



Cathedrals Measure 1963

1963 No. 2

1—5 ^{F1}

Textual Amendments

- F1** Ss. 1–5 repealed by [Cathedrals Measure 1976 \(No. 1\)](#), [s. 8\(2\)](#) with saving for any scheme prepared and confirmed under s. 3 and in force immediately before 25.3.1976 and repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1](#), [s. 39\(2\)](#), [Sch. 3](#) (with [ss. 33, 34, 37, 38\(6\)](#))

PROVISIONS REQUIRED TO BE INCLUDED IN THE CONSTITUTIONS AND STATUTES OF CATHEDRAL CHURCHES

^{F2}6

Textual Amendments

- F2** [S. 6](#) repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1](#), [s. 39\(2\)](#), [Sch. 3](#) (with [ss. 33, 34, 37, 38\(6\)](#))

^{F3}7

Textual Amendments

- F3** [S. 7](#) repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1](#), [s. 39\(2\)](#), [Sch. 3](#) (with [s. 33, 34, 37, 38\(6\)](#))

^{F4}8

Status: Point in time view as at 01/01/2001.

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963. (See end of Document for details)

Textual Amendments

F4 S. 8 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F59

Textual Amendments

F5 S. 9 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F610

Textual Amendments

F6 S. 10 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

PROVISIONS WHICH MAY BE INCLUDED IN THE
CONSTITUTIONS AND STATUTES OF CATHEDRAL CHURCHES

F711

Textual Amendments

F7 S. 11 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F812

Textual Amendments

F8 S. 12 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F913

Textual Amendments

F9 S. 13 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

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POWER FOR PARISH CHURCH CATHEDRALS TO BECOME DEAN AND CHAPTER CATHEDRALS

^{F10}14

Textual Amendments

F10 S. 14 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

PROVISIONS AS TO PROPERTY

^{F11}15

Textual Amendments

F11 S. 15 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F12}16

Textual Amendments

F12 S. 16 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

17 ^{F13}

Textual Amendments

F13 S. 17 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F14}18

Textual Amendments

F14 S. 18 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F15}19

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

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Textual Amendments

F15 S. 19 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F16 **20**

Textual Amendments

F16 S. 20 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F17 **21**

Textual Amendments

F17 S. 21 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6)) and s. 21 subject to an amendment (1.2.2001) by 2000 c. 29, s. 40, **Sch. 3 para. 8** (with s. 35); S.I. 2001/49, **art. 2**

F18 **22**

Textual Amendments

F18 S. 22 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F19 **23**

Textual Amendments

F19 S. 23 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F20 **24**

Textual Amendments

F20 S. 24 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

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F21 **25**

Textual Amendments

F21 S. 25 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F22 **26**

Textual Amendments

F22 S. 26 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F23 **27**

Textual Amendments

F23 S. 27 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with s. 33, 34, 37, 38(6))

FINANCIAL PROVISIONS

F24 **28**

Textual Amendments

F24 S. 28 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F25 **29**

Textual Amendments

F25 S. 29 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F26 **30**

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

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Textual Amendments

F26 S. 30 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with s. 33, 34, 37, 38(6))

^{F27}**31**

Textual Amendments

F27 S. 31 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F28}**32**

Textual Amendments

F28 S. 32 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F29}**33**

Textual Amendments

F29 S. 33 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F30}**34**

Textual Amendments

F30 S. 34 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F31}**35**

Textual Amendments

F31 S. 35 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

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

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963. (See end of Document for details)

F33 **37**

Textual Amendments

F33 S. 37 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F34 **38**

Textual Amendments

F34 S. 38 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

SPECIAL PROVISIONS RELATING TO CERTAIN CATHEDRAL CHURCHES

39 Charge on capitular revenues of Birmingham cathedral.

The capitular revenues of the cathedral church of Birmingham shall be charged with an annual payment of three thousand pounds to the [^{F35}diocesan board of finance] for the benefit of the income account of the diocesan stipends fund of the diocese of Birmingham.

Textual Amendments

F35 Words in s. 39 substituted (1.1.2001) by 2000 Measure No. 1, s. 6; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

40 Provisions as to Newcastle Chapter Endowment Fund.

[^{F36}The statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure] with respect to the cathedral church of Newcastle shall make provision as to the purposes for which the Newcastle Chapter Endowment Fund may be applied, and until [^{F36}the date on which those statutes come into operation that Fund shall be applied for the purpose for which it was applied immediately before that date].

Textual Amendments

F36 Words in s. 40 substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 3** (with ss. 33, 34, 37, 38(5)(6))

41 Provisions as to canonry annexed to archdeaconry of Norfolk.

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

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

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963. (See end of Document for details)

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

- (2) After the said canonship or prebend is severed from the said archdeaconry under the last foregoing subsection the bishop shall be entitled to appoint persons to fill the said canonship or prebend.
- (3) The sum which the dean and chapter of the cathedral church of Norwich are required under section three of the said Act to pay annually to the master or warden of St. Catharine's College in the University of Cambridge shall, as from the date on which the said canonship or prebend is severed from the said archdeaconry under the foregoing provisions of this section, cease to be a charge upon and paid out of the income of that canonship or prebend and shall be a charge upon and paid out of the moneys held by the diocesan board of finance of the diocese of Norwich [^{F37}The said sum shall be fifty pounds per annum.].

