

Status: Point in time view as at 01/01/1999.

Changes to legislation: National Institutions Measure 1998, SCHEDULE 4 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 7(1).

AMENDMENTS OF CHURCH COMMISSIONERS MEASURE 1947

1 The ^{M1}Church Commissioners Measure 1947 shall be amended as follows.

Marginal Citations

M1 10 & 11 Geo. 6 No. 2.

2 In section 4(2) paragraph (b) shall be omitted.

3 In section 5—

(a) for subsection (1) there shall be substituted—

“(1) The Board shall consist of the Commissioners mentioned in paragraph 1(b) of Schedule 1 to this Measure.”;

(b) in subsection (4)—

(i) for paragraph (a) there shall be substituted—

“(a) to refer for consideration and report any matter within their jurisdiction to the Assets Committee or the Audit Committee, or to any other committee which the Board may appoint for the purpose or which the Board and the Archbishops’ Council acting jointly may appoint;”;

(ii) in paragraph (b) and (c) the words “the General Purposes Committee or” shall be omitted;

(c) after subsection (4) there shall be inserted—

“(4A) Commissioners shall constitute a majority of the members of any committee appointed under subsection (4)(a) above.”;

(d) subsection (5) shall be omitted.

4 In section 6—

(a) for subsection (1) there shall be substituted—

“(1) There shall be two committees, one to be known as the Assets Committee and the other as the Audit Committee, which shall be constituted as follows—

(a) the Assets Committee shall comprise the First Church Estates Commissioner, two Commissioners being clerks in Holy Orders (at least one being a Commissioner elected by the House of Clergy of the General Synod) appointed for three years by the Board and not less than four nor more than six lay Commissioners appointed for three years by the Archbishop of Canterbury (at least one being

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- a Commissioner elected by the House of Laity of the General Synod) being persons who in his opinion are well qualified to assist in the management of the assets of the Commissioners;
 - (b) the First Church Estates Commissioner shall be the chairman of the Assets Committee and a deputy chairman shall be elected annually by that committee and shall act as chairman at any meeting at which the chairman is not present;
 - (c) if a member of the Assets Committee appointed by the Board ceases to have the qualifications by virtue of which he was qualified for his appointment, he shall vacate his appointment;
 - (d) the Audit Committee shall comprise not less than four nor more than six persons appointed by the Board for three years, of whom at least one shall be an elected Commissioner and at least two shall be persons who are not Commissioners;
 - (e) the Board, with the agreement of the Archbishop of Canterbury, shall appoint a member of the Audit Committee to be the chairman of that committee;
 - (f) the Church Estates Commissioners, the chairman of the Board and the acting chairman of the Board (elected under section 5(2) above to act as chairman, when required during the following period of twelve months) shall not be eligible to be members of the Audit Committee.”;
- (b) subsection (2) shall be omitted;
- (c) after subsection (3A) there shall be inserted—
- “(3B) The Audit Committee shall have the following functions—
- (a) a duty to review the Commissioners’ accounting policies and practices, their annual accounts and any reports made and advice given to the Commissioners by the auditor appointed under section 11(2) below;
 - (b) a duty to keep under review the effectiveness of the Commissioners’ internal control system;
 - (c) a duty to consider any representations made to them;
 - (d) a duty to advise on the appointment of an auditor under section 11(2) below and to discuss with the auditor the conduct of the audit;
 - (e) a duty to report to those Commissioners who are not members of the Board on any matter relating to the functions and business of the Commissioners which causes the committee grave concern and about which the Board has been unable to satisfy the committee.
- (3C) The Commissioners’ officers shall supply the Audit Committee with such information in their possession as the Committee may require to enable the Committee to exercise their functions.”;
- (d) in subsection (4) the words “of the General Purposes Committee or” shall be omitted.

