



# Church of England (Miscellaneous Provisions) Measure 2014

2014 No. 1

A Measure passed by the General Synod of the Church of England to amend section 67 of the Ecclesiastical Commissioners Act 1840; to amend section 25 of the Burial Act 1857; to amend section 5 of the Episcopal Endowments and Stipends Measure 1943; to amend the Church Commissioners Measure 1947; to amend the Parochial Church Councils (Powers) Measure 1956; to amend the Clergy Pensions Measure 1961; to amend sections 2 and 3 of the Ecclesiastical Jurisdiction Measure 1963; to amend section 3 of the Faculty Jurisdiction Measure 1964; to amend the Overseas and Other Clergy (Ministry and Ordination) Measure 1967; to amend the Synodical Government Measure 1969; to amend the Endowments and Glebe Measure 1976; to amend the Incumbents (Vacation of Benefices) Measure 1977; to amend the Patronage (Benefices) Measure 1986; to amend the Care of Churches and Ecclesiastical Jurisdiction Measure 1991; to amend the Cathedrals Measure 1999; to confer power on chancellors to determine fees; to extend the powers of the General Cemetery Company; to make provision for Christ Church, Oxford; to make provision for the tenure of office of vicars general and surrogates; to amend the Dioceses, Pastoral and Mission Measure 2007; to make minor and consequential amendments to other enactments; and for connected purposes. [14th May 2014]

VALID FROM 19/05/2014

## **1 Amendment of the Ecclesiastical Commissioners Act 1840**

- (1) In section 67 of the Ecclesiastical Commissioners Act 1840 (which provides for the application of the revenues of the Church Commissioners), the Proviso is repealed.
- (2) Section 12 of the Ecclesiastical Commissioners Act 1860 and, in section 14, the words “the proviso at the end of the said section, or” are repealed.

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VALID FROM 01/01/2015

**2 Amendment of Burial Act 1857**

For section 25 of the Burial Act 1857 there is substituted the following section—

**“25 Offence of removal of body from burial ground**

- (1) It is an offence for a body or any human remains which have been interred in a place of burial to be removed unless one of the conditions listed in subsection (2) is complied with.
- (2) The conditions referred to in subsection (1) are—
  - (a) the body or remains is or are removed in accordance with a faculty granted by the court;
  - (b) the body or remains is or are removed in accordance with the approval of a proposal under the Care of Cathedrals Measure 2011 (No. 1) by the Cathedrals Fabric Commission for England or a fabric advisory committee;
  - (c) unless the body or remains is or are interred in land which is subject to the jurisdiction of the court or its or their removal requires or require the approval of a proposal under the Care of Cathedrals Measure 2011, the body or remains is or are removed under a licence from the Secretary of State and in accordance with any conditions attached to the licence.
- (3) A person who removes a body or remains in contravention of subsections (1) and (2) is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) In subsection (2)(a) and (c) “court” means the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese or any other court or body referred to in section 1(2) or (3) of the Ecclesiastical Jurisdiction Measure 1963 having jurisdiction to determine the matter.”.

VALID FROM 19/05/2014

**3 Amendment of Episcopal Endowments and Stipends Measure 1943**

For section 5 of the Episcopal Endowments and Stipends Measure 1943 (6 & 7 Geo. 6 No. 2), there is substituted the following section—

**“5 Powers of Commissioners to pay expenses**

Where a scheme is in force in respect of a see, the Commissioners may—

- (a) pay the whole, or any part, of the stipend of any suffragan bishop or any chaplain to the bishop, and
- (b) provide such amount, by way of annual sum or otherwise, in respect of the expenses of the bishop or any suffragan bishop in

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connection with the performance of the duties of their offices as the Commissioners think fit.”.

