



# Church of England (Miscellaneous Provisions) Measure 1992 (No. 1)

1992 No. 1

A Measure passed by the General Synod of the Church of England to amend the law relating to sequestration; to make further provision with respect to the appointment of new patrons; to make further provision with respect to the conduct of funeral services and rights of burial; to enable parochial church councils to hold advowsons; to amend the law relating to the resignation of incumbents; to amend the law relating to the tenure of office of diocesan chancellors and registrars; to clarify the law relating to archdeacons' visitations; to clarify the law relating to the appointment of rural deans; to amend the law relating to the appointment of canons in cathedral churches; to amend section 27 of the Cemeteries Clauses Act 1847, section 11 of the Benefices Act 1898, sections 13, 16 and 17 of the New Parishes Measure 1943, section 5 of and the First Schedule to the Church Commissioners Measure 1947, sections 4 and 5 of the Diocesan Stipends Funds Measure 1953, section 12 of the Cathedrals Measure 1963, sections 55 and 56 of the Ecclesiastical Jurisdiction Measure 1963, section 1 of the Benefices Measure 1972, sections 3, 4 and 5 of the Cathedrals Measure 1976, sections 20, 23, 24 and 38 of the Endowments and Glebe Measure 1976, the Parochial Registers and Records Measure 1978, section 2 of the Dioceses Measure 1978, sections 29, 54 and 68 of and Schedules 4, 6 and 7 to the Pastoral Measure 1983, section 9 of and Schedule 2 to the Patronage (Benefices) Measure 1986 and section 5 of the Church of England (Ecumenical Relations) Measure 1988; to repeal certain enactments which are no longer of practical utility; and for purposes connected therewith. [6th March 1992]

## PART I

### MISCELLANEOUS PROVISIONS

#### 1 Sequestration

- (1) During the vacancy of a benefice and otherwise where the profits of a benefice are to be sequestered, the churchwardens of every parish comprised in the benefice and the rural dean and such other person as the bishop of the diocese concerned may appoint, if he considers it desirable to do so, shall be the sequestrators of the benefice, and any rule of law requiring the bishop of the diocese concerned to issue a writ of sequestration on a benefice becoming vacant shall cease to have effect.
- (2) A writ of sequestration in respect of the profits of a benefice shall not be issued by any court—
  - (a) for the purpose of obtaining satisfaction of a debt owed by the incumbent of the benefice; or
  - (b) by reason of the bankruptcy of the incumbent; or
  - (c) for the purpose of applying the profits where the incumbent is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to the benefice.

#### 2 Conduct of funeral services

- (1) The performance of a funeral service in accordance with this section shall not require the consent or be subject to the control of the minister of the parish in which it is performed.
- (2) The minister of a parish may perform a funeral service in any crematorium or cemetery situated in another parish if—
  - (a) the deceased person dies in the first-mentioned parish; or
  - (b) the deceased person was resident in the first-mentioned parish immediately before his death; or
  - (c) the name of the deceased person was on the church electoral roll of the first-mentioned parish immediately before his death.
- (3) Without prejudice to section 2 of the Extra-Parochial Ministry Measure 1967, a person licensed for the time being under that section to perform funeral services on premises forming part of or belonging to a university, college, school, hospital or public or charitable institution may perform a funeral service in any crematorium or cemetery if the deceased person was resident in any such premises or was employed by or enrolled as a student at the institution in question immediately before his death.
- (4) The minister of a parish situated wholly or partly in an area—
  - (a) which is chargeable with the expenses of a cemetery; or
  - (b) for the use of which a crematorium or cemetery has been designated by the bishop of the diocese concerned,shall, with respect to persons who are his own parishioners or who die in his parish or whose names are entered on the church electoral roll of his parish, where he is requested to do so, be under the same obligation to perform or arrange the performance of funeral services in the crematorium or cemetery as he has to perform or arrange the performance of funeral services in any churchyard of his parish.

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(5) Section 11 of the Cremation Act 1902 (incumbent not to be obliged to perform burial service) shall cease to have effect.

(6) In this section—

“minister”, in relation to a parish, means—

- (a) the incumbent;
- (b) in a case where the benefice to which the parish belongs is vacant (and paragraph (c) below does not apply), the rural dean;
- (c) in a case where a suspension period applies to the benefice to which the parish belongs, the priest-in-charge (if any); and
- (d) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the bishop, that vicar;

“suspension period” has the same meaning as in the Pastoral Measure 1983.

### **3 Burial of cremated remains**

(1) A person who has a right of burial in the churchyard or other burial ground of a parish shall have a right of burial therein of his cremated remains:

Provided that a person shall not have a right of burial of his cremated remains by virtue of this section in a churchyard or burial ground which has been closed by an Order in Council except in accordance with a faculty authorising the burial or in an area which has been set aside by a faculty for the burial of cremated remains generally.

