Cathedrals Measure 1999

1999 No. 1

E

A Measure passed by the General Synod of the Church of England to make further provision with respect to the constitution, statutes and administration of cathedrals. [30th June 1999]

Commencement Information

I1 Act in force at Royal Assent but for application to a particular cathedral see s. 38(2)(3).

PART I E

GOVERNING BODIES AND FINANCIAL PROVISIONS

General provisions

1 Duty to have regard to cathedral's purpose. E

Any person or body on whom functions are conferred by or under this Measure shall, in exercising those functions, have due regard to the fact that the cathedral is the seat of the bishop and a centre of worship and mission.

2 Establishment of cathedral bodies. E

For each cathedral there shall, as from the relevant date, be a body called "the Council", a body called "the Chapter" and a body called "the College of Canons" and references in this Measure to any of those bodies shall be construed as referring to that body as established for the cathedral concerned.

Status: *Point in time view as at 30/06/1999.*
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3 The Council. E

(1) The constitution of each cathedral shall provide for the establishment of the Council in accordance with the following provisions of this section.

(2) The bishop shall be entitled to be present and speak, but not to vote, at meetings.

(3) The bishop shall appoint a lay person, not being a member of the Chapter, to be chairman, but—

(a) before doing so he shall afford the Chapter an opportunity to express views both in general as to the appointment and as to any specific person proposed by the bishop for appointment, and

(b) in deciding whom to appoint he shall have regard to those views.

(4) The membership shall consist of—

(a) the chairman,

(b) the dean,

(c) a prescribed number (not less than two nor more than five) of other members of the Chapter chosen by it,

(d) two members of the College of Canons appointed by it,

(e) a prescribed number (not less than two nor more than four) of lay persons, not being members of the Chapter, representing the interests of the cathedral community elected in the prescribed manner, and

(f) a prescribed number (not less than five nor more than ten) of persons appointed in the prescribed manner, being persons having experience in connection with the work of the cathedral or the ability to reflect local, diocesan, ecumenical or national interests in that connection.

(5) The members of the Council (other than the dean) shall hold office for a term of years to be prescribed but shall be eligible for membership for further terms of office.

(6) It shall be the duty of the Council to further and support the work of the cathedral, spiritual, pastoral, evangelistic, social and ecumenical, reviewing and advising upon the direction and oversight of that work by the Chapter and in particular, without prejudice to the generality of the foregoing, to—

(a) consider proposals submitted by the Chapter in connection with the general direction and mission of the cathedral and to give advice on them to the Chapter,

(b) receive and consider the annual budget of the cathedral,

(c) receive and consider the annual report and audited accounts,

(d) consider proposals submitted by the Chapter in connection with the constitution and statutes of the cathedral with a view to their revision under Part II of this Measure, and

(e) perform such other functions as may be prescribed.

(7) The Council may—

(a) request reports from the Chapter on any matter concerning the cathedral,

(b) discuss and declare its opinion on any such matter, and

(c) draw any matter to the attention of the Visitor or the Church Commissioners.

(8) The Council shall meet on at least two occasions in each calendar year.

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4 The Chapter. E

(1) The constitution of each cathedral shall provide for the establishment of the Chapter in accordance with the following provisions of this section.

(2) Subject to the following provisions of this section the membership shall consist of—
- (a) the dean and all the residentiary canons of the cathedral, and
- (b) a prescribed number (not less than two nor more than seven) of other persons, at least two-thirds of whom shall be lay, chosen in the prescribed manner.

(3) The constitution may provide for the administrator of the cathedral to be an additional member of the Chapter.

(4) A person shall be disqualified from being a member of the Chapter if he is disqualified from being a charity trustee under section 72(1) of [M1]the Charities Act 1993 and the disqualification is not for the time being subject to a waiver by the archbishop of the province concerned under subsection (5) below in respect of that Chapter; and a member who becomes disqualified by virtue of this subsection shall cease to be a member.

(5) The archbishop of the province concerned may, on the application of any person disqualified under subsection (4) above from being a member of the Chapter, waive his disqualification in respect of that Chapter; and any waiver under this subsection shall be notified in writing to the person concerned.

(6) The dean shall be—
- (a) the chairman and shall have a second or casting vote, and
- (b) a member of every committee of the Chapter.

(7) The members mentioned in subsection (2)(b) above shall hold office for three years but shall be eligible for membership for further terms of office.

(8) It shall be the duty of the Chapter to direct and oversee the administration of the affairs of the cathedral and in particular, without prejudice to the generality of the foregoing, to—
- (a) order the worship and promote the mission of the cathedral,
- (b) formulate, after consultation with the bishop, proposals in connection with the general direction and mission of the cathedral and submit them to the Council for its advice,
- (c) prepare an annual budget for the cathedral,
- (d) submit to the Council the annual report and audited accounts prepared by the Chapter in accordance with section 27 below and such other reports as may be requested by the Council on any matter concerning the cathedral,
- (e) submit to the College of Canons the annual report and audited accounts prepared as aforesaid,
- (f) keep under review the constitution and statutes of the cathedral and submit any proposals for their revision to the Council,
- (g) manage all property vested in the cathedral and the income accruing from it and, in particular, ensure that necessary repairs and maintenance in respect of the cathedral and its contents and other buildings and monuments are carried out, and
- (h) perform such other functions as may be prescribed.

