

1963 No. 2

A MEASURE passed by the National Assembly of the Church of England to replace with new provisions the Cathedral Measures 1931 and 1934, and other enactments relating to cathedral churches; to repeal certain obsolete provisions relating to cathedral churches or to churches which are or have been collegiate churches; and for purposes connected therewith. [31st July 1963]

Provisions as to schemes

1.—(1) For the purpose of securing the revision of the constitutions and statutes of cathedral churches, the Standing Committee of the Church Assembly shall appoint a Commission to be known as the Cathedrals Commission which shall be charged with the exercise of the following functions, that is to say:—

Appointment
and functions
of com-
missions.

- (a) the preparation forthwith in accordance with the provisions of this Measure of a scheme for each cathedral church which will bring the constitution and statutes thereof into conformity with the provisions of this Measure;
- (b) where an application therefor is made on behalf of any cathedral church, the preparation in accordance with the provisions of this Measure of a scheme for including in the constitution and statutes of that cathedral church any provisions which may under this Measure be so included; and
- (c) the exercise of such other functions as are conferred on it by the following provisions of this Measure.

(2) Subject to the provisions of section four of this Measure, the functions of the Cathedrals Commission shall cease on the expiration of the period of three years from the passing of this Measure, so, however, that this subsection shall not affect the functions of that Commission in relation to any scheme which it has prepared or begun to prepare, or in respect of which an application under paragraph (b) of the foregoing subsection is received, before the expiration of the said period.

(3) Where after the expiration of the said period of three years an application is made to the Church Assembly on behalf of any cathedral church for the preparation of a scheme under this Measure for revising the constitution and statutes of that cathedral church, the Standing Committee of the Church Assembly may in pursuance of a resolution of the Assembly appoint a commission (in this Measure referred to as a "special commission") for that cathedral church, and the special commission shall be charged with the preparation of that scheme in accordance with the provisions of this Measure and with the exercise of such other functions as are conferred on it by the following provisions of this Measure.

(4) The Cathedrals Commission on the confirmation of all schemes which it has prepared shall report to the Standing Committee of the Church Assembly that its functions have been fully exercised or, where its functions have been fully exercised except in relation to any scheme under paragraph (b) of subsection (1) of this section on which agreement cannot be reached or with which it is not desired to proceed, the Cathedrals Commission may request the said Standing Committee to discharge the Commission:

Provided that the Cathedrals Commission shall not report to the Standing Committee of the Church Assembly under this section or request the said Standing Committee to discharge the Commission until after the expiration of the period of three years from the passing of this Measure.

(5) A special commission shall on the confirmation of the scheme prepared by it report to the Standing Committee of the Church Assembly that its functions have been fully exercised or, where agreement cannot be reached on the provisions of a scheme or it is not desired to proceed with the scheme, may request the said Standing Committee to discharge the commission.

(6) In the following provisions of this Measure the expression "the Commission" includes the Cathedrals Commission and a special commission.

Consenting
bodies.

2.—(1) The Commission shall prepare any draft scheme under this Measure after consultation with the consenting body of the cathedral church to which the draft scheme relates, and any application made on behalf of a cathedral church under the foregoing section shall be made in pursuance of a resolution of the consenting body thereof.

(2) The consenting body of any cathedral church for which a draft scheme is being prepared under this Measure shall so far as practicable give to every person connected with the

cathedral church who appears to be affected by any proposals contained in the draft scheme notice of those proposals, and any such notice shall state that the Commission will consider any representations with respect to the draft scheme made by any person within two months from the date of the receipt by him of that notice.

(3) After complying with the provisions of the last foregoing subsection, the consenting body shall notify the Commission accordingly, and any such notification shall include a list of the persons notified under the said subsection.

(4) For the purposes of this Measure the expression "consenting body"—

(a) in the case of a dean and chapter cathedral, means the administrative chapter thereof, or, if there is not an administrative chapter, the general chapter thereof; and

(b) in the case of a parish church cathedral, means the cathedral council thereof:

Provided that a scheme under this Measure may provide that a body other than the body specified in this subsection shall be the consenting body for the purposes of this Measure in relation to the cathedral church to which the scheme relates.

3.—(1) The Commission shall submit any draft scheme prepared by it—

Procedure
for making
schemes.

(a) to the bishop,

(b) to the Church Commissioners, and

(c) so far as is practicable, to any other person to whom the Commission considers that the draft scheme should be submitted in order to ensure that all persons affected thereby are informed of the proposals contained therein,

together with a statement that it will consider any representations with respect to the draft scheme made within two months from the date on which the draft scheme is so submitted.

(2) The Commission shall also publish, in at least one newspaper circulating in the district in which the cathedral church to which the draft scheme relates is situated, a notice of the preparation of the draft scheme setting out its objects and specifying the place in the diocese where copies thereof may (on payment of such fee as may be prescribed in the notice) be inspected and stating that the Commission will consider any representations with respect to the draft scheme made within the period of two months from the date of the publication of the notice.

(3) After the expiration of the period during which representations may be made under the foregoing provisions of this Measure, the Commission shall send a copy of all representations duly made to it under those provisions to all persons to whom the draft scheme has been submitted under subsection (1) of this section or to whom notice of any proposals contained in the draft scheme has been given under subsection (2) of the last foregoing section ; and any person to whom a copy of representations is sent under this subsection may within one month from the receipt thereof make representations with respect thereto to the Commission.

(4) After considering any representations duly made to it under the foregoing provisions of this Measure the Commission may amend the draft scheme as it may think expedient.

(5) After considering representations and making amendments (if any) as aforesaid, the Commission shall submit the draft scheme to the bishop and the consenting body for their respective consents, and shall also send a copy of the draft scheme to the Church Commissioners.

(6) Upon obtaining the consent of the bishop and the consenting body, the Commission shall lay the draft scheme before the Church Assembly, and

(a) if, before the end of the session of the Assembly at which the draft scheme is laid, a resolution is passed by the Assembly directing the Commission not to seal the draft scheme, no further proceedings shall be taken in relation to the draft scheme, but without prejudice to the preparation of a new draft scheme ; or

(b) if, before the end of the said session no such resolution is passed as aforesaid, the Commission shall seal the scheme.

Any scheme required to be sealed by the Commission under this subsection shall be sealed by the chairman of the Commission on its behalf, or, in the case of absence or incapacity of the chairman, by two other members of the Commission nominated by the Commission for that purpose ; and the sealing of the scheme by the chairman or by two members nominated as aforesaid shall be conclusive evidence that the provisions of this section relating to the preparation of the scheme have been complied with.

(7) The Commission shall, as soon as possible after the scheme is sealed as aforesaid, submit the scheme for the approval of Her Majesty in Council and shall—

(a) notify the consenting body, the bishop, the Church Commissioners and any person who has made representations to the Commission under the foregoing provisions of this Measure that the scheme has been so submitted ; and

- (b) publish in the London Gazette notice that the scheme has been so submitted :

Provided that during the vacancy of a see the provisions of this subsection requiring notification of the bishop shall not apply.

(8) Within one month from the publication in the London Gazette of a notice that the scheme has been submitted for the approval of Her Majesty in Council any person who has made representations to the Commission under the foregoing provisions of this Measure with respect to that scheme may appeal to Her Majesty in Council against the scheme or any part thereof :

Provided that any such person may within the said period of one month apply to the Privy Council for an extension of the period within which he may appeal against the scheme or any part thereof, and may within any extended period granted by the Privy Council apply for a further extension of the period within which he may appeal as aforesaid.

(9) Where an appeal is brought under the last foregoing subsection, Her Majesty in Council may order that the appeal shall be heard by the Judicial Committee of the Privy Council, and the Judicial Committee shall report to Her Majesty in Council thereon, and may propose to Her Majesty in Council that the scheme should be allowed or dismissed or should be referred back to the Commission for further consideration, and Her Majesty in Council may accordingly—

- (a) allow the appeal, in which case no further proceedings shall be taken in relation to the scheme, but without prejudice to the preparation of a new scheme ;
- (b) dismiss the appeal ; or
- (c) refer the scheme back to the Commission for further consideration, in which case the Commission—
 - (i) may, after it has with the consent of the bishop and the consenting body introduced into the scheme such amendments as it considers expedient, reseal the scheme, and the provisions of this section relating to schemes sealed by the Commission shall thereupon become applicable to the amended scheme ; or
 - (ii) may withdraw the scheme.