(2) For the avoidance of doubt it is hereby declared that the bishop of a diocese may consecrate land in the diocese for the sole purpose of burying cremated remains.

### **4 Amendment of Parochial Registers and Records Measure 1978**

(1) The Parochial Registers and Records Measure 1978 shall have effect subject to the amendments specified in Schedule 1 to this Measure.

(2) In the case of the first inspection carried out after the date of the coming into force of this section under section 9 of the said Measure as substituted by this section, the reference in subsection (3) of the said section 9 to the immediately preceding inspection shall be construed as a reference to the last inspection carried out under that section as originally enacted; and, if that last inspection was completed more than five years before that date, the reference in the said subsection (3) to five years shall be construed as a reference to six years.

(3) The amendment specified in paragraph 11 of the said Schedule 1 (substitution of new burial register form) shall not apply in relation to entries made in register books of burial before the said date.

### **5 Appointment of new patrons**

(1) In this section “relevant instrument” means an instrument made in pursuance of the Church Building Acts 1818 to 1884 or otherwise under which the person who is for the time being the bishop of a diocese or the incumbent of a benefice or the holder of any other office has a right to be appointed a patron of a benefice in preference to any other person upon a vacancy occurring amongst the patrons.

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- (2) Where any bishop of a diocese, incumbent of a benefice or holder of an office who is a patron of a benefice to which any relevant instrument relates by virtue of his office ceases to be the bishop of the diocese, incumbent of the benefice or holder of the office, as the case may be, he shall cease to be such a patron.
- (3) Where any bishop of a diocese, incumbent of a benefice or holder of an office has, by virtue of a relevant instrument, a right to be appointed a patron of a benefice in preference to any other person upon a vacancy occurring amongst the patrons he shall, upon such a vacancy occurring, without any deed of appointment or other process, become a patron of the benefice by virtue of his office unless he has previously resigned as patron of the benefice.

**6 Amendment of section 5 of the Church of England (Ecumenical Relations) Measure 1988**

In section 5 of the Church of England (Ecumenical Relations) Measure 1988 in subsection (2)(b) at the end there shall be inserted the words “or, in the case of a Church outside the United Kingdom, it is nominated by the General Synod for the purposes of this section by resolution”.

**7 Amendment of Ecclesiastical Jurisdiction Measure 1963**

The Ecclesiastical Jurisdiction Measure 1963 shall have effect subject to the following amendments—

- (a) in section 55 (deprivation of priest or deacon following certain proceedings in secular courts)—
  - (i) in subsection (2) the words from “, within twenty-eight days” to “conclusive,” shall be omitted;
  - (ii) in subsection (3) at the beginning there shall be inserted the words “Subject to the provisions of the following subsection” and the words “, within two months after the date mentioned in that subsection,” shall be omitted;
  - (iii) after subsection (3) there shall be inserted the following subsection—
 

“(3A) A declaration shall not be made under this section after the expiry of the period of three years beginning with the date on which the sentence, decree, finding or order, as the case may be, becomes conclusive.”;
- (b) in section 56 (deprivation of bishop or archbishop following certain proceedings in secular courts)—
  - (i) in subsection (1) at the beginning there shall be inserted the words “Subject to the provisions of the following subsection” and the words from “, within two months” to “conclusive,” shall be omitted;
  - (ii) after subsection (1) there shall be inserted the following subsection—
 

“(1A) A declaration shall not be made under this section after the expiry of the period of three years beginning with the date on which the sentence, decree, finding or order, as the case may be, becomes conclusive.”.

## **8 Amendment of New Parishes Measure 1943**

The New Parishes Measure 1943 shall have effect subject to the following amendments—

- (a) in section 13 (power of Ecclesiastical Commissioners to acquire land for churches, etc.) in subsection (1)—
  - (i) in paragraph (bb) after the words “to be used as a” there shall be inserted the words “place of worship (other than a church) or”;
  - (ii) in paragraph (e) after the words “such church” there shall be inserted the words “or other place of worship”;
  - (iii) at the end there shall be inserted the following paragraph—
    - “(f) any land required for providing vehicle parking space for use in connection with any such church or other place of worship, church hall, churchyard or burial ground”;
- (b) in section 16 (vesting of land acquired by the Commissioners)—
  - (i) after subsection (1) there shall be inserted the following subsection—
    - “(1A) Where at the passing of the Church of England (Miscellaneous Provisions) Measure 1992, any land or building is held by the Commissioners for any of the purposes mentioned in paragraph (a), (b) or (c) of subsection (1) of section 13 of this Measure (being land or a building acquired for that purpose before the passing of the Church Property (Miscellaneous Provisions) Measure 1960), the land or building shall vest in the incumbent for the time being of the parish in which the land or building is situated.”;
  - (ii) in subsection (3)—
- (A) in paragraph (a) after the words “to be used as a” there shall be inserted the words “place of worship (other than a church) or”;
- (B) after paragraph (d) there shall be inserted the following paragraph—
  - “or
  - (e) land required for providing vehicle parking space for use in connection with a church or other place of worship, church hall, churchyard or burial ground”;
- (c) in section 17 (powers of dealing with land no longer required for purpose for which acquired) in subsection (1) for the words “or (e)” there shall be substituted the words “, (e) or (f)”.