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(9) The Chapter shall have power to acquire and dispose of property on behalf of the corporate body established in accordance with section 9(1)(a) below, subject to any consent required by section 15 below:

Provided that moneys which form part of the endowment of the cathedral shall not be invested or used except as provided by section 16 below.

(10) The Chapter shall hold the common seal of the cathedral and affix it when required.

(11) Decisions taken by the Chapter in the absence of the dean are subject to the provisions of section 7(3) below.

(12) The Chapter shall meet on at least nine occasions in each calendar year.

Marginal Citations
M1 1993 c.10.

5 The College of Canons. E

(1) The constitution of each cathedral shall provide for the establishment of the College of Canons in accordance with the following provisions of this section.

(2) The membership shall consist of—
- (a) the dean,
- (b) every suffragan bishop of the diocese in question,
- (c) every full-time stipendiary assistant bishop of the diocese in question,
- (d) every canon of the cathedral, and
- (e) every archdeacon of the diocese in question.

(3) The College of Canons shall perform the functions conferred by the [M2]Appointment of Bishops Act 1533 on the dean and chapter, and that Act shall accordingly have effect as if references to the dean and chapter were references to the College of Canons.

(4) The College of Canons shall—
- (a) receive and consider the annual report and audited accounts,
- (b) discuss such matters concerning the cathedral as may be raised by any of its members, and
- (c) perform such other functions as may be prescribed.

Marginal Citations
M2 25 Hen. 8 c.20.

6 Provisions concerning bishops. E

(1) The bishop shall have the principal seat and dignity in the cathedral.

After consultation with the Chapter and subject to any provision in the statutes, he may officiate in the cathedral and use it in his work of teaching and mission, for ordinations and synods and for other diocesan occasions and purposes.

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(2) The Chapter shall from time to time consult the bishop in respect of the general direction and mission of the cathedral, and the bishop may at any time seek the advice of the Chapter on any matter.

(3) The constitution of each cathedral shall provide that the bishop shall be the Visitor thereof.

(4) The bishop shall as Visitor hear and determine any question as to the construction of the constitution and statutes.

(5) The bishop may hold a visitation of the cathedral when he considers it desirable or necessary to do so or when requested by the Council or the Chapter.

(6) In the course of a visitation, the bishop may give such directions to the Chapter, to the holder of any office in the cathedral or to any person employed by the cathedral as will, in the opinion of the bishop, better serve the due observance of the constitution and statutes.

(7) It shall be the duty of any person or body on whom functions are conferred by or under this Measure to act in accordance with any determination under subsection (4) above and any direction under subsection (6) above.

(8) The provisions of subsections (4) to (7) above are without prejudice to the powers of the bishop under the [M3]Care of Cathedrals (Supplementary Provisions) Measure 1994 and his powers as Visitor generally.

(9) The bishop may at any time propose for consideration by the Council amendments to the constitution and statutes.

Marginal Citations
M3 1994 No.2.

7 Provisions concerning deans. E

(1) The principal dignitary of the cathedral, next after the bishop, shall be known as the dean.

(2) It shall be the duty of the dean as chairman of the Chapter to govern and direct on its behalf the life and work of the cathedral and in particular, without prejudice to the generality of the foregoing, to—
   (a) ensure that Divine Service is duly performed in the cathedral,
   (b) ensure that the constitution and statutes are faithfully observed,
   (c) maintain good order and proper reverence in the cathedral,
   (d) secure the pastoral care of all members of the cathedral community, and
   (e) take all decisions necessary to deal with any emergency affecting the cathedral, pending consideration of the matter by the Chapter.

(3) The following steps shall not be taken without the consent of the dean—
   (a) any alteration of the ordering of services in the cathedral;
   (b) the settlement of the cathedral's budget;
   (c) the implementation of any decision taken by the Chapter in the dean's absence:

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Provided that, in the case of a decision taken by the Chapter as to any matter other than one mentioned in paragraph (a) or (b) above, his consent shall be deemed to have been given for the purposes of paragraph (c) above after the expiry of one month following the date on which the decision was taken unless, within that period, the dean requests the Chapter to reconsider the decision at the next meeting of the Chapter, in which case the matter shall be decided by a majority vote of those present and voting at the meeting, the dean having a second or casting vote.

(4) If the office of dean is vacant, or the bishop considers that the dean will be unable to discharge any or all of his functions under this Measure by reason of illness or absence or any other cause, the bishop shall, after consultation with the Chapter, appoint a residentiary canon to carry out such functions as the dean is unable to discharge during the period in question; and references in this Measure to the dean shall be construed accordingly.

(5) If any question arises whether an appointment under subsection (4) above is justified, that question shall be determined by the archbishop of the province.

8 Two residentiary canons to be engaged exclusively on cathedral duties. E

(1) The constitution of each cathedral shall provide that the holders of at least two residentiary canonries in the cathedral shall be engaged exclusively on cathedral duties.