Textual Amendments

F37 Words in s. 41 inserted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No.1, s. 39(1), Sch. 2 para. 4 (with ss. 33, 34, 37, 38(5)(6))

Marginal Citations

M1 1927 c. lxii.

42 Provision for appointment of additional canon at Oxford.

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

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

- (2) The bishop shall be entitled to appoint persons to fill the said canonry.
- (3) A person appointed to fill the said canonry shall not be entitled to be a member of the governing body of the House of Christ Church.
- (4) Any instrument made under this section shall regulate the rights and duties of the canon appointed thereunder and those rights and duties shall be such as to secure that the canon will be engaged exclusively on cathedral duties; [^{F38}sections 8(2) and (3), 21, 22 and 35(1) of the Cathedrals Measure 1999 shall apply in relation to that canon as if that Measure] provided that administrative functions in relation to the cathedral church were to be performed by the dean and canons.
- (5) The Cathedrals Commission shall not seal any instrument under this section unless it is satisfied that a house of residence is available for allocation for the use of the canon to be appointed thereunder and the bishop shall not appoint a canon under this section unless he is satisfied that a house of residence is available and will be allocated for the use of that canon.

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[^{F39}(6) The bishop, the dean and canons and the Church Commissioners acting jointly may make an instrument for the purposes of this section varying or replacing any instrument previously made thereunder and for the time being in force, and the provisions of this section with any adaptations necessary to take account of the passing of the Cathedrals Measure 1999 shall apply under this subsection as they applied in relation to an instrument made before the passing of that Measure.]

Textual Amendments

- F38** Words in s. 42(4) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 5** (with ss. 33, 34, 37, 38(5)(6))
- F39** S. 42(6) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 5** (with ss. 33, 34, 37, 38(5)(6))

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

- (1) The bishop shall have power to appoint not more than twenty-four non-residentiary canons in the cathedral church of Christ in Oxford, . . . ^{F40}
- [^{F41}(2) Subject to subsection (3) of this section, a non-residentiary canon in the said cathedral church shall, unless the bishop otherwise determines, vacate that office—
- (a) on ceasing to be beneficed, or licensed to serve, in the diocese of Oxford, or
 - (b) on attaining the age of seventy years,
- whichever event first occurs.
- (3) Subsection (2) of this section shall not apply to any person who held the office of non-residentiary canon in the said cathedral church at the commencement of the Church of England (Miscellaneous Provisions) Measure 1978, but, unless the bishop otherwise determines, that person shall vacate that office on ceasing to reside in the diocese of Oxford.
- (4) The bishop may confer the title of canon emeritus in the said cathedral church on any person who vacates the office of non-residentiary canon in that church in accordance with subsection (2) or (3) of this section or in accordance with subsection (1) thereof, as originally enacted.]
- [^{F42}(5)] The rights and duties of non-residentiary canons [^{F43}and of canons emeriti] in the said cathedral church shall be such as may from time to time be determined by the dean and canons of the cathedral church with the agreement of the bishop.

Textual Amendments

- F40** Words repealed by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(1)
- F41** S. 43(2)–(4) inserted by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(1)(2)
- F42** S. 43(2) renumbered s. 43(5) by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(1)(2)
- F43** Words inserted by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 10(2)

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Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963. (See end of Document for details)

44 Provisions as to Southwark.

- (1) [^{F44}The constitution or statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure] with respect to the cathedral church of Southwark may, with the consent of the trustees of the Rectory of St. Saviour, Southwark, provide that the said cathedral church shall vest in the capitular body of that cathedral church and that any rights of those trustees in relation to the approval of, or consultation upon, alterations to the fabric or monuments of the cathedral church or to its curtilage shall cease; and the said trustees are hereby authorised to give their consent to any such provisions as aforesaid.
- (2) The powers conferred by section twenty of this Measure on the capitular body of the said cathedral church in relation to a house of residence shall be exercisable in like manner in relation to the Chapter House of Southwark.

In this subsection the expression “the Chapter House” has the same meaning as in the ^{M2}Southwark Cathedral Measure 1937.

Textual Amendments

F44 Words in s. 44(1) substituted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(1), **Sch. 2 para. 6** (with ss. 33, 34, 37, 38(5)(6))

Marginal Citations

M2 1937 No. 3.

