Statute Law (Repeals) Measure 2018

2018 No. 1

E

A Measure passed by the General Synod of the Church of England to repeal certain enactments of ecclesiastical law which (except in so far as their effect is preserved) are no longer of practical utility. [10th May 2018]

1 Repeals E

The enactments specified in the Schedule are repealed or revoked to the extent specified in the second column of that Schedule.

Commencement Information

I1 S. 1 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

2 Short title, commencement and extent E

(1) This Measure may be cited as the Statute Law (Repeals) Measure 2018.

(2) This section comes into force on the day on which this Measure is passed.

(3) Section 1 and the Schedule come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

(4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of the Schedule.

(5) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies to an order under that subsection as if it had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

Changes to legislation: *There are currently no known outstanding effects for the Statute Law (Repeals) Measure 2018. (See end of Document for details)*

(6) This Measure extends to—

(a) the whole of the province of Canterbury, except the Channel Islands (but see subsection (7)), and

(b) the whole of the province of York, including the Isle of Man so far as this Measure repeals any enactment which extends to the Isle of Man (subject to subsection (8)).

(7) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them.

(8) The repeal in Part 1 of the Schedule of section 18(1) of the Dioceses Measure 1978 does not extend to the Isle of Man.

SCHEDULE E

Section 1

REPEALS

PART 1 E

CLERGY

Commencement Information

I2 Sch. Pt. 1 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

Reference	*Extent of repeal*
Suffragan Bishops Act 1534 (26 Hen 8 c. 14)	Section 5.
Simony Act 1588 (31 Eliz 1 c. 6)	Sections 4 and 5 in so far as they impose a penalty by reference to the value of an ecclesiastical living.
Queen Anne's Bounty Act 1714 (1 Geo 1 St 2 c. 10)	The whole Act.
Ecclesiastical Commissioners Act 1836 (6 & 7 Will 4 c. 77)	The whole Act.
Sodor and Man Act 1838 (1 & 2 Vict. c. 30)	The whole Act.
Ecclesiastical Commissioners Act 1840 (3 & 4 Vict c. 113)	Section 35.
Ecclesiastical Commissioners Act 1841 (4 & 5 Vict c. 39)	Section 12.
Lecturers and Parish Clerks Act 1844 (7 & 8 Vict c. 59)	Sections 1 and 4.
Colonial Bishops Act 1853 (16 & 17 Vict c. 49)	The whole Act.
Church of England (Miscellaneous Provisions) Measure 1976 (No. 3)	In section 1— (a) in subsection (1), the words from “, and in particular” to the end, and (b) subsection (6). In the Schedule, Part 1.
Dioceses Measure 1978 (No. 1)	Section 18(1).

PART 2 E

BENEFICES

Commencement Information

I3 Sch. Pt. 2 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

MAIN REPEALS

Reference	*Extent of repeal*
Pluralities Act 1838 (1 & 2 Vict c. 106)	The whole Act, except-- (a) section 36, (b) section 59, (c) in section 124, the words from "where the term "benefice" is used" to the end, (d) section 132, and (e) section 133.
Ecclesiastical Commissioners Act 1841 (4 & 5 Vict c. 39)	Section 24.
Residence of Incumbents Act 1869 (32 & 33 Vict c. 109)	The whole Act.
Sequestration Act 1871 (34 & 35 Vict c. 45)	The whole Act.
Pluralities Acts Amendment Act 1885 (48 & 49 Vict c. 54)	The whole Act.

CONSEQUENTIAL REPEALS

Reference	*Extent of repeal or revocation*
Benefices Act 1898 (61 & 62 Vict c. 48)	Section 13(2).
Ecclesiastical Jurisdiction Measure 1963 (No. 1)	Section 6(1)(d).
Patronage (Benefices) Measure 1986 (No. 3)	In Schedule 4, paragraph 1 and the preceding cross-heading.
Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc. Amendments) Order 2005 (S.I. 2005/3129)	In Schedule 3, paragraph 1(3).
Ecclesiastical Offices (Terms of Service) (Consequential and Transitional Provisions) Order 2010 (S.I. 2010/2847)	In Schedule 2, paragraphs 1 to 11 and the preceding cross-heading.

PART 3 E

ECCLESIASTICAL PROPERTY

Commencement Information

I4 Sch. Pt. 3 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

MAIN REPEALS

Reference	*Extent of repeal*
Tithe Act 1536 (28 Hen 8 c. 11)	The whole Act.
Church Building Act 1822 (3 Geo 4 c. 72)	The whole Act.
Ecclesiastical Corporations Act 1832 (2 & 3 Will 4 c. 80)	The whole Act.
Ecclesiastical Leases Act 1836 (6 & 7 Will 4 c. 20)	The whole Act.
Ecclesiastical Leases (Amendment) Act 1836 (6 & 7 Will 4 c. 64)	The whole Act.
Ecclesiastical Commissioners Act 1840 (3 & 4 Vict c. 113)	Sections 54 and 55.
Ecclesiastical Houses of Residence Act 1842 (5 & 6 Vict c. 26)	The whole Act, except in section 8 the words from the beginning to “in land or otherwise”.
Ecclesiastical Leasing Act 1842 (5 & 6 Vict c. 108)	The whole Act.
Ecclesiastical Leasing Act 1858 (21 & 22 Vict c. 57)	The whole Act.
Ecclesiastical Leases Act 1865 (28 & 29 Vict c. 57)	The whole Act.
Ecclesiastical Commissioners Act 1866 (29 & 30 Vict c. 111)	Section 17.
Ecclesiastical Commissioners (Powers) Measure 1936 (No. 5)	Sections 6 and 11.