(2) In this section and section 21 below the expression "cathedral duties" means duties (whether in the cathedral or in the diocese) which should, in the opinion of the Chapter after consultation with the bishop, be discharged in or from the cathedral:

Provided that 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 section notwithstanding that he is performing duties other than cathedral duties.

(3) If any question arises under this Measure whether a person is engaged exclusively on cathedral duties that question shall, after consultation with the Visitor and the Chapter, 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 the provisions of this section requiring consultation with the Visitor shall not apply.

9 Further provisions required to be included in constitution. E

(1) The constitution of each cathedral shall—

(a) provide that the members for the time being of the Council, the Chapter and the College of Canons shall be a body corporate with perpetual succession and a common seal (to be known as the common seal of the cathedral),

(b) provide for the appointment of canons in Holy Orders, the manner of their appointment and their tenure of office (whether freehold or for a term of years),

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(c) contain provision enabling lay canons to be appointed,

(d) specify the maximum number of residentiary canons and non-residentiary canons of the cathedral,

(e) provide for the appointment of an administrator of the cathedral, having such functions as may be prescribed,

(f) provide for the appointment of an architect and an auditor for the cathedral,

(g) provide for the appointment of a person having the function of supervising music in the cathedral, and

(h) provide for the establishment of a finance committee of the Chapter having the function of advising the Chapter in connection with its responsibilities in the field of financial and investment management, and for the membership to include persons who have expertise and experience in that field.

(2) (a) Where, immediately before the relevant date, the constitution of a cathedral provided for the appointment of the dean to be by Her Majesty the constitution shall continue to so provide.

(b) In any other case, the constitution shall provide that the incumbent of the benefice which comprises the parish of which the cathedral is the parish church shall be the dean.

(3) The constitution of each cathedral which is not a parish church shall provide for the formation and maintenance of a roll containing the names of persons who are members of the cathedral community and apply to be enrolled as such.

(4) A provision of the constitution of the kind mentioned in subsection (1)(b) above shall not affect the provisions of section 4 of the [M4]Priests (Ordination of Women) Measure 1993.

Marginal Citations

M4 1993 No.2.

10 Further provisions which may be included in constitution. E

(1) In addition to the matters for which the constitution of each cathedral is required to provide under the foregoing provisions of this Measure, the constitution may contain provision—

(a) enabling or requiring a committee, to be known as "the Cathedral Community Committee", to be established, the membership consisting of persons whose names are for the time being on the roll maintained under section 9(3) above,

(b) enabling or requiring committees to be established by the Chapter,

and for the delegation of functions to any committee.

(2) Any provision enabling or requiring a committee to be established by the Chapter may provide that persons who are not members of the Chapter may be members of the committee.

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11 Statutes. E

The statutes of each cathedral shall make provision (being a provision which is consistent with the constitution) for the good government of the cathedral and may in particular, without prejudice to the generality of the foregoing—

(a) provide for the creation, continuance, abolition, suspension or termination of suspension of any dignity, office or body in the cathedral and for the title by which any dignity or office is to be known;

(b) provide that any presentations or nominations to benefices in the patronage of the cathedral shall be exercised by the Chapter or by a patronage committee of the Chapter;

(c) provide, where a cathedral is a parish church, that part of that cathedral shall be the parish church or, where part of a cathedral is a parish church, that the cathedral or any other part thereof shall be the parish church;

(d) provide for any incidental and supplementary matters.

12 Provisions as to cathedrals for which there was no dean and chapter. E

(1) This section applies in the case of a cathedral in respect of which, immediately before the relevant date, there was no corporate body known as the dean and chapter.

(2) Where before the relevant date the functions previously exercisable, in relation to the parish of the cathedral, by the parochial church council were transferred to the administrative body of the cathedral in pursuance of section 12(1) of the [M5]Cathedrals Measure 1963, the constitution shall provide that those functions shall be exercisable by the Chapter.

(3) Where those functions were not transferred as aforesaid, the constitution of the cathedral shall provide for their transfer to the Chapter.

(4) The [M6]Church Representation Rules shall have effect in relation to the parish concerned subject to the following modifications—

(a) for any reference to the parochial church council or the secretary thereof there shall be substituted, as the context requires, a reference to the Chapter or the clerk thereto;

(b) the following provisions shall not apply—

rule 6(3)(d), rules 4, 7(3) and 8(1) in so far as they relate to the vice-chairman of a parochial church council, rules 9(3) and (4), 9(5)(b) and (d) and (6)(a), rule 10 in so far as it relates to a parochial church council, rules 14 to 21 and 23 and Appendix II;

(c) notwithstanding anything in rule 6(3), residentiary canons of the cathedral and other clerks in Holy Orders holding office in the cathedral shall be entitled to attend any annual or special parochial church meeting of the parish and to take part in its proceedings, whether or not they are resident in the parish.

(5) The [M7]Parochial Church Councils (Powers) Measure 1956 shall have effect in relation to the parish concerned subject to the following modifications—

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

(b) sections 3, 5(1), 6, 7(iii) and (iv), 8 and 9 shall not apply.