VALID FROM 19/05/2014

#### **4 Power of Church Commissioners and Pensions Board to enter into derivative contracts, etc.**

- (1) After section 6 of the Church Commissioners Measure 1947 (10 and 11 Geo. 6 No. 2), there is inserted the following section—

##### **“6A Further provisions relating to the Assets Committee**

- (1) The Commissioners may exercise their powers to make investments by entering into derivative contracts, derivative financial instruments and equity instruments and the function of the Assets Committee, under section 6(3)(a) above, to make, realise and change investments includes power to enter into any of those contracts or instruments.
- (2) In subsection (1) above, “derivative contracts” means options, futures or contracts for differences, within the meaning which those expressions have for the purposes of the Corporation Tax Act 2009, and “derivative financial instruments” and “equity instruments” have the same meanings as in that Act.
- (3) The Commissioners may, by regulations, amend subsection (1) above by adding other financial instruments to those listed in that subsection.
- (4) A draft of any regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod with or without amendment, the draft regulations so approved shall be referred to the Commissioners.
- (5) Where draft regulations are referred to the Commissioners under subsection (4) above—
  - (a) if they have been approved by the General Synod without any amendment, the Commissioners shall, by applying their seal, make the regulations;
  - (b) if they have been approved by the General Synod with amendments, the Commissioners may either—
    - (i) by applying their seal make the regulations as amended, or
    - (ii) withdraw the draft regulations for further consideration in view of any amendment by the General Synod,and the regulations shall not come into force until they have been sealed by the Commissioners.
- (6) Where the Business Committee of the General Synod determines that draft regulations do not need to be debated by the General Synod, then unless—
  - (a) notice is given by a member of the General Synod in accordance with its standing orders that he or she wishes the draft regulations to be debated, or

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- (b) notice is given by any such member that he or she wishes to move an amendment to the draft regulations,  
the draft regulations shall, for the purposes of subsections (4) and (5) above, be deemed to have been approved by the General Synod without amendment.
- (7) The Statutory Instruments Act 1946 (c. 36) applies to any regulations sealed by the Commissioners under subsection (5) above as if they were a statutory instrument and were made when sealed by the Commissioners, and as if this Measure were an Act providing that any such regulations were to be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (2) After section 32(1) of the Clergy Pensions Measure 1961 (9 & 10 Eliz. 2 No. 3) there are inserted the following subsections—
- “(1A) The power of the Board to invest moneys in subsection (1)(a) above includes power to enter into derivative contracts, derivative financial instruments and equity instruments.
- (1B) In subsection (1A) above, “derivative contracts” means options, futures or contracts for differences, within the meaning which those expressions have for the purposes of the Corporation Tax Act 2009 and “derivative financial instruments” and “equity instruments” have the same meanings as in that Act.
- (1C) The Board may, by regulations, amend subsection (1A) above by adding other financial instruments to those listed in that subsection.
- (1D) A draft of any regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod with or without amendment, the draft regulations so approved shall be referred to the Board.
- (1E) Where draft regulations are referred to the Board under subsection (1D) above—
- (a) if they have been approved by the General Synod without amendment, the Board shall, by applying their seal, make the regulations;
- (b) if they have been approved with amendments, the Board may either—
- (i) by applying their seal, make the regulations as amended, or
- (ii) withdraw the regulations for further consideration in view of any amendment by the General Synod,
- and the regulations shall not come into force until they have been sealed by the Board.
- (1F) Where the Business Committee of the General Synod determines that draft regulations do not need to be debated by the General Synod, then unless—
- (a) notice is given by a member of the General Synod in accordance with its standing orders that he or she wishes the draft regulations to be debated, or
- (b) notice is given by any such member that he or she wishes to move an amendment to the draft regulations,

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the draft regulations shall, for the purposes of subsections (1D) and (1E) above, be deemed to have been approved by the General Synod without amendment.

(1G) The Statutory Instruments Act 1946 (c. 36) applies to any regulations sealed by the Board under subsection (1E) above as if they were a statutory instrument and were made when sealed by the Board, and as if this Measure were an Act providing that any such regulations were to be subject to annulment in pursuance of a resolution of either House of Parliament.”.

