



# Church of England (Miscellaneous Provisions) Measure 1995

1995 No. 2

## 1 Ministers of Church of Ireland.

It shall be lawful for persons admitted to Holy Orders by a bishop of the Church of Ireland, whether or not they hold or have held any benefice or preferment in England, to officiate in England in a church or chapel belonging to the Church of England, if invited to do so by the minister having the cure of souls of the church or chapel, without notifying the bishop of the diocese in which the church or chapel is situate for the same period and subject to the same conditions as would be applicable to them if they had been admitted to Holy Orders by the bishop of a diocese in the Church of England.

## 2 Provisions relating to Christ Church Oxford.

- (1) It shall be lawful for the constitution and statutes of the foundation known as the Cathedral Church of Christ in Oxford to provide for the appointment of not more than two lay canons and to specify the functions of such lay canon or canons.
- (2) No such lay canon shall be appointed unless the person concerned is —
  - (a) a communicant member of the Church of England; or
  - (b) a member of a church to which the <sup>M1</sup>Church of England (Ecumenical Relations) Measure 1988 applies and is entitled lawfully to take part in public worship in accordance with the forms of service and practice of the Church of England.
- (3) The regius professorship of ecclesiastical history which, pursuant to section 6 of the <sup>M2</sup>Ecclesiastical Commissioners Act 1840, was annexed to a canonry in the chapter of the said Cathedral Church may, notwithstanding the provisions of that Act, be held either by a residentiary canon in the said chapter or by a lay canon appointed pursuant to subsection (1) above.

*Status: Point in time view as at 01/09/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1995. (See end of Document for details)*

### Marginal Citations

M1 1988 No. 3.

M2 3 & 4 Vict. c. 113.

### 3 Designation of archdeacon emeritus.

The bishop of a diocese may confer the designation of archdeacon emeritus upon any person who retires immediately after holding the office of archdeacon.

### 4 Resignation of certain office holders.

Where a dean, residentiary canon or archdeacon wishes to resign it shall not be necessary to proceed by way of a deed, but any such resignation shall be in writing, duly signed and witnessed and sent—

- (a) in the case of a dean, to Her Majesty;
- (b) in the case of a residentiary canon where the canonry is in the direct patronage of Her Majesty, to Her Majesty;
- (c) in the case of any other residentiary canon, to the diocesan bishop concerned; and
- (d) in the case of an archdeacon, to the diocesan bishop concerned.

### 5 Amendment of Ecclesiastical Commissioners Act 1840.

In section 27 of the Ecclesiastical Commissioners Act 1840 (qualification of deans, archdeacons and canons)—

- (a) after the word “dean,” there shall be inserted the word “ provost, ”;
- (b) for the words “priest’s orders” there shall be substituted the words “ holy orders and, in the case of a dean, provost or archdeacon, be in priest’s orders at the time of the appointment ”.

### 6 Amendment of Church Commissioners Measure 1947.

In section 6 of the <sup>M3</sup>Church Commissioners Measure 1947 for paragraph (b) (Assets Committee) there shall be substituted the following paragraph—

- “(b) the Assets Committee shall comprise—
- (i) the First Church Estates Commissioner;
  - (ii) one Commissioner, being a clerk in holy orders appointed for three years by the Board;
  - (iii) not less than three nor more than five lay Commissioners appointed for three years by the Archbishop of Canterbury; and
  - (iv) not less than one nor more than three Commissioners appointed for three years by the Archbishop of Canterbury, after consultation with the Board, from among the twenty clerks in holy orders and laymen appointed as Commissioners by the General Synod;

the persons referred to in sub-paragraphs (iii) and (iv) above being persons who in the opinion of the Archbishop are well qualified to assist in the management of the assets of the Commissioners,”.

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#### Extent Information

**E1** S. 6 extends to the provinces of Canterbury and York except the Channel Islands

#### Marginal Citations

**M3** 1947 No. 2.

### 7 Amendment of Church Funds Investment Measure 1958.

The Scheme contained in the Schedule to the <sup>M4</sup>Church Funds Investment Measure 1958 shall have effect subject to the amendments specified in the Schedule to this Measure.

#### Marginal Citations

**M4** 6 & 7 Eliz. 2 No. 1.

### 8 Amendment of Clergy Pensions Measure 1961.

In section 21 of the <sup>M5</sup>Clergy Pensions Measure 1961 (constitution of Board)—

- (a) in paragraph (a) of subsection (3) the words from “of whom eight” to the end shall be omitted;
- (b) in subsection (5) for the words from “Standing Committee” to the end there shall be substituted the words “General Synod in such manner as the Synod may from time to time determine”.

#### Extent Information

**E2** S. 8 extends to the provinces of Canterbury and York except the Channel Islands

#### Marginal Citations

**M5** 1961 No. 3

### 9 Amendment of Ecclesiastical Jurisdiction Measure 1963.

The <sup>M6</sup>Ecclesiastical Jurisdiction Measure 1963 shall have effect subject to the following amendments—

- (a) in section 2 (judge of consistory court) in paragraph (5) the words “and subscribe” and “and subscription” shall be omitted;
- (b) in section 3 (judges of the Arches and Chancery Courts)—
  - (i) in paragraphs (6) and (7) the words “and subscribe” shall be omitted;
  - (ii) in paragraph (8) the words “and subscription” shall be omitted;
- (c) in section 27 (power of chancellor to nominate trial judge in lieu of himself) in subsection (2) the words “and subscribe” shall be omitted;
- (d) in Schedule 1 (which sets out the form of the oaths to be taken by all judges) the words “AND SUBSCRIBED, AND DECLARATION TO BE MADE AND SUBSCRIBED,” and the words “AND SUBSCRIBED” (where they appear elsewhere) shall be omitted.