## **9 Amendment of Cathedrals Measure 1976**

(1) The Cathedrals Measure 1976 shall have effect subject to the following amendments.

(2) In section 3 (confirmation of scheme by Order in Council)—

- (a) in subsection (1) for the words from “to appeal” to the end there shall be substituted the words “, 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.

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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.”;

(b) in subsection (2) for the words from “by lodging notice of appeal” to the end there shall be substituted the words “, but only with the leave of the Judicial Committee of the Privy Council”;

(c) for subsection (3) there shall be substituted the following subsection—

“(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.”;

(d) in subsection (4) for the words from the beginning to “Judicial Committee of the Privy Council” there shall be substituted the words “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”.

(3) In section 4 (publication of notice of confirmation of scheme)—

- (a) subsection (1) shall be omitted;
- (b) in subsection (2) for the words “such Order in Council” there shall be substituted the words “Order in Council by which a scheme is confirmed under section 3 of this Measure”.

(4) In section 5 (supplementary provisions with respect to schemes) in subsection (1) for the words from “notice” to the end there shall be substituted the words “the Order in Council is made”.

(5) Nothing in subsection (2) above shall affect any right of appeal under section 3 of the said Measure in respect of a scheme made under section 2 before the coming into force of this section, and the said section 3 shall continue to have effect in respect of such a scheme as if the said subsection (2) had not been enacted.

## **10 Advowsons—parochial church councils**

(1) Subsection (1) of section 6 of the Parochial Church Councils (Powers) Measure 1956 (which relates, *inter alia*, to certain interests in land) shall not apply and shall be deemed never to have applied in relation to an advowson or share in an advowson.

(2) Subsection (2) of the said section 6 shall not apply in relation to an advowson or share in an advowson; and any advowson or share in an advowson which is, at the coming into force of this section, held by a diocesan authority, having been vested in the diocesan authority pursuant to that subsection, shall, by virtue of this subsection and without any conveyance or other assurance, vest in the parochial church council concerned subject to all trusts affecting the same.

- (3) In this section, “diocesan authority” has the same meaning as in the said Measure of 1956.

#### **11 Resignation of incumbents**

Where the incumbent of a benefice wishes to tender his resignation in writing it shall not be necessary for him to proceed by way of a deed, but any written resignation of a benefice shall be tendered to the diocesan bishop concerned in the form set out in Schedule 2 to this Measure and signed by the incumbent.

#### **12 Tenure of office of diocesan chancellors and registrars**

The appointment of a person to be chancellor or registrar of a diocese shall not cease to have effect by reason only that a vacancy in the see is terminated and the appointment has not been previously confirmed by the dean and chapter or, as the case may be, the cathedral chapter of the cathedral church of the diocese.

In this section “chancellor” includes the commissary general of the diocese of Canterbury.

#### **13 Archdeacons' visitations**

For the avoidance of doubt it is hereby declared that the registrar of an archdeacon has no duty to attend at a visitation of the archdeacon; and, accordingly, the registrar of a diocese has no duty, by virtue of section 7(2) of the Ecclesiastical Judges and Legal Officers Measure 1976, to attend at an archdeacon’s visitation.

#### **14 Appointment of deacon as rural dean**

For the avoidance of doubt it is hereby declared that it is lawful for a deacon to be appointed to the office of rural dean, notwithstanding anything in section 10 of the Act of Uniformity 1662.

#### **15 Appointment of deacon as residentiary canon**

It shall be lawful for a person who is in deacon’s orders and who has been ordained for a period exceeding six years to be appointed to the office of a residentiary canon in any cathedral church with the appropriate style, title and dignity thereof, notwithstanding anything in section 10 of the Act of Uniformity 1662 or in the constitution and statutes of that cathedral church to the contrary; but nothing in the constitution and statutes of that cathedral church shall be construed as authorising or requiring a person in deacon’s orders so appointed to preside at or celebrate the Holy Communion or pronounce the Absolution.

