



Church of England (Miscellaneous Provisions) Measure 2006

2006 No. 1

A Measure passed by the General Synod of the Church of England to amend the Parsonages Measure 1938; to amend the Church Commissioners Measure 1947; to amend the Diocesan Stipends Funds Measure 1953; to amend section 2 of the Church Funds Investment Measure 1958; to amend section 7 of the Church Property (Miscellaneous Provisions) Measure 1960; to make new provision for the powers of the Church Commissioners relating to Farnham Castle; to amend the Ecclesiastical Jurisdiction Measure 1963; to amend Schedule 2 to the Synodical Government Measure 1969; to amend the Repair of Benefice Buildings Measure 1972; to amend the Endowments and Glebe Measure 1976; to amend section 8 of the Church of England (Miscellaneous Provisions) Measure 1978; to amend the Pastoral Measure 1983; to amend the National Institutions Measure 1998; and for purposes connected therewith. [11th July 2006]

VALID FROM 01/12/2007

1 Amendment of Parsonages Measure 1938

The Parsonages Measure 1938 (1 & 2 Geo. 6 No. 3) shall have effect subject to the amendments specified in Schedule 1 to this Measure.

2 Amendment of Church Commissioners Measure 1947

The Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) shall have effect subject to the amendments specified in Schedule 2 to this Measure.

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Commencement Information

II S. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

3 Amendment of Diocesan Stipends Funds Measure 1953

(1) The Diocesan Stipends Funds Measure 1953 (1 & 2 Eliz. 2 No. 2) shall be amended as follows.

(2) In section 4(1)—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) the acquisition of any land to be held as diocesan glebe land of the diocese by the board or any subsidiary of the board set up under a scheme made under section 19 of the Endowments and Glebe Measure 1976 (1976 No. 4) or investment in any such subsidiary;” and

(b) paragraph (aa) shall be omitted.

(3) For section 5(3) there shall be substituted the following subsection—

“(3) Before giving any directions under subsection (2) above with respect to the application of the said moneys in providing or augmenting the stipends or other emoluments of the persons mentioned in subsection (1) above, the bishop or the person so authorised shall have regard to any recommendations made by the Central Stipends Authority with respect to the forms and levels of the stipends and other emoluments of those persons.”.

Commencement Information

I2 S. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

4 Amendment of Church Funds Investment Measure 1958

Section 2 of the Church Funds Investment Measure 1958 (6 & 7 Eliz. 2 No. 1) shall have effect, and shall be deemed always to have had effect, as if the corporate funds of the Archbishops' Council were included amongst the funds mentioned in paragraph (d) of that section.

Commencement Information

I3 S. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960

In section 7(1) of the Church Property (Miscellaneous Provisions) Measure 1960 (8 & 9 Eliz. 2 No. 1) for the words from “has not at any time been used” to the end of the subsection there shall be substituted the words “ is no longer required for the purpose for which it was granted ”.

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Commencement Information

I4 S. 5 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

6 Powers of Church Commissioners relating to Farnham Castle

- (1) Subject to subsections (3) and (4) below, Farnham Castle shall be held by the Commissioners as part of their corporate property and, accordingly, the provisions of the Farnham Castle Measure 1961 (9 & 10 Eliz. 2 No. 1) (“the 1961 Measure”) mentioned in subsection (2) below are hereby repealed.
- (2) The provisions of the 1961 Measure referred to in subsection (1) above are the words “, but subject to the succeeding section” in section 1(2), section 2 and the definition of “approved” in section 3.
- (3) Before exercising any power to sell or otherwise dispose of Farnham Castle or any part thereof or any interest in or over it the Commissioners shall consider what consequences would be likely to result from the exercise of that power and what restrictive or other conditions, if any, should be imposed upon the purchaser, lessee or grantee and, if they consider that Farnham Castle or any part thereof may be prejudicially affected by the exercise of that power, they shall consult English Heritage and such other person or body qualified to advise on the matter as they think fit.
- (4) The Commissioners may enforce any covenants imposed on the sale, exchange or gift of the whole or, in the case of a partial disposition, on the sale, exchange or gift of the last remaining part, of Farnham Castle as if the Commissioners were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that land and, in the case of covenants of a positive character, as if they were negative.
- (5) In this section—
 - “the Commissioners” means the Church Commissioners;
 - “English Heritage” means the Historic Buildings and Monuments Commission for England, known as English Heritage; and
 - “Farnham Castle” has the meaning assigned to it by the 1961 Measure.