(10) A scheme prepared under this section shall be laid before each House of Parliament—

- (a) where no representations with respect to the scheme have been made under the foregoing provisions of this Measure, on the publication of a notice in the London Gazette that the scheme has been submitted for the approval of Her Majesty in Council ;

- (b) where an appeal against the scheme is not brought within the period specified in subsection (8) of this section by any person who has made representations as aforesaid, on the expiration of that period ; or
- (c) where an appeal brought under that subsection is dismissed, on the dismissal of that appeal ;

and upon the scheme being laid before each House of Parliament section six of the Statutory Instruments Act, 1946, shall have effect as if this Measure were an Act and the scheme were the draft of a statutory instrument, and section seven of the said Act shall apply to the scheme accordingly.

(11) If no resolution is passed under the said section six that the scheme should not be made, Her Majesty may confirm the scheme by Order in Council, and notice of every scheme which has been so confirmed shall be published in the London Gazette.

(12) Any notice published in the London Gazette under subsection (7) or subsection (11) of this section shall state where a copy of the scheme as submitted for the approval of Her Majesty or the Scheme as confirmed by Her Majesty, as the case may be, may be obtained.

Preparation of schemes without agreement of bishop or consenting body.

4. Where at the expiration of the period of three years from the passing of this Measure the consent of both the bishop and the consenting body has not been obtained to a draft scheme under paragraph (a) of subsection (1) of section one of this Measure, the Cathedrals Commission shall prepare such a scheme in accordance with the foregoing provisions of this Measure and if, within one month from the date of the submission of the draft scheme to the bishop and the consenting body under subsection (5) of the last foregoing section, the consent of both the bishop and the consenting body has not been obtained, the Cathedrals Commission shall lay the draft scheme before the Church Assembly under that section as if those consents had been obtained :

Provided that where any such scheme contains provisions other than such as are necessary to bring the constitution and statutes of the cathedral church into conformity with the provisions of this Measure, the scheme shall not be laid before the Church Assembly until the consent of the bishop and of the consenting body to those provisions has been obtained.

General provisions as to schemes.

5.—(1) Any scheme prepared under this Measure by the Cathedrals Commission with respect to any cathedral church may contain both such provisions as are necessary to bring the constitution and statutes of the cathedral church into conformity with the provisions of this Measure and provisions which may be included in such a scheme by virtue of an application under paragraph (b) of subsection (1) of section one of this Measure.

(2) Any scheme prepared under the foregoing provisions of this Measure may either provide a new constitution and new statutes for the cathedral church to which it relates or may amend the constitution and statutes in force therefor immediately before the scheme comes into force.

(3) Any scheme prepared and confirmed under the foregoing provisions of this Measure may be varied or revoked by a subsequent scheme prepared and confirmed in like manner.

(4) Any Order in Council confirming a scheme under the foregoing provisions of this Measure may vary or revoke any Order in Council made under any Act or Measure in so far as it affects the organisation, property or revenues of a cathedral church:

Provided that the amount of any payments required to be made by the Church Commissioners under any such Order in Council shall not be varied by virtue of this subsection unless the consent of the Church Commissioners has been obtained.

Provisions required to be included in the constitutions and statutes of cathedral churches

6. The constitution and statutes of each cathedral church shall—

Relationship of bishops to their cathedral churches.

(a) provide that the bishop shall be the visitor thereof and provide for the exercise by the bishop of his functions as visitor; and

(b) specify the occasions upon which, and the conditions subject to which, the bishop is to have the right to officiate in or use the cathedral church.

7. The constitution and statutes of each dean and chapter cathedral shall—

Provisions relating to the governing bodies of dean and chapter cathedrals.

(a) provide for the continuance or establishment of a general chapter consisting of the dean and all the canons (whether residentiary or not);

(b) provide for the performance of administrative functions in relation to the cathedral church by either:—

(i) an administrative chapter consisting of the dean and residentiary canons and such other members of the general chapter (if any) as may be specified in the constitution and statutes, or

(ii) the general chapter which shall delegate such of its functions as it thinks fit to an administrative committee consisting of such members of that chapter as may be specified as aforesaid; and

- (c) provide for the appointment, if the dean and chapter think it desirable for the administration of the finances and property of the cathedral church, of a committee consisting of members of the general chapter and such other persons, whether clerical or lay, as may be specified as aforesaid, and for the delegation to that committee of functions in relation to the administration of the finances and property of the cathedral church.

Provisions relating to the governing bodies of parish church cathedrals.

8. The constitution and statutes of each parish church cathedral shall—

- (a) provide for the continuance of a cathedral chapter of which the provost, the canons of the cathedral church and the archdeacons of the diocese shall be members, and of which the bishop may be a member for such purposes as may be specified in the constitution and statutes ;

- (b) provide for the performance of administrative functions in relation to the cathedral church by—

(i) a cathedral council consisting of the provost, who shall act as chairman, the residentiary canons and such other persons as the constitution and statutes may specify, being non-residentiary canons, archdeacons or other persons holding office in connection with the cathedral church, representatives of the parochial church council or the parochial church meeting of the parish in which the cathedral church is situated, persons resident in the diocese or persons whose names are entered on the church electoral roll of a parish in the diocese, or

(ii) an administrative chapter consisting of the provost, who shall act as chairman, the residentiary canons and such non-residentiary canons or archdeacons as may be specified in the constitution and statutes ; or

(iii) the cathedral chapter which shall delegate such of its functions as it may determine to an administrative committee consisting of the provost, who shall act as chairman, the residentiary canons and such non-residentiary canons or archdeacons as may be specified as aforesaid ;

- (c) provide, where the said administrative functions are to be performed by an administrative chapter—

(i) for the appointment of lay persons as additional members of the administrative chapter for the purpose of considering any question relating to the finances and property of the cathedral church, or

(ii) for the appointment of a committee consisting of members of the administrative chapter and such lay persons as may be specified in the constitution and statutes, and for the delegation to that committee of functions relating to the finances and property of the cathedral church ;

(d) provide, where the said administrative functions are to be performed by the cathedral chapter—

(i) for the appointment of lay persons as additional members of the administrative committee for the purpose of considering any question relating to the finances and property of the cathedral church, or

(ii) for the appointment of a committee consisting of members of the administrative committee and such lay persons as may be specified in the constitution and statutes, and for the delegation to that committee of functions relating to the finances and property of the cathedral church.

9.—(1) The constitution and statutes of each cathedral church shall provide that the holders of two residentiary canonries in the cathedral church shall be engaged exclusively on cathedral duties :

Two
residentiary
canons to be
engaged
exclusively
on cathedral
duties.

Provided that the constitution and statutes may provide that the holder of only one residentiary canonry need be engaged exclusively on cathedral duties until such time as the bishop may determine after consultation with the administrative body of the cathedral church.

(2) In this Measure the expression “cathedral duties” means duties in connection with the cathedral church or pastoral duties in the diocese which should, in the opinion of the administrative body of the cathedral church, be discharged from the cathedral church as the mother church of the diocese, and does not include duties performed by any person—

(a) as a suffragan bishop,

(b) as an assistant bishop,

(c) as an archdeacon,

(d) as a director or officer of a diocesan board of education or as an officer of a diocesan board of finance or diocesan dilapidations board, or

(e) as the holder of any office to which he was appointed by a person or body other than the administrative body of the cathedral church and for which a salary or stipend is normally paid.

and the expression “engaged exclusively on cathedral duties” shall be construed accordingly :

Provided that—

- (i) the administrative body of the cathedral church, the visitor and the Church Commissioners acting jointly may direct that the holder of a residentiary canonry shall be treated for the purposes of this Measure as engaged exclusively on cathedral duties notwithstanding that he is also an assistant bishop or the holder of any such office as is mentioned in paragraph (e) of this subsection ; and
- (ii) the archbishop of the province and the Church Commissioners acting jointly may in special circumstances direct that the holder of a residentiary canonry who is normally engaged exclusively on cathedral duties shall, for such period as they may specify, be treated as so engaged for the purposes of this Measure notwithstanding that he is performing duties other than cathedral duties.

(3) Nothing in this section shall be regarded as limiting the number of residentiary canons engaged exclusively on cathedral duties in any cathedral church.

Further provisions required to be included in constitutions and statutes of cathedral churches.