(6) Upon the transfer of the functions of a parochial church council in pursuance of subsection (3) above, all property held by that council and all property vested in the diocesan authority under section 6(2) of the Parochial Church Councils (Powers)

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Measure 1956 or vested in that authority as a custodian trustee on behalf of that council, shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the cathedral:

Provided that—

(a) any stock which is only transferable in books kept by a company shall not vest in the cathedral by virtue of this subsection, but any person in whom the stock is vested shall, at the request of the Chapter, forthwith apply to the company to transfer the stock into the name of the cathedral, 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.

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

Marginal Citations

M5 1963 No.2.
M6 1969 No.2, **Sch.3**.
M7 1956 No.2.

Provisions as to property

13 Vesting of property in cathedral. E

Where immediately before the relevant date any property is vested in the dean and chapter of a cathedral or the cathedral chapter of a cathedral, that property shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the cathedral together with, in the case of land, any easements, rights or other privileges annexed thereto:

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

14 Schemes for transfer of property to cathedral. E

(1) The Church Commissioners with the consent of the Chapter may prepare a scheme providing for the transfer of property by the Commissioners to the cathedral.

(2) A scheme under subsection (1) above may—

(a) amend or repeal the provisions of any other scheme made under any Act or Measure relating to the property of the cathedral concerned, other than provisions forming part of the constitution and statutes of the cathedral;

(b) contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the scheme.

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15 Acquisition and disposal of land. E

(1) Before exercising any power to acquire or dispose of land the Chapter shall obtain the consent of the Church Commissioners and also in the case of the disposal of a house of residence—

(a) the consent of the dean or residentiary canon who normally occupies the house except during a vacancy in the office of the dean or residentiary canon, as the case may be, and

(b) 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 or to any person employed in connection with the cathedral, or

(ii) the acquisition of land by a gift inter vivos or by will, or

(iii) any transaction for which the sanction of an order is required under section 36 of the [M8]Charities Act 1993, or

(iv) any transaction relating to land which immediately before the relevant date is held by the dean and chapter of the cathedral of St Paul in London as part of the Tillingham estate.

(2) The Church Commissioners may by order except from the provisions of subsection (1) above 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.

(3) The powers conferred by section 4(9) above may be exercised notwithstanding that the consideration for any transaction executed thereunder may not be the full consideration.

(4) 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.

(5) A statement in a document sealed by the Chapter that the consent thereto of the Church Commissioners is not required under this section shall be sufficient evidence of that fact.

Marginal Citations

M8 1993 c.10.

16 Cathedral moneys: investment powers, etc. E

(1) Subject to the provisions of this section, the Chapter of any cathedral may exercise the following powers in respect of moneys which form part of the endowment of the cathedral or are otherwise vested in the cathedral or which are vested in the Church Commissioners on its behalf, that is to say—

(a) power to invest such moneys in the acquisition of land, including participation in any collective investment scheme operated for the purposes of this paragraph by the Church Commissioners,

(b) power to invest such moneys in any investment fund or deposit fund constituted under the [M9]Church Funds Investment Measure 1958,

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(c) the same powers of investing as a trustee has under the [M10]Trustee Investments Act 1961, as relaxed or extended by any order or regulations made under section 70 or 71 of the [M11]Charities Act 1993,

(d) subject to subsection (3) below, power to use such moneys for the improvement or development of any property vested in the cathedral,

and the powers of the Chapter under paragraph (c) above 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 of 1961.

(2) The Chapter of any cathedral shall before investing any moneys in the acquisition of land obtain the like consents as are required under section 15 above for the acquisition of land.

(3) Moneys which form part of the endowment of the cathedral may not be used for the improvement or development of the cathedral or any other building falling within paragraph 5(2)(a) of the [M12]Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 and the Chapter shall before using them for the improvement or development of any other property obtain the consent of the Church Commissioners.

(4) Moneys which form part of the endowment of the cathedral may not be used for the repair of any property:

Provided that, where the Chapter is satisfied that an emergency has arisen which justifies the expenditure of such moneys on the repair of the cathedral or any other building falling within paragraph 5(2)(a) of the said Order of 1994, it may, with the consent of the Church Commissioners, incur that expenditure and the sum expended shall be replaced by the Chapter within such period and in such manner as may be agreed between the Church Commissioners and the Chapter.

Marginal Citations

M9 1958 No.1.
M10 1961 c.62.
M11 1993 c.10.
M12 S.I. 1994/1771.

17 Proceeds of disposal of property forming part of endowment of cathedral. E

Where any property which forms part of the endowment of a cathedral is disposed of, the proceeds of the disposal (including any moneys received by way of loan on a mortgage or charge on land or premium on the grant of a lease) shall be treated as part of the endowment of the cathedral.

18 Provisions as to moneys held by Church Commissioners on behalf of a cathedral. E

Where the Church Commissioners hold on behalf of any cathedral any moneys which form part of the endowment of that cathedral the Church Commissioners may, if the Chapter requests them to do so, make payments out of those moneys for the purpose of enabling the Chapter to exercise any of the powers conferred by section 16 above.

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19 Allocation of houses for residentiary use. E

The Chapter of any cathedral may allocate for the use of any person holding an office in connection with the cathedral, as a residence from which to perform the duties of that office, any house vested in the cathedral.

