

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

PART 2

PROCEDURAL RULES

Ecclesiastical Jurisdiction (Discipline) Rules 1964 (S.I. 1964/1755)

- 24 The Ecclesiastical Jurisdiction (Discipline) Rules 1964 are amended as follows.
- 25 In rule 2(1) (interpretation)—
- (a) in the definition of “the Dean of the Arches and Auditor”, for “section 4 of the Measure” substitute “section 12 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”,
 - (b) in the definition of “the judge of the consistory court”, for “section 4 of the Measure” substitute “section 4 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 26 The following are revoked—
- (a) rules 5 to 18 (proceedings against priest or deacon for offence not involving doctrine etc.);
 - (b) rules 19 to 28 (proceedings against bishop for offence not involving doctrine etc.);
 - (c) rules 39 to 43 (appeal from consistory court);
 - (d) rule 52 (deprivation following proceedings in secular court);
 - (e) Forms 8 to 28 and 38 to 41.

Patronage (Benefices) Rules 1987 (S.I. 1987/773)

- 27 In rule 1(1) of the Patronage (Benefices) Rules 1987 (interpretation), in the definition of “A Fees Order”, for “Part II of the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Patronage (Appeals) Rules 1988 (S.I. 1988/1980)

- 28 In rule 2(1) of the Patronage (Appeals) Rules 1988 (interpretation), in the definition of “Fees Order”, for “Part II of the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Care of Places of Worship Rules 1999 (S.I. 1999/2111)

- 29 The Care of Places of Worship Rules 1999 are amended as follows.

- 30 In rule 2 (interpretation)—
- (a) in the definition of “application”, for “the Measure” substitute “sections 38 to 44 of the 2018 Measure”, and
 - (b) after the definition of “the Measure” insert “; “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 31 In rule 8 (removal from list: supplementary provisions), for “section 2(2) of the Measure” substitute “section 42(3) of the 2018 Measure”.
- 32 Rule 9 (guidance by diocesan chancellors) is revoked.
- 33 (1) Part 1 of the Schedule (material required in connection with applications for inclusion in the list) is amended as follows.
- (2) In paragraph 3 (entitlement to make application)—
 - (a) for “paragraph 1 of Schedule 1 to the Measure” substitute “section 40 of the 2018 Measure”, and
 - (b) for “that paragraph” substitute “that section”.
 - (3) In paragraph 6 (relevant category), for “section 1(2) of the Measure” substitute “section 38(2) of the 2018 Measure”.
 - (4) In paragraph 7 (use of adjoining building as vestry or sacristy), for “section 1(3) of the Measure” substitute “section 39(1) of the 2018 Measure”.
 - (5) In paragraph 8 (inclusion of curtilage etc.), for “section 1(4) of the Measure” substitute “section 39(2) of the 2018 Measure”.
 - (6) In paragraph 9 (map or plan)—
 - (a) in paragraph (c), for “section 1(3) of the Measure” substitute “section 39(1) of the 2018 Measure”, and
 - (b) in paragraph (d), for “section 1(4) of the Measure” substitute “section 39(2) of the 2018 Measure”.
 - (7) In paragraph 12 (objects and structures), for “paragraph 3 of Schedule 1 to the Measure” substitute “section 44(1) of the 2018 Measure”.
- 34 (1) Part 2 of the Schedule (material required in connection with applications not for inclusion in the list) is amended as follows.
- (2) In paragraph 13 (name of diocese), for “is deemed pursuant to section 6(3) of the Measure to be situated” substitute “is treated by section 95(5) of the 2018 Measure as being situated”.
 - (3) In paragraph 16 (consent)—
 - (a) for “paragraph 2 of the Schedule 1 of the Measure” substitute “section 41 of the 2018 Measure”, and
 - (b) for “paragraph 2(6)” substitute “subsection (1) or (2) of that section”.
 - (4) In paragraph 17 (shared churches)—
 - (a) for “section 1(2)(e) of the Measure” substitute “section 38(2)(e) of the 2018 Measure”, and
 - (b) for “paragraph 2(4) of Schedule 1 to the Measure” substitute “section 41(9) of the 2018 Measure”.

- (5) In paragraph 18 (undertaking), for “the Measure” substitute “sections 38 to 44 of the 2018 Measure”.
- (6) In paragraph 19 (statement of eligibility), for “paragraph (a), (b) or (c) of section 1(5) of the Measure” substitute “section 38(3)(a), (b) or (c) of the 2018 Measure”.

