includes a reference to being present by electronic means (including by telephone conference, video conference, live webcast or live interactive streaming), and

- (b) a person is to be regarded as present at the meeting if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.”

Boards of patronage under pastoral schemes 5

- 9 In Schedule 3 to the Mission and Pastoral Measure 2011 (pastoral schemes), in paragraph 1, after sub-paragraph (15) insert –

“(16) Where a meeting of a patronage board constituted by a pastoral scheme is held in more than one place (including electronic, digital or virtual locations, web addresses or conference call telephone numbers) and accordingly without any, or without all, of the persons being together in the same place –

- (a) a reference in this Schedule to being present at the meeting includes a reference to being present by electronic means (including by telephone conference, video conference, live webcast or live interactive streaming), and 15
- (b) a person is to be regarded as present at the meeting at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.” 20

Power to make provision for remote meetings

- 10 (1) The Archbishops’ Council may by order make provision for persons to attend, speak at, vote in, or otherwise participate in meetings of a body which has functions relating to matters concerning the Church of England without any, or without all, of the persons being together in the same place. 25
- (2) An order under this paragraph may amend a provision made by or under any Measure (whenever passed).
- (3) The power conferred by this paragraph is not restricted by any other provision of this Measure. 30