Commencement Information

I5 S. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

7 Amendment of Ecclesiastical Jurisdiction Measure 1963

- (1) The Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1) shall be amended as follows.
- (2) In section 2(2) for the words “who has held high judicial office” there shall be substituted the words “ holds or has held high judicial office or the office of circuit judge ”.
- (3) In section 2A(1) and (2) after the word “chancellorships” there shall be inserted the words “ or deputy chancellorships ”.

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- (4) In section 4(1A) the words “or any chancellor”, the words “in the former case, and the bishop of the diocese concerned in the latter,” and the words “or deputy chancellor of such diocese as the case may be” shall be omitted and for the words “in respect of which he is appointed to act as deputy” there shall be substituted the words “ of Dean of the Arches and Auditor ”.
- (5) After section 4(1A) there shall be inserted the following subsections—
- “(1B) Any chancellor may, with the consent of the bishop of the diocese, appoint, in writing, a fit and proper person to act as deputy chancellor of the diocese and any person so appointed shall have all the powers and perform all the duties of the office of chancellor.
- (1C) The appointment of a deputy chancellor appointed under subsection (1B) of this section shall continue so long as the chancellor who appointed the deputy chancellor continues in office and, thereafter, for the period of three months beginning with the date on which the chancellor ceases to hold office or until the deputy chancellor attains the age at which the chancellor would be required to vacate the office of chancellor under section 2(4) of this Measure, whichever is sooner, but a deputy chancellor—
- (a) may resign the office of deputy chancellor by notice in writing addressed to the chancellor,
 - (b) may be removed by the chancellor, after consultation with the bishop, if the chancellor considers that the deputy is incapable of acting or unfit to act, and
 - (c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory court of the diocese during the course of which the deputy chancellor attains the said age or, as the case may be, the three months period referred to above expires, as if the date of the conclusion in the court of those proceedings or that cause, as the case may be, were the date on which that age is attained or, as the case may be, that period has expired.”.

Commencement Information

I6 S. 7 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

8 Amendment of Synodical Government Measure 1969

The Constitution of the General Synod set out in Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2) shall be amended as follows—

- (a) for Article 4(2) there shall be substituted the following paragraph—

“(2) The Presidents shall, after consultation with the Appointments Committee of the Church of England, appoint from among the members of any House of the Synod a panel of such number of persons as the Presidents may determine, who shall be available to take the chair at meetings of the Synod, being persons who shall be chosen for their experience of chairing and ability to chair meetings; and it shall be the duty of one of the persons on the panel, in accordance with arrangements approved by the Presidents and subject

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- to any special directions of the Presidents, to take the chair at meetings of the Synod at which neither of the Presidents take the chair.”; and
- (b) for Article 5(4) there shall be substituted the following paragraph—

“(4) Without prejudice to Article 11(1) below, where a vote is to be taken by a division either of the whole Synod or by Houses, Standing Orders may provide for the vote to be taken either by physical separation of the members voting or by other means including such electronic method of voting as may from time to time be determined by the Business Committee.”.

Commencement Information

I7 S. 8 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

9 Amendment of Repair of Benefice Buildings Measure 1972

In sections 20(5) and 31(2) of the Repair of Benefice Buildings Measure 1972 (1972 No. 2) for the word “patron”, in each place, there shall be substituted the words “registered patron”.

Commencement Information

I8 S. 9 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

10 Amendment of Endowments and Glebe Measure 1976

The Endowments and Glebe Measure 1976 (1976 No. 4) shall have effect subject to the amendments specified in Schedule 3 to this Measure.

