

Status: Point in time view as at 01/09/2018.

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, PART 1. (See end of Document for details)

SCHEDULES

SCHEDULE 3 **E**

CONSEQUENTIAL AMENDMENTS

PART 1 **E**

PRIMARY LEGISLATION

Burial Act 1857

- 1 In section 25 of the Burial Act 1857 (offence of removal of body from burial ground), in subsection (4) (meaning of “court”)—
- (a) after “means” insert “—
(a)”,
and
 - (b) for the words from “or any other court” to the end substitute “, or
(b) any other court or body referred to in section 9, 16, 19 or 21 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (Arches and Chancery Courts, Court of Ecclesiastical Causes Reserved, Commission of Review, Privy Council) and having jurisdiction to determine the matter.”

Commencement Information

- II** Sch. 3 para. 1 in force at 1.9.2018 by S.I. 2018/720, art. 2

City of London (Guild Churches) Act 1952

- 2 In section 12 of the City of London (Guild Churches) Act 1952 (vicars), in subsection (10) (application of disciplinary provisions), for “and of the Incumbents (Vacation of Benefices) Measure 1977” substitute “, of the Incumbents (Vacation of Benefices) Measure 1977 and of the Clergy Discipline Measure 2003”.

Commencement Information

- I2** Sch. 3 para. 2 in force at 1.9.2018 by S.I. 2018/720, art. 2

Church Property (Miscellaneous Provisions) Measure 1960

- 3 In section 7 of the Church Property (Miscellaneous Provisions) Measure 1960 (powers of dealing with gifts of land), at the end insert—

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“(7) A reference in this section to the Consecration of Churchyards Act 1867 or to a provision of that Act includes a reference to sections 89 to 91 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

Commencement Information

I3 Sch. 3 para. 3 in force at 1.9.2018 by S.I. 2018/720, art. 2

Ecclesiastical Jurisdiction Measure 1963

4 The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

Commencement Information

I4 Sch. 3 para. 4 in force at 1.9.2018 by S.I. 2018/720, art. 2

5 In section 63 (the title to which becomes “ Fees payable in connection with proceedings under this Measure ”), for “the Ecclesiastical Fees Measure 1986” substitute “ section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

Commencement Information

I5 Sch. 3 para. 5 in force at 1.9.2018 by S.I. 2018/720, art. 2

6 In section 66(1) (interpretation), in the definition of “prescribed” for “section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “ section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

Commencement Information

I6 Sch. 3 para. 6 in force at 1.9.2018 by S.I. 2018/720, art. 2

Overseas and Other Clergy (Ministry and Ordination) Measure 1967

7 In each of the following provisions in the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, for “the Ecclesiastical Jurisdiction Measure 1963” substitute “ the Clergy Discipline Measure 2003 ”

- (a) section 1(6) (officiating as priest or deacon without permission);
- (b) section 4(3) (unlawful performance of episcopal functions).

Commencement Information

I7 Sch. 3 para. 7 in force at 1.9.2018 by S.I. 2018/720, art. 2

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Synodical Government Measure 1969

- 8 In the Church Representation Rules in Schedule 3 to the Synodical Government Measure 1969, in rule 9 (business of annual parochial church meeting), in paragraph (1), for sub-paragraph (d) (but not the following “and”) substitute—
“(d) the annual fabric report under section 50 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;”.

Commencement Information

I8 Sch. 3 para. 8 in force at 1.9.2018 by S.I. 2018/720, art. 2

Ecclesiastical Fees Measure 1986

- 9 In Part 2 of Schedule A1 to the Ecclesiastical Fees Measure 1986 (explanatory notes on parochial fees), in each of paragraphs 3(b) and 4, after “such sums as may be determined by the Chancellor” insert “ under section 87 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

Commencement Information

I9 Sch. 3 para. 9 in force at 1.9.2018 by S.I. 2018/720, art. 2

Planning (Listed Buildings and Conservation Areas) Act 1990

- 10 In section 60 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (exception for ecclesiastical buildings from certain provisions as to listing), in subsection (3), for “section 1 of the Care of Places of Worship Measure 1999” substitute “ section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

Commencement Information

I10 Sch. 3 para. 10 in force at 1.9.2018 by S.I. 2018/720, art. 2

Clergy Discipline Measure 2003

- 11 The Clergy Discipline Measure 2003 is amended as follows.

Commencement Information

I11 Sch. 3 para. 11 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 12 In section 5(3) (registrar of tribunals: term of office), for “section 5 of the Ecclesiastical Judges and Legal Officers Measure 1976 (1976 No 2)” substitute “ section 32(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

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Commencement Information

I12 Sch. 3 para. 12 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 13 In section 43(1) (interpretation), in the definition of “prescribed” for “section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No 1)” substitute “ section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”.