#### **16 Appointment of deacon as non-residentiary Canon**

It shall be lawful for a deacon to be appointed to the office of a non-residentiary canon in any cathedral church with the appropriate style, title and dignity thereof, notwithstanding anything in section 10 of the Act of Uniformity 1662 or in the constitution and statutes of that cathedral church to the contrary; but nothing in the constitution and statutes of that cathedral church shall be construed as authorising or

requiring a person in deacon's orders so appointed to preside at or celebrate the Holy Communion or pronounce the Absolution.

### **PART III**

#### **GENERAL**

#### **17 Minor amendments and repeals**

- (1) The enactments mentioned in Schedule 3 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Measure.
- (2) The enactments mentioned in Schedule 4 to this Measure are hereby repealed to the extent specified in the third column of that Schedule (those mentioned in Part I of that Schedule being enactments which are no longer of practical utility).

#### **18 Transitional provisions as to sequestration**

Nothing in section 1 above shall affect any sequestration in respect of which a writ of sequestration has been issued before the coming into force of that section, and any provision relating to sequestration which is amended by Schedule 3 or repealed by Part II of Schedule 4 to this Measure shall continue to have effect in respect of any such sequestration as if the amendment or repeal had not been enacted.

#### **19 Short title, commencement and extent**

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 1992.
- (2) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint; and different dates may be appointed for different provisions.
- (3) Subject to subsections (4) and (5) below this Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man.
- (4) 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.
- (5) Section 6 of 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, the remainder of this Measure (except section 8) shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald or other instrument.

## SCHEDULES

### SCHEDULE 1

Section 4.

#### AMENDMENT OF PAROCHIAL REGISTERS AND RECORDS MEASURE 1978

- 1 The Parochial Registers and Records Measure 1978 shall be amended as follows.
- 2 In section 2 (registration of baptisms) for subsection (3) there shall be substituted the following subsection—
  - “(3) Where the ceremony of baptism according to the said rites is performed in an extra-parochial place or an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then, unless the ceremony is performed in a church, chapel or institution for which a register book of baptisms has been provided by virtue of section 5 of this Measure or any enactment repealed by this Measure, the person by whom the ceremony was performed shall as soon as possible thereafter send a certificate signed by him, certifying when and where the ceremony was performed and containing the other particulars required in Form No.1 in the said Schedule 1, to the incumbent or priest in charge of—
    - (a) in the case of a ceremony performed in an extra-parochial place, such of the adjoining parishes as the bishop in whose diocese that place is may direct; or
    - (b) in the case of a ceremony performed in such an institution, the parish in which the institution is.”.
- 3 In section 3 (registration of burials) for subsection (2) there shall be substituted the following subsection—
  - “(2) Subject to subsection (4) below, where a burial according to the said rites takes place in an extra-parochial place or an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then unless the burial takes place in the burial ground of a church, chapel or institution for which a register book of burials has been provided by virtue of section 5 of this Measure or any enactment repealed by this Measure, the minister officiating at the burial shall as soon as possible after the burial has taken place send a certificate signed by him, certifying when and where the burial took place and containing the other particulars required in Form No.2 in the said Schedule 1, to the incumbent or priest in charge of—
    - (a) in the case of burial in an extra-parochial place, such of the adjoining parishes as the bishop in whose diocese that place is may direct; or
    - (b) in the case of a burial in the burial ground of such an institution, the parish in which the institution is.”.
- 4 In section 5 (application of sections 1 to 4 to cathedrals, etc.) for the words from “the provision of register books” to the end there shall be substituted the following words—

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- “(a) the provision of register books of baptisms or burials for—
- (i) any cathedral or collegiate church; or
  - (ii) any other church or chapel which does not belong to a parish; or
  - (iii) any institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services;
- (b) the registration of baptisms performed in any such church, chapel or institution; and
- (c) the registration of burials which take place in any burial ground belonging to any such church, chapel or institution”.

5 For section 9 (which requires the bishop of a diocese to cause parochial registers and records to be inspected at intervals of not more than six years) there shall be substituted the following section—

**“9 Inspection of register books and records in parochial custody**

- (1) Every archdeacon shall cause the register books and records in parochial custody in his archdeaconry, including register books in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.
- (2) Before making an appointment under subsection (1) above the archdeacon shall consult the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office.
- (3) The archdeacon shall cause every inspection under this section affecting a particular parish to be begun not more than five years after the date on which the immediately preceding inspection affecting that parish was completed.
- (4) A report under this section shall be made to the archdeacon or to such person as he may designate for the purpose.
- (5) Any person carrying out an inspection under this section shall compile a list of the register books, and a list describing the records, which have been inspected by him under this section.
- (6) In the case of any inspection affecting a particular parish under this section any person carrying out the inspection may comply with subsection (5) above by certifying in writing that any such list previously compiled on an inspection affecting that parish, with such additions or omissions, if any, as are specified in the certificate is a list of the register books or a list describing the records, as the case may be, which have been inspected by him under this section.
- (7) The person in whose custody such books or records are shall allow any person carrying out an inspection under this section to have access to those books and records at any reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.