Commencement Information

I9 S. 10 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

11 Amendment of Church of England (Miscellaneous Provisions) Measure 1978

In section 8 of the Church of England (Miscellaneous Provisions) Measure 1978 (1978 No. 3), in the headnote, for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance”, for the words “the fee simple of any ecclesiastical property is in abeyance, the fee simple” there shall be substituted the words “any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.

Commencement Information

I10 S. 11 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

12 Amendment of Pastoral Measure 1983

The Pastoral Measure 1983 (1983 No. 1) shall have effect subject to the amendments specified in Schedule 4 to this Measure.

Commencement Information

I11 S. 12 in force at 1.10.2006 by [S.I. 2006/2](#), Instrument made by Archbishops

13 Amendment of National Institutions Measure 1998

Paragraph 9 of Schedule 1 to the National Institutions Measure 1998 (1998 No. 1) shall be amended as follows—

- (a) in subparagraph (1) the words “who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules)” shall be omitted and after the words “in the case of a lay person” there shall be inserted the words “ who is an actual communicant (as defined in Rule 54(1) of the Church Representation Rules) ”; and
- (b) in subparagraph (2) there shall be inserted before the word “member” the word “ lay ”.

Commencement Information

I12 S. 13 in force at 1.10.2006 by [S.I. 2006/2](#), Instrument made by Archbishops

14 Miscellaneous Amendments of Acts

The enactments referred to in Schedule 5 to this Measure, being enactments which relate to functions of the Church Commissioners in connection with transactions affecting certain ecclesiastical property, shall have effect subject to the amendments specified in that Schedule.

Commencement Information

I13 S. 14 in force at 1.10.2006 by [S.I. 2006/2](#), Instrument made by Archbishops

15 Repeals

The enactments mentioned in Schedule 6 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

Commencement Information

I14 S. 15 in force at 1.10.2006 by [S.I. 2006/2](#), Instrument made by Archbishops

16 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2006.

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- (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) This Measure shall extend to the whole of the Provinces of Canterbury and York, except that the Measure, apart from section 13 above, shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (4) Section 2 above, this section and Schedule 2 to this Measure shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 4, 7, 8, 12 and 15 above, and Schedules 4 and 6 to this Measure, shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.
- (5) This Measure, except sections 1, 2, 3, 6, 7, 11, 13 and 14 above and Schedules 1, 2 and 5 to 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 those Measures.

Commencement Information

I15 S. 16 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

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SCHEDULES

VALID FROM 01/12/2007

SCHEDULE 1

Section 1

AMENDMENT OF PARSONAGES MEASURE 1938

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SCHEDULE 2

Section 2

AMENDMENT OF CHURCH COMMISSIONERS MEASURE 1947

- 1 The Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) shall be amended as follows.

Commencement Information

I16 Sch. 2 para. 1 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

- 2 For the headnote to section 9 there shall be substituted the following headnote “ Sealing and execution of documents by the Commissioners ” and at the end of that section there shall be added the following subsections—

- “(3) A document signed by two members of the Board and expressed (in whatever form of words) to be executed by the Commissioners shall have the same effect as if executed under the common seal of the Commissioners.
- (4) A document executed by the Commissioners which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.
- (5) In favour of a purchaser a document shall be deemed to have been duly executed by the Commissioners if it purports to be signed by two members of the Board.
- (6) In subsection (5) above “purchaser” means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee or other person who, for valuable consideration, acquires an interest in property.”

Commencement Information

I17 Sch. 2 para. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

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3 In section 18(1), in the definition of “dean”, the words “or provost” shall be omitted.

