



# Cathedrals Measure 1963

1963 No. 2

MISCELLANEOUS AND GENERAL

## 45 Amendment of Representation of the Laity Measure, 1956.

Notwithstanding anything in paragraph [<sup>F1</sup>(3)] of Rule 5 of the Rules for the Representation of the Laity contained in [<sup>F1</sup>Schedule 3 to the <sup>M1</sup>Synodical Government Measure 1969] residentiary and minor canons of a parish church cathedral shall be entitled to attend the annual parochial church meeting of the parish of that cathedral, whether or not they are resident in that parish.

### Textual Amendments

F1 Words substituted by virtue of [Interpretation Measure 1925 \(No. 1\), s. 1](#)

### Marginal Citations

M1 [1969 No. 2.](#)

## 46 Repeals of provisions of constitutions and statutes relating to amounts of stipends.

Where the constitution or statutes of any cathedral church contains a provision—

- (a) fixing the amount of any stipend to be paid to any clerk in Holy Orders or lay person holding office in or employed in connection with the cathedral church;
- (b) specifying the minimum or maximum amount to be paid to any such person;
- (c) fixing the aggregate amount to be paid to the dean and canons; or
- (d) specifying the amount to be paid to any dean, provost or canon in relation to the amount to be paid to any other dignitary;

that provision shall cease to have effect on the passing of this Measure.

## 47 Determination of questions as to cathedral duties.

If any question arises under this Measure—

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- (a) whether a person is engaged exclusively on cathedral duties, or
- (b) as to the amount of time spent on duties other than cathedral duties,

that question shall, after consultation with the visitor and the administrative body of the cathedral church, be determined by the Church Commissioners, and if any person is dissatisfied with the decision of the Church Commissioners he may appeal therefrom to the archbishop of the province whose decision shall be final:

Provided that during a vacancy of the see of the bishop who is the visitor of the cathedral church the provisions of this section requiring consultation with the visitor shall not apply.

#### **48 Saving for Crown rights.**

A scheme under this Measure which affects any right of patronage or other right or interest of Her Majesty shall not be submitted to Her Majesty in Council except with the consent of Her Majesty.

#### **49 Transfer of property by schemes.**

- (1) Where a scheme under this Measure provides for the transfer of any property, the scheme may also provide for the vesting without any conveyance or other assurance of the property to be transferred.
- (2) The production of a copy of the Order in Council confirming a scheme under this Measure shall be sufficient authority to any company in whose books any stock transferred by the scheme is standing to transfer the stock into the name of the transferee named in the scheme and to pay the dividends thereon to that transferee, and the stock shall be transferred and the dividends paid accordingly.

#### **50 Saving for existing interests.**

No provision of this Measure or of any scheme made under it shall adversely affect the tenure of office or any right or pension of any person who, at the passing of this Measure, holds or has held a freehold or other office conferring fixity of tenure in any cathedral church unless, by an instrument in writing under his hand, he agrees to be bound by that provision.

#### **51 Charities.**

The provisions of this Measure (other than those of section twelve thereof) shall not apply to any charity, or to property of any charity, except to the extent to which the Charity Commissioners for England and Wales shall determine that the said provisions shall apply to that charity or property.

In this section the expression “charity” has the same meaning as in the <sup>M2</sup>Charities Act 1960 but does not include an exempt charity within the meaning of that Act.

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#### **Marginal Citations**

M2 1960 c. 58.

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## 52 Interpretation.

