



Cathedrals Measure 1976

1976 No. 1

A Measure passed by the General Synod of the Church of England to make fresh provision with respect to the revision of the constitution and statutes of cathedral churches; and to amend section 42 of the Cathedrals Measure 1963. [25th March 1976]

Modifications etc. (not altering text)

C1 Measure extended by [Dioceses Measure 1978 \(No. 1, SIF 21:3\)](#), s. 22(1)

Commencement Information

II Measure wholly in force at Royal Assent.

1 Revision of constitutions and statutes of cathedral churches.

- (1) For the purpose of facilitating the revision from time to time as circumstances may require of the constitutions and statutes of cathedral churches the Standing Committee of the General Synod shall appoint a Commission to be known as the Cathedral Statutes Commission (hereafter in this Measure referred to as “the Commission”).
- (2) Where an application in that behalf is made to the Commission by the consenting body of any cathedral church, the Commission shall prepare in accordance with this Measure a scheme for revising the constitution and statutes of that church.
- (3) The body which immediately before the passing of this Measure is the consenting body of any cathedral church for the purposes of the ^{M1}Cathedrals Measure 1963 shall be the consenting body of that church for the purposes of this Measure except where a scheme thereunder relating to that church provides that some other body shall be the consenting body thereof for those purposes.
- (4) Any scheme prepared under this Measure may either provide a new constitution and new statutes for the cathedral church to which it relates or may amend the constitution and statutes in force therefor immediately before the scheme comes into force.
- (5) Subsection (1) of section 14 of the ^{M2}Cathedrals Measure 1963 (which provides that a scheme prepared by a Commission under that Measure may provide that a parish

Status: Point in time view as at 01/06/1992.

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1976. (See end of Document for details)

church cathedral shall become a dean and chapter cathedral) shall have effect subject to the following amendments :—

- (a) for the words “the Commission”, where first occurring, there shall be substituted the words “the Cathedral Statutes Commission under the Cathedrals Measure 1976”;
- (b) for the words “the Commission”, in each place where they subsequently occur, there shall be substituted the words “the said Commission”;
- (c) for the words “section 3 of this Measure” there shall be substituted the words “section 2 of that Measure” and
- (d) for the words “Church Assembly under subsection (6)” there shall be substituted the words “General Synod under subsection (7)”;

and for the word “under”, where first occurring in subsections (2) and (3) of the said section 14, there shall be substituted the words “prepared by virtue of”.

- (6) The Commission may appoint committees consisting of such of its members as it may designate and may delegate to any such committee such of the functions of the Commission as it thinks fit.

Modifications etc. (not altering text)

- C2** The text of ss. 1(5), 7 and 8(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1963 No. 2.
M2 1963 No. 2.

2 Procedure for making schemes.

- (1) The Commission shall prepare a draft of a scheme under this Measure after consultation with the consenting body of the cathedral church to which the scheme is to relate.
- (2) The Commission shall submit any draft scheme prepared by it to—
 - (a) the bishop,
 - (b) the Church Commissioners, and
 - (c) so far as is practicable, every other person who appears to the Commission to be affected by any provision of the draft scheme,
 together with a statement that it will consider any written representations with respect to the draft scheme made before such date as may be specified in the notice, being a date not less than six weeks after the date on which the draft scheme is so submitted.
- (3) The Commission shall also publish in one or more newspapers circulating in the diocese to the cathedral church of which the draft scheme relates a notice of the preparation of the draft scheme setting out its objects and specifying the place in the diocese where copies thereof may, on payment of such fee as may be specified in the notice, be inspected and stating that the Commission will consider any written representations with respect to the draft scheme made before such date as may be so specified, being a date not less than six weeks after the date of the publication of the notice.