20 Inspection of cathedral property. E

(1) It shall be the duty of the Chapter of each cathedral to arrange, during the period of five years beginning with the relevant date and during every subsequent period of five years, for an architect or surveyor to carry out an inspection of all property (other than the cathedral) which the Chapter is liable to repair and maintain, and to make a report in writing to the Chapter on works which he considers will need to be carried out as soon as practicable in relation to that property and of the order in which he considers they should be carried out.

(2) In the case of property within the precinct of the cathedral the report required by subsection (1) above shall be compiled in consultation with the archaeological consultant of the cathedral (if any), and the Chapter shall send a copy of the report to the fabric advisory committee of the cathedral and to the Cathedrals Fabric Commission for England.

Financial provisions

21 Stipends of dean and residentiary canons. E

(1) The Church Commissioners shall pay out of their general fund to the dean of each cathedral and to two residentiary canons of each cathedral who are engaged exclusively on cathedral duties such sums by way of stipend or other emoluments as the Commissioners may from time to time determine.

(2) The Chapter of a cathedral may, with the consent of the Church Commissioners, pay to the dean or to any residentiary canon to whom the Commissioners are required to make a payment under subsection (1) above such additional stipend or other emoluments as they may think fit.

22 Payment towards expenses incurred by newly appointed deans and canons. E

Where any person is appointed dean of a cathedral or is appointed a residentiary canon whose stipend is to be paid by the Church Commissioners in accordance with the provisions of section 21 above, the Commissioners shall have power to make out of their general fund to that person a grant towards removal expenses incurred by him.

23 Grants for the payment of stipends and salaries. E

The Church Commissioners shall have power to make out of their general fund 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, other than a dean or residentiary canon;

(b) the salary or other emoluments of any lay person employed in connection with the cathedral.

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

The Church Commissioners shall have power to make out of their general fund to any cathedral such grants as they may think fit for the purpose of securing the better provision of houses for clerks in Holy Orders who hold office in the cathedral.

25 Grants for repair of chancels. E

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

26 Borrowing powers of Chapters. E

The Chapter of any cathedral shall have power to borrow money for any purpose connected with the cathedral:

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 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.

27 Accounts, etc. E

(1) The Chapter of any cathedral shall maintain proper records of income and expenditure, assets and liabilities, and shall prepare an annual report and accounts which show a true and fair view of the transactions throughout the year and of the position at the end of the year in accordance with best professional practice and standards.

Those accounts shall be audited by a person who may, under section 43 of the [M13]Charities Act 1993, audit the accounts of a charity.

(2) The Church Commissioners shall have the power to specify what constitutes best professional practice and standards relating to the report and accounts, and to enquire into any departure from those practices and standards.

(3) A copy of the annual report and audited accounts prepared by the Chapter in accordance with subsection (1) above shall be—

(a) sent to the Church Commissioners and to any other person who requests it, and

(b) displayed in a prominent position in or in the vicinity of the cathedral.

Marginal Citations

M13 1993 c.10

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

PART II E

REVISION OF CONSTITUTION AND STATUTES

28 Power of Council to revise constitution and statutes. E

(1) Subject to the following provisions of this Part the Council of any cathedral may, with the consent of the bishop, by instrument under the common seal of the cathedral revise the constitution or statutes of the cathedral.

(2) Any such instrument may either provide a new constitution or new statutes for the cathedral to which it relates or may amend the constitution or statutes in force therefor immediately before the instrument comes into force.

(3) Before taking any steps under the following provisions of this Part the Council shall afford the Chapter an opportunity to express views as to the Council's proposals for revision and shall have regard to those views.

29 Procedure for revision of constitution. E

(1) In the case of a revision of the constitution, the Council shall prepare a draft of the instrument and—

(a) publish in one or more publications circulating in the diocese to the cathedral of which the draft instrument relates, and

(b) display in a prominent position in or in the vicinity of the cathedral,

a notice of the preparation of the draft instrument setting out its objects and specifying the place in the diocese where copies thereof may be inspected and stating that the Council will consider any written representations with respect to the draft instrument made before such date as may be so specified, being a date not less than four weeks after the date of the publication or displaying of the notice.

(2) The Council shall also send a copy of the draft instrument to the Secretary-General of the General Synod.

(3) After the expiration of the period during which representations with respect to the draft instrument may be made under subsection (1) above the Council, having considered any representations duly made to it under this section, may, whether as a result of such representations or otherwise, amend the draft instrument as it thinks expedient.

30 Procedure for revision of statutes. E

(1) In the case of a revision of the statutes, the Council shall prepare a draft of the instrument and display in a prominent position in or in the vicinity of the cathedral a notice of its preparation setting out its objects and specifying the place in the diocese where copies thereof may be inspected and stating that the Council will consider any written representations with respect to the draft instrument made before such date as may be so specified, being a date not less than four weeks after the date of the displaying of the notice.