(3) Schedule 2 contains further amendments to the Church Commissioners Measure 1947 and the Clergy Pensions Measure 1961.

VALID FROM 19/05/2014

## **5 Amendment of Parochial Church Councils (Powers) Measure 1956**

(1) The Parochial Church Councils (Powers) Measure 1956 (4 & 5 Eliz. 2 No. 3) is amended as follows.

(2) After section 3 there is inserted the following section—

### **“3A Employment of members and other contractual services**

(1) Subject to subsection (3), a parochial church council may enter into a paid contract of employment or other contract with one or more members of the council or one or more connected persons to provide such services to or on behalf of the Council as may be specified in the contract, provided that the conditions specified in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1) are that—

- (a) before entering into the contract the council is satisfied that it would be in the best interests of the council for the services to be provided by the person concerned for the amount, or maximum amount, of remuneration set out in the contract;
- (b) the total number of any persons employed at any time under subsection (1) and any person who is connected to any such person constitute a minority of the members of the council;
- (c) the terms of the contract, including the remuneration paid, are set out in an agreement in writing between the council and the member concerned; and
- (d) the amount or maximum amount of the remuneration does not exceed what is reasonable in the circumstances for the provision by that member of the services in question.

(3) Subsections (1) and (2) do not apply to services provided by a person in that person's capacity as a member of the council.

(4) A person is a connected person for the purposes of this section if that person is—

- (a) a child, parent, grandchild, brother or sister of a member of the council, or

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- (b) the spouse or civil partner of a member or of any person falling within paragraph (a),  
and “connected” is to be construed accordingly.”.
- (3) Section 7 shall become subsection (1) of that section and there is added the following subsection—
- “(2) The objects referred to in subsection (1)(iv) may be determined either generally or by reference to particular occasions or occasions of a particular class.”.

VALID FROM 19/05/2014

**6 Amendment of Ecclesiastical Jurisdiction Measure 1963**

- (1) The Ecclesiastical Jurisdiction Measure 1963 (No. 1) is amended as follows.
- (2) For section 2(2) there is substituted the following subsection—
- “(2) A person appointed to be chancellor of a diocese shall be a person —
- (a) who holds or has held high judicial office or the office of Circuit judge, or
- (b) has the qualifications required for a person to be appointed a Circuit judge,
- and, before appointing a layman, the bishop shall satisfy himself that that person is a communicant.”
- (3) For section 3(3) there is substituted the following subsection—
- “(3) A person appointed to be Dean of the Arches and Auditor shall be a person who—
- (a) holds or has held high judicial office, or
- (b) has the qualifications required for a person to be appointed a Lord Justice of Appeal,
- and, before appointing a layman, the Archbishops of Canterbury and York shall satisfy themselves that that person is a communicant.”.
- (4) This section does not have effect in relation to the appointment of any person who holds office as Dean of the Arches and Auditor or chancellor immediately before this section comes into force.

VALID FROM 01/01/2015

**7 Amendment of Faculty Jurisdiction Measure 1964**

- (1) Section 3 of the Faculty Jurisdiction Measure 1964 (No. 5) is amended as follows.
- (2) In subsection (2), for the words “Subject to the provisions of the succeeding subsection” there are substituted the words “ Subject to subsection (3) ”.

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(3) For subsection (3) there is substituted the following subsection—

“(3) Where the court is satisfied that the matter is of such urgency that it would not be reasonable to require the petitioner for the faculty to seek the consent of the owner of the monument or to take the other steps referred to in subsection (2)(i), the court may grant a faculty notwithstanding that that consent has not been sought or that those steps have not been taken.”.

VALID FROM 19/05/2014

## **8 Amendment of Overseas and Other Clergy (Ministry and Ordination) Measure 1967**

(1) The Overseas and Other Clergy (Ministry and Ordination) Measure 1967 (No. 3) is amended as follows.

