

Status: Point in time view as at 22/08/2007.

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

SCHEDULE I

Section 1(2).

CONSTITUTION OF THE COMMISSIONERS

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

[^{F8}2 Elected Commissioners shall hold office for five years and shall be elected [^{F9}in accordance with the Standing Orders of the General Synod].

Nominated Commissioners shall hold office for such number of years as the person or persons making the nomination may determine.

In this paragraph the expression “ year ” means a period of twelve months commencing on the first day of [^{F10} January] .

Any such Commissioner as is referred to in this paragraph shall be eligible for re-election or re-nomination.]

Textual Amendments

- F8** Sch. I para. 2 substituted (1.1.1999) by 1998 No. 1, s. 7(1), **Sch. 4 para. 8(b)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York
- F9** Words in Sch. 1 para. 2 substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 2 para. 4(1)(b)** (with Sch. 2 para. 4(2)); 2006 No. 2, Instrument made by Archbishops
- F10** Word in Sch. 1 para. 2 substituted (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 2 para. 4(1)(b)** (with Sch. 2 para. 4(2)); 2006 No. 2, Instrument made by Archbishops

3 In the event of delay in the [^{F11}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 [^{F12}elected] or nominated, continue to hold office until a successor is [^{F12}elected] or nominated.

Textual Amendments

- F11** 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
- F12** 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 or diocesan body in the Church of England.

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[^{F13}5 If an elected Commissioner who was qualified for election by virtue of being a bishop, a dean ^{F14} ..., a clerk in Holy Orders or a lay person ceases to be so qualified, he shall cease to be a Commissioner.]

Textual Amendments

F13 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

F14 Words in Sch. I 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

[^{F15}5A (1) Without prejudice to paragraph 5 above, if a Commissioner elected by members of a House of the General Synod [^{F16} 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 [^{F17} in accordance with the Standing Orders of the General Synod].]

Textual Amendments

F15 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

F16 Words in Sch. I 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. I 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

6 Every lay Commissioner not being a Commissioner in right of office shall, before otherwise acting in connection with the business of the Commissioners, declare in writing before an officer of the Commissioners that he is a member of the Church of England.

^{F18}SCHEDULE II

Textual Amendments

F18 Sch. II repealed (1.1.1999) by 1998 No. 1, s. 13(2); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

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F22F22 SCHEDULE III

Textual Amendments

F22 Sch. 3 repealed by Church Commissioners Measure 1964 (No. 8), s. 2(3)

F22

SCHEDULE IV

Section 7(1).

GENERAL PROVISIONS RELATING TO THE COMMISSIONERS, THE BOARD AND COMMITTEES

- 1 The proceedings of the Commissioners, the Board or a committee shall not be invalidated by any vacancy in the membership thereof, or by any defect in the qualification, [F23election or nomination of any member or, in relation to a committee, in the appointment of any member].

Textual Amendments

F23 Words in Sch. IV para. 1 substituted (1.1.1999) by 1998 No. 1, s. 7(1), Sch. 4 para. 9(a); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- 2 When [F24an elected] or nominated Commissioner proposes to retire, his intention so to do shall be notified by him in writing to the secretary of the Commissioners, who shall forthwith give notice to the person or body by whom such Commissioner was [F25elected] or nominated.

Textual Amendments

F24 Words in Sch. IV para. 2 substituted (1.1.1999) by 1998 No. 1, s. 7(1), Sch. 4 para. 9(b)(i); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

F25 Word in Sch. IV para. 2 substituted (1.1.1999) by 1998 No. 1, s. 7(1), Sch. 4 para. 9(b)(ii); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- [F263 Casual vacancies among elected or nominated Commissioners may be filled by the person or body by whom the Commissioner vacating office was elected or nominated. Casual vacancies among appointed members of a committee may be filled by the person or body by whom the member vacating office was appointed.]

Textual Amendments

F26 Sch. IV para. 3 substituted (1.1.1999) by 1998 No. 1, s. 7(1), Sch. 4 para. 9(c); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- 4 Any person [F27elected] or nominated to fill a casual vacancy shall hold office for the remainder of the term (if any) for which his predecessor was [F27elected] or nominated.

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Textual Amendments

F27 Word in Sch. IV para. 4 substituted (1.1.1999) by 1998 No. 1, s. 7(1), Sch. 4 para. 9(d); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- 5 At any meeting of the Commissioners, the Board or a committee, every question shall be decided by a majority of the votes of members present and voting on that question and in the case of equality of votes, the member presiding shall have a second or casting vote:

F28
. . .

Textual Amendments

F28 Words in Sch. IV para. 5 omitted (1.1.1999) by virtue of 1998 No. 1, s. 7(1), Sch. 4 para. 9(e); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- 6 Minutes of the proceedings of the Commissioners or of the Board signed at the same or the next meeting by a member describing himself, or appearing to be, the person presiding at the meeting at which the minutes are signed, shall be received in evidence without further proof, and, until the contrary is proved, every meeting of the Commissioners or of the Board, in respect of the proceedings whereof minutes have been so signed shall be deemed to have been duly convened and held.

- 7 The provisions of this Schedule relating to Committees shall in their application to the [^{F29}Assets Committee and the Audit Committee] have effect subject to any special provisions with respect thereto contained in this Measure.

Textual Amendments

F29 Words in Sch. 4 para. 7 substituted (1.1.1999) by virtue of 1998 No. 1, s. 7(1), Sch. 4 para. 9(f); Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

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