10.—(1) The constitution and statutes of each cathedral church shall—

- (a) provide for the appointment of any dean by Her Majesty ;
- (b) provide in the case of a parish church cathedral for the appointment as provost of the incumbent of the benefice of which the cathedral is the parish church ;
- (c) provide for the appointment of canons in such manner as may be specified in the constitution and statutes ;
- (d) confer power to pay stipends or other emoluments to the dean or provost and to the residentiary canons out of the capitular revenues of the cathedral church, so, however, that the amounts fixed from time to time of those stipends or other emoluments shall be subject to the consent of the Church Commissioners ;
- (e) provide that in determining the amount of a stipend to be paid to any residentiary canon as aforesaid, regard may be had to any emoluments payable to him in respect of any other office or appointment held by him and to any time ordinarily spent by him in performing the duties of any other office or appointment which materially affects the time available for the performance of his cathedral duties ;
- (f) specify the maximum number of residentiary canons and non-residentiary canons of the cathedral church ;

- (g) provide that any presentations or nominations to benefices in the patronage of the capitular body shall be exercised—
- (i) in the case of a dean and chapter cathedral, by the dean and chapter or a patronage committee thereof;
 - (ii) in the case of a parish church cathedral, by the cathedral chapter or the administrative chapter or by a patronage committee of the cathedral chapter;
- (h) provide that all functions of the capitular body in relation to property shall be delegated to the administrative body;
- (i) provide that the capitular body shall have a common seal which shall be in the custody of the administrative body;
- (j) confer on the administrative body power to affix the common seal of the capitular body to any document; and
- (k) provide for the appointment of an architect to the cathedral church.

(2) The constitution and statutes of each parish church cathedral shall also—

- (a) provide for the abolition of the jurisdiction of the archdeacon and rural dean over the parish of the cathedral church, and for the exercise by the administrative body of any of the functions theretofore exercisable by the archdeacon or rural dean;
- (b) provide, where the consistory court has jurisdiction over the cathedral church or any part thereof, for the abolition of that jurisdiction; and
- (c) provide for conferring on such body as may be specified in the constitution and statutes, subject to any limitations or conditions as may be so specified, powers similar to those exercisable with respect to the fabric, monuments and ornaments of a cathedral church, and with respect to the churchyard thereof, by the dean and chapter in a dean and chapter cathedral.

Provisions which may be included in the constitutions and statutes of cathedral churches

11.—(1) In addition to the matters for which the constitution and statutes of each cathedral church are required to provide under the foregoing provisions of this Measure, the constitution and statutes may make provision for the good

Further provisions which may be included in constitutions

and statutes
of cathedral
churches.

government of the cathedral church and in particular may--

- (a) constitute any body or create any office for the purpose of the performance of functions in relation to the cathedral church ;
- (b) specify the functions of that body or the person holding that office in relation to the cathedral church and, where applicable, the diocese ;
- (c) provide for the appointment and terms of service of persons holding office in the cathedral church or employed in connection with it ;
- (d) provide for the regulation and superintendence of the services, fabric, fittings, ornaments, furniture and monuments of the cathedral church ;
- (e) provide for the administration of all property and revenues of, or held in connection with, the cathedral church, including any trust fund applicable to any special purpose in connection with the cathedral church ;
- (f) provide for the abolition, suspension or termination of suspension of any dignity, office or body in the cathedral church ; and
- (g) provide for any incidental and supplementary matters for which the Commission thinks it expedient to provide.

(2) Without prejudice to the generality of the last foregoing subsection, the constitution and statutes of any such cathedral church may—

- (a) provide for the appointment by the administrative body of a committee consisting of such members of that body as may be specified in the constitution and statutes, and for the delegation to that body of such functions of the administrative body as may be so specified ;
- (b) provide for the vacation of office by residentiary canons at such age as may be specified in the scheme, unless the bishop, after such consultation (if any) as may be specified in the scheme, otherwise determines ;
- (c) provide for the creation of residentiary canonries the holders of which shall continue in office for a specified term of years only, either with or without eligibility for re-appointment ;
- (d) provide that where a clerk in Holy Orders who is appointed to an archdeaconry or any other diocesan office becomes, whether at the time he is so appointed or at a later date, a canon on the understanding that he will hold the office of canon so long as he holds

that archdeaconry or other diocesan office, he shall on ceasing to hold the archdeaconry or other diocesan office vacate office as a canon, unless the bishop otherwise determines ;

- (e) provide that a non-residentiary canon shall vacate office upon ceasing to reside in the diocese, unless requested in writing to continue in office by the bishop of the diocese, so, however, that a non-residentiary canon who has been appointed in connection with an office held or function performed by him, shall, so long as he holds that office or performs that function, continue as a non-residentiary canon notwithstanding that he no longer resides in the diocese ;
- (f) provide for the appointment of non-residentiary canons who are not resident in the diocese and for the exclusion of these canons from any provision made under the last foregoing paragraph ;
- (g) provide for the annexation of a canonry to any such office as may be specified in the scheme and for the severance of a canonry from any office to which it is annexed ;
- (h) provide for the payment of pensions to retired laymen who were employed in connection with the cathedral church and to the widows and dependants of such laymen ;
- (i) provide, where a cathedral church is the parish church, that part of that cathedral church shall be a parish church or, where part of a cathedral church is a parish church, that the cathedral church or any other part thereof shall be the parish church ;
- (j) provide for the establishment of a college of lay canons and specify their functions ;
- (k) empower the bishop to confer the designation of dean emeritus, provost emeritus, canon emeritus or prebendary emeritus upon any person who retires immediately after holding the office of dean, provost, canon or prebendary as the case may be ;
- (l) provide in any case in which it is expedient for assigning part of the capitular revenues or property of the cathedral church for the promotion of the study of theology or any other branch of sacred learning, sacred music or ecclesiastical art ; and
- (m) provide, in the case of a parish church cathedral which has a cathedral council, that any functions of the cathedral council relating to the duties of the provost and canons and to the ordering of services shall be exercised by such members of the cathedral council as are clerks in Holy Orders.

Provisions as to parishes of parish church cathedrals.

12.—(1) The constitution and statutes of a parish church cathedral may provide for the transfer to the administrative body of the cathedral church of all functions theretofore exercisable, in relation to the parish of that cathedral, by the parochial church council.

(2) Where the constitution and statutes provide for such a transfer as aforesaid, they shall also provide—

(a) where the functions are transferred to a cathedral council, that at least one-third of the lay members of the council shall be elected at the annual parochial church meeting ;

(b) where the functions are transferred to an administrative chapter, that at least one-third of either—

(i) the lay persons appointed as additional members of the administrative chapter for the purpose of considering questions relating to the finances and property of the cathedral, or

(ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (c) of section eight of this Measure,

as the case may be, shall be elected at the said meeting ; or

(c) where the functions are transferred to the cathedral chapter, that at least one-third of either—

(i) the lay persons appointed as additional members of the administrative committee for the purpose of considering questions relating to the finance and property of the cathedral, or

(ii) the lay members of the committee appointed under sub-paragraph (ii) of paragraph (d) of the said section eight.

as the case may be, shall be elected at the said meeting.

(3) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1956, shall have effect, in relation to that parish subject to the following modifications :—

(a) for any reference to the parochial church council there shall be substituted a reference to the administrative body ;

(b) paragraphs (3) and (6) of Rule 8, and Rules 12, 13, 14 and 15 and Appendix II shall not apply ;

(c) in paragraph (9) of Rule 8 for the reference to the secretary of the parochial church council there shall

be substituted a reference to the clerk to the administrative body ; and

- (d) in paragraph (1) of Rule 9 for the reference to a written requisition signed by not less than one-third of the lay members of the parochial church council there shall be substituted a reference to a written requisition signed by not less than one-half of the lay members of the administrative body :

Provided that an annual parochial church meeting shall not be entitled by virtue of this section to receive under paragraph (1) of Rule 8 of the said Rules any information or accounts which they would not have been entitled to receive thereunder if the said transfer had not taken place.

(4) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Parochial Church Councils (Powers) Measure, 1956, shall have effect in relation to that parish subject to the following modifications :—

- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body ; and
- (b) section three, subsection (1) of section five, section six, paragraphs (iii) and (iv) of section seven and sections eight and nine shall not apply.