Commencement Information

I18 Sch. 2 para. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

4 (1) In Schedule 1—

- (a) in paragraph 1(b) the words “or provosts”, in both places where they occur, and the words “and provosts” shall be omitted, after the words “who are not deans” there shall be added the words “, whether or not those clerks are members of that House” and after the words “House of Laity of the General Synod” there shall be inserted the words “, whether or not those persons are members of that House”;
- (b) in paragraph 2, in the first sentence, for the words from “at such time” to the end of the sentence there shall be substituted the words “ in accordance with the Standing Orders of the General Synod ” and for the word “April” there shall be substituted the word “ January ”;
- (c) in paragraph 5 the words “or provost” shall be omitted; and
- (d) in paragraph 5A—
 - (i) in sub-paragraph (1) after the words “General Synod” there shall be inserted the words “ who is a member of that House ”; and
 - (ii) in sub-paragraph (2) for the words after “shall be held” to the end there shall be substituted the words “ in accordance with the Standing Orders of the General Synod ”.

(2) Sub-paragraph (1)(b) above shall apply to the term of office of any Church Commissioner who holds office on the date of the coming into force of that sub-paragraph as if that term of office expired on the thirty first day of December immediately preceding the date on which it would otherwise expire.

Commencement Information

I19 Sch. 2 para. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

SCHEDULE 3

Section 10

AMENDMENT OF ENDOWMENTS AND GLEBE MEASURE 1976

1 The Endowments and Glebe Measure 1976 (1976 No. 4) shall be amended as follows.

Commencement Information

I20 Sch. 3 para. 1 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

2 In section 11(2) for the word “them” there shall be substituted the word “ it ” and for the word “their” there shall be substituted the word “ its ”.

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Commencement Information

I21 Sch. 3 para. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

3 In section 14(1), at the end of paragraph (a) there shall be inserted the word “ or ”.

Commencement Information

I22 Sch. 3 para. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

4 In section 19A—

(a) for subsection (2) there shall be substituted the following subsection—

“(2) Any such subsidiary shall, subject to the provisions of the scheme, have, with respect to the holding, managing and dealing with such diocesan glebe land as may be specified in the scheme or from time to time held by it, the same powers and duties as the Diocesan Board of Finance has with respect to diocesan glebe land held by the Board.”; and

(b) after subsection (2) there shall be added the following subsection—

“(3) Any such subsidiary may—

- (a) with the consent of the Diocesan Board of Finance acquire land to be held as part of the diocesan glebe land of the diocese; and
- (b) with the consent of the Diocesan Board of Finance appropriate for use as diocesan glebe land of the diocese any land vested in the subsidiary and any land appropriated under this subsection shall be held by the subsidiary as part of such land.”.

Commencement Information

I23 Sch. 3 para. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

5 In section 20—

(a) in subsection (2B)(b) after the words “would not be” there shall be inserted the word “ in ”;

(b) in subsection (8) the words “under subsection (7) above” shall be omitted; and

(c) in subsection (11) for the words “by a person duly authorised by the Board or the subsidiary” there shall be substituted the words “ or its subsidiary by a person duly authorised by the Board or its subsidiary, as the case may be, ”.

Commencement Information

I24 Sch. 3 para. 5 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

6 In section 45(1)—

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- (a) in the definition of “diocesan glebe land” after the words “Board of Finance” and the word “Board” there shall be inserted, in each case, the words “ or its subsidiary ”; and
- (b) in the definition of “parsonage land”—
 - (i) in paragraph (d) for the word “Commissioners” there shall be substituted the words “ Diocesan Board of Finance ”; and
 - (ii) in paragraph (f) after the word “given” there shall be added the words “ or is not required by virtue of section 1(3A) of that Measure ”.

Commencement Information

I25 Sch. 3 para. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

SCHEDULE 4

Section 12

AMENDMENT OF PASTORAL MEASURE 1983

- 1 The Pastoral Measure 1983 (1983 No. 1) shall be amended as follows.

Commencement Information

I26 Sch. 4 para. 1 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

- 2 In section 4(2) for the words following the words “informing him” to the end of the subsection there shall be substituted the words “ that if the Commissioners prepare a draft scheme or order to give effect to the proposals he will be given an opportunity of making representations with respect thereto ”.