(2) In section 1—

- (a) in subsection (4), after the word “permission” there are inserted the words “or any instrument under subsection (5A) revoking a permission”;
- (b) after subsection (5) there is inserted the following subsection—

“(5A) The Archbishop of the same province may, if he considers that there is any cause which appears to him to be good and reasonable, revoke, in writing, a permission granted to an overseas clergyman under this section, unless—

- (a) the clergyman is a freehold incumbent or, at that time, holds office under Common Tenure, or
- (b) the matter which constitutes a good and reasonable cause is a matter for which a censure of deprivation under section 49(1)(a) of the Ecclesiastical Jurisdiction Measure 1963 or a penalty under section 24(1)(a), (c) or (d) of the Clergy Discipline Measure 2003 or a penalty of removal from office or prohibition for life under section 30 or 31 of that Measure could be, but has not been, imposed.”.

(3) After section 1 there is added the following section—

### **“1A General permission to overseas clergymen to officiate**

(1) Without prejudice to section 1 of this Measure, the Archbishop of either province may, by an instrument in writing, grant, in accordance with the following provisions of this section, a general permission to overseas clergymen to officiate as priest or deacon in that province.

(2) A permission granted under this section shall specify—

- (a) the class or description of overseas clergymen to which it relates,
- (b) the functions, or class or description of functions, which any clergyman may exercise in accordance with the permission, and
- (c) the duration of the permission.

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- (3) A permission granted under this section may be for an indefinite period or for such period as is specified in the permission and, where it is granted for a limited period, may be extended by a further permission, either for an indefinite or for a limited period.
- (4) A clergyman may not, in accordance with any permission granted under this section, solemnize or publish the banns of a marriage.
- (5) The Archbishop of either province may, at any time, amend or revoke a permission granted by him under this section by a further instrument in writing.
- (6) No overseas clergyman may hold office under Common Tenure, unless he has a permission to officiate under section 1 of this Measure.
- (7) Subject to subsections (4) and (6) of this section, a clergyman who officiates under a permission granted under this section shall, when exercising any function to which the permission relates,—
  - (a) be in the same position as if he had been granted permission to officiate under section 1 of this Measure, and
  - (b) for the duration of the permission, possess the same rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by a bishop in a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).
- (8) Section 1(4) of this Measure shall apply to a permission granted under this section or an instrument amending or revoking such a permission as it applies to a permission granted or any instrument revoking a permission under that section and the reference in section 1(6) to a permission granted under that section shall include a reference to a permission granted under this section.”.

VALID FROM 19/05/2014

## **9 Amendment of Synodical Government Measure 1969**

In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (No. 2)—

- (a) in rule 42(1), there is added at the end the following paragraph—
  - “(h) the Chair of the Dioceses Commission”; and
- (b) in rule 46A(c), the words “the Central Board of Finance,” are omitted.

VALID FROM 19/05/2014

## **10 Amendment of Endowments and Glebe Measure 1976**

- (1) For section 6(1) of the Endowments and Glebe Measure 1976 (No. 4) there is substituted the following subsection—

“(1) The Commissioners may from time to time pay out of their general fund—



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- (a) such sums as they think fit towards the stipend of any person holding the office of archdeacon, and
- (b) such annual sum in respect of the expenses incurred by any person referred to in paragraph (a) above in connection with the performance of the duties of that person's office as the Commissioners think fit.”.

(2) Schedule 2 contains further amendments to the Endowments and Glebe Measure 1976.

VALID FROM 19/05/2014

## **11 Amendment of Incumbents (Vacation of Benefices) Measure 1977**

(1) After section 12 of the Incumbents (Vacation of Benefices) Measure 1977 (No. 1) there is inserted the following section—