(2) After the expiration of the period during which representations with respect to the draft instrument may be made under subsection (1) above the Council, having considered any representations duly made to it under this section, may, whether as a result of such representations or otherwise, amend the draft instrument as it thinks expedient.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

31 Signatories. E

(1) After compliance with the requirements of section 29 or 30 above, as the case may be, a copy of the draft instrument shall be signed by the chairman of the Council on its behalf or, in the case of the absence or incapacity of its chairman, by two other members of the Council nominated by it for that purpose; and the signing of the copy of the draft instrument by the chairman or by two members nominated as aforesaid and the affixing of the common seal of the cathedral thereto shall be conclusive evidence that the provisions of this Part relating to the preparation of the instrument have been complied with.

(2) A copy of the instrument shall be sent to the Secretary-General of the General Synod.

32 Saving for Crown rights. E

An instrument under this Part which affects any right or interest of Her Majesty shall not be made without the consent of Her Majesty.

PART III E

MISCELLANEOUS AND GENERAL

33 Saving for existing interests. E

No provision of this Measure or of any instrument made under Part II or Schedule 1 shall adversely affect the tenure of office or any right to pension of any person who, immediately before the relevant date or, in the case of an instrument made under Part II, the coming into operation of the instrument, holds or has held a freehold or other office conferring fixity of tenure in any cathedral unless, by an instrument in writing under his hand, he agrees to be bound by that provision.

34 Charities. E

The provisions of this Measure other than those of section 12 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 [M14]Charities Act 1993 but does not include an exempt charity within the meaning of that Act.

Marginal Citations

M14 1993 c.10.

35 Interpretation. E

(1) In this Measure, except where the context otherwise requires—

"architect" means a person registered under the [M15]Architects Act 1997;

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

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"canon" includes a lay canon and a non-residentiary canon but not a minor canon;

"cathedral community", in relation to a cathedral, means persons over the age of sixteen years who—

(a) worship regularly in the cathedral, or

(b) are engaged in work or service connected with the cathedral in a regular capacity,

and includes such other persons as may be prescribed;

"cathedral duties" has the meaning assigned to it by section 8 above;

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

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

"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;

"non-residentiary canon" includes a prebendary who is not a residentiary canon;

"precinct", in relation to a cathedral, means the precinct for the time being indicated on the plan required for that cathedral by section 13(3) and (4) of the [M16]Care of Cathedrals Measure 1990;

"prescribed", in relation to a cathedral, means prescribed by the constitution of the cathedral;

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

"relevant date", in relation to any cathedral existing at the passing of this Measure, means the date appointed in respect of that cathedral under section 38(2) below;

"residentiary canon" includes a stipendiary canon;

"stock" includes any share, annuity or other security;

"surveyor" means a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor.

(2) Any reference in this Measure to a cathedral which is a parish church shall, in relation to a cathedral existing at the passing of this Measure, be construed as a reference to a cathedral in respect of which there was, immediately before the relevant date, no corporate body known as the dean and chapter.

It is hereby declared, for the avoidance of doubt, that the Cathedral and Abbey Church of St Alban is such a cathedral.

(3) Any reference in this Measure to a power to dispose of land shall be construed as comprising a power to sell, grant a lease or licence of, exchange, mortgage or charge land and to dedicate land for the purposes of a highway.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

(4) Any reference in this Measure to a power to acquire property shall be construed as comprising a power to acquire property for any purpose connected with the cathedral and to acquire property by gift inter vivos or by will.

(5) In any provision of this Measure relating to patronage, the vesting or transfer of property or the making of grants by the Church Commissioners any reference to a cathedral shall be construed as a reference to the corporate body thereof established in accordance with section 9(1)(a) above.

(6) Where, by virtue of any provision of this Measure, members of a body are to be elected or chosen "in the prescribed manner" that expression shall be construed as including a power for the constitution of a cathedral to specify the qualifications required for membership.

Marginal Citations

M15 1997 c.22.

M16 1990 No.2.

36 Construction of references to dean and chapter, etc. E

(1) Any reference in an enactment, instrument or other document to any of the following bodies of a cathedral, that is to say—

the dean and chapter,
the administrative chapter,
the administrative body,
the cathedral chapter,
the capitular body,
the cathedral council,

shall, unless the context otherwise requires or this Measure otherwise provides, be construed as a reference to the Chapter of the cathedral.

(2) Any reference in an enactment mentioned below to a chapter, cathedral chapter, dean and chapter (or the corporation thereof) or capitular body shall be construed as a reference to the corporate body of the cathedral—

M17 Ecclesiastical Leases Act 1800	section 1
M18 Ecclesiastical Leases Act 1836	section 1
M19 Ecclesiastical Leases (Amendment) Act 1836	section 1
M20 Ecclesiastical Commissioners Act 1840	sections 68 and 84
M21 Universities and College Estates Act 1925	section 37

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

M22 Leasehold Reform Act 1967	section 31
M23 Administration of Justice Act 1982	section 41(3)
M24 Pastoral Measure 1983	Schedule 3, paragraph 7(1)
M25 Leasehold Reform, Housing and Urban Development Act 1993	Schedule 2, paragraph 8 and Schedule 14, paragraph 11.

(3) Any reference in an enactment, instrument or other document to a parish church cathedral shall, unless the context otherwise requires or this Measure otherwise provides, be construed as a reference to a cathedral in respect of which, immediately before the relevant date, there was no corporate body known as the dean and chapter.

