



# Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988

1988 No. 1

## PART II

### MISCELLANEOUS PROVISIONS

#### 5 Solemnization of marriages of housebound and detained persons.

In section 2 of the Extra-Parochial Ministry Measure 1967 (ministry at institutions) the proviso at the end of subsection (1) shall be omitted and there shall be inserted the following subsection—

“(1A) Where—

- (a) a clergyman of the Church of England is licensed under subsection (1) above to perform at an institution offices and services specified in the licence; and
- (b) the marriage of a person who is housebound or is a detained person is to be solemnized at the institution in question in pursuance of section 26(1)(dd) of the Marriage Act 1949, and
- (c) that marriage is intended to be solemnized according to the rites of the Church of England,

the offices and services which the clergyman is licensed under subsection (1) above to perform shall be treated as including the solemnization of that marriage; but, except as provided by the preceding provision of this subsection, no licence granted under subsection (1) above shall extend to the solemnization of marriage.

A person is housebound or is a detained person for the purposes of this subsection if he is housebound or a detained person for the purposes of the Marriage Act 1949.”

## **6 Change of name of see.**

- (1) Without prejudice to any other powers of Her Majesty in Council in relation to sees, Her Majesty in Council, on receipt of a petition under this section, shall have power to change the name of any diocesan or suffragan see.
- (2) Where any petition for the change of name of a see is approved by the diocesan synod of the diocese concerned, the bishop of the diocese shall lay the petition before the General Synod.
- (3) Where, before the end of the group of sessions at which it is laid, notice is given of a motion directing that the petition be not forwarded to Her Majesty, the petition shall not be so forwarded until the motion has been disposed of or is withdrawn and if the motion is carried no further proceedings shall be taken in relation to that petition.
- (4) Where—
  - (a) no such notice is given before the end of the group of sessions at which the petition is laid, or
  - (b) the motion is defeated or withdrawn,the bishop of the diocese may forward the petition to Her Majesty in Council.
- (5) Nothing in this section shall confer power to alter the boundaries of a see.

## **7 Provisions as to licences of ministers, deaconesses, lay workers and readers.**

- (1) It shall be lawful for the General Synod to make provision by Canon with respect to the revocation by the bishop of a diocese of licences granted to ministers, deaconesses, lay workers and readers, and with respect to appeals from any such revocation.
- (2) The following provisions for the Pluralities Act 1838 shall cease to have effect—
  - (a) in section 97 (penalty for licensed curate who quits curacy without notice) the words from “upon pain of paying to the bishop” to the end of the section; and
  - (b) section 98 (licences of curates employed by non-resident incumbents and revocation of such licences).

## **8 Appointment of organists and choirmasters.**

It shall be lawful for the General Synod by Canon to make provision with respect to the appointment of persons to act as organists and choirmasters (by whatever name called) and with respect to the termination of such appointments.

## **9 Powers to deal with church land during vacancy in benefice.**

In section 7 of the Church Property (Miscellaneous Provisions) Measure 1960 (powers in relation to land granted under the Gifts for Churches Act 1803, the Gifts for Churches Act 1811 or the Consecration of Churchyards Act 1867) there shall be added at the end the following subsection—

- “(6) During a vacancy in a benefice any powers under this section which, but for the vacancy, would have been exercisable by the incumbent shall be exercisable by the bishop.”

## **10 Amendment of s. 31 of Leasehold Reform Act 1967.**

Section 31 of the Leasehold Reform Act 1967 (tenancies of ecclesiastical property) shall have effect subject to the following amendments—

- (a) in subsection (1) for the words “an ecclesiastical benefice” there shall be substituted the words “a diocesan board of finance as diocesan glebe land” and for the word “incumbent” there shall be substituted the words “diocesan board of finance”;
- (b) in subsection (4)—
  - (i) for the words “an ecclesiastical benefice” there shall be substituted the words “a diocesan board of finance”;
  - (ii) in paragraph (a) for the words “incumbent’s interest” there shall be substituted the words “interest of the diocesan board of finance”;
  - (iii) paragraph (b) shall be omitted;
  - (iv) in paragraph (c) for the word “incumbent” there shall be substituted the words “diocesan board of finance”;
  - (v) paragraph (d) shall be omitted;
- (c) for subsection (5) there shall be substituted the following subsection—

“(5) In this section “diocesan board of finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976.”

## **11 Persons to be consulted under s. 3 of Pastoral Measure 1983.**

In section 3(3) of the Pastoral Measure 1983 (definition of “interested parties” for purposes of consultation) there shall be inserted at the end the following paragraph—

“Where a team ministry is established for the area of a benefice, the reference in paragraph (b) to the incumbents of benefices shall in relation to that benefice be construed as a reference to all the persons who constitute the team under section 20(1).”

## **12 Clergy (Widows and Dependants) Pension Fund.**

The Clergy Pensions Measure 1961 shall have effect subject to the following amendments—

- (a) in section 18(3) (use of surplus of Clergy (Widows and Dependants) Pensions Fund) the words “subject to the approval of the Church Assembly given by resolution” shall be omitted; and
- (b) in section 34(4) (valuation of that Fund) the words “and a report thereon shall be presented to the Church Assembly” shall be omitted.

## **13 Amendment of s. 7 of Parochial Church Councils (Powers) Measure 1956.**

In paragraph (iv) of section 7 of the Parochial Church Councils (Powers) Measure 1956 (which confers power on a parochial church council to determine, jointly with the minister, the objects for which moneys collected in church are to be given) the words “subject to the directions contained in the Book of Common Prayer as to the disposal of money given at the offertory” shall be omitted.