



# Church of England (Miscellaneous Provisions) Measure 2000

2000 No. 1

A Measure passed by the General Synod of the Church of England to transfer certain functions of the Church Commissioners to diocesan bodies; to make provision for the performance of a rural dean's functions during a vacancy, absence or illness; to enable dioceses to re-name rural deans as area deans; to amend section 1 of the Consecration of Churchyards Act 1867; to amend section 12(10) of the City of London (Guild Churches) Act 1952; to amend the Schedule to the Church Funds Investment Measure 1958; to amend section 8 of the Ecclesiastical Jurisdiction Measure 1963; to amend section 21 of the Repair of Benefice Buildings Measure 1972; to amend section 4 of the Ecclesiastical Fees Measure 1986; to amend section 3 of the Patronage (Benefices) Measure 1986; to amend section 6 of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988; to repeal certain enactments which are no longer of practical utility; and for purposes connected therewith. [28th July 2000]

VALID FROM 01/01/2001

## PART I

### TRANSFER OF CERTAIN FUNCTIONS OF CHURCH COMMISSIONERS

#### 1 Diocesan accounts.

- (1) The duties of the Church Commissioners (hereinafter referred to as "the Commissioners")—
  - (a) under section 1 of the <sup>M1</sup>Diocesan Stipends Funds Measure 1953 to keep a capital account and an income account for the diocesan stipends fund of a diocese, and

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(b) under section 77 of the <sup>M2</sup>Pastoral Measure 1983 to hold a diocesan pastoral account,

are hereby transferred to the diocesan board of finance of the diocese.

(2) The Commissioners shall, on the appointed day, pay to each diocesan board of finance—

- (a) an amount equivalent to the balance outstanding on that day to the credit of the capital account,
- (b) an amount equivalent to the balance outstanding on that day to the credit of the income account, and
- (c) an amount equivalent to the balance outstanding on that day to the credit of the diocesan pastoral account,

for the diocese concerned and those amounts shall be credited to its capital account, its income account or its diocesan pastoral account as the case may be:

Provided that, if there is no balance outstanding on the appointed day to the credit of the income account of a diocese, any amount then outstanding to the debit of the account shall be treated as a debt due to the Commissioners from the diocesan board of finance concerned.

(3) In this section “diocesan board of finance”, “diocesan pastoral account” and “diocesan stipends fund” have the same meanings as in the <sup>M3</sup>Pastoral Measure 1983 and “the appointed day” means the day appointed under section 22(2) below for the coming into force of this section.

#### Marginal Citations

- M1** 1 &2 Eliz. 2 No. 2.
- M2** 1983 No. 1.
- M3** 1983 No. 1.

## 2 Amendment of Parsonages Measure 1938.

The <sup>M4</sup>Parsonages Measure 1938 shall have effect subject to the amendments specified in Schedule 1 to this Measure.

#### Marginal Citations

- M4** 1 &2 Geo. 6 No. 3.

## 3 Amendment of City of London (Guild Churches) Act 1952.

In section 12(10) of the <sup>M5</sup>City of London (Guild Churches) Act 1952—

- (a) for the words “Incumbents (Disability) Measure 1945 and of the Incumbents (Discipline) Measure 1947” there shall be substituted the words “ Ecclesiastical Jurisdiction Measure 1963 and of the Incumbents (Vacation of Benefices) Measure 1977 ”;
- (b) for the words “Church Commissioners” there shall be substituted the words “ London Diocesan Fund ”;

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- (c) in the proviso for the words “Incumbents (Discipline) Measure 1947” there shall be substituted the words “Ecclesiastical Jurisdiction Measure 1963” and for the words “paragraph (iii) of section 16” there shall be substituted the words “section 71(4)”.

**Marginal Citations**

M5 15 & 16 Geo. 6 and 1 Eliz. 2 c.xxxviii.

**4 Amendment of Diocesan Stipends Funds Measure 1953.**

The <sup>M6</sup>Diocesan Stipends Funds Measure 1953 shall have effect subject to the amendments specified in Schedule 2 to this Measure.

**Marginal Citations**

M6 1953 No. 2.

**5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960.**

The <sup>M7</sup>Church Property (Miscellaneous Provisions) Measure 1960 shall have effect subject to the amendments specified in Schedule 3 to this Measure.

**Marginal Citations**

M7 8 & 9 Eliz. 2 No. 1.