Commencement Information

I27 Sch. 4 para. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

- 3 In section 6—
- (a) in subsection (1) the words “Subject to subsection (2),” shall be omitted; and
 - (b) subsection (2) is hereby repealed.

Commencement Information

I28 Sch. 4 para. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

- 4 In section 7(2) the words “, other than subsection (2),” shall be omitted.

Commencement Information

I29 Sch. 4 para. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

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5 In section 59 after subsection (2A) there shall be inserted the following subsection—

“(2B) Where a redundancy scheme or pastoral scheme to which section 46 or 47 applies provides for land annexed or belonging to a redundant building or the whole or part of the site of a demolished building or land annexed or belonging thereto to be appropriated for any ecclesiastical purposes of the parish the land or site shall on the date when any such provision comes into operation vest in the diocesan board of finance without any conveyance or further assurance to be held on trust for the parochial church council for that parish to be used for the said purposes.”.

Commencement Information

I30 Sch. 4 para. 5 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

6 In section 77(1)(b) the words “, after consultation with the Commissioners,” shall be omitted.

Commencement Information

I31 Sch. 4 para. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

SCHEDULE 5

Section 14

MISCELLANEOUS AMENDMENTS OF ACTS

Small Holdings and Allotments Act 1908 (8 Edw. 7 c. 36)

1 For paragraph (8) of Part I of Schedule 1 there shall be substituted the following paragraph—

“(8) Where the land is vested in the incumbent of a benefice of the Church of England the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated to be applied by the Board for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.”.

Commencement Information

I32 Sch. 5 para. 1 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Agriculture Act 1947 (10 & 11 Geo. 6 c. 48)

- 2 In section 107(5) of the Agriculture Act 1947 for the words from “belongs” to the end there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England, a copy thereof shall be served on the Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I33 Sch. 5 para. 2 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Coast Protection Act 1949 (12, 13 & 14 Geo. 6 c. 74)

- 3 Section 33(1)(b) shall be omitted.

Commencement Information

I34 Sch. 5 para. 3 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo. 6 c. 97)

- 4 In paragraph 1(4) of Schedule 1 for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England ” and for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I35 Sch. 5 para. 4 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Powers (Defence) Act 1958 (6 & 7 Eliz. 2 c. 30)

- 5 In Schedule 2—
- (a) in paragraph 2(2) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”, the words “(not being land in Scotland, Northern Ireland, Wales or Monmouthshire)” shall be omitted, after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”; and
 - (b) in paragraph 16 for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I36 Sch. 5 para. 5 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Opencast Coal Act 1958 (6 & 7 Eliz. 2 c. 69)

6 In section 42 —

- (a) in subsections (2) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) the words “, not being land in Scotland, Wales or Monmouthshire,” shall be omitted;
- (c) for subsection (6) there shall be substituted the following subsection—
 - “(6) Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and
- (d) in section (7) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Commencement Information

I37 Sch. 5 para. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Weeds Act 1959 (7 & 8 Eliz. 2 c. 54)

7 In section 6(6) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “ is vested in the incumbent of a benefice of the Church of England ” and for the words “Church Commissioners” there shall be inserted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I38 Sch. 5 para. 7 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Compensation Act 1961 (9 & 10 Eliz. 2 c. 33)

8 In section 34—

- (a) for subsection (1) there shall be substituted the following subsection—
 - “(1) Where ecclesiastical property in England is vested in the incumbent of a benefice which is vacant it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.”; and
- (b) in subsection (2) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Commencement Information

I39 Sch. 5 para. 8 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Pipe-lines Act 1962 (10 & 11 Eliz. 2 c. 58)

- 9 In section 51—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsection (2) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”;
 - (c) in subsections (3) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ”; and
 - (d) in subsection (5) for the word “they” there shall be substituted the word “ it ”.

Commencement Information

I40 Sch. 5 para. 9 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Harbours Act 1964 (c. 40)

- 10 In section 49—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”; and
 - (c) in subsection (4) for the word “them”, in both places where it occurs, there shall be substituted the word “ it ” and for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”.