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- (4) After the expiration of the period during which representations with respect to the draft scheme may be made under subsection (2) or (3) above the Commission shall—
 - (a) send a copy of all the representations duly made to it to the bishop, the consenting body and the Church Commissioners, and
 - (b) send a copy of any such representation to any other person who appears to the Commission to be affected by it,together with a statement that the Commission will consider any written representations made to it before such date as may be specified in the statement, being a date not less than three weeks after the date on which the copy is despatched.
- (5) The Commission, having considered any representations duly made to it under this section, may, whether as a result of such representations or otherwise, amend the draft scheme as it thinks expedient.
- (6) After considering any such representations and making amendments, if any, in the draft scheme the Commission shall submit the draft scheme to the bishop and the consenting body for their respective consents and shall also send a copy to the Church Commissioners.
- (7) On obtaining the consent of the bishop and of the consenting body to the draft scheme, the Commission shall lay the draft scheme before the General Synod, and—
 - (a) if before the end of the group of sessions of the Synod at which the draft scheme is laid a resolution is passed directing the Commission not to make the scheme, no further proceedings shall be taken in relation to the draft scheme, but without prejudice to the preparation of a new draft scheme; or
 - (b) if before the end of that group of sessions no such resolution is passed, a copy of the draft scheme shall be signed in accordance with subsection (8) below and the Commission shall thereby make the scheme.
- (8) A copy of the draft scheme shall be signed by the chairman of the Commission on its behalf or, in the case of the absence or incapacity of the chairman, by two other members of the Commission nominated by the Commission for that purpose; and the signing of the copy of the draft scheme by the chairman or by two members nominated as aforesaid shall be conclusive evidence that the provisions of this section relating to the preparation of the scheme have been complied with.

3 Confirmation of scheme by Order in Council.

- (1) As soon as possible after a scheme is made under section 2 of this Measure the Commission shall submit the scheme for the approval of Her Majesty in Council and shall give notice of such submission to the bishop (unless the see is vacant), the consenting body, the Church Commissioners and any other person who made written representations to the Commission under the foregoing provisions of this Measure; and the notice shall inform persons who have duly made written representations of their right [F1, on obtaining the leave of the Judicial Committee of the Privy Council, to appeal to Her Majesty in Council and shall specify such date as may be determined by the Commission, being a date not less than twenty-eight days after the service of the notice, on or before which an application for such leave must be made.

When submitting a scheme for confirmation by Her Majesty in Council the Commission shall inform the Clerk of the Privy Council of the date which is to be specified in notices under this subsection relating to the scheme.]

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- (2) Any person who has duly made written representations to the Commission under this Measure with respect to the draft scheme may appeal to Her Majesty in Council against the scheme or any provisions thereof [^{F2}, but only with the leave of the Judicial Committee of the Privy Council].

[^{F3}(3) If—

- (a) no application for leave to appeal is made on or before the date specified in notices under subsection (1) above; or
- (b) the Judicial Committee refuses to grant such leave; or
- (c) an appellant, having been granted leave to appeal under this section, fails to lodge his petition of appeal within a period of three months beginning with the date on which leave was granted or such extended period as the Registrar of the Privy Council may allow,

Her Majesty may by Order in Council confirm the scheme.]

- (4) [^{F4}If leave to appeal is granted and a petition of appeal is lodged within the said period or extended period, the Judicial Committee of the Privy Council shall hear the appeal], and the Judicial Committee shall make a report thereon and may propose to Her Majesty in Council that the appeal should be allowed or dismissed or that the scheme should be returned to the Commission for reconsideration, and Her Majesty in Council may accordingly—

- (a) allow the appeal, in which case the scheme shall be of no effect, but without prejudice to the making and submission of a new scheme;
- (b) dismiss the appeal and confirm the scheme; or
- (c) return the scheme to the Commission for reconsideration.

- (5) Where a scheme is returned to the Commission for reconsideration, the Commission may—

- (a) withdraw the scheme; or
- (b) amend the scheme with the agreement of the bishop and the consenting body;

and where a scheme is amended in accordance with paragraph (b) above, it shall be signed by the chairman of the Commission on its behalf or, in the case of the absence or incapacity of the chairman, by two other members of the Commission nominated by the Commission for that purpose, and on the signing of the scheme under this subsection the provisions of this section shall apply to that scheme as they apply to a scheme under section 2 of this Measure.