(5) Upon the transfer of the functions of the parochial church council of any parish as aforesaid, all property held by that council and all property vested in the diocesan authority under subsection (2) of section six of the Parochial Church Councils (Powers) Measure, 1956, or vested in that authority as a custodian trustee on behalf of the parochial church council, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the capitular body of the cathedral church :

Provided that—

- (a) any stock which is only transferable in books kept by a company shall not vest in the capitular body by virtue of this subsection, but any person in whom the stock is vested shall, at the request of the capitular body, forthwith apply to the company to transfer the stock into the name of that body ; and
- (b) the vesting or transfer of property by virtue of this subsection shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.

(6) Where the constitution and statutes of a parish church cathedral provide for such a transfer as aforesaid, they may confer on the administrative body of the cathedral church power to appoint a parochial committee to which that body may delegate such of the functions transferred to it under this section as it thinks fit.

(7) For the purposes of this section the functions of a parochial church council shall include any power to act in the administration of a charity established for ecclesiastical purposes.

Power to
make rules
or bye-laws.

13. The constitution and statutes of any cathedral church may confer on the administrative body of the cathedral church and also in the case of a parish church cathedral, on the capitular body thereof, power to make rules or byelaws regulating any matter within the jurisdiction of that body as defined by the constitution and statutes; and the constitution or statutes—

- (a) may provide that the consent of such body or person as may be specified in the constitution and statutes shall be required before any rule or byelaw is made relating to any such matter as is so specified; and
- (b) may provide for the settling of questions and disputes arising in relation to any rules or byelaws made under this section.

Power for parish church cathedrals to become dean and chapter cathedrals

Power for
parish church
cathedrals
to become
dean and
chapter
cathedrals.

14.—(1) A scheme prepared by the Commission may provide that a parish church cathedral shall become a dean and chapter cathedral:

Provided that—

- (a) the Commission shall not submit any draft scheme prepared by virtue of this section to any body or person under section three of this Measure unless the consent of Her Majesty has been obtained; and
- (b) where the patron of the benefice of which the cathedral church is the parish church is a person other than the bishop, the Commission shall not lay any such draft scheme before the Church Assembly under subsection (6) of that section unless the consent of the patron has been obtained.

(2) Any scheme under this section shall—

- (a) provide a new constitution and statutes for the cathedral church to which the scheme applies or amend the existing constitution and statutes so as to secure that they comply with the provisions of this Measure relating to the constitution and statutes of dean and chapter cathedrals; and

(b) shall provide for any consequential transfer of functions and property:

Provided that the constitution and statutes may provide for the appointment of lay persons as additional members of the administrative chapter or administrative committee of the cathedral church for the purpose of considering any question relating to the finances and property of the cathedral church, notwithstanding that paragraph (b) of section seven of this Measure does not provide for the appointment of such persons, and where any such provision is made paragraph (c) of the said section seven shall not apply.

(3) A scheme under this section shall not come into effect until—

(a) the office of provost is vacant ; and

(b) provision has been made by a scheme under the Pastoral Reorganisation Measure, 1949, and the Union of Benefices Measures, 1923 to 1952, or under the New Parishes Measure, 1943, for the pastoral care of such part of the parish of the cathedral church concerned as is not to be attached to the cathedral church, and the scheme so made has come into effect or is due to come into effect at the same time as the scheme made under this section ;

and the bishop has by an instrument under his hand and seal certified that the conditions mentioned in paragraphs (a) and (b) of this subsection have been complied with.

(4) Any scheme made under the Pastoral Reorganisation Measure, 1949, and the Union of Benefices Measures, 1923 to 1952, or under the New Parishes Measure, 1943, with respect to the parish of a cathedral church shall specify an area which shall cease to be part of the parish in which it was included before the making of the scheme and shall be the area of the cathedral church and its precincts, and a plan of that area shall be attached to the certificate executed by the bishop under the last foregoing subsection.

(5) Any certificate executed by the bishop as aforesaid shall be deposited in the registry of the diocese and shall remain there unless and until the bishop with the consent of the administrative body makes other provision for its safe custody.

Provisions as to property

15.—(1) Where at the passing of this Measure any land is vested for an estate in fee simple in a dean or canon as a corporation sole, being a dean or canon of a dean and chapter cathedral, that land shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the dean and chapter of that cathedral:

Transfer of land vested in a dignitary to dean and chapter.

Provided that the vesting of any land by virtue of this section shall not affect any previously existing trust or contract or any mortgage or other charge affecting the land.

(2) Where at the passing of this Measure the Church Commissioners hold any moneys on behalf of a dean or canon of a dean and chapter cathedral, being the proceeds of any sale of land previously vested for an estate in fee simple in the dean or canon as a corporation sole, the Church Commissioners shall hold those moneys on behalf of the dean and chapter of that cathedral.

Transfer to cathedral chapter of property vested in provosts.

16.—(1) Where at the passing of this Measure a church, churchyard, house of residence or any glebe land is vested for an estate in fee simple in the provost of a parish church cathedral as the incumbent of a benefice, the church, churchyard, house, or glebe land together with any easements, rights or privileges annexed thereto, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the cathedral chapter of that cathedral:

Provided that the vesting of property by virtue of this section shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.

(2) The last foregoing subsection shall apply in relation to property vested in the dean of Truro as incumbent of the benefice of St. Mary in Truro as it applies in relation to property vested in a provost with the substitution of a reference to the dean and chapter of the cathedral church of Truro for the reference to the cathedral chapter.

Provisions as to property of benefices of parish church cathedrals.

17.—(1) The income which at the passing of this Measure is the endowment income of a benefice the parish church of which is a parish church cathedral shall form part of the capitular revenues of that cathedral:

Provided that nothing in this subsection shall affect any charge to which that income is subject at the passing of this Measure.

(2) Any sum which before the passing of this Measure has been appropriated under paragraph (b) of section three or paragraph (b) of subsection (2) of section four of the Benefices (Stabilization of Incomes) Measure, 1951, to a benefice the parish church of which is a parish church cathedral shall be treated as appropriated to the cathedral chapter of that cathedral; and subsection (2) of section five of the Benefices (Stabilization of Incomes) Measure, 1951, shall apply in relation to moneys appropriated to the cathedral chapter by virtue of this section as it applies in relation to money appropriated to a benefice under that Measure.

(3) Where at the passing of this Measure any capital moneys are held by the Church Commissioners to the account of a benefice the parish church of which is a parish church cathedral those moneys shall be held by them to the account of the cathedral chapter.

(4) Any order made under section twelve of the Pastoral Reorganisation Measure, 1949, (which enables the Church Commissioners by order to divert part of the endowment income of a benefice to the diocesan stipends fund) and any Order in Council made under the Union of Benefices Measures, 1923 to 1952, and section six of the Diocesan Stipends Funds Measure, 1953, (which section enables the Church Commissioners by scheme confirmed by Order in Council to hold part of the endowment income of a benefice for the benefit of the diocesan stipends fund) shall, if in force at the passing of this Measure, cease to have effect so far as it diverts or transfers any part of the endowment income of a benefice the parish church of which is a parish church cathedral.

(5) If any question arises as to what constitutes the endowment income of a benefice for the purposes of this section or as to the amount of that income, that question shall be determined by the Church Commissioners, whose decision shall be final.

(6) This section shall apply in relation to the benefice of St. Mary in Truro as it applies in relation to a benefice the parish church of which is a parish church cathedral with the substitution of a reference to the dean and chapter of the cathedral church of Truro for the reference to the cathedral chapter.

18. Where at the passing of this Measure any sums of money are standing to the credit of any repair account established under the Ecclesiastical Dilapidations Measures, 1923 to 1951, for a benefice the parish church of which is a parish church cathedral, the Church Commissioners shall have power—

Moneys standing to credit of repair accounts of benefices of parish church cathedrals.

(a) to hold those sums on behalf of the cathedral chapter to be used for the repair of such property vested in the cathedral chapter as the Church Commissioners may agree; or

(b) to transfer those sums to the fund established under paragraph (b) of subsection (2) of section twenty-seven of this Measure in relation to that cathedral church.