Commencement Information

I41 Sch. 5 para. 10 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Gas Act 1965 (c. 36)

- 11 In section 26—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
 - (b) in subsections (2) and (3) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ” and in subsection (3) for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”; and

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- (c) in subsection (4), for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”.

Commencement Information

I42 Sch. 5 para. 11 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Compulsory Purchase Act 1965 (c. 56)

- 12 (1) In section 11 for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.
- (2) In section 31 for the words from the words “in the case of land which is not diocesan glebe land” to the words “in either case” there shall be substituted the words “ shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated and ” and the last sentence shall be omitted.

Commencement Information

I43 Sch. 5 para. 12 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Commons Registration Act 1965 (c. 64)

- 13 In section 19(1)(g) for the words “Church Commissioners” there shall be substituted the words “ the Diocesan Board of Finance for the diocese in which the land is situated ” and any Regulations made under that section shall have effect accordingly.

Commencement Information

I44 Sch. 5 para. 13 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Forestry Act 1967 (c. 10)

- 14 In paragraph 3 of Schedule 2 —
- (a) for the words from the beginning to the words “Church Commissioners” there shall be substituted the words “ In the case of diocesan glebe land the Diocesan Board of Finance in which the land is vested and, in the case of land which is part of the endowment of any other ecclesiastical corporation, the corporation, with the consent of the Church Commissioners, may ”; and
- (b) at the end there shall be added—
- “Provided—
- (a) the consent of the Church Commissioners shall be required to any transaction under this paragraph relating to diocesan glebe land if such consent would be required under the Endowments and Glebe Measure 1976 (1976 No. 4), and

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- (b) section 20(11) of that Measure shall apply to any transaction under this paragraph as it applies to any transaction under that Measure and as if the reference therein to the requirements of that Measure included a reference to the requirements of this paragraph.”.

Commencement Information

I45 Sch. 5 para. 14 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Leasehold Reform Act 1967 (c. 88)

15 In section 31—

- (a) in subsection (2) for the words from “and the Church Commissioners” to the end of the subsection there shall be substituted the words “ provided that the consent of the Church Commissioners shall only be required if their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976 or the Cathedrals Measure 1999 ”; and
- (b) in subsection (4)(c) for the words “the Church Commissioners”, in both places where they occur, there shall be substituted the word “ board ” and for the word “their” there shall be substituted the word “ its ”.

Commencement Information

I46 Sch. 5 para. 15 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Mines and Quarries (Tips) Act 1969 (c. 10)

16 In section 31 —

- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) for the word “them”, in each place where it occurs, there shall be substituted the word “ it ” and for the word “their”, in both places where it occurs, there shall be substituted the word “ its ”;
- (c) in subsection (4) for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”; and
- (d) in subsection (5) for the words “Where the fee simple in any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”, for the words “are owners” there shall be substituted the words “ is the owner ” and for the word “are”, in the second place where it occurs, there shall be substituted the word “ is ”.

Commencement Information

I47 Sch. 5 para. 16 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Agriculture Act 1970 (c. 40)

17 In section 61—

- (a) in subsection (3)(a) for the words “incumbent of the ecclesiastical benefice to which the land belongs” there shall be substituted the words “Diocesan Board of Finance in which the land is vested” and after the words “Church Commissioners” there shall be added the words “in a case where their consent would be required if the transaction were carried out under the Endowments and Glebe Measure 1976”; and
- (b) subsections (4) and (5) are hereby repealed.

Commencement Information

I48 Sch. 5 para. 17 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Land Compensation Act 1973 (c. 26)

- 18 (1) In section 13(1) for paragraphs (a) and (b) there shall be substituted the words “to the Diocesan Board of Finance for the diocese in which the land is situated” and the words “(in either case)” shall be omitted.
- (2) In section 13(2) the words from the words “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I49 Sch. 5 para. 18 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Agricultural Statistics Act 1979 (c. 13)

- 19 In section 5(5) for the words “belongs to an ecclesiastical benefice” there shall be substituted the words “is vested in the incumbent of a benefice of the Church of England” and for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”.

