



# Church of England (Miscellaneous Provisions) Measure 2010

2010 No. 1

A Measure to amend the New Parishes Measure 1943; to amend section 6 of the Church Commissioners Measure 1947; to amend section 2 of the Church Funds Investment Measure 1958; to amend section 21 of the Clergy Pensions Measure 1961; to amend section 2 of the Ecclesiastical Jurisdiction Measure 1963; to amend the Endowments and Glebe Measure 1976; to amend section 69 of the Pastoral Measure 1983; to amend Schedule 1 to the National Institutions Measure 1998; to amend section 24 of the Commons Act 2006; to make provision for gifts made to or for the benefit of the Church of England; to make provision for the status of corporate bodies of cathedrals and new provision with respect to canons in Christ Church cathedral; and for purposes connected therewith. [18th March 2010]

## <sup>F1</sup> Amendment of New Parishes Measure 1943

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### Textual Amendments

- F1** S. 1 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), art. 2

## 2 Amendment of Church Commissioners Measure 1947

In section 6(3B)(a) of the Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) for the words “section 11(2)” there shall be substituted the words “paragraph (d)”.

### Commencement Information

- II** S. 2 in force at 1.9.2010 by [S.I. 2010/2](#), art. 3, [Sch. 2](#)

*Status: Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2010. (See end of Document for details)*

### 3 Amendment of Church Funds Investment Measure 1958

In section 2 of the Church Funds Investment Measure 1958 (6 & 7 Eliz. 2 No. 1) paragraph (a) and, in paragraph (d), the words “the Central Board or” are hereby repealed.

#### Commencement Information

**I2** S. 3 in force at 1.7.2010 by S.I. 2010/2, art. 2, Sch. 1

### F<sup>2</sup>4 Amendment of Clergy Pensions Measure 1961

#### Textual Amendments

**F2** S. 4 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), Sch. 5 (with Sch. 4); S.I. 2019/98, art. 2

### F<sup>3</sup>5 Amendment of Ecclesiastical Jurisdiction Measure 1963

#### Textual Amendments

**F3** S. 5 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

### F<sup>4</sup>6 Amendment of Endowments and Glebe Measure 1976

#### Textual Amendments

**F4** S. 6 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), Sch. 3 (with Sch. 2); S.I. 2019/97, art. 2

### F<sup>5</sup>7 Amendment of Pastoral Measure 1983

#### Textual Amendments

**F5** S. 7 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); S.I. 2012/1, art. 2

#### Commencement Information

**I3** S. 7 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

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PROSPECTIVE

**F68 Amendment of National Institutions Measure 1998**

**Textual Amendments**

- F6** S. 8 repealed (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), Sch. 2 para. 18(1); S.I. 2014/1369, art. 2

**9 Gifts to the Church of England**

Any gift which—

- (a) is expressed as a gift to or for the benefit of the Church of England or expressed in words substantially to the like effect, and
- (b) takes effect on or after the coming into force of this section,

shall, in the absence of any contrary intention, be construed and take effect as a gift to or for the benefit of the Archbishops' Council, but subject to any trusts or other conditions expressed in the instrument by which the gift is made.

**Commencement Information**

- I4** S. 9 in force at 1.7.2010 by S.I. 2010/2, art. 2, Sch. 1

**10 Cathedrals**

- (1) It is hereby declared that the corporate body of a cathedral established under section 9(1)(a) of the Cathedrals Measure 1999 (1999 No. 1) is an ecclesiastical corporation for the purposes of [F7section 10 of the Charities Act 2011].
- (2) For section 43 of the Cathedrals Measure 1963 (1963 No. 2) there shall be substituted the following section—

**“43 Further provisions as to Oxford**

- (1) The bishop shall have power after consulting, first, the dean and then the dean and chapter, to appoint non-residentiary canons in the cathedral church of Christ in Oxford as follows—
  - (a) not more than 35 who are clerks in holy orders either of the Church of England or of a Church in communion with the Church of England,
  - (b) not more than 10 lay canons, being lay persons who are actual communicants within the meaning of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 and who, in the opinion of the bishop, have given distinguished service to the diocese of Oxford or to the cathedral church and who have an active commitment to and concern for the life of the cathedral church and its mission and service, and

