



# Church of England (Miscellaneous Provisions) Measure 2006

2006 No. 1

## 1 Amendment of Parsonages Measure 1938

The [Parsonages Measure 1938 \(1 & 2 Geo. 6 No. 3\)](#) shall have effect subject to the amendments specified in Schedule 1 to this Measure.

## 2 Amendment of Church Commissioners Measure 1947

The [Church Commissioners Measure 1947 \(10 & 11 Geo. 6 No. 2\)](#) shall have effect subject to the amendments specified in Schedule 2 to this Measure.

## 3 Amendment of Diocesan Stipends Funds Measure 1953

(1) The [Diocesan Stipends Funds Measure 1953 \(1 & 2 Eliz. 2 No. 2\)](#) shall be amended as follows.

(2) In section 4(1)—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) the acquisition of any land to be held as diocesan glebe land of the diocese by the board or any subsidiary of the board set up under a scheme made under section 19 of the [Endowments and Glebe Measure 1976 \(1976 No. 4\)](#) or investment in any such subsidiary;” and

(b) paragraph (aa) shall be omitted.

(3) For section 5(3) there shall be substituted the following subsection—

“(3) Before giving any directions under subsection (2) above with respect to the application of the said moneys in providing or augmenting the stipends or other emoluments of the persons mentioned in subsection (1) above, the bishop or the person so authorised shall have regard to any recommendations made by the Central Stipends Authority with respect to the forms and levels of the stipends and other emoluments of those persons.”.

#### **4 Amendment of Church Funds Investment Measure 1958**

Section 2 of the [Church Funds Investment Measure 1958 \(6 & 7 Eliz. 2 No. 1\)](#) shall have effect, and shall be deemed always to have had effect, as if the corporate funds of the Archbishops' Council were included amongst the funds mentioned in paragraph (d) of that section.

#### **5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960**

In section 7(1) of the [Church Property \(Miscellaneous Provisions\) Measure 1960 \(8 & 9 Eliz. 2 No. 1\)](#) for the words from “has not at any time been used” to the end of the subsection there shall be substituted the words “is no longer required for the purpose for which it was granted”.

#### **6 Powers of Church Commissioners relating to Farnham Castle**

- (1) Subject to subsections (3) and (4) below, Farnham Castle shall be held by the Commissioners as part of their corporate property and, accordingly, the provisions of the Farnham Castle Measure 1961 (9 & 10 Eliz. 2 No. 1) (“the 1961 Measure”) mentioned in subsection (2) below are hereby repealed.
- (2) The provisions of the 1961 Measure referred to in subsection (1) above are the words “, but subject to the succeeding section” in section 1(2), section 2 and the definition of “approved” in section 3.
- (3) Before exercising any power to sell or otherwise dispose of Farnham Castle or any part thereof or any interest in or over it the Commissioners shall consider what consequences would be likely to result from the exercise of that power and what restrictive or other conditions, if any, should be imposed upon the purchaser, lessee or grantee and, if they consider that Farnham Castle or any part thereof may be prejudicially affected by the exercise of that power, they shall consult English Heritage and such other person or body qualified to advise on the matter as they think fit.
- (4) The Commissioners may enforce any covenants imposed on the sale, exchange or gift of the whole or, in the case of a partial disposition, on the sale, exchange or gift of the last remaining part, of Farnham Castle as if the Commissioners were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that land and, in the case of covenants of a positive character, as if they were negative.
- (5) In this section—
  - “the Commissioners” means the Church Commissioners;
  - “English Heritage” means the Historic Buildings and Monuments Commission for England, known as English Heritage; and
  - “Farnham Castle” has the meaning assigned to it by the 1961 Measure.

#### **7 Amendment of Ecclesiastical Jurisdiction Measure 1963**

- (1) The [Ecclesiastical Jurisdiction Measure 1963 \(1963 No. 1\)](#) shall be amended as follows.
- (2) In section 2(2) for the words “who has held high judicial office” there shall be substituted the words “holds or has held high judicial office or the office of circuit judge”.