19.—(1) The Church Commissioners with the consent of the administrative body of the cathedral church concerned and also, if the scheme transfers property vested in a dean, provost or canon, with the consent of that dean, provost or canon, may

Schemes for transfer of property to Church Commissioners and capitular bodies.

prepare and submit to Her Majesty in Council for confirmation a scheme providing—

- (a) for the transfer to the Church Commissioners of the whole or part of the property of any capitular body (other than the cathedral church and the buildings belonging thereto) for such consideration and on such terms as the Church Commissioners think fair and reasonable, including the extinguishment of any right of the Church Commissioners to receive any part of the income or property of that capitular body;
- (b) for the transfer of property by the Commissioners to any capitular body either in consideration of a reduction of any annual sum payable by the Commissioners to the capitular body or in consideration of the payment of any sum of money or the transfer of any property to the Commissioners or for no consideration;
- (c) for the transfer to the capitular body of a cathedral church of any property acquired after the passing of this Measure as a corporation sole by a dean or canon thereof or by a provost thereof (whether as provost or incumbent).

(2) A scheme under the last foregoing subsection may—

- (a) amend or repeal the provisions of any other scheme made under any Act or Measure relating to the property of the cathedral church concerned, other than provisions forming part of the constitution and statutes of the cathedral church;
- (b) contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the scheme.

(3) The following provisions of the Ecclesiastical Commissioners Act, 1840, (which relate to the making, publishing and registering of Orders in Council), that is to say—

sections eighty-four and eighty-five,
section eighty-six, as modified by section twenty-four of the Church Property (Miscellaneous Provisions) Measure, 1960, and

sections eighty-eight and eighty-nine,

shall apply to an Order in Council confirming a scheme under this section as they apply to an Order in Council confirming a scheme under that Act.

Acquisition
and disposal
of land by
cathedral
bodies.

20.—(1) A capitular body, dean, provost or canon shall, subject to the provisions of this section, have the following powers, that is to say:—

- (a) power to sell, grant a lease of, exchange, mortgage or charge land, and to dedicate land for the purposes of a highway;

- (b) power to acquire land by gift inter vivos or by will, and
- (c) power to acquire land required for providing access to land owned by the capitular body, dean, provost or canon, as the case may be, or for improving the amenities of any such land,

and a capitular body shall, subject to the said provisions, also have power to acquire land—

- (i) for improving the amenities of the cathedral church ;
- (ii) for any ecclesiastical, educational or other charitable purpose connected with the cathedral church or any parish of which the cathedral church or any part thereof is the parish church ; and
- (iii) for the provision of houses to be occupied by persons engaged or to be engaged in duties connected with the cathedral church.

(2) Before exercising any powers conferred under the last foregoing subsection, the capitular body, dean, provost or canon shall obtain the consent of the Church Commissioners and also in the case of the disposal, leasing, mortgaging or charging of a house of residence—

- (a) the consent of the bishop or during a vacancy of the see the guardian of the spiritualities ;
- (b) the consent of the dean, provost or residentiary canon who normally occupies the house except during a vacancy in the office of the dean, provost or residentiary canon, as the case may be ; and
- (c) where the house is allocated for the use of the holder of a dignity the right of presentation to which is vested in Her Majesty, the consent of Her Majesty ;

Provided that no consent shall be required under this subsection for:—

- (i) the grant of a lease to a clerk in Holy Orders holding office in the cathedral church or to any person employed in connection with the cathedral church ;
- (ii) the acquisition of land by a gift inter vivos or by will ;
- (iii) any transaction for which the sanction of an order is required under section twenty-nine of the Charities Act 1960 ; or
- (iv) any transaction relating to land which at the passing of this Measure is held by the dean and chapter of the cathedral church of St. Paul in London as part of the Tillingham estate.

(3) The Church Commissioners may by order except from the provisions of the last foregoing subsection transactions relating to land forming part of an estate specified in the order

or transactions of a class so specified or relating to property of a class so specified.

(4) The powers conferred by this section may be exercised notwithstanding that the consideration for any transaction executed thereunder may not be the full consideration.

(5) The sealing by the Church Commissioners of any document under this section shall be conclusive evidence that all the requirements of this section with respect to the transaction to which the document relates have been complied with.

(6) A statement in a document sealed by the capitular body, dean, provost or canon, as the case may be, that the consent thereto of the Church Commissioners is not required under this section shall be sufficient evidence of that fact.

Investment powers, etc., of capitular bodies.

21.—(1) Subject to the provisions of this section, the capitular body of any cathedral church shall have the following powers of investing moneys which form part of the endowment of the cathedral church (not being moneys to which section twenty-four of this Measure applies) that is to say—

- (a) power to invest in the acquisition of land ;
- (b) power to invest in any investment fund or deposit fund constituted under the Church Funds Investment Measure, 1958 ; and
- (c) the same powers of investing as a trustee has under section one of the Trustee Investments Act, 1961 ;

and the powers of the capitular body under paragraph (c) of this subsection shall be exercisable in the like manner and subject to the like conditions as the powers of a trustee are exercisable under the said Act.

(2) Subject to the provisions of this section, the capitular body of any cathedral church may from time to time pay to the Church Commissioners any moneys in the hands of the capitular body which form part of the endowment of the cathedral church, and the Church Commissioners—

- (a) shall hold any moneys paid to them under this subsection free from any trust subject to which the capitular body held the moneys ;
- (b) shall pay interest on those moneys to the capitular body at such rate as the Church Commissioners may from time to time determine ; and
- (c) shall appropriate to the endowment of the cathedral church a sum equal to the moneys held by them under this subsection.

(3) The capitular body of any such cathedral church shall before—

- (a) investing any moneys under paragraph (b) or paragraph (c) of subsection (1) of this section, or
- (b) selling any investment other than land,

obtain the advice of the Church Commissioners and shall before investing any moneys in the acquisition of land obtain the like consents as are required under the last foregoing section for the sale of any land by a capitular body.

(4) A capitular body shall not be treated as having complied with the last foregoing subsection unless the advice of the Church Commissioners was given or has been subsequently confirmed in writing.

(5) The advice or consent of the Church Commissioners given under the foregoing provisions of this section shall be deemed to be proper advice for the purposes of subsections (2) and (3) of section six of the Trustee Investments Act, 1961.

(6) The capitular body of any cathedral church may with the agreement of the Church Commissioners place any moneys on deposit with the Church Commissioners, and the Church Commissioners—

- (a) shall hold any moneys placed on deposit with them free from any trust subject to which the capitular body held the moneys ;
- (b) shall pay interest on those moneys to the capitular body at such rate as the Church Commissioners may from time to time determine ; and
- (c) when requested so to do shall repay those moneys or part thereof to the capitular body ;

so, however, that any moneys repaid under paragraph (c) of this subsection and any interest paid under paragraph (b) thereof shall be subject to the trusts to which the moneys and the interests thereon were subject before being placed on deposit as aforesaid.

22. Where any land which forms part of the endowment of a cathedral church is sold or a lease of any such land is granted, the proceeds of the sale or any premium obtained on the grant of the lease shall be treated as part of the endowment of the cathedral church.

Provisions as to proceeds of land forming part of endowment of cathedral church.

23. The capitular body of any cathedral church may, with the consent of the Church Commissioners, use any moneys forming part of the endowment of the cathedral church (other than moneys to which the next following section applies) for the improvement or development of any property in which the capitular body owns an interest, other than the cathedral church and buildings ancillary thereto.

Use of moneys forming part of endowment of cathedral church.

Provision as to moneys held by Church Commissioners on behalf of a cathedral church.

24. Where—

- (a) the Church Commissioners hold on behalf of the capitular body of any cathedral church any moneys which form part of the endowment of that cathedral church (whether held by them at the passing of this Measure or paid to them under subsection (2) of section twenty-one of this Measure) or
- (b) any moneys are appropriated to any cathedral chapter by virtue of subsection (2) of section seventeen of this Measure,

the Church Commissioners may, if the administrative body of the cathedral church requests them so to do, make payments out of those moneys—

- (i) for the improvement or development of any property in which the capitular body owns an interest, other than the cathedral church and buildings ancillary thereto;
- (ii) for any purpose for which grants may be made by the Church Commissioners under section thirty-two of this Measure; or
- (iii) for investment in the acquisition of land.

Use of endowment capital for emergency repairs to cathedral church.

25. Where the Church Commissioners and the administrative body of any cathedral church are satisfied that an emergency has arisen which justifies the expenditure of—

- (a) any moneys forming part of the endowment of the cathedral church, whether held by the capitular body or held by the Church Commissioners on behalf of the capitular body, or
- (b) any moneys which are appropriated to the cathedral church by virtue of subsection (2) of section seventeen of this Measure,

for the repair of the cathedral church or buildings ancillary thereto, the Church Commissioners may, at the request of the administrative body, consent to the expenditure of those moneys for that purpose or, as the case may be, make payments out of those moneys for that purpose:

Provided that any sum expended under this section shall be replaced by the administrative body of the cathedral church within five years from the date on which it is expended, in such manner as may be agreed between the Church Commissioners and the administrative body.