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(8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to—

- (a) the archdeacon,
- (b) the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office,
- (c) the minister concerned, and
- (d) the parochial church council of the parish affected,

with, in the case of the copy sent to such council, an instruction that it be inserted in or annexed to the inventory of articles appertaining to the parish church and the date or dates on which the inspection was carried out be inserted in the log book relating to the church.

In this subsection “minister” means an incumbent or priest in charge.

(9) Any expenses incurred by a person carrying out an inspection under this section in complying with the provisions thereof shall be paid by the parochial church council of the parish affected.”.

6 After section 9 there shall be inserted the following section—

**“9A Closure of old register books**

- (1) Any register book to which this section for the time being applies shall be closed and no further entries shall be made therein.
- (2) This section applies to any register book wherein the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for one hundred and fifty years or more, other than a register book of marriages wherein the earliest entry was made on or after 1st July 1837.”.

7 In section 10 (deposit of register books, etc. in diocesan record office)—

- (a) in subsection (2) after paragraph (a) there shall be inserted the following paragraph—
  - “(aa) any register book to which section 9A of this Measure applies, and”;
- (b) in subsection (7) for the words from “kept” to the end there shall be substituted the words “inserted in or annexed to the inventory of articles appertaining to the parish church concerned.”

8 After section 12 there shall be inserted the following section—

**“12A Faculty not required for deposit of register books, etc. in diocesan record office**

A book or record may be deposited in the diocesan record office in pursuance of this Measure without a faculty.”.

9 In section 20 (searches of certain register books) after subsection (3) there shall be inserted the following subsections—

- “(3A) Where a search is made under subsection (1) or (2) above or, in the case of a register book of marriages wherein the first entry was made before 1st

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July 1837, under the said section 63 the person having the custody of the register book or the chief officer may require the search to be made in an authenticated photographic copy of the register book; and for the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register book or the person who was the chief officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register book.

(3B) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book, the person making the search may request the person having custody of the register book (the “custodian”) or chief officer to allow the search to be made in the register book on the grounds that the copy is not accurate or that the quality of reproduction of the copy is not adequate for the purpose of the search; and thereupon the custodian or chief officer, if satisfied that the grounds for the request are reasonable or if directed to do so by the archdeacon under subsection (3C) below, shall allow the search to be made in the register book, but only under the supervision of the custodian or chief officer or other person designated by the custodian or chief officer for the purposes of this subsection.

(3C) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book and a request made under subsection (3B) above is refused, the person making the search may refer the matter to the archdeacon of the archdeaconry in which the parish to which the register book belongs is situated; and thereupon the archdeacon, if satisfied that the grounds for the request are reasonable, may direct the custodian or chief officer to allow the search to be made in the register book.”.

10 In section 25 (interpretation) after the words “that is to say—” there shall be inserted the words ““burial” includes the disposal of cremated remains;”.

11 In Schedule 1 to the said Measure (forms) for Form No. 2 there shall be substituted the following form—

*“No. 2*

Register of Burials in the Parish of

in the Diocese of

in the†

<i>Entry No.</i>	<i>Christian name and surname*</i>	<i>Address</i>	<i>Date of Death</i>	<i>Age</i>	<i>Date of burial</i>	<i>Date of disposal of cremated remains</i>	<i>Plan ref. No.</i>	<i>Officiating Minister</i>
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†Insert appropriate local government area

\*In block capitals.”

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

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- 12 For Schedule 2 (provisions which apply to register books and records retained in parochial custody under section 11(3)) there shall be substituted the following Schedule—

“SCHEDULE 2

PROVISIONS WHICH APPLY TO REGISTER BOOKS AND RECORDS  
RETAINED IN PAROCHIAL CUSTODY UNDER SECTION 11(3)

- 1 Every register book or record to which this Schedule applies shall be kept in a wood-lined, rust-proofed, vented steel cabinet, the door of which is fitted with a multi-lever lock or in a fire-proofed muniment room conforming so far as practicable to British Standard Specification Number 5454 or any new British Standard which supersedes it.
- 2 The cabinet or muniment room shall be situated within the appropriate parish church or other place of public worship, positioned where there is least risk of damage to any such book or record in the event of a flood or an outbreak of fire, and made secure in all other respects against flood, fire and theft.
- 3 The temperature and relative humidity in such cabinet or muniment room shall be checked at least once a week by means of a maximum-minimum thermometer and a hygrometer, each of which shall be kept in the cabinet or muniment room. Records of all readings shall be kept for a period of not less than twelve months and be made available for inspection at any reasonable time by the archdeacon in whose archdeaconry the parish is situated or by such person or persons as he may appoint.
- 4 The hygrometer shall be one conforming to British Standard Specification Number 3292 or any new British Standard which supersedes it.
- 5 The temperature in the cupboard or muniment room shall not be allowed to rise above 18 degrees Celsius and the difference between the maximum and minimum temperatures during any week shall not be allowed to exceed 10 degrees Celsius.
- 6 The relative humidity in the cupboard or muniment room shall not be allowed to fall below 50 per cent or to rise above 65 per cent.
- 7 Subject to paragraph 3 above, nothing, except books or other documents, shall be kept in the cupboard or muniment room in which any register book or record to which this Schedule applies is for the time being kept.
- 8 Without prejudice to the preceding provisions, the person or persons having the custody of any such book or record shall take all such steps as are reasonably practicable to ensure that the book or record is protected against theft, loss and damage.”

