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SCHEDULES

SCHEDULE 1

Section 1(3) and (4).

THE ARCHBISHOPS’ COUNCIL

PART I

CONSTITUTION AND MEMBERSHIP

- 1 (1) The Council shall consist of—
 - (a) the Archbishops of Canterbury and York;
 - (b) the Prolocutors of the Convocations of Canterbury and York;
 - (c) the chairman and vice-chairman of the House of Laity;
 - (d) two bishops elected by the House of Bishops from among its members;
 - (e) two clerks in Holy Orders elected by the House of Clergy from among its members;
 - (f) two lay persons elected by the House of Laity from among its members;
 - (g) such persons as may be appointed under sub-paragraph (2) below;
 - (h) one of the Church Estates Commissioners appointed by the Archbishops of Canterbury and York acting jointly.
- (2) Subject to sub-paragraph (3) below, the Archbishops of Canterbury and York, acting jointly, may appoint not more than six persons as members of the Council.
- (3) No appointment under sub-paragraph (2) above shall be made without the approval of the General Synod; and in considering the making of any such appointment (except on the first occasion when the power to appoint is exercised) the Archbishops of Canterbury and York shall consult the Council and the Appointments Committee of the Church of England.
- 2 The Archbishops of Canterbury and York shall be joint Presidents of the Council.
- 3 The Archbishop of Canterbury shall preside at meetings of the Council unless he determines otherwise, in which case the Archbishop of York or one of the other members of the Council appointed by the Council after consultation with the Archbishops, either generally for the purposes of this paragraph or on a particular occasion, shall preside.
- 4 (1) Subject to the following provisions of this Schedule, a member of the Council shall hold and vacate office in accordance with the terms of his appointment.
 - (2) Members of the Council elected under paragraph 1(1)(d), (e) or (f) above or appointed under paragraph 1(2) above shall serve for such number of years, being not less than three and not more than five, as may be determined in each case by the General Synod.
 - (3) In this paragraph “year” means a period of twelve months.

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- 5 (1) A member of the Council may, by notice in writing addressed to the Archbishop of Canterbury, resign his membership.
- (2) Where a member of the Council fails throughout a period of six consecutive months from his last attendance to attend any meeting of the Council he shall be deemed to have resigned his membership unless the Archbishop of Canterbury determines that he had reasonable cause for not attending.
- 6 A member of the Council who ceases to be a member shall be eligible for re-election or re-appointment:
 Provided that a member elected under paragraph 1(1)(d), (e) or (f) above or appointed under paragraph 1(2) above shall not be eligible for re-election or re-appointment as such if he has served as a member for a period amounting in the aggregate to ten years unless an interval of five years has elapsed since he last ceased to be a member.
- 7 The quorum of the Council shall be ten.

PART II

GENERAL PROVISIONS

- 8 The Council shall be a body corporate, with perpetual succession and a common seal.
- 9 (1) A member of the Council appointed under paragraph 1(2) above who is an actual communicant (as defined in rule 54(1) of the Church Representation Rules) shall, if not otherwise a member of the General Synod, be an ex-officio member—
- (a) in the case of a bishop, of the House of Bishops,
 - (b) in the case of any other clerk in Holy Orders, of the House of Clergy, and
 - (c) in the case of a lay person, of the House of Laity.
- (2) A member of the Council appointed under paragraph 1(2) above who is not an actual communicant (as so defined) shall be entitled to attend at a group of sessions of the General Synod and, subject to such restrictions as may be imposed by the Standing Orders of the General Synod, to speak in any debate.
- 10 The arrangements relating to meetings of the Council shall be such as the Council may determine and, subject to paragraph 7 above, the Council shall have power to regulate its own procedure.
- 11 The validity of any proceedings of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of any member.
- 12 The application of the seal of the Council shall be authenticated by the signature of the Secretary-General or of some other person authorised by the Council, either generally or specifically, to act for that purpose.
- 13 Any document purporting to be a document duly executed under the seal of the Council, or to be signed on behalf of the Council, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.
- 14 (1) It shall be within the capacity of the Council as a statutory corporation, in so far as its objects permit to do all such things and enter into all such transactions as are incidental or conducive to the discharge of its functions.

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- (2) Without prejudice to the foregoing, the powers of the Council shall include power to acquire or dispose of any property and to borrow money.
- 15 (1) The Council may appoint such committees as it considers expedient and may delegate any of its functions to a committee.
- (2) Persons who are not members of the Council may be appointed to a committee.
- 16 The Council shall appoint a chief executive, to be known as “the Secretary General”, and may appoint such other officers as it may determine.

SCHEDULE 2

Section 5(1).

