

*Changes to legislation: There are currently no known outstanding effects for the Church Commissioners Measure 1947, SCHEDULE I. (See end of Document for details)*

## SCHEDULE I

Section 1(2).

### CONSTITUTION OF THE COMMISSIONERS

- <sup>F1</sup> 1 The Commissioners shall be—
- (a) the following office-holders—
- the First Lord of the Treasury;
  - the Lord President of the Council;
  - the [<sup>F2</sup>Lord Chancellor];
  - <sup>F3</sup> ...
  - the Speaker of the House of Commons;
  - [<sup>F4</sup>the Speaker of the House of Lords;]
  - 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 <sup>F5</sup> ... elected by all the deans <sup>F5</sup> ... ;
  - three other clerks in Holy Orders elected by those members of the House of Clergy of the General Synod who are not deans [<sup>F6</sup> , whether or not those clerks are members of that House ]<sup>F5</sup> ...;
  - four lay persons elected by the House of Laity of the General Synod [<sup>F7</sup> , whether or not those persons are members of that House];
  - 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.]

#### Textual Amendments

- F1** Sch. 1 para. 1 substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(a)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F2** Words in Sch. 1 para. 1 substituted (22.8.2007) by Secretary of State for Justice Order 2007 (S.I. 2007/2128), art. 1(2), **Sch. para. 1**
- F3** Words in Sch. 1 omitted (22.6.2006) by virtue of Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.3) Order 2006 (S.I. 2006/1640), art. 1(a), **Sch. 1 para. 2(a)**
- F4** Words in Sch. 1 inserted (22.6.2006) by Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.3) Order 2006 (S.I. 2006/1640), art. 1(a), **Sch. 1 para. 2(b)**

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- F5** Words in Sch. 1 para. 1(b) omitted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(a)**; 2006 No. 2, Instrument made by Archbishops
- F6** Words in Sch. 1 para. 1(b) added (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(a)**; 2006 No. 2, Instrument made by Archbishops
- F7** Words in Sch. 1 para. 1(b) inserted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(a)**; 2006 No. 2, Instrument made by Archbishops

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

- C1** Sch. 1 para. 1 transfer of functions (22.8.2007) by [Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), arts. 1(2), **4(3)** (with art. 7)
- C2** Sch. I para. 1: Power to amend conferred (1.1.1999) by [1998 No. 1](#), s. **13(2)**; Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#)

- [<sup>F8</sup>2 (1) Each elected Commissioner is to hold office for a period of five years; and each election is to be conducted in accordance with the Standing Orders of the General Synod.
- (2) Each nominated Commissioner is to hold office for such period not exceeding five years as the person or persons making the nomination determine.
- (3) A person who has held office as an elected Commissioner or as a nominated Commissioner, or as either, for a continuous period of ten years—
- (a) ceases to hold office at the end of that period or, if the person continues to hold office under sub-paragraph (4) or paragraph 3, at the end of that period of continuation, and
  - (b) is not eligible for election or appointment as a Commissioner until after the end of five years beginning with the date on which the person last ceased to hold office (including, where applicable, under sub-paragraph (4) or paragraph 3).
- (4) A nominated Commissioner who has held office for a continuous period of ten years may continue to hold office for the period determined under paragraph (b) if—
- (a) the Board, having satisfied itself that there are exceptional circumstances which would justify a continuation, has requested the person or persons who last nominated that Commissioner to nominate that Commissioner to continue to hold office for a period not exceeding 12 months, and
  - (b) the person or persons concerned, having agreed to the request, nominate the Commissioner to hold office for such period not exceeding 12 months as the person or persons may determine.
- (5) The nomination of a person under sub-paragraph (4)(b) is to be made in the same manner as the last nomination of the person under paragraph 1(b) was made.]

**Textual Amendments**

- F8** Sch. 1 para. 2 substituted (28.7.2021) by [The Legislative Reform \(Church Commissioners\) Order 2021 \(S.I. 2021/842\)](#), arts. 1(2), **2(1)** (with art. 2(3))

- 3 In the event of delay in the [<sup>F9</sup>election] or nomination of a successor any such Commissioner as is referred to in the last preceding paragraph shall, notwithstanding the expiration of the period for which he was [<sup>F10</sup>elected] or nominated, continue to hold office until a successor is [<sup>F10</sup>elected] or nominated.

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#### Textual Amendments

- F9** Word in Sch. I para. 3 substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(c)(i)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F10** Word in Sch. I para. 3 substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(c)(ii)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

4 A person shall be disqualified from being a Commissioner so long as he is a salaried official of any central <sup>F11</sup>... body in the Church of England.

#### Textual Amendments

- F11** Words in Sch. 1 para. 4 omitted (28.7.2021) by virtue of [The Legislative Reform \(Church Commissioners\) Order 2021 \(S.I. 2021/842\)](#), arts. 1(2), 4

[<sup>F125</sup> If an elected Commissioner who was qualified for election by virtue of being a bishop, a dean <sup>F13</sup>..., a clerk in Holy Orders or a lay person ceases to be so qualified, he shall cease to be a Commissioner.]

#### Textual Amendments

- F12** Sch. I para. 5 substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(d)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F13** Words in Sch. 1 para. 5 omitted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(c)**; 2006 No. 2, Instrument made by Archbishops

[<sup>F145A</sup>(1) Without prejudice to paragraph 5 above, if a Commissioner elected by members of [<sup>F15</sup>the House of Bishops] of the General Synod [<sup>F16</sup> who is a member of that House] 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 [<sup>F17</sup> in accordance with the Standing Orders of the General Synod].]

#### Textual Amendments

- F14** Sch. I para. 5A substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(e)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F15** Words in Sch. 1 para. 5A substituted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 3(7)**; S.I. 2014/1369, art. 2
- F16** Words in Sch. 1 para. 5A(1) inserted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(d)(i)**; 2006 No. 2, Instrument made by Archbishops
- F17** Words in Sch. 1 para. 5A(2) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 2 para. 4(1)(d)(ii)**; 2006 No. 2, Instrument made by Archbishops

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- [<sup>F18</sup>6 Every lay Commissioner, other than a person who is a Commissioner in right of office, shall, upon appointment and before acting as a Commissioner, sign and return to an officer of the Commissioners a written declaration of [<sup>F19</sup>—
- (a) membership of the Church of England or of a Church which subscribes to the doctrine of the Holy Trinity, and
  - (b) support for the charitable objects of the Commissioners.]]

.....

**Textual Amendments**

- F18** Sch. 1 para. 6 substituted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 3(8)**; S.I. 2014/1369, art. 2
- F19** Sch. 1 para. 6(a)(b) substituted for words in Sch. 1 para. 6 (28.7.2021) by [The Legislative Reform \(Church Commissioners\) Order 2021 \(S.I. 2021/842\)](#), arts. 1(2), **5(1)**

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