### **“12A Right of appeal against findings of tribunal**

- (1) An appeal may be brought against the findings contained in a report by a provincial tribunal under Part I or II of this Measure in accordance with the following provisions of this section.
- (2) In the case of a report under Part I, the incumbent concerned or the parochial church council concerned may appeal against any findings of law or fact in the report.
- (3) In the case of a report under Part I, the archdeacon in whose archdeaconry the benefice of the incumbent is or any person requesting an enquiry under section 1A(1)(d) may appeal against any findings of law in the report.
- (4) In the case of a report under Part II, the incumbent may appeal against any findings of law or fact.
- (5) There shall be an Appeal Panel for each province, which shall be constituted in the same way and from among the same persons as in the case of the Appeal Tribunals established under paragraph 13 of Schedule 4 to the Mission and Pastoral Measure 2011 (No. 3) except that no person who—
  - (a) was a member of the provincial tribunal which conducted the enquiry which is the subject of the appeal, or
  - (b) was ineligible to be appointed to that tribunal under Schedule 1 to this Measure,
- (6) The appellant must state the grounds, or a summary of the grounds, of the appeal.
- (7) Where the appeal is brought under subsection (2) by the parochial church council, section 1A(1)(c), (3) and (4) apply in relation to the appeal except that the references to a request for an enquiry or a notice of intention to make it are to be construed as references to the appeal.
- (8) Where the appeal is brought under subsection (3) by a person requesting an enquiry, section 1A(1)(d), (3) and (5) apply in relation to the appeal except

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that the references to a request for an enquiry or a notice of intention to make it are to be construed as references to the appeal.

(9) Notice of the appeal shall be given in writing to the bishop of the diocese in which the parish in question is and to the secretary of that diocese and section 1A(6) applies as it applies to a request for an enquiry.”.

(2) Schedule 2 contains further amendments to the Incumbents (Vacation of Benefices) Measure 1977.

VALID FROM 01/01/2015

## 12 Amendment of Patronage (Benefices) Measure 1986

(1) The Patronage (Benefices) Measure 1986 (No. 3) is amended as follows.

(2) After section 16 there is inserted the following section—

### “16A Special procedure for appointment of priest in charge as incumbent

(1) This section applies where a benefice is vacant and—

- (a) the bishop is aware that a suspension period in respect of the benefice is shortly to come to an end, or has come to an end, or a restriction on presentation to the benefice is shortly to cease to be in force, or has ceased to be in force, and
- (b) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.

(2) Where subsection (1) above applies, the bishop may give notice of his proposal to—

- (a) the registered patron, unless the bishop is the registered patron;
- (b) the priest in charge; and
- (c) the parochial church council of each parish belonging to the benefice.

(3) Upon receiving the notice referred to in subsection (2)(a) above and after the suspension period has come to an end or the restriction has ceased to be in force, the registered patron may, if content with the proposal, send a notice to the bishop presenting the priest in charge to him for admission to the benefice, if the following conditions are satisfied—

- (a) the priest in charge has stated in writing that he is willing to be admitted to the benefice, and
- (b) the parochial church council of each parish belonging to the benefice has passed a resolution stating that it approves the proposal that the priest in charge should be admitted.

(4) No member of a parochial church council who is the priest in charge or the spouse or civil partner of the priest in charge or the registered patron or the representative of the registered patron shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.

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- (5) Unless section 2 of the 2010 Measure applies, where the bishop is the registered patron, and the conditions set out in subsection (3)(a) and (b) are satisfied, he may, after complying with the requirements of section 19, collate the priest in charge to the benefice.
- (6) Where section 2 of the 2010 Measure applies and the bishop is the relevant bishop for the purposes of section 2(2), the bishop shall, if Her Majesty has not given notice under section 2(3), if the conditions set out in subsection (3) (a) and (b) are satisfied, present the priest in charge on behalf of Her Majesty for admission to the benefice.
- (7) Where—
  - (a) the registered patron has given notice in accordance with subsection (3) above, or
  - (b) the bishop has complied with the requirements of section 19 under subsection (5) above, or
  - (c) the bishop has presented the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (6) above, the provisions of this Measure mentioned in subsection (8) below and section 88(d) of the Mission and Pastoral Measure 2011 shall not apply.
- (8) The provisions referred to in subsection (7) above are sections 7, 11, 12, 13, 14, 15 and 16.
- (9) Where a registered patron (other than the bishop) proposes to send a notice to the bishop in accordance with subsection (3), sections 8 and 9 shall apply as if the notice given by the bishop under subsection (2) were a notice under section 7(4).
- (10) In this section “suspension period” has the meaning assigned to it in section 85(1) of the Mission and Pastoral Measure 2011 and “restriction” means a restriction on the right of presentation to a benefice imposed under section 38 or 87 of that Measure.”
- (3) In section 24(3), for the words “11 and 12” there are substituted “11, 12 and 16A” and for the words “ section 13 ” there are substituted “sections 13 and 16A”.
- (4) In section 35(1A), the word “and” after paragraph (c) is omitted and there is added, at the end of paragraph (d), the word “ and ” and the following paragraph—