**6 Amendments of Cathedrals Measure 1963.**

In section 39 of the <sup>M8</sup>Cathedrals Measure 1963 for the words “Church Commissioners” there shall be substituted the words “diocesan board of finance”.

**Marginal Citations**

M8 1963 No. 2.

**7 Amendment of Repair of Benefice Buildings Measure 1972.**

The Repair of <sup>M9</sup>Benefice Buildings Measure 1972 shall have effect subject to the amendments specified in Schedule 4 to this Measure.

**Marginal Citations**

M9 1972 No. 2.

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## 8 Amendment of Endowments and Glebe Measure 1976.

The <sup>M10</sup>Endowments and Glebe Measure 1976 shall have effect subject to the amendments specified in Schedule 5 to this Measure.

### Marginal Citations

M10 1976 No. 4.

## 9 Amendment of Incumbents (Vacation of Benefices) Measure 1977.

In Schedule 2 to the <sup>M11</sup>Incumbents (Vacation of Benefices) Measure 1977—

- (a) in paragraph 2(4) for the words “Church Commissioners” there shall be substituted the words “Church of England Pensions Board”;
- (b) in paragraph 7 for the words from “agreed” to “and” there shall be substituted the words “determined by”;
- (c) in paragraph 8(1) in the definition of “national minimum stipend” the words “Church Commissioners as the” shall be omitted.

### Marginal Citations

M11 1977 No. 1.

## 10 Amendment of Pastoral Measure 1983.

The <sup>M12</sup>Pastoral Measure 1983 shall have effect subject to the amendments specified in Schedule 6 to this Measure.

### Marginal Citations

M12 1983 No. 1.

## 11 Amendment of Charities Act 1993.

In section 96(2)(b) of the <sup>M13</sup>Charities Act 1993 after the words “Diocesan Board of Finance” there shall be inserted the words “(or any subsidiary thereof)”.

### Marginal Citations

M13 1993 c. 10.

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## PART II

### OTHER PROVISIONS

#### 12 Provisions relating to rural deans.

- (1) Where a rural deanery is vacant or a rural dean is unable by reason of illness or absence to carry out any or all of his functions, the bishop of the diocese in which the rural deanery is may appoint by an instrument under his hand another person to perform any or all of the rural dean's functions for a period specified in the instrument.
- (2) A power of appointment under this section may be exercised by the appointment of two or more persons and by the division among them, whether territorially or otherwise, of the function or functions to be performed.
- (3) A statement in a document issued in the performance of any such function that the person by whom the document is signed or executed has been duly appointed under this section to perform that function shall be conclusive evidence of that fact.
- (4) The bishop of a diocese may by order declare that the office of rural dean shall, in any deanery in that diocese, be called the office of area dean; and, accordingly, in any enactment (including this section), Canon or other instrument references to a rural dean shall be construed as including references to an area dean.

#### 13 Amendment of Consecration of Churchyards Act 1867.

In section 1 of the <sup>M14</sup>Consecration of Churchyards Act 1867—

- (a) for the words “ lawfully appointed as his commissary ” there shall be substituted the words “ appointed by him for the purposes of this section ”;
- (b) for the words “any two clergymen of the diocese” there shall be substituted the words “ a clergyman beneficed or licensed to serve in the diocese or by the churchwardens of the church in question ”.

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#### Marginal Citations

**M14** 31 & 32 Vict. c. 47.

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

- (1) In the <sup>M15</sup>Church Funds Investment Measure 1958 the Scheme contained in the Schedule shall be amended as follows.
- (2) In paragraph 1 after the definition of “Contributing Fund” there shall be inserted the following definition—

““Deposit Fund Reserve” has the meaning ascribed thereto in paragraph 22A hereof;”.
- (3) In paragraph 20(2) at the end there shall be inserted the words “Provided that the Central Board shall not be liable to make good any loss incurred in the course of administering the Fund in a reasonable manner in the event that depositors cannot be repaid in full”.

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- (4) In paragraph 21(1) the words from “(c)” to “trust funds;” shall be omitted.
- (5) After paragraph 22 there shall be inserted the following paragraph—

- “22A
- (1) For any Deposit Fund the Central Board may keep a separate account (referred to herein as a Deposit Fund Reserve) containing such moneys as the Board may allocate thereto out of the income of the investment of the Fund, for the purpose of preventing or reducing potential losses in the Fund or of augmenting the rate of interest paid to depositors.
- (2) Until the expiry of the period of five years following the coming into force of section 14(5) of the Church of England (Miscellaneous Provisions) Measure 2000 or of such further period or periods following that period of five years as the General Synod may by resolution direct, paragraph 21 of this Scheme shall apply in relation to Deposit Fund Reserves in like manner as it applies to Deposit Funds, with the insertion at the end of sub-paragraph (1) of the words “(g) Upon loan to the Archbishops’ Council.””