FUNCTIONS OF CHURCH COMMISSIONERS EXCLUDED FROM SECTION 5

PART I

FUNCTIONS RELATING TO BISHOPS

Ecclesiastical Commissioners Act 1866 (29 & 30 Vict c. 111)
Ecclesiastical Commissioners Measure 1926 (16 & 17 Geo 5 No. 4)
Episcopal Endowments and Stipends Measure 1943 (6 & 7 Geo 6 No. 2)
Section 58 of the Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)
Church Commissioners (Miscellaneous Provisions) Measure 1975 (1975 No. 1)
Diocese in Europe Measure 1980 (1980 No. 2)
Bishops (Retirement) Measure 1986 (1986 No. 1)
Section 8 of the Ecclesiastical Fees Measure 1986 (1986 No. 2)

PART II

FUNCTIONS RELATING TO CATHEDRALS

Cathedrals Measure 1963 (1963 No. 2)
Cathedrals Measure 1976 (1976 No. 1)
Care of Cathedrals (Supplementary Provisions) Measure 1994 (1994 No. 2)

SCHEDULE 3

Section 6(1).

TRANSFER OF OFFICERS

Effect of transfer on contracts of employment, etc.

- 1 (1) Except where objection is made under subsection (6) below, a transfer shall not operate so as to terminate a contract of employment, but any contract which would otherwise have been terminated by the transfer shall have effect after the transfer as if originally made between the transferred officer concerned and the common employer.

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- (2) Without prejudice to sub-paragraph (1) above, but subject to sub-paragraphs (3) and (6) below, on the completion of a transfer—
- (a) all the transferor body's rights, powers, duties and liabilities under or in connection with any such contract shall be transferred by virtue of this paragraph to the common employer, and
 - (b) anything done before the transfer is completed by or in relation to the transferor body in respect of that contract shall be deemed to have been done by or in relation to the common employer.
- (3) Any rights, powers, duties and liabilities of the transferor body in respect of the provision of old age, invalidity or survivors' benefits under a pension scheme shall be transferred only to the extent that those benefits relate to a period of employment of the transferred officer after the transfer or to any voluntary contribution to the scheme made by him after the transfer.
- (4) Sub-paragraph (2) above shall not transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence.
- (5) In the case of an officer transferred from the Church Commissioners or the Pensions Board, sub-paragraph (2) above shall not operate to transfer rights and powers in connection with any loan made to that officer.
- (6) Sub-paragraphs (1) and (2) above shall not operate to transfer a contract of employment and the rights, powers, duties and liabilities under or in connection with it if the employee to whom it relates informs the transferor body or the common employer that he objects to becoming employed by the common employer.
- (7) Where an employee so objects this paragraph shall operate so as to terminate his contract of employment with the transferor body but he shall not be treated, for any purpose, as having been dismissed by that body.
- (8) Sub-paragraphs (1) and (6) above are without prejudice to any right of an employee arising apart from this paragraph to terminate his contract of employment without notice if a substantial change is made in his working conditions to his detriment; but no such right shall arise by reason only that, by virtue of this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

Effect of transfer on collective agreement

- 2 Where at the time of the transfer of an officer there exists a collective agreement as defined in the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992 made by or on behalf of the transferor body with a trade union recognised by that body in respect of that officer, then without prejudice to sections 179 and 180 of that Act (collective agreements presumed to be enforceable in specified circumstances) that agreement, in its application in relation to that officer, shall, after the transfer, have effect as if made by or on behalf of the common employer with that trade union, and accordingly anything done under or in connection with it, in its application as aforesaid, by or in relation to the transferor body before the transfer, shall, after the transfer, be deemed to have been done by or in relation to the common employer.

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Marginal Citations

M1 1992 c. 52.

Dismissal of an officer because of transfer

- 3 (1) Where either before or after a transfer, an officer of the transferor body or the common employer is dismissed, that officer shall be treated for the purpose of Part X of the ^{M2}Employment Rights Act 1996 (unfair dismissal) as unfairly dismissed if the transfer or a reason connected with it is the reason for the dismissal.
- (2) Where an economic, technical or organisational reason entailing changes in the workforce of either the transferor body or the common employer before or after a transfer is the reason or principal reason for dismissing an officer—
- (a) sub-paragraph (1) above shall not apply to the dismissal, but
 - (b) without prejudice to the application of section 98(4) of the said Act of 1996 (test of fair dismissal), the dismissal shall for the purpose of section 98(1) of that Act (substantial reason for dismissal) be regarded as having been for a substantial reason of a kind such as to justify the dismissal of an officer holding the position which that officer held.

Marginal Citations

M2 1996 c. 18.

Continuity of employment

- 4 For the purpose of any enactment any period during which the transferred officer was employed by the transferor body before the transfer shall count as a period of employment with the common employer, and the change of employer shall not break the continuity of the period of employment.

Interpretation

- 5 In this Schedule— “common employer” in relation to a transfer means the body to whom the transfer is made; “transfer” means a transfer of employment in pursuance of an agreement such as is mentioned in section 6 above; “transferor body” in relation to an officer means the person or body by whom the officer was employed immediately before the transfer.

SCHEDULE 4

Section 7(1).