“(e) section 16A except subsection (9).”.
- (5) Schedule 2 contains further amendments to the Patronage (Benefices) Measure 1986.

VALID FROM 19/05/2014

### **13 Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991**

- (1) The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1) is amended as follows.
- (2) For section 17 there is substituted the following section—

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### **“17 Faculties for demolition of churches**

- (1) A court shall not grant a faculty for the demolition or partial demolition of a church, except as provided in this section.
  - (2) Subject to subsection (4) below, a court may grant a faculty for the demolition of the whole or part of a church if it is satisfied that another church or part of a church will be erected on the site or curtilage of the church or part of a church in question, or on part of the site or curtilage, to take the place of the church or part of a church.
  - (3) Subject to subsection (4) below, a court may grant a faculty for the demolition of part of a church if it is satisfied that—
    - (a) the part of the church left standing will be used for the public worship of the Church of England for a substantial period after the demolition, or
    - (b) the demolition is necessary for the purpose of the repair or alteration of the church or the reconstruction of the part to be demolished.
  - (4) The court shall not grant a faculty under subsection (2) or (3)(a) above unless the person bringing proceedings for the faculty has obtained the written consent of the bishop of the diocese concerned to the proceedings being brought.
  - (5) For the purposes of this section, “partial demolition” and cognate expressions—
    - (a) mean removal of such part of a church as would, in the opinion of the court, significantly affect its external appearance, and
    - (b) do not include the destruction or removal of minor or ancillary structures forming part of the building.”.
- (3) Section 18 is amended as follows—
- (a) for subsection (1)(a), there is substituted the following paragraph—
    - “(a) that the demolition of the whole or part of a church in the diocese is urgently necessary in the interests of safety or health or for the preservation of the church;”;
  - (b) in subsection (1)(b), the words “in the case of a church which is a listed building or is in a conservation area” are repealed; and
  - (c) at the end of subsection (1) the words “without a faculty” are repealed.

VALID FROM 19/05/2014

### **14 Amendment of Cathedrals Measure 1999**

- (1) The Cathedrals Measure 1999 (No. 1) (“the 1999 Measure”) is amended as follows.
- (2) After section 17 there is inserted the following section—

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#### **“17A Investment of endowment funds on total return basis**