Allocation of houses for use of cathedral clergy.

26. The administrative body of any cathedral church may allocate for the use of any person holding an ecclesiastical office in connection with the cathedral, as a residence from which to perform the duties of that office, any house in which the capitular body owns an interest.

27.—(1) The administrative body of every cathedral church shall, within two years from the passing of this Measure, prepare and submit to the Church Commissioners for their approval a plan to provide for the periodic inspection and repair of all buildings, other than the cathedral church and buildings ancillary thereto, which the capitular body is liable to repair, being buildings situated in the cathedral close or allocated as residences to persons holding office in the cathedral church.

Plans for inspection and repair of cathedral property.

(2) Any plan prepared under the last foregoing subsection—

- (a) shall provide for the inspection of the buildings to which the plan applies by an architect or, where appropriate, by a surveyor and for the making with respect to each building inspected of a report by the architect or surveyor who has inspected it which shall contain an estimate of the cost of carrying out such works of repair or maintenance as the architect or surveyor, as the case may be, thinks necessary;
- (b) shall include arrangements for the repair and maintenance of the said buildings and for that purpose shall provide for the establishment of a fund and for the making of payments into that fund from the capitular revenues of the cathedral church;
- (c) may contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the plan.

(3) Any such plan as aforesaid shall provide that any architect or surveyor who carries out any inspection thereunder shall be a person who has had experience in connection with the class of building which he is required to inspect under the plan.

(4) Any plan prepared under this section may be varied by a subsequent plan approved by the Church Commissioners.

Financial provisions

28.—(1) The Church Commissioners shall pay to the dean or provost of each cathedral church and to two residentiary canons of each cathedral church who are engaged exclusively on cathedral duties such sums by way of stipend or other emoluments as they may from time to time determine:

Payment of stipends of dean or provost and two canons by Church Commissioners.

Provided that—

- (a) if in any cathedral church there is only one residentiary canon who is engaged exclusively on cathedral duties or there are no residentiary canons so engaged, the obligation imposed on the Church Commissioners by this section shall be reduced accordingly until such

time as a residentiary canon or a second residentiary canon, as the case may be, is appointed who is engaged exclusively on cathedral duties; and

- (b) in determining the amount to be paid to any dean, provost or canon under this subsection, the Church Commissioners may take account of any other sums payable to the dean, provost or canon in right of his dignity.

(2) Where by virtue of paragraph (b) of the last foregoing subsection the Church Commissioners have reduced the amount of the payment made or to be made to any dean, provost or canon of a cathedral church, they may in any year pay into the capitular revenues of that cathedral church a sum equal to the amount by which the said payment was reduced as aforesaid.

(3) The capitular body of a cathedral church shall, notwithstanding anything in the constitution and statutes of the cathedral church, have power to pay to the dean or provost or to any residentiary canon to whom the Church Commissioners are required to make a payment under subsection (1) of this section such additional stipend or other emoluments as they may think fit:

Provided that no payment shall be made by virtue of this subsection without the consent of the Church Commissioners.

Augmentation of stipends of canons holding office at passing of Measure.

29. Where in the case of any cathedral church there is only one residentiary canon engaged exclusively on cathedral duties or where there are no residentiary canons so engaged, the Church Commissioners shall have power to make to any canon holding office in the cathedral church at the passing of this Measure such payments towards his stipend or emoluments as they may think fit, so, however, that the aggregate amount paid by the Church Commissioners under this section and the last foregoing section shall not exceed the amount which would have been payable under the last foregoing section if there had been two residentiary canons engaged exclusively on cathedral duties.

Payment towards expenses incurred by newly appointed deans, provosts and canons.

30. Where any person is appointed dean or provost of a cathedral church or is appointed a residentiary canon whose stipend is to be paid by the Church Commissioners in accordance with the provisions of section twenty-eight of this Measure, the Church Commissioners shall have power to make to that person a grant towards removal expenses incurred by him.

Grants for the payment of stipends and salaries.

31. The Church Commissioners shall have power to pay out of their general fund to the capitular body of any cathedral

church such grants as they may from time to time determine for the payment of—

- (a) the stipend or other emoluments of any clerk in Holy Orders holding office in the cathedral church, other than a dean, provost or residentiary canon ;
- (b) the salary or other emoluments of any lay person employed in connection with the cathedral church.

32. For the purpose of securing the better provision of houses for clerks in Holy Orders who hold office in any cathedral church, the Church Commissioners shall have power to make out of their general fund to the capitular body of that cathedral church such grants as they may think fit for any of the following purposes, that is to say—

Grants for houses to be occupied by clerks holding office in the cathedral church.

- (a) the acquisition or erection of a house, or the acquisition of land for the site of a house, to be occupied by a clerk in Holy Orders who holds office in the cathedral church ;
- (b) the purchase of land for a garden for a house occupied or to be occupied by such a clerk ;
- (c) the division into two or more parts of any house in which the capitular body owns an interest, and the conversion of any part thereof into a residence for any such clerk as aforesaid ;
- (d) the improvement, enlargement or reduction of the size of any house occupied or to be occupied by any such clerk as aforesaid ; and
- (e) the payment of any incidental expenses incurred in carrying out any of the purposes mentioned in the foregoing paragraphs of this section.

33. The Church Commissioners shall have power to make out of their general funds to the capitular body of any cathedral church such grants as they may think fit for the repair of any chancel, other than the chancel of the cathedral church, which the capitular body is wholly or partly liable to repair.

Grants for repair of chancels.

34. The Church Commissioners shall have power to make to the capitular body of any cathedral church loans of such amounts, and subject to the payment of interest at such rate, as they may think fit for the acquisition of any property, the erection of any building or the improvement, repair or alteration of any property, other than the cathedral church and buildings ancillary thereto.

Loans for acquisition and improvement of cathedral property.

Borrowing powers of capitular bodies.

35. The capitular body of any cathedral church shall have power to borrow money for any purpose connected with the cathedral church :

Provided that if the purpose for which the money is to be borrowed is such that the use of moneys forming part of the endowment of the cathedral church for that purpose would require the consent of the Church Commissioners, then, the consent of the Church Commissioners shall be required for the borrowing of that money under this section.

Power of Church Commissioners to pay expenses of the Commission.

36. The Church Commissioners shall have power at their discretion to defray out of their general fund the expenses of the Commission or such part of those expenses as they may think fit.

Payment of cost of appeals against schemes.

37. The Church Commissioners shall have power at their discretion to pay out of their general fund the whole or such part as they may think fit of the costs and expenses incurred by any person in connection with an appeal by him to Her Majesty in Council against a scheme under this Measure.

Accounts.

38.—(1) Any person in receipt of or having the administration of either the property and revenues of any cathedral church or the property and revenues annexed or belonging to any dignity or office or any corporation aggregate or sole in any cathedral church shall annually, at such time and in such form as the Church Commissioners may prescribe, transmit to them duly audited accounts of the property and revenues.

(2) The administrative body of every such cathedral church shall annually publish duly audited accounts.

Special provisions relating to certain cathedral churches

Charge on capitular revenues of Birmingham cathedral.

39. The capitular revenues of the cathedral church of Birmingham shall be charged with an annual payment of three thousand pounds to the Church Commissioners for the benefit of the income account of the diocesan stipends fund of the diocese of Birmingham.

Provisions as to Newcastle Chapter Endowment Fund.

40. Any scheme made by the Cathedrals Commission under paragraph (a) of subsection (1) of section one of this 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 that scheme is made that Fund shall be applied for the purposes for which it is applied at the passing of this Measure.

Provisions as to canonry annexed to archdeaconry of Norfolk.

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

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.

42.—(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:

Provision for appointment of additional canon at Oxford.

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; and subsection (2) of section nine, section twenty-eight, section thirty, section forty-seven and section fifty-two of this Measure shall apply in relation to that canon as if section seven of this 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.

(6) Where the bishop and the dean and canons of the cathedral church of Christ in Oxford make an application to the Church Assembly for an instrument which will vary or revoke any instrument then in force under this section, the Standing Committee of the Church Assembly may in pursuance of a resolution of the Assembly appoint a commission which shall consider the revision of that instrument and may, with the consent of the bishop, the dean and canons of the said cathedral church and the Church Commissioners, make an instrument under this section which may vary or revoke the instrument previously in force hereunder.