- (3) In section 2A(1) and (2) after the word “chancellorships” there shall be inserted the words “or deputy chancellorships”.
- (4) In section 4(1A) the words “or any chancellor”, the words “in the former case, and the bishop of the diocese concerned in the latter,” and the words “or deputy chancellor of such diocese as the case may be” shall be omitted and for the words “in respect of which he is appointed to act as deputy” there shall be substituted the words “of Dean of the Arches and Auditor”.
- (5) After section 4(1A) there shall be inserted the following subsections—
- “(1B) Any chancellor may, with the consent of the bishop of the diocese, appoint, in writing, a fit and proper person to act as deputy chancellor of the diocese and any person so appointed shall have all the powers and perform all the duties of the office of chancellor.
- (1C) The appointment of a deputy chancellor appointed under subsection (1B) of this section shall continue so long as the chancellor who appointed the deputy chancellor continues in office and, thereafter, for the period of three months beginning with the date on which the chancellor ceases to hold office or until the deputy chancellor attains the age at which the chancellor would be required to vacate the office of chancellor under section 2(4) of this Measure, whichever is sooner, but a deputy chancellor—
- (a) may resign the office of deputy chancellor by notice in writing addressed to the chancellor,
- (b) may be removed by the chancellor, after consultation with the bishop, if the chancellor considers that the deputy is incapable of acting or unfit to act, and
- (c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory court of the diocese during the course of which the deputy chancellor attains the said age or, as the case may be, the three months period referred to above expires, as if the date of the conclusion in the court of those proceedings or that cause, as the case may be, were the date on which that age is attained or, as the case may be, that period has expired.”.

## **8 Amendment of Synodical Government Measure 1969**

The Constitution of the General Synod set out in Schedule 2 to the [Synodical Government Measure 1969 \(1969 No. 2\)](#) shall be amended as follows—

- (a) for Article 4(2) there shall be substituted the following paragraph—
- “(2) The Presidents shall, after consultation with the Appointments Committee of the Church of England, appoint from among the members of any House of the Synod a panel of such number of persons as the Presidents may determine, who shall be available to take the chair at meetings of the Synod, being persons who shall be chosen for their experience of chairing and ability to chair meetings; and it shall be the duty of one of the persons on the panel, in accordance with arrangements approved by the Presidents and subject to any special directions of the Presidents, to take the chair at meetings of the Synod at which neither of the Presidents take the chair.”; and
- (b) for Article 5(4) there shall be substituted the following paragraph—

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*Status: This is the original version (as it was originally enacted).*

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“(4) Without prejudice to Article 11(1) below, where a vote is to be taken by a division either of the whole Synod or by Houses, Standing Orders may provide for the vote to be taken either by physical separation of the members voting or by other means including such electronic method of voting as may from time to time be determined by the Business Committee.”.

## **9 Amendment of Repair of Benefice Buildings Measure 1972**

In sections 20(5) and 31(2) of the [Repair of Benefice Buildings Measure 1972 \(1972 No. 2\)](#) for the word “patron”, in each place, there shall be substituted the words “registered patron”.

## **10 Amendment of Endowments and Glebe Measure 1976**

The [Endowments and Glebe Measure 1976 \(1976 No. 4\)](#) shall have effect subject to the amendments specified in Schedule 3 to this Measure.

## **11 Amendment of Church of England (Miscellaneous Provisions) Measure 1978**

In section 8 of the [Church of England \(Miscellaneous Provisions\) Measure 1978 \(1978 No. 3\)](#), in the headnote, for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance”, for the words “the fee simple of any ecclesiastical property is in abeyance, the fee simple” there shall be substituted the words “any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.

## **12 Amendment of Pastoral Measure 1983**

The [Pastoral Measure 1983 \(1983 No. 1\)](#) shall have effect subject to the amendments specified in Schedule 4 to this Measure.

## **13 Amendment of National Institutions Measure 1998**

Paragraph 9 of Schedule 1 to the [National Institutions Measure 1998 \(1998 No. 1\)](#) shall be amended as follows—

- (a) in subparagraph (1) the words “who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules)” shall be omitted and after the words “in the case of a lay person” there shall be inserted the words “who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules)”; and
- (b) in subparagraph (2) there shall be inserted before the word “member” the word “lay”.

## **14 Miscellaneous Amendments of Acts**

The enactments referred to in Schedule 5 to this Measure, being enactments which relate to functions of the Church Commissioners in connection with transactions affecting certain ecclesiastical property, shall have effect subject to the amendments specified in that Schedule.

## **15 Repeals**

The enactments mentioned in Schedule 6 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

## **16 Citation, commencement and extent**

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2006.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the Provinces of Canterbury and York, except that the Measure, apart from section 13 above, shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (4) Section 2 above, this section and Schedule 2 to this Measure shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 4, 7, 8, 12 and 15 above, and Schedules 4 and 6 to this Measure, shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.
- (5) This Measure, except sections 1, 2, 3, 6, 7, 11, 13 and 14 above and Schedules 1, 2 and 5 to this Measure, may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.