

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 3.

AMENDMENT OF INSPECTION OF CHURCHES MEASURE 1955

1 The ^{M1}Inspection of Churches Measure 1955 shall be amended as follows.

Annotations:

Marginal Citations

M1 1955 No. 1.

- 2 In subsection (2) of section 1 (which provides for the establishment of schemes for the inspection of churches)—
- (a) in paragraph (c) for the words “an architect or architects” there shall be inserted the words “ a qualified person or persons ”;
 - (b) in paragraph (d) for the words “and to the parochial church council of the parish” there shall be substituted the words “ , to the parochial church council of the parish in which the church is situate and to the incumbent of the benefice comprising that parish and to the secretary of the advisory committee of the diocese ”.

3 After section 1 there shall be inserted the following sections:—

“1A Inspections to extend to certain valuable articles, etc.

Where, in accordance with a scheme established under section 1 of this Measure, a person inspects a church the inspection shall extend to—

- (a) any movable article in the church which he is directed by the archdeacon concerned, after consultation with the advisory committee, to treat as being, and such other articles as the person inspecting the church considers to be,—
 - (i) of outstanding architectural, artistic, historical or archaeological value; or
 - (ii) of significant monetary value; or
 - (iii) at special risk of being stolen or damaged;
- (b) any ruin in the churchyard (open or closed) which is for the time being designated by the Council for British Archaeology and the Royal Commission on the Historical Monuments of England acting jointly as being of outstanding architectural, artistic, historical or archaeological value;
- (c) any tree in the churchyard (open or closed) belonging to the church in respect of which a tree preservation order under the Town and Country Planning Act 1990 is for the time being in force,

and references in this Measure to the inspection of a church shall be construed accordingly.

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1B Duty of bishops to establish schemes.

(1) Where, for any diocese to which this Measure applies, a scheme has not been made in pursuance of section 1 of this Measure it shall be the duty of the bishop of the diocese to establish a scheme for the purpose specified in subsection (1) of that section complying with the provisions of subsection (2) (a) to (d) thereof and containing such other provisions not inconsistent with this Measure as the bishop shall think fit.

(2) Any scheme made in pursuance of this section shall, for the purposes of this Measure (except section 1(4)), be deemed to have been made in pursuance of section 1 of this Measure.”.

4 In section 2 (which empowers the archdeacon to ensure the inspection of churches every five years)—

(a) in subsection (1) for the words “an architect” there shall be substituted the words “ a qualified person ”;

(b) at the end there shall be inserted the following subsection:—

“(3) For the purposes of this section any reference to a church shall be construed as including a reference to any movable article in a church which the archdeacon concerned, after consultation with the advisory committee, considers to be—

(a) of outstanding architectural, artistic, historic or archaeological value; or

(b) of significant monetary value; or

(c) at special risk of being stolen or damaged.”

5 In section 6 (interpretation)—

(a) after the definition of “the bishop” there shall be inserted the following definition:—

““church” means—

(a) any parish church other than one to which the Care of Cathedrals Measure 1990 applies;

(b) any other church or chapel (not being a cathedral church to which the Care of Cathedrals Measure 1990 applies or a church or chapel which is not subject to the jurisdiction of the bishop of a diocese or the Cathedral Church of Christ in Oxford) which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England; and

(c) any building licensed for public worship according to the rites and ceremonies of the Church of England other than

(i) a building which is in a university, college, school, hospital or public or charitable institution but which has not been designated under section 29(2) of the 1983 Measure as a parish centre of worship;

(ii) a building which has been excluded from the provisions of this Measure by direction of

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- the bishop with the approval of the advisory committee; and
- (iii) a building used solely for the purpose of religious services relating to burial or cremation;”;
- (b) at the end there shall be inserted the following definitions:—
- ““qualified person” means a person registered under the Architects Registration Acts 1931 to 1969 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor;
- “ruin” means any site comprising the remains of any building above the surface of the land, not being—
- (a) a monument (within the meaning of section 3 of the Faculty Jurisdiction Measure 1964); or
- (b) a site which is for the time being used for the purpose of public worship according to the rites and ceremonies of the Church of England”.

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