



Church of England (Miscellaneous Provisions) Measure 1976

1976 No. 3

A Measure passed by the General Synod of the Church of England to enable provision to be made by Canon with respect to certain declarations made and subscribed and other matters required on ordination and admission to office in the Church of England and to repeal the enactments relating to those matters; to enable provision to be made by Canon with respect to licensing of assistant curates for fixed terms; to replace section 85 of the Pastoral Measure 1968; to dispense with periodical episcopal visitations of cathedrals; to amend section 1 of the Benefices (Sequestrations) Measure 1933; to amend the law relating to the burial of certain persons in parish burial grounds; to repeal section 13 of the Burnley Rectory Act 1890; and for purposes connected with the matters aforesaid. [15th November 1976]

Commencement Information

II Measure wholly in force at 15.12.1976 see s. 8(3).

1 Provision by Canon with respect to declarations and other matters required on ordination and admission to office.

- (1) Subject to subsection (2) below, it shall be lawful for the General Synod to make provision by Canon for dispensing with or modifying any formal procedure or document required on the occasion of ordination or admission to any office in the Church of England^{F1}
- (2) Subsection (1) above shall not apply in relation to any declaration of assent to the doctrine of the Church of England which by any Canon made in pursuance of section 2 of the ^{M1}Church of England (Worship and Doctrine) Measure 1974 any person is required to make on any occasion.
- (3) Section 3 of the Submission of the ^{M2}Clergy Act 1533 (which provides that no Canons shall be contrary to the Royal Prerogative or the customs, laws or statutes of this

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1976. (See end of Document for details)

realm) shall not apply to any rule of ecclesiastical law relating to any matter for which provision may be made by Canon in pursuance of this section.

(4) In this section “ordination” includes consecration as a bishop; and “admission” to an office includes every step in the procedure by which a person comes into full possession of the office.

^{F2}(5)

^{F3}(6)

Textual Amendments

F1 Words in s. 1(1) repealed (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), **Sch. Pt. 1**; S.I. 2018/718, art. 2

F2 S. 1(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 6** Group 1

F3 S. 1(6) repealed (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), **Sch. Pt. 1**; S.I. 2018/718, art. 2

Marginal Citations

M1 1974 No. 2.

M2 1533 c. 19.

^{F4} **Provision by Canon with respect to licensing of assistant curate for fixed term.**

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Textual Amendments

F4 S. 2 repealed (31.1.2011) by Ecclesiastical Offices (Terms of Service) Measure 2009 (No. 1), s. 13(2), **Sch. 3** (with s. 9); 2010 No. 8, art. 2

3 ^{F5}

Textual Amendments

F5 S. 3 repealed by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), s. 8(11)

4 Periodical episcopal visitations of cathedrals not obligatory.

At the end of section 6 of the ^{M3}Cathedral Measure 1963 (relationship of bishops to their cathedral churches) there shall be added the following paragraph :—

“ This section shall not be taken to require the statutes of a cathedral church to provide for periodical episcopal visitations of that church, and notwithstanding anything in any such statutes or in any rule of ecclesiastical law it shall not be obligatory for a bishop to visit the cathedral church of his diocese at regular intervals. ”

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Modifications etc. (not altering text)

- C1** The text of ss. 1(6), 4, 5, and Sch. Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M3** 1963 No. 2.

5 Renumeration for performance of occasional ecclesiastical duties in vacant benefices.

In section 1(1) of the ^{M4}Benefices (Sequestrations) Measure 1933 (which empowers bishops to determine the amount of the remuneration to be paid to clerks in Holy Orders who perform occasional ecclesiastical duties in vacant benefices), for the words from “to clerks” to the end there shall be substituted the words “for the performance of occasional ecclesiastical duties in any benefice during a vacancy therein and, where any such duty is performed by a person other than a clerk in Holy Orders, the person to whom the remuneration is to be paid”.

Modifications etc. (not altering text)

- C2** The text of ss. 1(6), 4, 5, and Sch. Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1933 No. 4.

6 Amendment of law relating to burials in parish burial ground.

- (1) A person who apart from this subsection has no right of burial in the churchyard or other burial ground of a parish shall have a right of burial therein if at the date of his death his name is entered on the church electoral roll of the parish.
- (2) No person, other than a person having a right of burial in the churchyard or other burial ground of a parish, shall be buried therein without the consent of the minister of the parish, but in deciding whether to give such consent the minister shall have regard to any general guidance given by the parochial church council of the parish with respect to the matter [^{F6}; and in this subsection the reference to burial includes a reference to disposal of cremated remains].
- (3) In this section “minister”, in relation to a parish, means the incumbent of the benefice to which the parish belongs or, if the benefice is vacant, the minister acting as priest in charge of the parish or the curate licensed to the charge of the parish or, if there is no such minister or curate, the rural dean of the deanery in which the parish is.

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Textual Amendments

F6 Words in s. 6(2) inserted (11.7.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 17(1), **Sch. 3 para.12** (with s. 18); Instruments dated 27.5.1992 and 11.7.1992 made by the Archbishops of Canterbury and York.

F77 Repeal of s. 13 of Burnley Rectory Act 1890.

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Textual Amendments

F7 S. 7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 6** Group 1

8 Citation, construction commencement and extent.

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 1976.
- (2) Any reference in this Measure to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

F8(3)

- (4) This Measure shall extend to the provinces of Canterbury and York except that it shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (5) Sections 1 and 2 shall extend to the Isle of Man and sections 3 and 6 may by Act of Tynwald be extended to the Isle of Man with such exceptions, adaptations and modifications as may be specified in such Act.
- (6) This Measure may be applied to the Channel Islands, or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, in accordance with those Measures.

Textual Amendments

F8 S. 8(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 6** Group 1

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Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1976. (See end of Document for details)

SCHEDULE

Sections 1, 3.

REPEALS

Modifications etc. (not altering text)

- C3** The text of ss. 1(6), 4, 5, and Sch. Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F9}PART I

REPEALS UNDER SECTION 1 OF THIS MEASURE

Textual Amendments

- F9** Sch. Pt. 1 repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), [Sch. Pt. 1](#); [S.I. 2018/718](#), art. 2

PART II

REPEALS UNDER SECTION 3 OF THIS MEASURE

| Session and Chapter | Short Title | Extent of Repeal |
|-----------------------------|--|---|
| 26 Geo.5 & 1 Edw. 8. No. 5. | The Ecclesiastical Commissioners (Powers) Measure 1936. | Section 8(2). |
| 1 and 2 Geo. 6. No. 3. | The Parsonages Measure 1938. | Section 14. |
| 1 & 2 Eliz. 2. No. 2. | The Diocesan Stipends Funds Measure 1953. | In section 8(1), in the definition of “the bishop”, the words from “(including” to the end. |
| 7 & 8 Eliz. 2. No. 2. | The Vacancies in Sees Measure 1959. | Sections 3 and 7(2). |
| 8 & 9 Eliz. 2. No. 1. | The Church Property (Miscellaneous Provisions) Measure 1960. | Section 26. |
| 1968 No. 1. | The Pastoral Measure 1968. | Section 85. In section 90(1), in the definition of “the bishop”, the words from “and includes” to the end. |

Status: Point in time view as at 01/07/2018.

Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1976. (See end of Document for details)*

1972 No. 2.

The Repair of Benefice
Buildings Measure 1972.

Section 28.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure1976.