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

43.—(1) The bishop shall have power to appoint not more than twenty-four non-residentiary canons in the cathedral church of Christ in Oxford, and any such canon shall, unless the bishop otherwise determines, vacate office on ceasing to reside in the diocese of Oxford.

(2) The rights and duties of non-residentiary canons 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.

Provisions as
to Southwark.

44.—(1) A scheme made under this 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 Southwark Cathedral Measure, 1937.

Miscellaneous and general

Amendment of
Representation
of the Laity
Measure,
1956.

45. Notwithstanding anything in paragraph 2 of Rule 5 of the Rules for the Representation of the Laity contained in the Schedule to the Representation of the Laity Measure, 1956, residentiary and minor canons of a parish church cathedral

shall be entitled to attend the annual parochial church meeting of the parish of that cathedral, whether or not they are resident in that parish.

- 46.** Where the constitution or statutes of any cathedral church contains a provision—
- Repeals of provisions of constitutions and statutes relating to amounts of stipends.
- (a) fixing the amount of any stipend to be paid to any clerk in Holy Orders or lay person holding office in or employed in connection with the cathedral church ;
 - (b) specifying the minimum or maximum amount to be paid to any such person ;
 - (c) fixing the aggregate amount to be paid to the dean and canons ; or
 - (d) specifying the amount to be paid to any dean, provost or canon in relation to the amount to be paid to any other dignitary ;

that provision shall cease to have effect on the passing of this Measure.

- 47.** If any question arises under this Measure—
- Determination of questions as to cathedral duties.
- (a) whether a person is engaged exclusively on cathedral duties, or
 - (b) as to the amount of time spent on duties other than cathedral duties,

that question shall, after consultation with the visitor and the administrative body of the cathedral church, be determined by the Church Commissioners, and if any person is dissatisfied with the decision of the Church Commissioners he may appeal therefrom to the archbishop of the province whose decision shall be final :

Provided that during a vacancy of the see of the bishop who is the visitor of the cathedral church the provisions of this section requiring consultation with the visitor shall not apply.

- 48.** A scheme under this Measure which affects any right of patronage or other right or interest of Her Majesty shall not be submitted to Her Majesty in Council except with the consent of Her Majesty.
- Saving for Crown rights.

49.—(1) Where a scheme under this Measure provides for the transfer of any property, the scheme may also provide for the vesting without any conveyance or other assurance of the property to be transferred.

Transfer of property by schemes.

(2) The production of a copy of the Order in Council confirming a scheme under this Measure shall be sufficient authority to any company in whose books any stock transferred by the scheme is standing to transfer the stock into the name of the

transferee named in the scheme and to pay the dividends thereon to that transferee, and the stock shall be transferred and the dividends paid accordingly.

Saving for existing interests.

50. No provision of this Measure or of any scheme made under it shall adversely affect the tenure of office or any right or pension of any person who, at the passing of this Measure, holds or has held a freehold or other office conferring fixity of tenure in any cathedral church unless, by an instrument in writing under his hand, he agrees to be bound by that provision.

Charities.

51. The provisions of this Measure (other than those of section twelve thereof) shall not apply to any charity, or to property of any charity, except to the extent to which the Charity Commissioners for England and Wales shall determine that the said provisions shall apply to that charity or property.

In this section the expression "charity" has the same meaning as in the Charities Act, 1960, but does not include an exempt charity within the meaning of that Act.

Interpretation.

52.—(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 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 Architects (Registration) Acts, 1931 to 1938;

"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 ;
- “ the Commission ” has the meaning assigned to it by section one of this Measure ;
- “ 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 Reorganisation Areas Measure, 1944, or the 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.

(2) Any reference in this Measure (except in paragraph (b) of subsection (1) of section ten thereof) to a provost shall be construed as including a reference to the Dean of St. Albans and to any dean appointed after the passing of this Measure in a parish church cathedral.

(3) For the purposes of this Measure a dwelling house shall not be regarded as a building ancillary to a cathedral church.

(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.

53. 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.

Certain enactments to cease to apply to cathedral corporations.

Repeals and transitional provisions.

54.—(1) The enactments specified in the Second Schedule to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

(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 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.

Extent of Measure.

55. 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—

- (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.

Short title.

56. This Measure may be cited as the *Cathedrals Measure, 1963*.

FIRST SCHEDULE

Section 53.

ENACTMENTS WHICH CEASE TO APPLY TO
CATHEDRAL CORPORATIONS

ACTS OF PARLIAMENT

Session and chapter	Short title	How far to cease to apply to cathedral corporations
13 Eliz. c. 10...	—	The whole Act.
14 Eliz. c. 11...	—	The whole Act.
18 Eliz. c. 11...	—	The whole Act.
5 Geo. 3. c. 17	The Ecclesiastical Leases Act, 1765.	The whole Act.
39 & 40 Geo. 3. c. 41.	The Ecclesiastical Leases Act, 1800.	The whole Act.
2 & 3 Will. 4. c. 80.	The Ecclesiastical Corporations Act, 1832.	The whole Act.
6 & 7 Will. 4. c. 20.	The Ecclesiastical Leases Act, 1836.	The whole Act.
6 & 7 Will. 4. c. 64.	The Ecclesiastical Leases (Amendment) Act, 1836.	The whole Act.
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act, 1840.	Section sixty-eight.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act, 1841.	Section twenty-one.
5 & 6 Vict. c. 108.	The Ecclesiastical Leasing Act, 1842.	The whole Act.
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854.	The whole Act.
21 & 22 Vict. c. 57.	The Ecclesiastical Leasing Act, 1858.	The whole Act.
23 & 24 Vict. c. 124.	The Ecclesiastical Commissioners Act, 1860.	Sections sixteen to nineteen.
29 & 30 Vict. c. 111.	The Ecclesiastical Commissioners Act, 1866.	Section four.
8 & 9 Geo. 5. c. 42.	The Loans (Incumbents of Benefices) Amendment Act, 1918.	The whole Act.

CHURCH ASSEMBLY MEASURE

Session and number	Short title	How far to cease to apply to cathedral corporations
26 Geo. 5 and 1 Edw. 8. No. 5.	The Ecclesiastical Commissioners (Powers) Measure, 1936.	Section six.

Section 54.

SECOND SCHEDULE

ENACTMENTS REPEALED

ACTS OF PARLIAMENT

Session and chapter	Short title	Extent of repeal
6 Anne c. 75...	The Cathedral Statutes Act, 1707.	The whole Act.
3 & 4 Vict. c. 113.	The Ecclesiastical Commissioners Act, 1840.	Sections one to four; sections eight to fifteen; sections seventeen and eighteen; sections twenty to twenty-three; sections twenty-five, twenty-six, twenty-eight, thirty-three, forty-one, forty-five and forty-six; sections forty-nine to fifty-three; sections fifty-nine, sixty-one, sixty-three, sixty-four and sixty-six, and the Schedule.
4 & 5 Vict. c. 39.	The Ecclesiastical Commissioners Act, 1841.	Sections two, five, six, seven, fifteen, sixteen, eighteen, nineteen, twenty, twenty-five and twenty-six.
5 & 6 Vict. c. 26.	The Ecclesiastical Houses of Residence Act, 1842.	Sections five, six and seven.
13 & 14 Vict. c. 41.	The Parish of Manchester Division Act, 1850.	Sections five to eight; section fourteen; section twenty-six; and sections thirty-five to thirty-seven.
13 & 14 Vict. c. 94.	The Ecclesiastical Commissioners Act, 1850.	Sections nineteen, twenty and twenty-one.
13 & 14 Vict. c. 98.	The Pluralities Act, 1850 ...	Section five.
31 & 32 Vict. c. 114.	The Ecclesiastical Commission Act, 1868.	Sections three, four, nine, ten and thirteen.
36 & 37 Vict. c. 64.	The Ecclesiastical Commissioners Act, 1873.	The whole Act.
47 & 48 Vict. c. 33.	The Newcastle Chapter Act, 1884.	The whole Act.
62 & 63 Vict. c. 28.	The Manchester Canonries Act, 1899.	The whole Act.
6 Edw. 7. c. 19	The Deanery of Manchester Act, 1906.	The whole Act.
8 & 9 Geo. 5. c. 42.	The Loans (Incumbents of Benefices) Amendment Act, 1918.	Section seven.