Textual Amendments

- F1** Words in s. 3(1) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(2\)\(a\)](#) (with s. 9(5)); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F2** Words in s. 3(2) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(2\)\(b\)](#) (with s. 9(5)); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F3** S. 3(3) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(2\)\(c\)](#) (with s. 9(5)); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

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F4 Words in s. 3(4) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(2\)\(d\)](#) (with s. (9(5)));Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

4 Publication of notice of confirmation of scheme.

^{F5}(1)

- (2) The Commission shall send a copy of every [^{F6}Order in Council by which a scheme is confirmed under section 3 of this Measure] to the registrar of the diocese in which the cathedral church to which the scheme relates is situated and the registrar shall file it in the diocesan registry.
- (3) An Order in Council made under the said section 3 shall not be a statutory instrument as defined by section 1 of the ^{M3}Statutory Instruments Act 1946 and the provisions of that Act shall accordingly not apply thereto.

Textual Amendments

- F5** S. 4(1) repealed (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), ss. 9\(3\)\(a\), 17\(2\), Sch. 4 Pt.II](#);Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F6** Words in s. 4(2) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(3\)\(b\)](#);Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

Marginal Citations

M3 1946 c. 36.

5 Supplementary provisions with respect to schemes.

- (1) Except in so far as any scheme made and confirmed by Order in Council under this Measure, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation on the date on which [^{F7}the Order in Council is made].
- (2) Any scheme prepared and confirmed under section 3 of the ^{M4}Cathedrals Measure 1963 may be varied or revoked by a scheme prepared and confirmed under this Measure and any scheme prepared and confirmed under this Measure may be varied or revoked by a subsequent scheme prepared and confirmed in like manner.
- (3) Any Order in Council confirming a scheme under this Measure may revoke any Order in Council confirming a scheme made under the said section 3 or this Measure.
- (4) Any Order in Council confirming a scheme under this Measure may vary or revoke any Order in Council made under any Act or Measure in so far as it affects the organisation, property or revenues of a cathedral church, but the amount of any payments required to be made by the Church Commissioners under any such Order shall not be varied by virtue of this subsection unless the consent of the Church Commissioners has been obtained.

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Textual Amendments

- F7** Words in s. 5(1) substituted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 9\(4\)](#); Instrument dated 27.5.1992 made by the [Archbishops of Canterbury and York](#).

Marginal Citations

- M4** 1963 No. 2.

6 Power of Church Commissioners to pay expenses of the Commission.

The Church Commissioners shall have power at their discretion to defray out of their general fund the expenses of the Commission or such part of those expenses as they think fit.

7 Revision of instrument creating additional canonry at Oxford.

For subsection (6) of section 42 of the ^{M5}Cathedrals Measure 1963 (which provides for the creation by an instrument made by the Cathedrals Commission of an additional canonry for the cathedral church of Christ in Oxford and, in subsection (6), for the revision of such instrument by a Commission appointed by the Standing Committee of the General Synod) there shall be substituted the following subsection:—

“(6) Where an application in that behalf is made by the bishop and the dean and canons of the cathedral church of Christ in Oxford to the Cathedral Statutes Commission appointed under the Cathedrals Measure 1976, the said Commission shall consider the revision of any instrument for the time being in force under this section and may, with the consent of the bishop, the dean and canons of the said cathedral church and the Church Commissioners, make an instrument under this section which may vary or revoke any instrument previously made thereunder and for the time being in force.”

Modifications etc. (not altering text)

- C3** The text of ss. 1(5), 7 and 8(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M5** 1963 No. 2.

8 Construction, repeals and savings.

- (1) This Measure shall be construed as one with the ^{M6}Cathedrals Measure 1963, and without prejudice to the foregoing provision, references in that Measure to a scheme made thereunder shall be construed as including references to a scheme made under this Measure.
- (2) The following provisions of the said Measure, that is to say, section 1 to 5, 36 and, in section 52(1), the definition of “the Commission”, are hereby repealed.

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- (3) The repeal effected by subsection (2) above shall not affect any scheme prepared and confirmed under section 3 of the said Measure and in force immediately before the passing of this Measure, and any such scheme shall, except so far as it is varied or revoked under this Measure, continue to have effect notwithstanding the repeal.

Modifications etc. (not altering text)

- C4** The text of ss. 1(5), 7 and 8(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M6** 1963 No. 2.

9 Extent.

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, and section 7 of this Measure shall apply to that cathedral church.

10 Citation.

This Measure may be cited as the Cathedrals Measure 1976 and the Cathedrals Measure 1963 and this Measure may be cited together as the Cathedrals Measures 1963 and 1976.

Status:

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