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- (c) not more than 5 persons who shall be known as “ecumenical canons”, being persons who are baptised and members in good standing of a Church (not in communion with the Church of England) which subscribes to the doctrine of the Holy Trinity.
- (2) A non-residentiary canon appointed under subsection (1)(a) or under subsection (1) as originally enacted shall, unless the bishop otherwise determines, vacate that office—
  - (a) on ceasing to be beneficed, or licensed to serve, in the diocese of Oxford, or
  - (b) on attaining the age of 70 years,
 whichever event first occurs.
- (3) A non-residentiary canon appointed under subsection (1)(b) or (c) shall hold that office in accordance with the terms of his or her appointment, which shall be specified by the bishop and agreed by him with the dean and chapter of the cathedral church and the terms of appointment shall specify the duration of the appointment, the circumstances in which it can be terminated and such other conditions as the bishop thinks fit.
- (4) The bishop may confer the title of canon emeritus in the cathedral church on any non-residentiary canon who vacates that office under subsection (2) or in accordance with subsection (3).
- (5) The dean and chapter of the cathedral church may, after consulting the bishop, confer the title of canon emeritus on—
  - (a) any former residentiary canon of the cathedral church,
  - (b) any former canon who filled the additional canonry created under section 42, and
  - (c) any former lay canon appointed in accordance with section 2 of the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No. 2).
- (6) Subsection (5) applies whether the former canon held office before or after the coming into force of section 10 of the Church of England (Miscellaneous Provisions) Measure 2010 (2010 No. 1).
- (7) There shall be a college of canons of the cathedral church, the membership of which shall consist of—
  - (a) the dean,
  - (b) every suffragan bishop of the diocese of Oxford,
  - (c) every full-time stipendiary assistant bishop of the diocese,
  - (d) every canon (including any lay canon), and
  - (e) every archdeacon of the diocese.
- (8) The College of Canons shall—
  - (a) receive and consider any report of the dean and chapter relating to the management and activities of the cathedral church, including any financial statement, and
  - (b) discuss such matters concerning the cathedral church as may be raised by any of the members.

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- (9) Without prejudice to subsection (8), the rights and duties of non-residentiary canons and of canons emeriti in the cathedral church shall be determined from time to time by the dean and chapter of the cathedral church with the agreement of the bishop.
- (10) If a question arises whether a Church is in communion with the Church of England for the purposes of subsection (1) that question shall be determined in like manner as it is determined for the purposes of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 (1967 No. 3).
- (11) In this section “the dean and chapter” means the body consisting of the dean and all the residentiary canons, including the canon who fills the additional canonry created under section 42.”

<sup>F8</sup>(3) .....

#### Textual Amendments

- F7** Words in s. 10(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 145](#) (with s. 20(2), [Sch. 8](#))
- F8** S. 10(3) repealed (1.9.2011) by [Care of Cathedrals Measure 2011 \(No. 1\)](#), s. 34(2), [Sch. 3](#) (with s. 31); [S.I. 2011/2](#), art. 2

#### Commencement Information

- I5** S. 10(1)(3) in force at 1.7.2010 by [S.I. 2010/2](#), art. 2, [Sch. 1](#)
- I6** S. 10(2) in force at 1.9.2010 by [S.I. 2010/2](#), art. 3, [Sch. 2](#)

## 11 Amendment of Commons Act 2006

In section 24(9) of the Commons Act 2006 (c. 26), for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated” and any Regulations made under that section shall have effect accordingly.

#### Commencement Information

- I7** [S. 11](#) in force at 1.9.2010 by [S.I. 2010/2](#), art. 3, [Sch. 2](#)

## 12 Consequential amendments and repeals

<sup>F9</sup>(1) .....

<sup>F9</sup>(2) .....

<sup>F10</sup>(3) .....

- (4) The enactments specified in Schedule 2 are hereby repealed to the extent specified in the second column of that Schedule.

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#### Textual Amendments

- F9** S. 12(1)(2) repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2
- F10** S. 12(3) repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), **Sch. 9** (with ss. 100, 105(4), 107, 108(6), Schs. 8); S.I. 2012/1, art. 2

#### Commencement Information

- I8** S. 12 in force at 1.9.2010 by S.I. 2010/2, art. 3, **Sch. 2**

### 13 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2010.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York shall jointly appoint, and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York, except that it shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (4) This section and sections 2, 4 and 8 shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 3, 5 and 7 shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.
- (5) This Measure, except sections 2, 5, 8, 10 and 11, 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.

#### Commencement Information

- I9** S. 13 in force at 1.7.2010 by S.I. 2010/2, art. 2, **Sch. 1**

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## SCHEDULES

### <sup>F11</sup>SCHEDULE 1

Section 1

#### Textual Amendments

- F11** Sch. 1 repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), Sch. 3 (with Sch. 2); S.I. 2019/97, art. 2

### SCHEDULE 2

Section 12

#### REPEALS

#### Modifications etc. (not altering text)

- C1** Sch. 2 savings for effect of 2006 gsm 1 Sch. 5 para. 13 (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), Sch. 2 para. 18(2); S.I. 2014/1369, art. 2

#### Commencement Information

- I10** Sch. 2 in force at 1.9.2010 by S.I. 2010/2, art. 3, Sch. 2

<i>Measure</i>	<i>Extent of repeal</i>
The New Parishes Measure 1943, 6 & 7 Geo. 6 No. 1	Section 13(3). Section 16(1A). Section 17(2). Section 19.
2006 No. 1, The Church of England (Miscellaneous Provisions) Measure 2006	In Schedule 5, paragraph 13.

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