- (1) The Chapter of any cathedral may, if it is satisfied that it is in the interests of the cathedral to do so, resolve that all or any portion of the moneys forming part of the cathedral's endowment—
    - (a) should be invested without the need to maintain a balance between capital and income returns, and
    - (b) should be freed from the restrictions on the use of the endowment contained in sections 16 and 17 above.
  - (2) Any resolution passed under subsection (1) above is referred to in this Measure as a total return resolution.
  - (3) The Chapter may, if it is satisfied that it is in the interests of the cathedral to do so, amend or revoke a total return resolution.
  - (4) Where the Chapter is proposing to revoke a total return resolution, it must determine whether or not there is a negative total return, that is to say whether the total return represents a reduction in the value of the cathedral's endowment, as it was immediately before the total return resolution was passed.
  - (5) Where the Chapter determines under subsection (4) that there is a negative total return, it must make provision in its annual report and accounts specifying how an amount equivalent to the negative total return is to be paid into the cathedral's endowment over such period as the Chapter thinks reasonable, not exceeding 10 years from the date when the total return resolution is revoked.
  - (6) Where the Chapter does not determine under subsection (4) that there is a negative total return, the Chapter must determine what part of the unapplied total return of the assets of the cathedral should be allocated for accumulation as part of its investments.
  - (7) Where subsection (6) applies, the amount allocated must not result in the value of the cathedral's endowment immediately after the date of the revocation exceeding its value immediately before the date when the total return resolution was passed, increased by the rise in the Retail Price Index between the last mentioned date and the date of revocation.
  - (8) Where a total return resolution is in force, the Chapter must, so far as applicable, comply with the requirements of Schedule A1.
  - (9) Schedule A1 may be amended by a resolution of the General Synod.
  - (10) The Statutory Instruments Act 1946 (c. 36) shall apply to any resolution under subsection (9) as if it were a statutory instrument and as if this Measure were an Act providing that it should be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 27, after subsection (2) there is inserted the following subsection—
- “(2A) Where a total return resolution is in force in relation to a cathedral's endowment, the Chapter must, so far as applicable, comply with the requirements of Schedule A1.”

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- (4) Schedule 2 contains a further amendment to the 1999 Measure.
- (5) Schedule A1 to the 1999 Measure is set out in Schedule 1.

VALID FROM 19/05/2014

**15 Tenure of office of vicars general and surrogates**

- (1) The appointment of a person to be the vicar general of a province or diocese does not cease to have effect by reason only that a vacancy in the archiepiscopal or diocesan see is terminated and the appointment has not previously been confirmed.
- (2) The appointment of a person to be a surrogate does not cease to have effect by reason only of the occurrence of a vacancy in the office of vicar general of the diocese by whom the surrogate was appointed.
- (3) A vacancy in the see of Canterbury or York does not affect the jurisdiction of the court of the vicar general or the discharge by the judges, members or officers of the court of any of its or their functions.
- (4) Without prejudice to subsection (1), a vacancy in an archiepiscopal or diocesan see does not affect the discharge by the vicar general or by a surrogate of the vicar general of the functions of the vicar general or surrogate.

VALID FROM 19/05/2014

**16 Amendment of Dioceses, Pastoral and Mission Measure 2007**

- (1) The Dioceses, Pastoral and Mission Measure 2007 (No. 1) is amended as follows.
- (2) In section 4(3), at the end there are added the following paragraphs—
- “(e) the re-naming of a diocesan or suffragan see;
- (f) the creation of a new suffragan bishopric.”.
- (3) After section 4(3) there is inserted the following subsection—
- “(3A) Where a new suffragan bishopric is created under subsection (3) above, the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 directing that the town concerned be taken and accepted for the see of a suffragan bishop.”.
- (4) For paragraph 2 of Schedule 1 there is substituted the following paragraph—
- “2 (1) The Chair and Vice-Chair shall be appointed by the Archbishops of Canterbury and York acting jointly in the following manner—
- (a) the Chair shall be appointed with the approval of the General Synod, and

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(b) the Vice-Chair shall be appointed from among the members of the House of Clergy and the House of Laity of the General Synod.

(2) Before appointing a lay person to be the Chair the Archbishops shall satisfy themselves that that person is an actual communicant within the meaning of rule 54(1) of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969.”.

(5) Schedule 2 contains further amendments to the Dioceses, Pastoral and Mission Measure 2007.

VALID FROM 19/05/2014

#### **17 Power for chancellor to determine fees**

(1) Without prejudice to any power which may exist apart from this section, where a faculty is or has been granted for any of the purposes specified in subsection (2), the chancellor of the diocese may, from time to time, determine the amount of the fees payable to the parochial church council and the diocesan board of finance, or either of them.

(2) The purposes mentioned in subsection (1) are—

- (a) the introduction of a monument in a church or any additional inscription on such a monument;
- (b) the reservation of a grave space; or
- (c) the construction of a vault.