CONSEQUENTIAL REPEALS

Reference	*Extent of repeal*
Agriculture Act 1947 (c.48)	Section 82(2).
Common Informers Act 1951 (c. 39)	In the Schedule, the entry for the Ecclesiastical Leases Act 1836.
Universities and College Estates Act 1964 (c. 51)	Section 1(1).

Administration of Justice Act 1965 (c. 2)	In Schedule 1, the entry for the Ecclesiastical Houses of Residence Act 1842.
Administration of Justice Act 1982 (c. 53)	Section 46(2)(a)(ii).
Cathedrals Measure 1999 (No. 1)	In section 36(2)— (a) the entry for the Ecclesiastical Leases Act 1836, and (b) the entry for the Ecclesiastical Leases (Amendment) Act 1836.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 10 to 12 and the preceding cross-heading. In Schedule 11, paragraph 8 and the preceding cross-heading.
Charities Act 2011 (c. 25)	In section 105— (a) in subsection (7), paragraph (a) and the following "or", and (b) in subsection (8), "other than the Ecclesiastical Leases Act 1836,".

PART 4 E

ECCLESIASTICAL JURISDICTION AND FEES

Commencement Information

I5 Sch. Pt. 4 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

MAIN REPEALS

Reference	*Extent of repeal*
Ecclesiastical Jurisdiction Measure 1963 (No. 1)	In section 46(1), the words from "Provided that" to the end.
Ecclesiastical Judges and Legal Officers Measure 1976 (No. 2)	Section 1(3). Section 6.
Ecclesiastical Fees Measure 1986 (No. 2)	In Schedule 2, paragraphs 2 to 4.
Church of England (Legal Aid) Measure 1994 (No. 3)	Section 5.

CONSEQUENTIAL REPEAL

Reference	*Extent of repeal*
Care of Places of Worship Measure 1999 (No. 2)	Section 3(3).

PART 5 E

CHURCH REPRESENTATION

Commencement Information

I6 Sch. Pt. 5 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

MAIN REPEALS

Reference	*Extent of repeal*
Parsonages Measure 1938 (No. 3)	Section 12.
Inspection of Churches Measure 1955 (No. 1)	Section 4.
Ecclesiastical Fees Measure 1986 (No. 2)	In Schedule 1— (a) in paragraph 1, "or, if there is no parochial church council, the incumbent or minister", and (b) in paragraph 2(a), "(if any)".
Church of England (Miscellaneous Provisions) Measure 1992 (No. 1)	Section 4(2).
Churchwardens Measure 2001 (No. 1)	Section 14. Schedule 1.
Mission and Pastoral Measure 2011 (No. 3)	Section 68(10). In section 103— (a) subsection (1), and (b) in subsection (4), "or a particular parish had no parochial church council or no churchwardens,".

CONSEQUENTIAL REPEALS

Reference	*Extent of repeal*
Care of Places of Worship Measure 1999 (No. 2)	In section 3(4), ", 4".
Church of England (Miscellaneous Provisions) Measure 2005 (No. 3)	In Schedule 1, paragraph 7.

PART 6 E

SERVICES

Commencement Information

I7 Sch. Pt. 6 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

Reference	*Extent of repeal*
Admission to Holy Communion Measure 1972 (No. 1)	The whole Measure.

PART 7 E

CHURCH COMMISSIONERS

Commencement Information

I8 Sch. Pt. 7 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

Reference	*Extent of repeal*
Ecclesiastical Commissioners Act 1840 (3 & 4 Vict c. 113)	Sections 84, 86 and 88.
Ecclesiastical Commissioners Act 1860 (23 & 24 Vict c. 124)	Section 13. In section 14, the words from "; but this enactment" to the end.
Church of England (Miscellaneous Provisions) Measure 2000 (No. 1)	Section 1.

PART 8 E

EDUCATION, &C.

Commencement Information

I9 Sch. Pt. 8 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

Reference	*Extent of repeal*
Parochial Libraries Act 1708 (7 Ann c. 14)	Sections 4 and 5.
Diocesan Boards of Education Measure 1991 (No. 2)	Section 12.

PART 9 E

CATHEDRALS

Commencement Information

I10 Sch. Pt. 9 in force at 1.7.2018 by S.I. 2018/718, **art. 2**

Changes to legislation: *There are currently no known outstanding effects for the Statute Law (Repeals) Measure 2018. (See end of Document for details)*

Reference	***Extent of repeal***
Cathedrals Measure 1976 (No.1)	Section 8.
Cathedrals Measure 1999 (No.1)	In section 38— (a) subsections (1) to (3), and (b) in subsection (4), the words from "and any order" to "a cathedral" and the words "or 15(2)" and ", respectively". Schedule 1.

Changes to legislation:
There are currently no known outstanding effects for the Statute Law (Repeals) Measure 2018.