MISCELLANEOUS AND GENERAL

^{F45}**45**

Textual Amendments

F45 S. 45 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F46}**46**

Textual Amendments

F46 S. 46 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

^{F47}**47**

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Textual Amendments

F47 S. 47 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F48 **48**

Textual Amendments

F48 S. 48 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F49 **49** **Transfer of property by schemes.**
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Textual Amendments

F49 S. 49 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F50 **50**

Textual Amendments

F50 S. 50 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

F51 **51**

Textual Amendments

F51 S. 51 repealed (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No. 1, s. 39(2), **Sch. 3** (with ss. 33, 34, 37, 38(6))

52 Interpretation.

- (1) In this Measure, except where the context otherwise requires, the following expressions have the meaning thereby assigned to them respectively, that is to say—
- “administrative body” means, in the case of a dean and chapter cathedral, the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section seven of this Measure, and, in the case of a parish church cathedral, the body by which administrative

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functions in relation to the cathedral church are performed by virtue of paragraph (b) of section eight of this Measure;

“architect” means a person registered under the [^{F52}Architects Act 1997];

“bishop” when used in relation to a cathedral church, means the bishop of the diocese in which the cathedral church is situated;

“canon” includes a non-residentiary canon or prebendary but not a minor canon or any person not in Holy Orders;

“capitular body” means, in the case of a dean and chapter cathedral, the dean and chapter, and, in the case of a parish church cathedral, the cathedral chapter;

“cathedral church” means any cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford;

“cathedral duties” has the meaning assigned to it by section nine of this Measure;

“churchyard” includes a closed churchyard;

^{F53}
...

“company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“dean and chapter cathedral” means any cathedral church in respect of which there is a corporate body known as the dean and chapter;

“diocesan authority” means the diocesan board of finance or any existing or future body appointed by the diocesan conference to act as trustees of diocesan trust property;

“diocesan stipends fund” means the diocesan stipends fund established under the ^{M3}Reorganisation Areas Measure 1944 or the ^{M4}Pastoral Reorganisation Measure 1949;

“functions” includes powers and duties;

“house of residence” includes all buildings, gardens and other land held therewith;

“land” includes any corporeal or incorporeal hereditaments of any tenure;

“lease” includes a tenancy;

“moneys” includes any stock, share, or other security;

“parish church cathedral” means any cathedral church other than a dean and chapter cathedral;

“property” includes a thing in action and any interest in real or personal property;

“residentiary canon” includes a stipendiary canon;

“stock” includes any share, annuity or other security.

^{F54}(2)

^{F55}(3)

(4) References in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

Textual Amendments

F52 S. 52(1): Words in definition of “architect” substituted (21.7.1997) by 1997 c. 22, s. 26 (with Sch. 2); S.I. 1997/1672, art. 2

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

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1963. (See end of Document for details)

- F53** Definition of “the Commission” repealed by [Cathedrals Measure 1976 \(No. 1\), s. 8\(2\)](#)
- F54** [S. 52\(2\)](#) repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1, s. 39\(2\), Sch. 3](#) (with ss. [33](#), [34](#), [37](#), [38\(6\)](#))
- F55** [S. 52\(3\)](#) repealed (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1, s. 39\(2\), Sch. 3](#) (with ss. [33](#), [34](#), [37](#), [38\(6\)](#))

Marginal Citations

- M3** [1944 No. 1.](#)
- M4** [1949 No. 3.](#)

53 Certain enactments to cease to apply to cathedral corporations.

The enactments specified in the First Schedule to this Measure, being enactments relating to the sale, purchase, exchange, leasing and other dealings with ecclesiastical property, shall, to the extent specified in the third column of that Schedule, cease to apply to any body corporate, whether aggregate or sole, in any cathedral church.

54 Repeals and transitional provisions.

- (1) **F56**
- (2) The repeal by this Measure of any enactment shall not affect any scheme confirmed under that enactment which is in force immediately before the passing of this Measure, and any such scheme shall, except so far as it is varied or revoked by or under this Measure, continue in force as if this Measure had not been passed.
- (3) Any functions which are at the passing of this Measure exercisable in relation to property by the capitular body of a cathedral church shall, until a scheme is in force for that cathedral church under this Measure, be exercisable by the body by which administrative functions in relation to the cathedral church are exercisable under the constitution and statutes then in force for that cathedral church.
- (4) The repeal by this Measure of the ^{M5}Parish of Manchester Division Act 1850 (Amendment) Measure 1926 shall not affect the power of the bishop of Manchester under section two of that Measure to assign additional duties to a canon of Manchester cathedral, other than a canon whose stipend is paid by the Church Commissioners under section twenty-eight of this Measure.

Textual Amendments

- F56** [S. 54\(1\)](#) and Sch. 2 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. V](#)

Marginal Citations

- M5** [1926 No. 3.](#)

55 Extent of Measure.

This Measure shall apply to every cathedral church in England existing at the passing of this Measure except the cathedral church of Christ in Oxford:

Provided that—

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*Changes to legislation: There are currently no known outstanding effects
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- (a) sections forty-two, forty-three, fifty-two and fifty-four of this Measure shall apply to the cathedral church of Christ in Oxford, and
- (b) the provisions of this Measure specified in subsection (4) of section forty-two of this Measure shall apply as provided in that section in relation to a canon appointed thereunder for the said cathedral church.

56 Short title.

This Measure may be cited as the Cathedrals Measure 1963.

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the Cathedrals Measure 1963.