
Changes to legislation: National Institutions Measure 1998, SCHEDULE 1 is up to date with all changes known to be in force on or before 07 April 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 1(3) and (4).

THE ARCHBISHOPS’ COUNCIL

PART I

CONSTITUTION AND MEMBERSHIP

- 1 (1) The Council shall consist of—
- (a) the Archbishops of Canterbury and York;
 - (b) the Prolocutors of the Convocations of Canterbury and York;
 - (c) the chairman and vice-chairman of the House of Laity;
 - (d) two bishops elected by the House of Bishops from among its members;
 - (e) two clerks in Holy Orders elected by the House of Clergy from among its members;
 - (f) two lay persons elected by the House of Laity from among its members;
 - (g) such persons as may be appointed under sub-paragraph (2) below;
 - (h) one of the Church Estates Commissioners appointed by the Archbishops of Canterbury and York acting jointly.
- (2) Subject to sub-paragraph (3) below, the Archbishops of Canterbury and York, acting jointly, may appoint not more than six persons as members of the Council.
- (3) No appointment under sub-paragraph (2) above shall be made without the approval of the General Synod; and in considering the making of any such appointment (except on the first occasion when the power to appoint is exercised) the Archbishops of Canterbury and York shall consult the Council and the Appointments Committee of the Church of England.
- 2 The Archbishops of Canterbury and York shall be joint Presidents of the Council.
- 3 The Archbishop of Canterbury shall preside at meetings of the Council unless he determines otherwise, in which case the Archbishop of York or one of the other members of the Council appointed by the Council after consultation with the Archbishops, either generally for the purposes of this paragraph or on a particular occasion, shall preside.
- 4 (1) Subject to the following provisions of this Schedule, a member of the Council shall hold and vacate office in accordance with the terms of his appointment.
- (2) Members of the Council elected under paragraph 1(1)(d), (e) or (f) above or appointed under paragraph 1(2) above shall serve for such number of years, being not less than three and not more than five, as may be determined in each case by the General Synod.
- (3) In this paragraph “year” means a period of twelve months.

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- 5 (1) A member of the Council may, by notice in writing addressed to the Archbishop of Canterbury, resign his membership.
- (2) Where a member of the Council fails throughout a period of six consecutive months from his last attendance to attend any meeting of the Council he shall be deemed to have resigned his membership unless the Archbishop of Canterbury determines that he had reasonable cause for not attending.
- 6 A member of the Council who ceases to be a member shall be eligible for re-election or re-appointment:
Provided that a member elected under paragraph 1(1)(d), (e) or (f) above or appointed under paragraph 1(2) above shall not be eligible for re-election or re-appointment as such if he has served as a member for a period amounting in the aggregate to ten years unless an interval of five years has elapsed since he last ceased to be a member.
- 7 The quorum of the Council shall be ten.

PART II

GENERAL PROVISIONS

- 8 The Council shall be a body corporate, with perpetual succession and a common seal.
- 9 (1) A member of the Council appointed under paragraph 1(2) above ^{F1}... shall, if not otherwise a member of the General Synod, be an ex-officio member—
- (a) in the case of a bishop, of the House of Bishops,
 - (b) in the case of any other clerk in Holy Orders, of the House of Clergy, and
 - (c) in the case of a lay person [^{F2}who is an actual communicant (as defined in [^{F3}Rule 83(2)] of the Church Representation Rules)], of the House of Laity.
- (2) A [^{F4}lay] member of the Council appointed under paragraph 1(2) above who is not an actual communicant (as so defined) shall be entitled to attend at a group of sessions of the General Synod and, subject to such restrictions as may be imposed by the Standing Orders of the General Synod, to speak in any debate.

Textual Amendments

- F1** Words in Sch. 1 para. 9(1) omitted (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 13\(a\), 16\(2\)](#); 2006 No. 2, Instrument made by Archbishops
- F2** Words in Sch. 1 para. 9(1) inserted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 13\(a\), 16\(2\)](#); 2006 No. 2, Instrument made by Archbishops
- F3** Words in Sch. 1 para. 9(1)(c) substituted (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\), s. 1\(3\), Sch. 2 para. 18](#); S.I. 2019/1460, art. 2
- F4** Word in Sch. 1 para. 9(2) inserted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 13\(b\), 16\(2\)](#); 2006 No. 2, Instrument made by Archbishops

- 10 The arrangements relating to meetings of the Council shall be such as the Council may determine and, subject to paragraph 7 above, the Council shall have power to regulate its own procedure.
- 11 The validity of any proceedings of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

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- 12 The application of the seal of the Council shall be authenticated by the signature of the Secretary-General or of some other person authorised by the Council, either generally or specifically, to act for that purpose.
- [^{F5}12A(1) A document which is signed by two members of the Council and expressed (in whatever form of words) to be executed by the Council shall have the same effect as if executed under the seal of the Council.
- (2) A document which is signed by two officers of the Council authorised by the Council for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Council, shall have the same effect as if executed under the seal of the Council.
- (3) An authorisation under sub-paragraph (2) shall have effect subject to such limitations or conditions as may be specified in it.
- (4) A document executed by the Council which makes clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.
- (5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the Council if it purports to be signed in accordance with sub-paragraph (1) or (2).]

Textual Amendments

- F5** Sch. 1 para. 12A inserted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 11(4), 17(3) (with s. 11(6)(7)); S.I. 2019/67, art. 2(1)(j)

- 13 Any document purporting to be a document duly executed under the seal of the Council, or to be signed on behalf of the Council, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.
- 14 (1) It shall be within the capacity of the Council as a statutory corporation, in so far as its objects permit to do all such things and enter into all such transactions as are incidental or conducive to the discharge of its functions.
- (2) Without prejudice to the foregoing, the powers of the Council shall include power to acquire or dispose of any property and to borrow money.
- 15 (1) The Council may appoint such committees as it considers expedient and may delegate any of its functions to a committee.
- (2) Persons who are not members of the Council may be appointed to a committee.
- 16 The Council shall appoint a chief executive, to be known as “the Secretary General”, and may appoint such other officers as it may determine.
- [^{F6}17 (1) The Council and its committees may authorise such officers as the Council may specify to carry out on its or their behalf such functions as may be specified.
- (2) The Council or any of its committees may, if it considers that any business can properly be conducted by correspondence, instruct the Secretary General or the secretary of the committee to circulate to the Council or the committee in writing or by electronic transmission proposals requiring the approval of its members.

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- (3) Unless objections to the proposal are received from members of the Council or the committee in such numbers and within such period from the date of their posting or transmission (as the case may be), as the Council or the committee may specify, the proposals shall be deemed, at the expiry of that period, to be approved by the Council or the committee with the same effect as if they had been approved at a duly convened meeting.]

Textual Amendments

- F6** Sch. 1 para. 17 added (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), [Sch. 2 para. 13\(4\)](#); S.I. 2014/1369, art. 2

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- Sch. 1 para. 4A inserted by [2010 No. 1 s. 8](#)