**Marginal Citations**

M15 1958 No. 1.

**15 Amendment of Ecclesiastical Jurisdiction Measure 1963.**

In section 8 of the <sup>M16</sup>Ecclesiastical Jurisdiction Measure 1963 at the end of subsection (2) there shall be inserted the words “ with the leave of Her Majesty in Council. ”.

**Marginal Citations**

M16 1963 No. 1.

**16 Amendment of Ecclesiastical Fees Measure 1986.**

- (1) Section 4 of the <sup>M17</sup>Ecclesiastical Fees Measure 1986 shall be amended as follows.
- (2) In subsection (1) for paragraph (d) there shall be substituted the following paragraphs—
- “(d) a member or officer of the Archbishops’ Council nominated for the purposes of this Measure by that Council;
- (dd) a Church Commissioner or an officer of the Church Commissioners nominated for the purposes of this Measure by them; and”.
- (3) In subsection (3) for the words from “paragraphs (a) to (c)” to “paragraph (e)” there shall be substituted the words “ paragraphs (a), (b), (c) and (e) ”.
- (4) After subsection (3) there shall be substituted the following subsection—
- “(3A) The members of the Fees Advisory Commission nominated under paragraphs (d) and (dd) of subsection (1) above shall serve on the Commission during

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the pleasure of the Archbishops' Council or the Church Commissioners, respectively.”.

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**Marginal Citations**

M17 1986 No. 2.

**17 Amendment of Patronage (Benefices) Measure 1986.**

In section 3 of the <sup>M18</sup>Patronage (Benefices) Measure 1986—

- (a) in subsection (8) at the end there shall be inserted the words “unless the benefice is one to which a suspension period (within the meaning of section 67 of the Pastoral Measure 1983) applies and a person holds office as priest in charge for the benefice”;
- (b) in subsection (9) after the word “but” there shall be inserted the words “ except in subsection (6) ”.

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**Marginal Citations**

M18 1986 No. 3.

**18 Amendment of Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988.**

In section 6 of the <sup>M19</sup>Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988—

- (a) in subsection (2) at the end there shall be inserted the words “ for its approval ”;
- (b) for subsections (3) and (4) there shall be substituted the following subsections—

“(3) Where the Business Committee of the General Synod determines that any such petition does not need to be debated by the Synod, then, unless notice is given by a member of the Synod in accordance with its Standing Orders that he wishes the petition to be debated, the petition shall for the purposes of subsection (2) above be deemed to have been approved by the Synod.

- (4) Where the petition is approved by the General Synod the bishop of the diocese may forward it to Her Majesty in Council.”.

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**Marginal Citations**

M19 1988 No. 1.

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## PART III

### GENERAL

VALID FROM 01/01/2001

#### 19 Transitional provisions.

The transitional provisions set out in Schedule 7 to this Measure shall have effect for the purpose of the transfer of functions of the Church Commissioners under, or by virtue of any amendment made by, Part I of this Measure.

VALID FROM 01/01/2001

#### 20 Repeals.

The enactments mentioned in Schedule 8 to this Measure are hereby repealed to the extent specified in the third column of that Schedule (those mentioned in Part I of that Schedule being enactments which are no longer of practical utility).

#### 21 Extent.

- (1) This Measure shall extend to the provinces of Canterbury and York except that it shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (2) Section 13 above and this section shall extend to the Isle of Man; and if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, section 9, 10, 12, 15, 17 and 19 of, and Schedules 6 to 8 to, this Measure shall extend to the Isle of Man subject to such exceptions, adaptations and modifications as may be specified in the Act of Tynwald or instrument.
- (3) This Measure 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 these Measures.

#### 22 Citation, commencement and interpretation.

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2000.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.
- (3) In this Measure “function” includes powers and duties.

#### Subordinate Legislation Made

- P1 [S. 22\(2\)](#) power partly exercised by [Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York](#)



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S. 22(2) power partly exercised by [Instrument dated 14.12.2001 made by the Archbishops of Canterbury and York](#)

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