



# Cathedrals Measure 1963

1963 No. 2

## SPECIAL PROVISIONS RELATING TO CERTAIN CATHEDRAL CHURCHES

### 39 Charge on capitular revenues of Birmingham cathedral.

The capitular revenues of the cathedral church of Birmingham shall be charged with an annual payment of three thousand pounds to the [<sup>F1</sup>diocesan board of finance] for the benefit of the income account of the diocesan stipends fund of the diocese of Birmingham.

#### Textual Amendments

**F1** Words in s. 39 substituted (1.1.2001) by 2000 Measure No. 1, s. 6; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

### 40 Provisions as to Newcastle Chapter Endowment Fund.

[<sup>F2</sup>The statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure] with respect to the cathedral church of Newcastle shall make provision as to the purposes for which the Newcastle Chapter Endowment Fund may be applied, and until [<sup>F2</sup>the date on which those statutes come into operation that Fund shall be applied for the purpose for which it was applied immediately before that date].

#### Textual Amendments

**F2** Words in s. 40 substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), Sch. 2 para. 3 (with ss. 33, 34, 37, 38(5)(6))

---

*Status: Point in time view as at 01/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963, Special provisions relating to certain cathedral churches. (See end of Document for details)*

---

#### **41 Provisions as to canonry annexed to archdeaconry of Norfolk.**

- (1) The canonship or prebend in the cathedral church of Norwich which by the <sup>M1</sup>St. Catharine's College Cambridge (Canonship of Norwich) Act 1927 was annexed to the archdeaconry of Norfolk is hereby severed from that archdeaconry:

Provided that if at the passing of this Measure any person is holding both the said canonship or prebend and also the said archdeaconry, this subsection shall not come into force until both those offices are next vacant or until the holder of both those offices agrees to their severance, whichever shall first occur.

- (2) After the said canonship or prebend is severed from the said archdeaconry under the last foregoing subsection the bishop shall be entitled to appoint persons to fill the said canonship or prebend.
- (3) The sum which the dean and chapter of the cathedral church of Norwich are required under section three of the said Act to pay annually to the master or warden of St. Catharine's College in the University of Cambridge shall, as from the date on which the said canonship or prebend is severed from the said archdeaconry under the foregoing provisions of this section, cease to be a charge upon and paid out of the income of that canonship or prebend and shall be a charge upon and paid out of the moneys held by the diocesan board of finance of the diocese of Norwich [<sup>F3</sup>The said sum shall be fifty pounds per annum.].

##### **Textual Amendments**

- F3** Words in s. 41 inserted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No.1, s. 39(1), Sch. 2 para. 4 (with ss. 33, 34, 37, 38(5)(6))

##### **Marginal Citations**

- M1** 1927 c. lxii.

#### **42 Provision for appointment of additional canon at Oxford.**

- (1) Subject to the provisions of this section, the Cathedrals Commission may, with the consent of the bishop, the dean and canons of the cathedral church of Christ in Oxford and the Church Commissioners, make and seal an instrument providing for the creation of an additional canonry for that cathedral church:

Provided that the creation of an additional canonry under this section shall not involve any charge direct or indirect upon the revenues of the House of Christ Church.

- (2) The bishop shall be entitled to appoint persons to fill the said canonry.
- (3) A person appointed to fill the said canonry shall not be entitled to be a member of the governing body of the House of Christ Church.
- (4) Any instrument made under this section shall regulate the rights and duties of the canon appointed thereunder and those rights and duties shall be such as to secure that the canon will be engaged exclusively on cathedral duties; [<sup>F4</sup>sections 8(2) and (3), 21, 22 and 35(1) of the Cathedrals Measure 1999 shall apply in relation to that canon as if that Measure] provided that administrative functions in relation to the cathedral church were to be performed by the dean and canons.

*Status: Point in time view as at 01/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963, Special provisions relating to certain cathedral churches. (See end of Document for details)*

(5) The Cathedrals Commission shall not seal any instrument under this section unless it is satisfied that a house of residence is available for allocation for the use of the canon to be appointed thereunder and the bishop shall not appoint a canon under this section unless he is satisfied that a house of residence is available and will be allocated for the use of that canon.

[<sup>F5</sup>(6) The bishop, the dean and canons and the Church Commissioners acting jointly may make an instrument for the purposes of this section varying or replacing any instrument previously made thereunder and for the time being in force, and the provisions of this section with any adaptations necessary to take account of the passing of the Cathedrals Measure 1999 shall apply under this subsection as they applied in relation to an instrument made before the passing of that Measure.]

#### Textual Amendments

**F4** Words in s. 42(4) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 5** (with ss. 33, 34, 37, 38(5)(6))

**F5** S. 42(6) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 5** (with ss. 33, 34, 37, 38(5)(6))

### 43 Power of bishop of Oxford to appoint non-residentiary canons.

(1) The bishop shall have power to appoint not more than twenty-four non-residentiary canons in the cathedral church of Christ in Oxford, . . . <sup>F6</sup>

[<sup>F7</sup>(2) Subject to subsection (3) of this section, a non-residentiary canon in the said cathedral church shall, unless the bishop otherwise determines, vacate that office—

- (a) on ceasing to be beneficed, or licensed to serve, in the diocese of Oxford, or
- (b) on attaining the age of seventy years,

whichever event first occurs.

(3) Subsection (2) of this section shall not apply to any person who held the office of non-residentiary canon in the said cathedral church at the commencement of the Church of England (Miscellaneous Provisions) Measure 1978, but, unless the bishop otherwise determines, that person shall vacate that office on ceasing to reside in the diocese of Oxford.

(4) The bishop may confer the title of canon emeritus in the said cathedral church on any person who vacates the office of non-residentiary canon in that church in accordance with subsection (2) or (3) of this section or in accordance with subsection (1) thereof, as originally enacted.]

[<sup>F8</sup>(5)] The rights and duties of non-residentiary canons [<sup>F9</sup>and of canons emeriti] in the said cathedral church shall be such as may from time to time be determined by the dean and canons of the cathedral church with the agreement of the bishop.

#### Textual Amendments

**F6** Words repealed by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(1)

**F7** S. 43(2)–(4) inserted by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(1)(2)

---

*Status: Point in time view as at 01/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963, Special provisions relating to certain cathedral churches. (See end of Document for details)*

---

- F8** S. 43(2) renumbered s. 43(5) by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), **s. 10(1)(2)**
- F9** Words inserted by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), **s. 10(2)**

#### **44 Provisions as to Southwark.**

- (1) [<sup>F10</sup>The constitution or statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure] with respect to the cathedral church of Southwark may, with the consent of the trustees of the Rectory of St. Saviour, Southwark, provide that the said cathedral church shall vest in the capitular body of that cathedral church and that any rights of those trustees in relation to the approval of, or consultation upon, alterations to the fabric or monuments of the cathedral church or to its curtilage shall cease; and the said trustees are hereby authorised to give their consent to any such provisions as aforesaid.
- (2) The powers conferred by section twenty of this Measure on the capitular body of the said cathedral church in relation to a house of residence shall be exercisable in like manner in relation to the Chapter House of Southwark.

In this subsection the expression “the Chapter House” has the same meaning as in the <sup>M2</sup>Southwark Cathedral Measure 1937.

---

#### **Textual Amendments**

- F10** Words in s. 44(1) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 6** (with ss. 33, 34, 37, 38(5)(6))
- 

#### **Marginal Citations**

- M2** 1937 No. 3.

**Status:**

Point in time view as at 01/01/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Cathedrals Measure 1963, Special provisions relating to certain cathedral churches.