CHURCH ASSEMBLY MEASURES

2ND SCH.

Session and number	Short title	Extent of repeal
14 & 15 Geo. 5. No. 4.	The Bishopric of Blackburn Measure, 1923.	Sections five and eight.
14 & 15 Geo. 5. No. 5.	The Diocese of Southwell (Division) Measure, 1923.	Sections five and eight.
14 & 15 Geo. 5. No. 6.	The Diocese of Winchester (Division) Measure, 1924.	Sections seven and ten.
15 & 16 Geo. 5. No. 2.	The Bishopric of Leicester Measure, 1925.	Sections six and nine.
16 & 17 Geo. 5. No. 3.	The Parish of Manchester Division Act, 1850 (Amendment) Measure, 1926.	The whole Measure.
16 & 17 Geo. 5. No. 4.	The Ecclesiastical Commissioners Measure, 1926.	Section two.
20 & 21 Geo. 5. No. 2.	The Archdeaconry of Surrey Measure, 1930.	The whole Measure.
21 & 22 Geo. 5. No. 7.	The Cathedrals Measure, 1931.	The whole Measure, except sections twenty-three, twenty-nine and thirty.
24 & 25 Geo. 5. No. 3.	The Cathedrals (Amendment) Measure, 1934.	The whole Measure.
26 Geo. 5 & 1 Edw. 8. No. 4.	The Cathedrals (Houses of Residence) Measure, 1936.	The whole Measure.
1 Edw. 8 & 1 Geo. 6. No. 3.	The Southwark Cathedral Measure, 1937.	Sections two, five and eight, and the First and Second Schedules.
14 & 15 Geo. 6. No. 4.	The Cathedrals (Appointed Commissions) Measure, 1951.	The whole Measure.
2 & 3 Eliz. 2. No. 3.	The Cathedrals (Grants) Measure, 1954.	The whole Measure.
7 & 8 Eliz. 2. No. 1.	The Truro Cathedral Measure, 1959.	Sections seven, eight and nine.
7 & 8 Eliz. 2. No. 2.	The Vacancies in Sees Measure, 1959.	Section six.
7 & 8 Eliz. 2. No. 3.	The Guildford Cathedral Measure, 1959.	The whole Measure, except section two, in section nine the definition of "cathedral church" and section eleven.

Table of Enactments referred to in this Measure

Short title	Session and chapter
—	13 Eliz. c. 10.
—	14 Eliz. c. 11.
—	18 Eliz. c. 11.
The Cathedral Statutes Act, 1707	6 Anne c. 75.
The Ecclesiastical Leases Act, 1765	5 Geo. 3. c. 17.
The Ecclesiastical Leases Act, 1800	39 & 40 Geo. 3. c. 41.
The Ecclesiastical Corporations Act, 1832	2 & 3 Will. 4. c. 80.
The Ecclesiastical Leases Act, 1836	6 & 7 Will. 4. c. 20.
The Ecclesiastical Leases (Amendment) Act, 1836	6 & 7 Will. 4. c. 63.
The Ecclesiastical Commissioners Act, 1840	3 & 4 Vict. c. 113.
The Ecclesiastical Commissioners Act, 1841	4 & 5 Vict. c. 39.
The Ecclesiastical Houses of Residence Act, 1842	5 & 6 Vict. c. 26.
The Ecclesiastical Leasing Act, 1842	5 & 6 Vict. c. 108.
The Parish of Manchester Division Act, 1850	13 & 14 Vict. c. 41.
The Ecclesiastical Commissioners Act, 1850	13 & 14 Vict. c. 94.
The Pluralities Act, 1850	13 & 14 Vict. c. 98.
The Episcopal and Capitular Estates Act, 1851... ..	14 & 15 Vict. c. 104.
The Episcopal and Capitular Estates Act, 1854... ..	17 & 18 Vict. c. 116.
The Ecclesiastical Leasing Act, 1858	21 & 22 Vict. c. 57.
The Ecclesiastical Commissioners Act, 1860	23 & 24 Vict. c. 124.
The Ecclesiastical Commissioners Act, 1866	29 & 30 Vict. c. 111.
The Ecclesiastical Commission Act, 1868	31 & 32 Vict. c. 114.
The Ecclesiastical Commissioners Act, 1873	36 & 37 Vict. c. 64.
The Newcastle Chapter Act, 1884	47 & 48 Vict. c. 33.
The Manchester Canonries Act, 1899	62 & 63 Vict. c. 28.
The Deanery of Manchester Act, 1906	6 Edw. 7. c. 19.
The Loans (Incumbents of Benefices) Amendment Act, 1918	8 & 9 Geo. 5. c. 42.
The Union of Benefices Measure, 1923	14 & 15 Geo. 5. No. 2.
The Ecclesiastical Dilapidations Measure, 1923... ..	14 & 15 Geo. 5. No. 3.
The Bishopric of Blackburn Measure, 1923	14 & 15 Geo. 5. No. 4.
The Diocese of Southwell (Division) Measure, 1923	14 & 15 Geo. 5. No. 5.
The Diocese of Winchester (Division) Measure, 1924	14 & 15 Geo. 5. No. 6.
The Bishopric of Leicester Measure, 1925	15 & 16 Geo. 5. No. 2.
The Parish of Manchester Division Act, 1850 (Amendment) Measure, 1926	16 & 17 Geo. 5. No. 3.
The Ecclesiastical Commissioners Measure, 1926	16 & 17 Geo. 5. No. 4.
The Saint Catharine's College, Cambridge (Canonship of Norwich) Act, 1927	17 & 18 Geo. 5. c. lxii.
The Ecclesiastical Dilapidations (Amendment) Measure, 1929	19 & 20 Geo. 5. No. 3.
The Archdeaconry of Surrey Measure, 1930	20 & 21 Geo. 5. No. 2.
The Architects (Registration) Act, 1931	21 & 22 Geo. 5. c. 33.
The Cathedrals Measure, 1931	21 & 22 Geo. 5. No. 7.
The Architects (Registration) Act, 1934	24 & 25 Geo. 5. c. 38.
The Cathedrals (Amendments) Measure, 1934	24 & 25 Geo. 5. No. 3.
The Union of Benefices (Amendment) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 2.
The Cathedrals (Houses of Residence) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 4.

Short title	Session and chapter
The Ecclesiastical Commissioners (Powers) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 5.
The Southwark Cathedral Measure, 1937 ...	1 Edw. 8 & 1 Geo. 6. No. 3.
The Architects (Registration) Act, 1938	1 & 2 Geo. 6. c. 54.
The New Parishes Measure, 1943	6 & 7 Geo. 6. No. 1.
The Reorganisation Areas Measure, 1944	7 & 8 Geo. 6. No. 1.
The Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
The Pastoral Reorganisation Measure, 1949	12 & 13 Geo. 6. No. 3.
The Ecclesiastical Dilapidations Measures, 1923 to 1929 (Amendment) Measure, 1951	14 & 15 Geo. 6. No. 3.
The Cathedrals (Appointed Commissions) Measure, 1951	14 & 15 Geo. 6. No. 4.
The Benefices (Stabilization of Incomes) Measure, 1951	14 & 15 Geo. 6. No. 5.
The Union of Benefices (Disused Churches) Measure, 1952	1 Eliz. 2. No. 1.
The Diocesan Stipends Funds Measure, 1953	1 & 2 Eliz. 2. No. 2.
The Cathedrals (Grants) Measure, 1954	2 & 3 Eliz. 2. No. 3.
The Representation of the Laity Measure, 1956	4 & 5 Eliz. 2. No. 2.
The Parochial Church Councils (Powers) Measure, 1956	4 & 5 Eliz. 2. No. 3.
The Church Funds Investment Measure, 1958	6 & 7 Eliz. 2. No. 1.
The Truro Cathedral Measure, 1959	7 & 8 Eliz. 2. No. 1.
The Vacancies in Sees Measure, 1959	7 & 8 Eliz. 2. No. 2.
The Guildford Cathedral Measure, 1959	7 & 8 Eliz. 2. No. 3.
The Charities Act, 1960	8 & 9 Eliz. 2. c. 58.
The Church Property (Miscellaneous Provisions) Measure, 1960	8 & 9 Eliz. 2. No. 1.
The Trustee Investments Act, 1961	9 & 10 Eliz. 2. c. 62.