Commencement Information

I50 Sch. 5 para. 19 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

20 In section 51—

- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated” and in subsection (4) for the word “them” there shall be substituted the word “it”; and
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance, the fee simple” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant it”.

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Commencement Information

I51 Sch. 5 para. 20 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Local Government, Planning and Land Act 1980 (c. 65)

- 21 (1) In section 169—
- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”; and
 - (b) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ”.
- (2) In section 171, in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.

Commencement Information

I52 Sch. 5 para. 21 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Highways Act 1980 (c. 66)

- 22 (1) For section 87(6) there shall be substituted the following subsection—
- “(6) Where land is—
- (a) glebe land, the Diocesan Board of Finance in which the land is vested, with the consent of the Church Commissioners (unless such consent would not be required under the Endowments and Glebe Measure 1976 if the transaction were carried out under that Measure),
 - (b) land belonging to an ecclesiastical benefice of the Church of England, the incumbent of the benefice, with the consent of the Diocesan Board of Finance, or
 - (c) part of the endowment of any other ecclesiastical corporation, the ecclesiastical corporation, with the consent of the Church Commissioners,
- may enter into an agreement under this section relating to the land either for consideration or gratuitously and any payment made in respect of such agreement may be applied for purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.”.
- (2) In paragraph 1(4) of Schedule 6 after the word “benefice” there shall be inserted the words “ of the Church of England ” and for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Commencement Information

I53 Sch. 5 para. 22 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

New Towns Act 1981 (c. 64)

- 23 (1) In section 76—
- (a) for the words “Church Commissioners”, in both places where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”, and
 - (b) In subsection (1) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant”.
- (2) In section 80(1), in the definition of “ecclesiastical property” after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”.

Commencement Information

I54 Sch. 5 para. 23 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Acquisition of Land Act 1981 (c. 67)

- 24 (1) In section 12(3)—
- (a) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”; and
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.
- (2) In paragraph 3(3) of Schedule 1—
- (a) for the words “Church Commissioners” there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
 - (b) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England” and after the word “diocese” there shall be inserted the words “of the Church of England”; and
 - (c) the words “or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976” shall be omitted.

Commencement Information

I55 Sch. 5 para. 24 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Status: Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

Administration of Justice Act 1982 (c. 53)

25 In section 41—

- (a) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “appropriate authority”; and
- (b) in subsection (3) there shall be added at the end the words “and “appropriate authority” means, in the case of funds held in trust for a cathedral, the corporate body of that cathedral established under section 9(1)(a) of the Cathedrals Measure 1999 and in the case of funds held in trust for a benefice the Diocesan Board of Finance for the diocese in which that benefice is situated”.

Commencement Information

I56 Sch. 5 para. 25 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Town and Country Planning Act 1990 (c. 8)

26 In section 318—

- (a) in subsections (1), (2), (4) and (5) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant” and in paragraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “it”;
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated” and the words “(in either case)” shall be omitted;
- (d) in subsections (3), (4) and (5) for the word “them”, in each place where it occurs, there shall be substituted the word “it”; and
- (e) in subsection (6) after the words “ecclesiastical benefice” there shall be inserted the words “of the Church of England”, after the word “diocese” there shall be inserted the words “of the Church of England” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I57 Sch. 5 para. 26 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

27 In section 86—

- (a) in subsections (1) and (2) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “Diocesan Board of Finance for the diocese in which the land is situated”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “Where any ecclesiastical property is vested in the incumbent of a benefice which is

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- vacant ” and in paragraphs (a) and (b) for the words “the fee simple”, in each place, there shall be substituted the word “ it ”;
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “ it ”; and
- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ”, after the word “diocese” there shall be inserted the words “ of the Church of England ” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I58 Sch. 5 para. 27 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Planning (Hazardous Substances) Act 1990 (c. 10)