*Status: Point in time view as at 01/09/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1995. (See end of Document for details)*

#### Marginal Citations

M6 1963 No. 1.

### 10 Amendment of Parochial Registers and Records Measure 1978.

In section 20 of the <sup>M7</sup>Parochial Registers and Records Measure 1978 (searches of certain register books) at the end there shall be inserted the following subsection—

“(6) This section shall so far as applicable and with the necessary modifications, apply in relation to the custody or deposit of register books of baptisms, burials or marriages provided for any cathedral or collegiate church or any other church or chapel which does not belong to a parish.”.

#### Marginal Citations

M7 1978 No. 2.

### 11 Amendment of Pastoral Measure 1983.

The <sup>M8</sup>Pastoral Measure 1983 shall have effect subject to the following amendments—

- (a) in section 9 (confirmation of schemes by Order in Council) in subsection (4) after paragraph (d) there shall be inserted the word “ or ” and the following paragraphs—
  - “(e) no person has duly made written representations with respect to the draft scheme; or
  - (f) written representations with respect to the draft scheme have been duly made but it has not been practicable to serve any notice under subsection (1)(a).”;
- (b) in section 44 (appointment of Churches Conservation Trust) in subsection (5) after paragraph (a) there shall be inserted the following paragraph—
  - “(aa) to acquire property (including rights of way) where the Trust considers that to do so would assist it in the exercise of its powers under paragraph (a).”;
- (c) in section 51 (contents of redundancy schemes) in subsection (9) for the words from “being a church” to “in the case of that church” there shall be substituted the words “ and the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which the first-mentioned church is situated to take the place of that church ”;
- (d) in section 87 (general interpretation) at the end there shall be inserted the following subsection—
  - “(5) Any reference in this Measure to the demolition of a building shall be construed as including a reference to the demolition of part thereof.”;
- (e) in Schedule 1 (constitution and procedure of the pastoral committee of a diocese) in paragraph 3 after the words “suffragan bishop in the diocese” there shall be inserted the words “ (not being a suffragan bishop appointed to act as a provincial episcopal visitor for the purposes of the Episcopal Ministry Act of Synod 1993) ”.

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**Marginal Citations**

**M8** 1983 No. 1.

**12 Amendment of Church of England (Miscellaneous Provisions) Measure 1983.**

In section 8 of the <sup>M9</sup>Church of England (Miscellaneous Provisions) Measure 1983 (discharge of certain functions of bishop)—

- (a) in subsection (1)(a) after the words “from his diocese” there shall be inserted the words “ or by reason of his forthcoming translation to another see ”;
- (b) in subsection (2) the words “which shall not be longer than six months” shall be omitted.

**Marginal Citations**

**M9** 1983 No. 2.

**13 Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991.**

In section 6 of the <sup>M10</sup>Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (provisions relating to trees in churchyards)—

- (a) in subsection (1) for the word “churchyards” there shall be substituted the words “ a churchyard which the council is liable to maintain ”;
- (b) in subsection (2)—
  - (i) for the words “maintainable by a parochial church council” there shall be substituted the words “ which a parochial church council is liable to maintain ”;
  - (ii) for the words “maintainable by the council” there shall be substituted the words “ which the council is liable to maintain ”.

**Marginal Citations**

**M10** 1991 No. 1.

**14 Amendment of various enactments in connection with General Synod procedure.**

In the following enactments, that is to say —

- section 6(4A) of the <sup>M11</sup>Clergy Pensions (Amendment) Measure 1972;
- sections 2(3) and 6(4) of the <sup>M12</sup>Ecclesiastical Fees Measure 1986;
- section 38(5) of the <sup>M13</sup>Patronage (Benefices) Measure 1986;
- section 27(3) of the <sup>M14</sup>Care of Churches and Ecclesiastical Jurisdiction Measure 1991;
- section 9(5) of the <sup>M15</sup>Incumbents (Vacation of Benefices) (Amendment) Measure 1993;

in paragraph (b) in each case the words from “and at least” to the end of that paragraph shall be omitted.

*Status: Point in time view as at 01/09/1995.*

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#### **Marginal Citations**

- M11** 1972 No. 5.
- M12** 1986 No. 2.
- M13** 1986 No. 3.
- M14** 1991 No. 1.
- M15** 1993 No. 1.

### **15 Short title, commencement and extent.**

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 1995.
- (2) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint; and different dates may be appointed for different provisions.
- (3) Subject to subsections (4) and (5) below this Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man.
- (4) This Measure (except section 2) may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.
- (5) Sections 6 and 8 above shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the remainder of this Measure except sections 2 and 5 shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald or other instrument.

#### **Subordinate Legislation Made**

- P1** [S. 15: Power exercised \(26.7.1995\): 1.9.1995 appointed for specified provisions; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York](#)

**Status:**

Point in time view as at 01/09/1995.

**Changes to legislation:**

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1995.