Care of Cathedrals Rules 2006 (S.I. 2006/1941)

- 35 (1) Rule 24 of the Care of Cathedrals Rules 2006 (procedure of Commission of Review and orders as to costs) is amended as follows.
- (2) In paragraph (4)(a), for “the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- (3) In paragraph (5)—
 - (a) for “Sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963” substitute “Subsections (2)(b) to (d), (7) and (8) of section 26 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”, and
 - (b) for “section 60 of the said Measure” substitute “that section”.

Faculty Jurisdiction Rules 2015 (S.I. 2015/1568)

- 36 The Faculty Jurisdiction Rules 2015 are amended as follows.
- 37 (1) In rule 2.2 (interpretation), paragraph (1) is amended as follows.
 - (2) In the definition of “costs”, for “section 13(1)” substitute “section 69(2)”.
 - (3) In the definition of “injunction”, for “section 13(4)” substitute “section 71”.
 - (4) In the definition of “the Measure” for “the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
 - (5) In the definition of “minister”, for “the Measure” substitute “Part 4 of the Measure (see section 80(1) of that Measure)”.
 - (6) In the definition of “national amenity society”, for “the Measure” substitute “Part 3 of the Measure (see section 55(1) of that Measure)”.
 - (7) In the definition of “relevant person or body”—
 - (a) for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”, and
 - (b) for “by virtue of paragraph 1 of Schedule 1 to that Measure” substitute “under section 40 of the Measure”.
 - (8) In the definition of “restoration order”, for “section 13(5)” substitute “section 72”.
- 38 In rule 2.2, in paragraph (5)—
 - (a) for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”, and
 - (b) in sub-paragraph (a), for “section 1(4) of that Measure” substitute “section 39(2) of the Measure”.

- 39 In rule 3.1 (matters not requiring a faculty: interpretation), in paragraph (5)(b),
for “section 1(1) of the Care of Places of Worship Measure 1999” substitute
“section 38(1) of the Measure”.
- 40 In rule 3.4 (additional matters which may be undertaken without a faculty), in
paragraph (1), for “section 18C(1)” substitute “section 78(1)”.
- 41 In rule 3.5 (excluded matters: general), in paragraph (1)(k), for “section 3 of the
Faculty Jurisdiction Measure 1964” substitute “section 66 of the Measure”.
- 42 (1) Rule 3.6 (excluded matters orders) is amended as follows.
(2) In paragraph (1), for “section 18C(3)” substitute “section 78(3)”.
- (3) In paragraph (3), for “section 4(1) of the Measure” substitute “section 49 of the
Measure (see subsections (1) and (2) of that section)”.
- 43 In each of the following provisions in Part 5 (faculty proceedings), for “section 1(1)
of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the
Measure”—
- (a) in rule 5.2 (persons who may submit petition), paragraph (2)(c);
 - (b) in rule 5.3 (form of petition), paragraph (2);
 - (c) in rule 5.5 (information to accompany petition), paragraph (2).
- 44 In rule 5.5 (documents etc. to accompany petition), in paragraph (4), for
“section 17(2) or (3)(a)” substitute “section 62(2) or (3)”.
- 45 In rule 6.2 (form of public notice), in paragraph (2), for “section 1(1) of the Care of
Places of Worship Measure 1999” substitute “section 38(1) of the Measure”.
- 46 (1) Rule 8.1 (removal of article to place of safety) is amended as follows.
(2) In each of paragraphs (1) and (2), for “section 21” substitute “section 53”.
- (3) In paragraph (2)(a), for “section 21(2)” substitute “section 53(3)(a)”.
- 47 In rule 10.1 (objections to faculty petition: interested persons), in paragraph (2),
for “section 1(1) of the Care of Places of Worship Measure 1999” substitute
“section 38(1) of the Measure”.
- 48 In rule 19.4 (special citation of persons in default), in paragraph (2)(a), for
“section 13(1)” substitute “section 69”.
- 49 In rule 21.2 (appeals: interpretation), omit each of the following—
- (a) the definition of “interim order”;
 - (b) the definition of “permission to appeal”.
- 50 In Schedule 1 (matters which may be undertaken without a faculty), in Table 2 (List
B), in each of the following items, for “section 1(2) of the Inspection of Churches
Measure 1955” substitute “section 45(2) of the Ecclesiastical Jurisdiction and Care
of Churches Measure 2018”—
- (a) item B1(1) (church building: routine maintenance etc.);
 - (b) item B5(3) (churchyard: routine maintenance etc. of walls).
- 51 In Schedule 3 (forms), in each of the following forms, in the parenthetical words
following the heading, for “Care of Places of Worship Measure 1999” substitute
“section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”—
- (a) Form 1B (standard information);
 - (b) Form 3B (petition for faculty);

(c) Form 4B (public notice).