(4) Any reference in an enactment, instrument or other document to the provost of a cathedral shall, unless the context otherwise requires, be construed as a reference to the dean of the cathedral.

(5) Any reference in an enactment, instrument or other document to capitular revenues or capitular funds in relation to a cathedral shall be construed as a reference to the revenues or funds (respectively) of the cathedral.

(6) Nothing in this section applies in relation to Westminster Abbey, St George's Chapel, Windsor or the cathedral church of Christ in Oxford.

Marginal Citations

M17 39&40Geo.3c.41.
M18 6&7Will.4c.20.
M19 6&7Will.4c.64.
M20 3&4Vict.c.113.
M21 15&16Geo.5 c.24.
M22 1967 c.88.
M23 1982 c.53.
M24 1983 No. 1.
M25 1993 c.28.

37 Application. E

This Measure shall apply to every cathedral church in England (other than the cathedral church of Christ in Oxford except where this Measure otherwise provides) and references therein to a cathedral shall be construed accordingly.

38 Transitional provisions and savings. E

(1) The transitional provisions in Schedule 1 to this Measure and subsections (2), (3) and (4) below shall have effect in relation to cathedrals existing at the passing of this Measure.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

(2) If the Archbishops of Canterbury and York are satisfied that a constitution and statutes complying with the provisions of Part I of this Measure have been framed in relation to a particular cathedral in pursuance of paragraph 1 of Schedule 1 to this Measure, they may jointly appoint the date on which Parts I and II and sections 36 and 39 of this Measure are to apply in relation to that cathedral (referred to in this Measure as the relevant date), and the constitution and statutes shall come into operation on that date.

(3) Until the relevant date those provisions shall not apply in relation to the cathedral, and the [M26]Cathedrals Measure 1963 and any enactment mentioned in Schedules 2 and 3 to this Measure shall continue to apply in relation to the cathedral in question as if this Measure had not been passed:

Provided that sections 29 to 32 as adapted by paragraph 2 of Schedule 1 shall apply in relation to every cathedral for the purposes of that Schedule as from the passing of this Measure.

(4) Any scheme made under section 19(1) of the Cathedrals Measure 1963 in respect of a cathedral and any order made under section 20(3) of that Measure in respect of a cathedral and in force immediately before the relevant date shall continue to have effect as if made under section 14(1) or 15(2) above, respectively.

(5) Nothing in this Measure, except sections 36 and 39(2), shall affect the provisions of the [M27]Truro Cathedral Measure 1959.

(6) Nothing in this Measure shall affect the validity of anything done by or in relation to any body or person mentioned in section 36 above before the relevant date; and anything (including legal proceedings) which on that date is in process of being done by or in relation to any such body or person in connection with a function relating to a cathedral may be continued by or in relation to the body or person acquiring that function by virtue of this Measure.

(7) Anything done by any such body or person for the purpose of or in connection with a function relating to a cathedral which is in force immediately before the relevant date shall have effect, so far as required for continuing its effect on and after that date, as if done by the body or person acquiring that function by virtue of this Measure.

Marginal Citations

M26 1963 No.2.

M27 1959 No.1.

39 Amendments and repeals. E

(1) The enactments specified in Schedule 2 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Measure.

(2) The enactments specified in Schedule 3 to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

40 Citation. E

This Measure may be cited as the Cathedrals Measure 1999 and the Cathedrals Measures 1963 and 1976 and this Measure may be cited together as the Cathedrals Measures 1963 to 1999.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

SCHEDULES

SCHEDULE 1 E

Section 38(1).

TRANSITIONAL PROVISIONS

1 For each cathedral there shall be a body called the "Transitional Council" whose duty it shall be to frame, with the consent of the bishop, as soon as practicable—

(a) an instrument providing for a constitution for the cathedral, and

(b) an instrument providing for statutes for the cathedral,

in accordance with the provisions of this Measure.

2 For the purposes of paragraph 1 above sections 29 to 32 shall have effect in relation to the Transitional Council of a cathedral as if—

(a) the references in those sections to the Council were references to the Transitional Council,

(b) the references in those sections to the common seal of the cathedral were references to the existing seal, and

(c) the references in those sections to an instrument or draft instrument were references to an instrument or draft instrument under paragraph 1 above.

3 The membership of the Transitional Council of a cathedral shall consist of—

(a) the bishop,

(b) the dean or provost, as the case may be, who shall be the chairman,

(c) two residentiary canons appointed by the residentiary canons,

(d) one non-residentiary canon appointed by the non-residentiary canons from amongst themselves, and

(e) five lay persons appointed by the bishop after consultation with the dean or provost, as the case may be, and the bishop's council, being persons having experience in connection with the work of the cathedral or the ability to reflect local, diocesan, ecumenical or wider interests in that connection.