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## SCHEDULE 2

Section 11.

### FORM OF WRITTEN RESIGNATION OF INCUMBENT

To: The bishop of .

I, Clerk in Holy Orders,

Incumbent of the Benefice[s] of

in the Diocese of , hereby resign irrevocably the said Benefice[s] with effect from the day of One thousand nine hundred and

DATED this day of One thousand nine hundred and

Signed:

Witness:

Address:

Occupation:

## SCHEDULE 3

Section 17(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Cemeteries Clauses Act 1847*

- 1 In section 27 of the Cemeteries Clauses Act 1847 (appointment and licensing of chaplain) for the words “The company shall” there shall be substituted the words “The company may”.

#### *Sequestration Act 1849*

- 2 In section 1 of the Sequestration Act 1849 (which relates to the powers of sequestrators of ecclesiastical benefices)—
- (a) for the words from the beginning to “authority of law” there shall be inserted the words “Every sequestrator of an ecclesiastical benefice”;
  - (b) for the words “appointment of such sequestrator” there shall be inserted the word “sequestration”.

#### *Benefices Act 1898*

- 3 In section 11 of the Benefices Act 1898 (rules) after the words “section 3 of this Act” there shall be inserted the words “or section 1(2) of the Benefices Measure 1972”.

#### *Church Commissioners Measure 1947*

- 4 In section 5 of the Church Commissioners Measure 1947 (constitution and functions of Board of Governors) in subsection (2) at the end there shall be inserted the words “; and for the purposes of this subsection a member may be elected to

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act as chairman in the Archbishop's absence at any meeting to be held during the following period of twelve months."

- 5 In the First Schedule to that Measure (constitution of the Commissioners)—
- (a) in paragraph 1 for the words "deans appointed by the General Synod" there shall be substituted the words "persons elected by the deans from amongst themselves";
  - (b) in paragraph 2—
    - (i) for the words "shall be appointed" there shall be substituted the words "and Commissioners elected by the deans shall be appointed or elected";
    - (ii) after the words "to be appointed" there shall be inserted the words "or elected";
    - (iii) after the words "so appointed" there shall be inserted the words "or elected".

#### *Diocesan Stipends Funds Measure 1953*

- 6 In section 4 of the Diocesan Stipends Funds Measure 1953 (application of moneys credited to capital accounts) in subsection (1) after paragraph (d) there shall be inserted the following paragraph—

"(dd) the provision or improvement of parsonage houses;"

- 7 In section 5 of that Measure (application of moneys credited to income accounts) in subsection (1) after paragraph (a) there shall be inserted the following paragraph—

"(aa) in meeting expenses incurred in repairing and maintaining parsonage houses;"

- 8 In section 8 of that Measure (interpretation) in subsection (1) at the end there shall be inserted the following definition—

"“parsonage house” has the same meaning as in the Endowments and Glebe Measure 1976”.

#### *Ecclesiastical Jurisdiction Measure 1963*

- 9 In section 55 of the Ecclesiastical Jurisdiction Measure 1963 (deprivation of priest or deacon following certain proceedings in secular courts) in subsection (1)(e) for the words "a matrimonial order made against him under section 2 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960" there shall be substituted the words "an order made against him under section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978".

#### *Cathedrals Measure 1963*

- 10 In section 12 of the Cathedrals Measure 1963 (provisions as to parishes of parish church cathedrals) for subsection (3) there shall be substituted the following subsection—

"(3) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 shall have effect in relation to that parish subject to the following modifications—

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- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body;
- (b) paragraphs (3) and (5) of Rule 8, Rules 12 to 17B, paragraphs (2) and (3) and the words “or extraordinary” in paragraph (4) of Rule 18 and Appendix II shall not apply;
- (c) in paragraph (9) of Rule 8 for the reference to the secretary of the parochial church council there shall be substituted a reference to the clerk to the administrative body; and
- (d) in paragraph (1) of Rule 18 for the reference to a written representation by not less than one-third of the lay members of the parochial church council there shall be substituted a reference to a written representation by not less than one-half of the lay members of the administrative body:

Provided that an annual parochial church meeting shall not be entitled by virtue of this section to receive under paragraph (1) of Rule 8 of the said Rules any information or accounts which they would not have been entitled to receive thereunder if the said transfer had not taken place.”.