(3) In this section “church” and “monument” have the same meanings as in section 10 of the Ecclesiastical Fees Measure 1986 (No. 2) and Schedule A1 to that Measure, respectively.

VALID FROM 19/05/2014

#### **18 Power for General Cemetery Company to dispose of whole or part of Kensal Green Cemetery**

(1) Notwithstanding section 5 of the Act 2 & 3 Will. IV c. cx, the consistory court of the diocese of London may grant a faculty authorising the sale or other disposal by the General Cemetery Company of any land forming part of Kensal Green Cemetery which has been consecrated and set apart for the burial of the dead.

(2) Any sale or other disposal authorised under subsection (1) shall be subject to such conditions and on such terms as the court may determine.

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VALID FROM 19/05/2014

**19 Provisions relating to Christ Church, Oxford**

For section 2(3) of the Church of England (Miscellaneous Provisions) Measure 1995 (No. 2) there is substituted the following subsection—

“(3) Notwithstanding sections 5 and 6 of the Ecclesiastical Commissioners Act 1840, which annexed 2 canonries in the chapter of the Cathedral Church of Christ in Oxford to, respectively, the Lady Margaret's professorship of divinity and the regius professorship of ecclesiastical history, those professorships may be held either by residentiary canons in the chapter or by lay canons appointed pursuant to subsection (1).”.

VALID FROM 19/05/2014

**20 Minor and consequential amendments**

Schedule 2 contains minor amendments and amendments which are consequential on other enactments or which clarify ambiguities in the law.

**21 Citation, commencement and extent**

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2014.
- (2) This section shall come into force on the day on which this Measure is passed and the other provisions of this Measure shall come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint and—
  - (a) different days may be appointed for different provisions or for different purposes, and
  - (b) an order may contain transitional or saving provisions.
- (3) This Measure extends to the whole of the provinces of Canterbury and York, except that it only extends to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.
- (4) The following provisions extend to the Isle of Man—
  - (a) sections 1, 4, 8 and this section; and
  - (b) paragraphs 3, 4, 10, 12, 13, 18(1) and 20 of Schedule 2 and section 20, so far as it relates to those paragraphs.
- (5) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the following provisions also extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act of Tynwald or instrument—
  - (a) sections 5, 6, 7, 9, 11, 12, 13, 15, 16 and 17;
  - (b) paragraphs 5, 7, 8, 9, 15, 16, 17 and 19 of Schedule 2 and section 20, so far as it relates to those paragraphs; and
  - (c) Schedule 3.



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- (6) This section and sections 8, 9, 10, 11, 12, 13 and 16 and any provision of Schedule 2 which amends an enactment which extends to the Channel Islands and section 20, so far as it relates to that provision, 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.
- (7) The power to make an order conferred by subsection (2) shall be exercisable by statutory instrument and the Statutory Instruments Act 1946 (c. 36) shall apply to any such order as if it had been made by a Minister of the Crown and as if this Measure were an Act.
- (8) Provision made under subsection (2)(b) may be contained in a separate order from the order which provides for the commencement to which the provision relates and, for that purpose, it does not matter—
  - (a) whether the order which provides for the commencement includes a provision made under subsection (2)(b);
  - (b) whether the commencement has taken place.
- (9) An order which contains a provision made under subsection (2)(b) must be laid before Parliament and is subject to annulment in pursuance of a resolution of either House of Parliament.

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VALID FROM 19/05/2014

## SCHEDULES

### SCHEDULE 1

Section 14

#### CATHEDRALS: TOTAL RETURN

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Section 20

#### MINOR AND CONSEQUENTIAL AMENDMENTS

.....

PROSPECTIVE

### SCHEDULE 3

Schedule 2

#### CHURCHES ADDED TO SCHEDULE 2 TO SHARING OF CHURCH BUILDINGS ACT 1969

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**Changes to legislation:**

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