Commencement Information

I13 Sch. 3 para. 13 in force at 1.9.2018 by S.I. 2018/720, art. 2

Constitutional Reform Act 2005

- 14 (1) In Schedule 7 to the Constitutional Reform Act 2005 (power to transfer, modify or abolish functions of Lord Chancellor: protected functions), Part A in paragraph 4 is amended as follows.
- (2) Omit each of the following—
- (a) the entries for the Ecclesiastical Jurisdiction Measure 1963 and the preceding cross-heading;
 - (b) the entry for the Ecclesiastical Fees Measure 1986 and the preceding cross-heading;
 - (c) the entry for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the preceding cross-heading.
- (3) At the end insert— “ *Ecclesiastical Jurisdiction and Care of Churches Measure 2018* Section 2(6) Section 81(3) ”.

Commencement Information

I14 Sch. 3 para. 14 in force at 1.9.2018 by S.I. 2018/720, art. 2

Dioceses, Pastoral and Mission Measure 2007

- 15 In section 55 of the Dioceses, Pastoral and Mission Measure 2007 (functions of Church Buildings Council in relation to churches etc. in use), in subsection (1)(b)—
- (a) for “section 6(1)(b) or (bb) of the Ecclesiastical Jurisdiction Measure 1963 (1963 No 1)” substitute “ section 7(1)(a), (c) or (d) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ”, and
 - (b) for “any provision in Part III of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No 1)” substitute “ any of sections 56, 58(1) to (6) and (9), 60, 62 to 64, 68 to 75 and 77 to 79 of that Measure ”.

Commencement Information

I15 Sch. 3 para. 15 in force at 1.9.2018 by S.I. 2018/720, art. 2

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Mission and Pastoral Measure 2011

16 The Mission and Pastoral Measure 2011 is amended as follows.

Commencement Information

I16 Sch. 3 para. 16 in force at 1.9.2018 by S.I. 2018/720, art. 2

17 In section 43 (designation of places of worship), in subsection (4), for “section 6 of the Faculty Jurisdiction Measure 1964 (1964 No 5)” substitute “section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Commencement Information

I17 Sch. 3 para. 17 in force at 1.9.2018 by S.I. 2018/720, art. 2

18 In section 61 (declaration of closure for regular public worship), in subsection (3), for “the Inspection of Churches Measure 1955 (3 & 4 Eliz. 2 No.1)” substitute “sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Commencement Information

I18 Sch. 3 para. 18 in force at 1.9.2018 by S.I. 2018/720, art. 2

19 (1) Section 68 (prohibition on closure or disposal of churches otherwise than under the 2011 Measure) is amended as follows.

(2) In subsection (12)—

- (a) for “section 11 of the Faculty Jurisdiction Measure 1964 (1964 No 5)” substitute “section 26 of the 2018 Measure (costs)”, and
- (b) for “the proceedings mentioned in that section” substitute “proceedings before a court exercising jurisdiction under that Measure”.

(3) In subsection (13), for the words from the beginning to “(1991 No 1)” substitute “Section 60(2)(a) and (3) to (8) of the 2018 Measure (parties to proceedings: role of archdeacon)”.

(4) In subsection (14), for “section 14 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 74 of the 2018 Measure (power of archdeacon to exercise faculty jurisdiction)”.

(5) In subsection (15), in paragraph (c), for “section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 92 of the 2018 Measure”.

(6) At the end insert—

“(17) In this section, “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

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Commencement Information

I19 Sch. 3 para. 19 in force at 1.9.2018 by S.I. 2018/720, art. 2

Care of Cathedrals Measure 2011

20 The Care of Cathedrals Measure 2011 is amended as follows.

Commencement Information

I20 Sch. 3 para. 20 in force at 1.9.2018 by S.I. 2018/720, art. 2

21 In section 6 (application for approval for works to cathedral), in subsection (12), omit the words from “made under” to the end.

Commencement Information

I21 Sch. 3 para. 21 in force at 1.9.2018 by S.I. 2018/720, art. 2

22 In each of the following provisions, omit “made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991”—

- (a) in section 7 (treasure), subsection (5);
- (b) in section 24 (inventories), subsection (1);
- (c) in section 32(1) (interpretation), in the definition of “prescribed”.

Commencement Information

I22 Sch. 3 para. 22 in force at 1.9.2018 by S.I. 2018/720, art. 2

23 In section 32(1) (interpretation), at the appropriate place insert—

““rules” means rules made under section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;”.

Commencement Information

I23 Sch. 3 para. 23 in force at 1.9.2018 by S.I. 2018/720, art. 2

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