*Benefices Measure 1972*

- 11 In section 1 of the Benefices Measure 1972 (additional ground for refusing to institute) after subsection (2) there shall be inserted the following subsection—
- “(2A) The procedure and practice on or in connection with proceedings on an appeal under subsection (2) above shall be in accordance with rules made under section 11 of the Benefices Act 1898.”.

*Church of England (Miscellaneous Provisions) Measure 1976*

- 12 In section 6 of the Church of England (Miscellaneous Provisions) Measure 1976 (amendment of law relating to burials in parish burial ground) in subsection (2) at the end there shall be inserted the words “; and in this subsection the reference to burial includes a reference to disposal of cremated remains”.

*Endowments and Glebe Measure 1976*

- 13 In section 20 of the Endowments and Glebe Measure 1976 (powers of Diocesan Boards of Finance to deal with diocesan glebe land)—
- (a) in subsection (5) for the words “if the benefice is vacant, on the churchwardens of that parish” there shall be substituted the words—
    - “if the benefice is vacant—
    - (a) on the priest-in-charge of the benefice, in the event of a priest-in-charge being appointed for the benefice during a suspension period declared in respect of the benefice under section 67 of the Pastoral Measure 1983; or
    - (b) on the churchwardens of the parish, in any other case”;
  - (b) in subsection (6) for the words “churchwardens of the parish” there shall be substituted the words “priest-in-charge or churchwardens of the parish, as the case may be”.

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- 14 In section 23 of that Measure (grant or appropriation of diocesan glebe land for certain purposes) in subsection (2) for the words from “of section 13(1)” to the end there shall be substituted the words “or (f) of section 13(1) of the said Measure of 1943 (provision of building or land for various purposes connected with church halls etc.)”.
- 15 In section 24 of that Measure (rent free house for team vicar on diocesan glebe land) after the words “vicar in a team ministry” there shall be inserted the words “or assistant curate or a deaconess or lay worker”.
- 16 In section 38 of that Measure (amendments of the law relating to sequestrations) in subsection (3) for the words from the beginning to “vacancy in a benefice” there shall be substituted the words “Except where a period of suspension of presentation immediately follows a period during which the benefice has been vacant, the sequestrators of a vacant benefice”.
- 17 In section 45 of that Measure (interpretation) in subsection (1) after the definition of “land” there shall be inserted the following definition—
- ““lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been licensed by a bishop to serve as such a worker;”.

*Dioceses Measure 1978*

- 18 In section 2 of the Dioceses Measure 1978 (advisory functions of the Commission) in subsection (3) at the end there shall be inserted the words “or on any proposal to appoint a full-time stipendiary assistant bishop for the diocese”.

*Pastoral Measure 1983*

- 19 In section 29 of the Pastoral Measure 1983 (places of worship) in subsection (1) the words “in the parish” shall be omitted.
- 20 In section 54 of that Measure (redundancy schemes in respect of churches closed or demolished otherwise than under this Measure) in subsection (3) at the end there shall be inserted the words “: Provided that, where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which a demolished church was situated, to take the place of the demolished church, the net proceeds and the net premiums shall be applied in accordance with section 46(1)(c)”.
- 21 In section 67 of that Measure (suspension of presentation for period not exceeding five years) in subsection (6)(e) the words “if sequestrators have been appointed under section 68,” shall be omitted.
- 22 In section 68 of that Measure, (during suspension period sequestration of profits and other matters)—
- (a) in subsection (1) the words from “and in appointing” to the end shall be omitted;
- (b) in subsection (2) the words “appointed under this section in respect of any benefice” shall be omitted.
- 23 In Schedule 4 to that Measure (compensation of clergy), in paragraph 15—
- (a) in sub-paragraph (1)(b) for the words from “by the Lower House” to “members of that House” there shall be substituted the words “from among