4 The chairman shall have a second or casting vote in proceedings of the Transitional Council of a cathedral.

5 The Transitional Council of a cathedral shall cease to exist on the relevant date.

6 If, in relation to any cathedral, the instruments required to be made under paragraph 1 above have not been made by such date as may be determined by the Archbishops of Canterbury and York acting jointly it shall be the duty of the dean or provost of the cathedral to send to the bishop of the diocese concerned and to the Secretary-General of the General Synod a report indicating the stage reached in the production of those instruments, the reason for the delay and the date on which the Transitional Council expects that the instruments will be made; and further reports shall be made when so requested by the Archbishops.

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

SCHEDULE 2 E

Section 39(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Ecclesiastical Commissioners (Powers) Measure 1936

1 In the [M28]Ecclesiastical Commissioners (Powers) Measure 1936 in section 2(3)(d) the words from "or other" to the end shall be omitted.

Marginal Citations

M28 26 Geo.5&1 Edw.8 No.5.

Cathedrals Measure 1963

2 The [M29]Cathedrals Measure 1963 shall be amended as follows.

Marginal Citations

M29 1963 No.2.

3 In section 40 (provisions as to Newcastle Chapter Endowment Fund) for the words from the beginning to "section 1 of this Measure" there shall be substituted the words " The statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure " and for the words from "that scheme" to the end there shall be substituted the words " the date on which those statutes come into operation that Fund shall be applied for the purpose for which it was applied immediately before that date "

4 In section 41 (provisions as to canonry annexed to archdeaconry of Norfolk) in subsection (3) at the end there shall be inserted the words " The said sum shall be fifty pounds per annum. ".

5 In section 42 (provision for appointment of additional canon at Oxford)—

(a) in subsection (4) for the words from "and subsection (2) of section 9" to "section 7 of this Measure" there shall be substituted the words " sections 8(2) and (3), 21, 22 and 35(1) of the Cathedrals Measure 1999 shall apply in relation to that canon as if that Measure ";

(b) for subsection (6) there shall be substituted—

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

6 In section 44 (provisions as to Southwark) in subsection (1) for the words "A scheme made under this Measure" there shall be substituted the words " The constitution or statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure ".

Status: *Point in time view as at 30/06/1999.*
Changes to legislation: *Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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)*

Dioceses Measure 1978

7 In the Schedule to the [M30]Dioceses Measure 1978 —

(a) in paragraph 4—

(i) for sub-paragraph (1) there shall be substituted—

"(1) A scheme by which a new diocese is to be created shall provide for applying the Cathedrals Measure 1999 to the cathedral church of the diocese with such modifications specified in the scheme as are necessary to enable a constitution and statutes to be provided for that church.";

(ii) in sub-paragraph (2)—

(aa) for the word "honorary" there shall be substituted the word " non-residentiary ";

(bb) the words from "with power" to "such chapter" shall be omitted;

(b) in paragraph 5—

(i) in sub-paragraph (1)(a) for the words "dean and chapter or cathedral chapter" there shall be substituted the word " Chapter ";

(ii) in sub-paragraph (1)(b) the words "or provost" shall be omitted;

(iii) in sub-paragraph (1)(c) for the words "dean and chapter or cathedral chapter," there shall be substituted the words " corporate body of the cathedral ";

(iv) in sub-paragraph (2) for the words "dean and chapter, or cathedral chapter," there shall be substituted the words " corporate body of the cathedral ";

(v) in sub-paragraph (3) for the words "dean and chapter, or the cathedral chapter," there shall be substituted the words " corporate body of the cathedral ";

(c) in paragraph 15 in sub-paragraph (2)(b) for the words "dean and chapter or cathedral chapter" there shall be substituted the word " Chapter ".

Marginal Citations

M30 1978 No.1.

Church Representation Rules

8 In rule 27(1) of the [M31]Church Representation Rules for sub-paragraph (b) there shall be substituted—

"(b) in the case of a cathedral church which is not a parish church, of lay persons who are declared by the dean to be habitual worshippers at the cathedral church:

Provided that, in relation to Westminster Abbey, St George's Chapel, Windsor and the cathedral church of Christ in Oxford, this sub-paragraph shall have effect as if at the end there were inserted the words "and whose names are not entered on the roll of any parish;"."

Status: *Point in time view as at 30/06/1999.*
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Marginal Citations
M31 1969 No.2.

Priests (Ordination of Women) Measure 1993

9 In section 3(9) of the [M32]Priests (Ordination of Women) Measure 1993—

(a) after the words "Cathedrals Measure 1963" there shall be inserted the words " or section 12 of the Cathedrals Measure 1999 ";

(b) the words from "or any other body" to the end shall be omitted.

Marginal Citations
M32 1993 No.2.

SCHEDULE 3 E

Section 39(2).

REPEALS

Number	Short title	Extent of repeal
1959 No. 1.	Truro Cathedral Measure 1959.	In section 2, subsection (1). Section 7.
1963 No. 2.	Cathedrals Measure 1963.	Sections 1 to 38. Sections 45 to 51. In section 52, subsections (2) and (3).
1976 No. 1.	Cathedrals Measure 1976.	Sections 1 to 6.
1978 No. 1.	Dioceses Measure 1978.	Section 22.

Status:
Point in time view as at 30/06/1999.

Changes to legislation:
Cathedrals Measure 1999 is up to date with all changes known to be in force on or before 15 May 2024. 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.