28 In section 34—

- (a) in subsections (1) and (2) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) in subsection (2) for the words “Where the fee simple of any ecclesiastical property is in abeyance” there shall be substituted the words “ Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant ” and for the words “the fee simple” there shall be substituted the word “ it ”;
- (c) in subsection (3) for paragraphs (a) and (b) there shall be substituted the words “shall be paid to the Diocesan Board of Finance for the diocese in which the land is situated”, the words “(in either case)” shall be omitted and for the word “them” there shall be substituted the word “ it ”; and
- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ”, after the word “diocese” there shall be inserted the words “ of the Church of England ” and the words from “or being diocesan glebe land” to the end shall be omitted.

Commencement Information

I59 Sch. 5 para. 28 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Coal Mining Subsidence Act 1991 (c. 45)

29 (1) In section 20—

- (a) for the words “Church Commissioners”, in each place where they occur, and for the word “Commissioners”, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) in subsection (1)(b) for the words “they give” there shall be substituted the words “ it gives ”;
- (c) in subsection (2)(b) for the word “them” there shall be substituted the word “ it ”; and

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)

- (d) in subsection (4) after the words “ecclesiastical benefice” there shall be inserted the words “ of the Church of England ” and after the word “diocese” there shall be inserted the words “ of the Church of England ”.
- (2) In section 33(7) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”.

Commencement Information

I60 Sch. 5 para. 29 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Water Resources Act 1991 (c. 57)

30 In section 67—

- (a) in subsections (1), (3), (4) and (7) for the words “Church Commissioners”, in each place where they occur, there shall be substituted the words “ Diocesan Board of Finance for the diocese in which the land is situated ”;
- (b) in subsections (1) and (2) for the words “belongs to a benefice” there shall be substituted the words “ is vested in the incumbent of a benefice ”;
- (c) in subsection (4) for the word “them” there shall be substituted the word “ it ”;
- (d) in subsection (5) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance ”, for the word “them”, in both places where it occurs, there shall be substituted the word “ it ” and for the words “in such manner as they may determine” there shall be substituted the words “ as if the land had been sold under the Pastoral Measure 1983 ”;
- (e) in subsection (6)(a) for the words “the Church Commissioners are” there shall be substituted the words “ a Diocesan Board of Finance is ”; and
- (f) in subsection (6) for the word “Commissioners”, in both places where it occurs, there shall be substituted the word “ Board ”.

Commencement Information

I61 Sch. 5 para. 30 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

31 In paragraph 8 of Schedule 2—

- (a) in sub-paragraph (2) after the word “required” there shall be inserted the words “ , if their consent would be required if the transaction were carried out under the Cathedrals Measure 1999 or the Endowments and Glebe Measure 1976, ” and the words from “and the Church Commissioners” to the end shall be omitted;
- (b) in sub-paragraph (4)(b) for the words “Church Commissioners” there shall be substituted the words “ Diocesan Board of Finance in which the land is vested ”; and
- (c) in sub-paragraph (4)(c) for the words from “Church Commissioners” to the end there shall be substituted the words “ Diocesan Board of Finance out of any money held by it ”.

Status: Point in time view as at 01/10/2006. This version of this

Measure contains provisions that are not valid for this point in time.

Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006. (See end of Document for details)*

Commencement Information

I62 Sch. 5 para. 31 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

SCHEDULE 6

Section 15

REPEALS

Commencement Information

I63 Sch. 6 in force at 1.10.2006 by S.I. 2006/2, Instrument made by Archbishops

<i>Measure</i>	<i>Extent of repeal</i>
1976 No. 4, Endowments and Glebe Measure 1976	In section 36, subsection (2).
1983 No. 1, Pastoral Measure 1983	Section 91.
2000 No. 1, Church of England (Miscellaneous Provisions) Measure 2000	In Schedule 1, paragraph 7. In Schedule 2, paragraphs 4(b) and 5(a).

Status:

Point in time view as at 01/10/2006. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2006.