(1) In this Measure, except where the context otherwise requires, the following expressions have the meaning thereby assigned to them respectively, that is to say—

“administrative body” means, in the case of a dean and chapter cathedral, the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section seven of this Measure, and, in the case of a parish church cathedral, the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section eight of this Measure;

“architect” means a person registered under the Architects (Registration) Acts, 1931 to 1938;

“bishop” when used in relation to a cathedral church, means the bishop of the diocese in which the cathedral church is situated;

“canon” includes a non-residentiary canon or prebendary but not a minor canon or any person not in Holy Orders;

“capitular body” means, in the case of a dean and chapter cathedral, the dean and chapter, and, in the case of a parish church cathedral, the cathedral chapter;

“cathedral church” means any cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford;

“cathedral duties” has the meaning assigned to it by section nine of this Measure;

“churchyard” includes a closed churchyard;

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F2

“company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“dean and chapter cathedral” means any cathedral church in respect of which there is a corporate body known as the dean and chapter;

“diocesan authority” means the diocesan board of finance or any existing or future body appointed by the diocesan conference to act as trustees of diocesan trust property;

“diocesan stipends fund” means the diocesan stipends fund established under the <sup>M3</sup>Reorganisation Areas Measure 1944 or the <sup>M4</sup>Pastoral Reorganisation Measure 1949;

“functions” includes powers and duties;

“house of residence” includes all buildings, gardens and other land held therewith;

“land” includes any corporeal or incorporeal hereditaments of any tenure;

“lease” includes a tenancy;

“moneys” includes any stock, share, or other security;

“parish church cathedral” means any cathedral church other than a dean and chapter cathedral;

“property” includes a thing in action and any interest in real or personal property;

“residentiary canon” includes a stipendiary canon;

“stock” includes any share, annuity or other security.

(2) Any reference in this Measure (except in paragraph (b) of subsection (1) of section ten thereof) to a provost shall be construed as including a reference to the Dean of

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St. Albans and to any dean appointed after the passing of this Measure in a parish church cathedral.

- (3) For the purposes of this Measure a dwelling house shall not be regarded as a building ancillary to a cathedral church.
- (4) References in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

#### Textual Amendments

**F2** Definition of “the Commission” repealed by [Cathedrals Measure 1976 \(No. 1\), s. 8\(2\)](#)

#### Marginal Citations

**M3** 1944 No. 1.

**M4** 1949 No. 3.

### 53 Certain enactments to cease to apply to cathedral corporations.

The enactments specified in the First Schedule to this Measure, being enactments relating to the sale, purchase, exchange, leasing and other dealings with ecclesiastical property, shall, to the extent specified in the third column of that Schedule, cease to apply to any body corporate, whether aggregate or sole, in any cathedral church.

### 54 Repeals and transitional provisions.

- (1) ..... <sup>F3</sup>
- (2) The repeal by this Measure of any enactment shall not affect any scheme confirmed under that enactment which is in force immediately before the passing of this Measure, and any such scheme shall, except so far as it is varied or revoked by or under this Measure, continue in force as if this Measure had not been passed.
- (3) Any functions which are at the passing of this Measure exercisable in relation to property by the capitular body of a cathedral church shall, until a scheme is in force for that cathedral church under this Measure, be exercisable by the body by which administrative functions in relation to the cathedral church are exercisable under the constitution and statutes then in force for that cathedral church.
- (4) The repeal by this Measure of the <sup>M5</sup>Parish of Manchester Division Act 1850 (Amendment) Measure 1926 shall not affect the power of the bishop of Manchester under section two of that Measure to assign additional duties to a canon of Manchester cathedral, other than a canon whose stipend is paid by the Church Commissioners under section twenty-eight of this Measure.

#### Textual Amendments

**F3** S. 54(1) and Sch. 2 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. V](#)

#### Marginal Citations

**M5** 1926 No. 3.

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**55**     **Extent of Measure.**

This Measure shall apply to every cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford:

Provided that—

- (a) sections forty-two, forty-three, fifty-two and fifty-four of this Measure shall apply to the cathedral church of Christ in Oxford, and
- (b) the provisions of this Measure specified in subsection (4) of section forty-two of this Measure shall apply as provided in that section in relation to a canon appointed thereunder for the said cathedral church.

**56**     **Short title.**

This Measure may be cited as the Cathedrals Measure 1963.

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