



Church of England (Miscellaneous Provisions) Measure 1983

1983 No. 2

A MEASURE passed by The General Synod of the Church of England to amend the New Parishes Measure 1943, the Parsonages Measure 1938, the Parochial Church Councils (Powers) Measure 1956, the Ecclesiastical Judges and Legal Officers Measure 1976, and the Bishops (Retirement) Measure 1951; to make further provision with respect to the discharge of the functions of a bishop or archdeacon and the constitution of an Appeal Tribunal for the compensation of clergy; and to make provision for transferring a house and muniment room in Lichfield from the Registrar of Lichfield to the Diocesan Board of Finance; and for purposes connected therewith. [9th May 1983]

Commencement Information

II Measure, so far as unrepealed, wholly in force at 9.6.1983 see s 13(3).

1 Acquisition of churches and sites for church halls.

- (1) In section 13(1) of the ^{MI}New Parishes Measure 1943—
 - (a) for paragraph (bb) (use of a building as a church hall, etc.) there shall be substituted—
 - “(bb) any building to be used as a church hall or both as a church or other place of worship and as a church hall or any land for the site of a building to be so used or for enlarging the site of an existing building so used;”;
 - (b) in paragraph (e) after the word “church” there shall be inserted the words “church hall”.
- (2) For paragraphs (a) and (b) of section 16(3) of the said Measure (vesting of building or land acquired under section 13) there shall be substituted—
 - “(a) a building to be used as a church hall or both as a church or other place or worship and as a church hall;

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- (b) land for the site of a building to be so used or for enlarging the site of an existing building so used;
- (bb) land required for providing access to or for improving the amenities of a building which is to be, or is, so used;”.

(3) In section 23(2)

of the ^{M2}Endowments and Glebe Measure 1976 (appropriation of diocesan glebe land) for the words from “that is to say” to the end there shall be substituted “(provision of building or land for use as a church hall or for use both as a place of worship and as a church hall, etc.)”.

Marginal Citations

- M1** 1943 No. 1.
M2 1976 No. 4.

2 Power to grant land if benefice vacant.

- (1) After section 14(1) of the ^{M3}New Parishes measure 1943 (power of corporations, etc., to grant land for sites of churches, etc.) there shall be inserted—

“(1A) During a vacancy in a benefice the power under subsection (1) of this section which would have been exercisable by the incumbent of the benefice had the benefice been full, shall be exercisable by the bishop.”.

- (2) For section 14(2)

of the said Measure (disposal of proceeds where grantor is incumbent) there shall be substituted—

“(2) Where the grantor is the incumbent of a benefice in his capacity as such, or where during a vacancy in a benefice the grantor is the bishop, the purchase money shall be paid to the Church Commissioners and shall be appropriated by them for the benefit of the diocesan stipends fund.”.

Marginal Citations

- M3** 1943 No. 1.

3 Diocesan authority.

After section 16(4) of the New Parishes Measure 1943 there shall be inserted—

“(5) In this section “diocesan authority” means the body which is for the time being authorised by the relevant diocesan synod to act as trustees of the trust property of the diocese or, if there is no such body, the diocesan board of finance.”.

4 Powers of selling parsonage houses, etc.

At the end of section 1(4) of the ^{M4}Parsonages Measure 1938 there shall be inserted the words “and in respect of any property belonging to a benefice, being property which consists of an outbuilding, garden or orchard of a house which has been

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sold or otherwise disposed of under this Measure, and any land contiguous to, or appurtenances enjoyed with, such a house or any part of such property.”.

Marginal Citations

M4 1938 No. 3.

5 Functions of parochial church councils.

In section 2 of the ^{M5}Parochial Church Councils (Powers) Measure 1956 (which requires the incumbent and parochial church council to consult together on certain matters and provides for the functions of such councils), for the word “incumbent”, in both places where that word occurs, there shall be substituted the word “minister”.

Marginal Citations

M5 1956 No. 3.

6 Appointment of registrar of a province.

(1) In section 3(3) of the ^{M6}Ecclesiastical Judges and Legal Officers Measure 1976 (archbishop to appoint registrar of the province but before making appointment to consult standing committee of the General Synod), the words from “but” to the end are hereby repealed.

(2) At the end of the said section 3 there shall be inserted—

“(5) Where any person to be appointed to such office is to perform such of the functions mentioned in subsection (2) above as consist of functions conferred or imposed on the registrars of the General Synod or either of them or functions relating to or connected with the election or choice of members of the Convocation of Canterbury or York or the House of Laity of the General Synod, the archbishop by whom that person is to be appointed shall before making the appointment consult the standing committee of the General Synod.”.

Marginal Citations

M6 1976 No. 2.

7 Retirement of certain bishops.

F1

Textual Amendments

F1 S. 7 repealed by Bishops (Retirement) Measure 1986 (No. 1, SIF 21:3), s. 12(2), Sch.

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F²8 Discharge of certain functions of bishop.

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Textual Amendments

- F2** S. 8 repealed (1.5.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), s. 66(2), [Sch. 7](#); [S.I. 2008/1](#), unnumbered article

9 Discharge of certain functions of archdeacon.

- (1) Where an archdeaconry is vacant or an archdeacon is unable by reason of illness or absence to carry out any or all of his functions, the bishop of the diocese in which the archdeaconry is may appoint by an instrument under his hand a person in priest's orders to perform any or all of the archdeacon's functions for a period specified in the instrument.
- (2) A power of appointment under this section may be exercised by the appointment of two or more persons qualified for such appointment and by the division among them, whether territorially or otherwise, of their function or functions to be performed.
- (3) A statement in a document issued in the performance of any such function that the person by whom the document is signed or executed has been duly appointed under this section to perform that function shall be conclusive evidence of that fact.
- (4) Nothing in this section shall be taken to affect the power of the bishop under section 9(2) of the ^{M7}Faculty Jurisdiction Measure 1964 (power to appoint person to act in place of an archdeacon in a particular case) or section 2(2) of the ^{M8}Incumbents (Vacation of Benefices) Measure 1977 (power to appoint another archdeacon to act in a particular case where archdeaconry is vacant).

Marginal Citations

- M7** [1964 No. 5.](#)
M8 [1977 No. 1.](#)

F³10 Amendment of s. 10 Dioceses Measure 1978.

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Textual Amendments

- F3** S. 10 repealed (1.5.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), s. 66(2), [Sch. 7](#); [S.I. 2008/1](#), unnumbered article

11 Constitution of Appeal Tribunal for compensation of clergy.

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F4

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Textual Amendments

F4 S. 11 repealed by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), s. 93, [Sch. 9](#)

^{F5}12 Transfer of house and muniment room from Registrar of Lichfield to Diocesan Board of Finance.

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Textual Amendments

F5 S. 12 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 1 (with [Sch. 2 para. 15](#))

13 Short title, extent and commencement.

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 1983.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but 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 and may be extended to the Isle of Man by Act of Tynwald.

^{F6}(3)

Textual Amendments

F6 S. 13(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 1

Status:

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