



# Cathedrals Measure 1999

1999 No. 1

## PART III

### MISCELLANEOUS AND GENERAL

#### 33 Saving for existing interests.

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.

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 [<sup>F1</sup>Charity Commission] 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 [<sup>F2</sup>meaning given by section 10 of the Charities Act 2011] but does not include an exempt charity within the meaning of that Act.

#### Textual Amendments

- F1** Words in s. 34 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 196](#); [S.I. 2007/309](#), art. 2, Sch.
- F2** Words in s. 34 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 85](#) (with s. 20(2), Sch. 8)

*Status: Point in time view as at 01/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 1999, Part III. (See end of Document for details)*

### 35 Interpretation.

- (1) In this Measure, except where the context otherwise requires—
- “architect” means a person registered under the <sup>M1</sup>Architects Act 1997;
  - “bishop”, when used in relation to a cathedral, means the bishop of the diocese in which the cathedral is situated;
  - “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 <sup>M2</sup>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.

*Status: Point in time view as at 01/07/2018.*

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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.
- (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

M1 1997 c.22.

M2 1990 No.2.

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

- (1) Any reference in an enactment [<sup>F3</sup>except the Care of Cathedrals Measure 1990 and the Care of Cathedrals (Supplementary Provisions) Measure 1994], 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.

[<sup>F4</sup>(1A) In the Care of Cathedrals Measure 1990 and the Care of Cathedrals (Supplementary Provisions) Measure 1994—

- (a) for the words “administrative body”, “administrative body of a cathedral church”, “administrative body of the cathedral church”, “administrative body of every cathedral church” and “administrative bodies of cathedrals churches”, in each case where they appear, there shall be substituted, respectively, the words “Chapter”, “Chapter of a cathedral”, “Chapter of the cathedral”, “Chapter of every cathedral” and “Chapters of cathedrals”; and
- (b) for the words “chapter clerk”, in each case where they appear, there shall be substituted the word “administrator”. ]

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[<sup>F5</sup>(1B) Where, immediately before the relevant date, the guardianship of the spiritualities of a province or bishopric belonged to the dean and chapter of a cathedral, it shall belong to the corporate body of the cathedral and be exercisable on behalf of that body by the Chapter.]

- (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—

M3	section 1
Ecclesiastical Leases Act 1800	
F6	F6
...	...
F6	F6
...	...
M4	sections 68 and 84
Ecclesiastical Commissioners Act 1840	
M5	section 37
Universities and College Estates Act 1925	
M6	section 31
Leasehold Reform Act 1967	
M7	section 41(3)
Administration of Justice Act 1982	
M8	Schedule 3, paragraph 7(1)
Pastoral Measure 1983	
M9	Schedule 2, paragraph 8 and Schedule 14, paragraph 11.
Leasehold Reform, Housing and Urban Development Act 1993	

- (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.

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### Textual Amendments

- F3** Words in s. 36(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 10](#); S.I. 2007/2, Instrument made by Archbishops
- F4** S. 36(1A) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 10](#); S.I. 2007/2, Instrument made by Archbishops
- F5** S. 36(1B) inserted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), [Sch. 2 para. 14](#); S.I. 2014/1369, art. 2
- F6** Words in s. 36(2) repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\)](#), s. 2(3), [Sch. Pt. 3](#); S.I. 2018/718, art. 2

### Marginal Citations

- M3** 39&40Geo.3c.41.
- M4** 3&4Vict.c.113.
- M5** 15&16Geo.5 c.24.
- M6** 1967 c.88.
- M7** 1982 c.53.
- M8** 1983 No. 1.
- M9** 1993 c.28.

## 37 Application.

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.

<sup>F7</sup>(1) .....

<sup>F7</sup>(2) .....

<sup>F7</sup>(3) .....

(4) Any scheme made under section 19(1) of the Cathedrals Measure 1963 in respect of a cathedral <sup>F8</sup>... and in force immediately before the relevant date shall continue to have effect as if made under section 14(1) <sup>F8</sup>... above <sup>F8</sup>....

(5) Nothing in this Measure, except sections 36 and 39(2), shall affect the provisions of the <sup>M10</sup>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.

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#### Textual Amendments

- F7** S. 38(1)-(3) repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\), s. 2\(3\), Sch. Pt. 9; S.I. 2018/718, art. 2](#)
- F8** Words in s. 38(4) repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\), s. 2\(3\), Sch. Pt. 9; S.I. 2018/718, art. 2](#)

#### Marginal Citations

- M10** [1959 No.1.](#)

### 39 Amendments and repeals.

- (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.

### 40 Citation.

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 01/07/2018.

**Changes to legislation:**

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