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- 5 In section 7(2) for the words from the beginning of paragraph (c) to “Assets
Committee” there shall be substituted the words “ the Assets Committee and the
Audit Committee ”.
- 6 In section 10(1) at the end there shall be inserted the words “ or on such other date
as the Commissioners may in general meeting determine ”.
- 7 In section 17(1) for the words “General Purposes Committee” there shall be
substituted the word “ Board ”.
- 8 In Schedule I—
- (a) for paragraph 1 there shall be substituted—
- “1 The Commissioners shall be—
- (a) the following office-holders—
- the First Lord of the Treasury;
the Lord President of the Council;
the Secretary of State for the Home Department;
the Lord Chancellor;
the Speaker of the House of Commons;
the Secretary of State for the Department for Culture,
Media and Sport;
- (b) the following other persons—
- the Archbishops of Canterbury and York;
the Church Estates Commissioners;
four bishops elected by the House of Bishops of the
General Synod from among their number;
two deans or provosts elected by all the deans and
provosts;
three other clerks in Holy Orders elected by those
members of the House of Clergy of the General
Synod who are not deans or provosts;
four lay persons elected by the House of Laity of the
General Synod;
nine persons nominated as follows—
- (i) three persons by Her Majesty,
(ii) three persons by the Archbishops of Canterbury
and York acting jointly, and
(iii) three persons by the Archbishops of Canterbury
and York acting jointly after consultation with the
Lord Mayors of the City of London and the City
of York, the Vice Chancellors of the Universities
of Oxford and Cambridge and such other persons
as appear to the Archbishops to be appropriate;
- at least one of those nine persons being or having been of
Counsel to Her Majesty.”;
- (b) for paragraph 2 there shall be substituted—
- “2 Elected Commissioners shall hold office for five years and shall
be elected at such time and in such manner as the General Synod
may from time to time determine, but if the Synod alters the

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time at which they are to be elected the period of office of those Commissioners who are then in office shall be extended or reduced accordingly, as the circumstances require.

Nominated Commissioners shall hold office for such number of years as the person or persons making the nomination may determine.

In this paragraph the expression “year” means a period of twelve months commencing on the first day of April.

Any such Commissioner as is referred to in this paragraph shall be eligible for re-election or re-nomination.”;

- (c) in paragraph 3—
 - (i) for the word “appointment” there shall be substituted the word “election”;
 - (ii) for the word “appointed” in both places where it appears there shall be substituted in each case the word “elected”;
- (d) for paragraph 5 there shall be substituted—

“5 If an elected Commissioner who was qualified for election by virtue of being a bishop, a dean or provost, a clerk in Holy Orders or a lay person ceases to be so qualified, he shall cease to be a Commissioner.”;
- (e) for paragraph 5A there shall be substituted—

“5A (1) Without prejudice to paragraph 5 above, if a Commissioner elected by members of a House of the General Synod ceases to be a member thereof, then, subject to paragraph (2) below, he shall cease to be a Commissioner.

(2) If a Commissioner to whom sub-paragraph (1) above applies ceases to be a member of the General Synod by reason of the dissolution of that Synod he shall not cease to be a Commissioner by virtue of that sub-paragraph; but if he does not stand for re-election to the General Synod or is not re-elected an election to fill his place as a Commissioner shall be held at the first meeting of the new Synod and he shall thereupon cease to be a Commissioner.”.

9

In Schedule IV—

- (a) in paragraph 1 for the words from “appointment” to the end there shall be substituted the words “election or nomination of any member or, in relation to a committee, in the appointment of any member”;
- (b) in paragraph 2—
 - (i) for the words “an appointed” there shall be substituted the words “an elected”;
 - (ii) for the word “appointed” there shall be substituted the word “elected”;
- (c) for paragraph 3 there shall be substituted—

“3 Casual vacancies among elected or nominated Commissioners may be filled by the person or body by whom the Commissioner vacating office was elected or nominated. Casual vacancies among

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- appointed members of a committee may be filled by the person or body by whom the member vacating office was appointed.”;
- (d) in paragraph 4 before the word “appointed” in both places where it appears there shall in each case be inserted the word “elected”;
 - (e) in paragraph 5 the proviso shall be omitted;
 - (f) in paragraph 7 for the words “General Purposes Committee and the Assets Committee” there shall be substituted the words “Assets Committee and the Audit Committee”.

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