AMENDMENTS OF CHURCH COMMISSIONERS MEASURE 1947

- 1 The ^{M3}Church Commissioners Measure 1947 shall be amended as follows.

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Marginal Citations

M3 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 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

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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.

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—

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- “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 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.

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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 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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SCHEDULE 5

Section 13(1).

AMENDMENT OF ENACTMENTS

Diocesan Stipends Funds Measure 1953

- 1 In the ^{M4}Diocesan Stipends Funds Measure 1953—
- (a) in section 4(1) after paragraph (b) there shall be inserted the following paragraphs—
- “(ba) participation in any collective investment scheme operated for the purposes of this paragraph by the Commissioners;
- (bb) investment in any investments fund or deposit fund constituted under the Church Funds Investment Measure 1958;
- (bc) investment under the powers conferred on a trustee by the Trustee Investments Act 1961, as relaxed or extended by any order or regulations made under section 70 or 71 of the Charities Act 1993;”;
- (b) in section 5(1) after paragraph (aa) there shall be inserted the following paragraph—
- “(ab) in paying secondary Class 1 contributions under section 6 of the Social Security Contributions and Benefits Act 1992 in respect of ministers of the Church of England who are not employed under a contract of service; and”.

Marginal Citations

M4 1953 No. 2.

Church Representation Rules

- 2 In the ^{M5}Synodical Government Measure 1969 in Schedule 3 (Church Representation Rules)—
- (a) in rule 40(1) for the words “Standing Committee” there shall be substituted the words “ Business Committee of the General Synod ”;
- (b) in rule 42(1) at the end there shall be inserted—
- “(g) the members of the Archbishops’ Council who are actual communicants”;
- (c) in rule 44 for paragraph (8) there shall be substituted the following paragraph—
- “(8) An appeal arising out of an election or choice of members of the House of Laity of the General Synod shall, within the period of fourteen days of the appeal being lodged, be referred to the Chairman and Vice-Chairman of that House unless, within that period, the appellant withdraws the appeal in writing. Subject to paragraph (9) of this rule, the Chairman and Vice-Chairman acting jointly shall appoint three persons from an appeal panel consisting of the Dean of the Arches and Auditor, the Vicar General of the Province of Canterbury, the Vicar General of the Province of

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- York and twelve members of the House of Laity of the General Synod nominated by the Appointments Committee of the Church of England to consider and decide the appeal.”;
- (d) in rule 44(9) for the words “Standing Committee” there shall be substituted the words “ General Synod ”;
- (e) in rules 54(8)(a) and (c) for the words “Standing Committee” there shall be substituted in each case the words “ Business Committee of the General Synod ”.

Marginal Citations

M5 1969 No. 2.

Repair of Benefice Buildings Measure 1972

- 3 In the ^{M6}Repair of Benefice Buildings Measure 1972 in section 31(1) in the definition of “team vicar’s house” the words “as part of the diocesan glebe land of the diocese” shall be omitted.

Marginal Citations

M6 1972 No. 2.

Endowments and Glebe Measure 1976

- 4 In the ^{M7}Endowments and Glebe Measure 1976 after section 35 there shall be inserted the following section —

“35A Moneys arising from investments of the capital moneys in diocesan stipends funds.

- (1) The proceeds of, or the capital moneys arising from, any sale, exchange or other dealing with investments made by a Diocesan Board of Finance under section 4(1) of the Diocesan Stipends Funds Measure 1953 less the costs, charges and expenses directly attributable to the transaction in question shall be paid by the Board to the Commissioners immediately after the completion of the transaction, and the amount so paid shall be allocated by the Commissioners to the capital account of the diocesan stipends fund of the diocese concerned.
- (2) All dividends or other payments in the nature of income received by a Diocesan Board of Finance in respect of the investment of any moneys standing to the credit of the capital account of the diocesan stipends fund of the diocese concerned shall be paid by the Board to the Commissioners at such times and in such manner as the Commissioners may specify, and the sums so paid shall be allocated by the Commissioners to the income account of that fund.
- (3) Any question whether any sum paid to the Commissioners under this section should be allocated to the capital account or income account of a diocesan stipends fund shall be conclusively determined by the Commissioners.”.

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Marginal Citations

M7 1976 No. 4.

Pastoral Measure 1983

- 5 In the ^{M7}Pastoral Measure 1983 in section 78A(2) —
- (a) after the words “loan to the” there shall be inserted the words “ care, insurance ”;
 - (b) for the words “a diocesan board of finance” to the end there shall be inserted the words —
 - “(a) the Commissioners or a diocesan board of finance pending the coming into operation of arrangements under a redundancy scheme;
 - (b) a diocesan board of finance pending the coming into operation of arrangements under a new or amended redundancy scheme;
 - (c) the Commissioners or a diocesan board of finance pending the coming into operation of arrangements under a pastoral scheme to which section 46 or 47 applies.”.

Marginal Citations

M8 1983 No. 1.

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