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- the members of the Lower House of the Convocation of the Province concerned by, in the case of the Convocation of Canterbury, the Standing Committee of the Lower House and, in the case of the Convocation of York, the body of Assessors of the Lower House of that Convocation”;
- (b) in sub-paragraph (1)(c) after the words “appointed by” there shall be inserted the words “the Standing Committee of”;
- (c) in sub-paragraph (2) for the words “The persons appointed by” there shall be substituted the words “The persons appointed from among the members of” and for the words “his place, in such manner as the House concerned may determine” there shall be substituted “place of the person vacating office, in the same manner as that person was appointed”.
- 24 In Schedule 6 to that Measure (disposal of human remains) in paragraph 3(1) for the words from “cost of such removal” to the end there shall be substituted the words “reasonable cost of such removal and reinterment or cremation or disposal; and if any question arises as to what is a reasonable sum for that purpose the decision of the Commissioners shall be conclusive”.
- 25 In Schedule 7 to that Measure (sequestration of benefice property during suspension period)—
- (a) in paragraph 1 for the words from the beginning to ““the sequestrators”)” there shall be substituted the words “During any suspension period the sequestrators”;
- (b) for paragraph 4 there shall be substituted the following paragraph—
- “4 Where a suspension period immediately follows a period during which a benefice has been vacant, the foregoing provisions of this Schedule shall apply to any balance in the hands of the sequestrators at the beginning of the suspension period as if it were income of the benefice accruing during that period.”.
- Patronage (Benefices) Measure 1986*
- 26 In section 9 of the Patronage (Benefices) Measure 1986 (information to be sent to designated officer)—
- (a) in subsection (1) after the word “vacant” there shall be inserted the words “or the expiration of three weeks after receiving notice of the vacancy from the designated officer under section 7(4) of this Measure, whichever is later,”;
- (b) in subsection (2) after the words “two months” there shall be inserted the words “or three weeks, as the case may be,”.
- 27 In Schedule 2 to that Measure (modification of Part II in its application to certain benefices) in paragraph 4 after the words “one representative,” there shall be inserted the words “but not more than two representatives,”.

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## SCHEDULE 4

Section 17(2).

### REPEALS

#### PART I

##### ENACTMENTS NO LONGER OF PRACTICAL UTILITY

Chapter	Short title	Extent of repeal
43 Geo. 3 c. 108	The Gifts for Churches Act 1803.	The whole Act.
44 Geo 3 c. 43.	The Clergy Ordination Act 1804.	Section 2.
58 Geo. 3 c. 69.	The Vestries Act 1818.	The whole Act.
59 Geo. 3 c. 85.	The Vestries Act 1819.	The whole Act.
1 & 2 Will 4 c. 60.	The Vestries Act 1831.	The whole Act.
7 Will 4 & 1 Vict c. 45.	The Parish Notices Act 1837.	Section 1.Section 3.In section 5, the words from “nor to notice” to the end.
1 & 2 Vict. c. 106.	The Pluralities Act 1838.	Section 35.Section 45.Section 46.In section 50, the words from “and an alphabetical list” to the end.Section 73.Section 86.Section 99.Section 100.In section 102, the words from “and a copy of every such licence” to the end.Section 110.Section 129.
7 & 8 Vict. c. 59.	The Lecturers and Parish Clerks Act 1844.	Section 6.
10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act 1847.	The whole Act.
13 & 14 Vict. c. 98.	The Pluralities Act 1850.	The whole Act.
16 & 17 Vict. c. 65.	The Vestries Act 1853.	The whole Act.
30 & 31 Vict. c. 133.	The Consecration of Churchyards Act 1867.	Section 12.
31 & 32 Vict. c. 109.	The Compulsory Church Rate Abolition Act 1868.	Section 9.
31 & 32 Vict. c. 114.	Ecclesiastical Commission Act 1868.	The whole Act.
32 & 33 Vict. c. 109.	The Residence of Incumbents Act 1869.	In section 2, the words “and the Pluralities Act 1850” in both places where they occur.

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Chapter	Short title	Extent of repeal
48 & 49 Vict. C. 54.	The Pluralities Acts Amendment Act 1885.	In section 2, the words “and the Pluralities Act 1850” and the word “respectively”. Section 9. Section 11. Section 13.
61 & 62 Vict. c. 48.	The Benefices Act 1898.	Section 12.
21 & 22 Geo. 5 No. 7.	The Cathedrals Measure 1931.	The whole Measure.
7 & 8 Eliz 2 No. 2.	The Vacancies in Sees Measure 1959.	Section 2.

## PART II

### OTHER ENACTMENTS

Chapter	Short title	Extent of repeal
12 & 13 Vict. c. 67.	The Sequestration Act 1849.	In section 1, the words from “Provided also” to the end.
34 & 35 Vict. c. 45.	The Sequestration Act 1871.	Section 1.
61 & 62 Vict. c. 48.	The Benefices Act 1898.	Section 10.
2 Edw.7 c.8.	The Cremation Act 1902.	Section 11.
23 & 24 Geo.5 No. 4.	The Benefices (Sequestration) Measure 1933.	Section 6.
<a href="#">1963 No. 1.</a>	The Ecclesiastical Jurisdiction Measure 1963.	In section 2, subsection (3).
<a href="#">1976 No. 1.</a>	The Cathedrals Measure 1976.	In section 4, subsection (1).