



Church of England (Miscellaneous Provisions) Measure 2005

2005 No. 3

1 Amendment of Parsonages Measure 1938

The Parsonages Measure 1938 (1 & 2 Geo. 6. No. 3) shall have effect subject to the amendments specified in Schedule 1 to this Measure.

2 Amendment of Church Commissioners Measure 1947

The Church Commissioners Measure 1947 (10 & 11 Geo.6. No. 2) shall be amended as follows—

- (a) in section 6(1)(b) after the word “shall”, in the third place where it occurs, there shall be inserted the words “, if present,”;
- (b) for section 6(3B)(d) there shall be substituted the following paragraph—
 - “(d) a duty to appoint, with the approval of the Board, an auditor and to direct the manner in which the audit required to be made under section 11(2) below is undertaken, including ensuring that the requirements of generally accepted auditing standards are met,”; and
- (c) in section 11(2) the words “in such manner and by such person as the Treasury may direct” shall be omitted.

3 Amendment of Diocesan Stipends Funds Measure 1953

Section 7 of the [Diocesan Stipends Funds Measure 1953 \(1 & 2 Eliz. 2 No. 2\)](#) is hereby repealed.

4 Amendment of Parochial Church Councils (Powers) Measure 1956

For section 8 of the [Parochial Church Councils \(Powers\) Measure 1956 \(4 & 5 Eliz. 2 No. 3\)](#) there shall be substituted the following section—

“8 Financial statements of the council

- (1) Every council shall furnish to the annual parochial church meeting for discussion the financial statements of the council for the financial year immediately preceding the meeting.
- (2) The financial year referred to in subsection (1) above shall be such period as may be prescribed and the financial statements referred to in that subsection shall be prepared in the prescribed form, audited or independently examined as prescribed and published and displayed in the prescribed manner.
- (3) In subsection (2) above “prescribed” means prescribed by the Church Representation Rules or by regulations made under those Rules.”.

5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960

- (1) Section 20 of the [Church Property \(Miscellaneous Provisions\) Measure 1960 \(8 & 9 Eliz. 2 No. 1\)](#) shall be amended as follows.
- (2) For subsection (1) there shall be substituted the following subsection—
 - “(1) The Commissioners shall have power to grant to any First Church Estates Commissioner or Third Church Estates Commissioner who retires from service as such a Commissioner, having served a period of pensionable service, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.”.
- (3) Subsection (2) is hereby repealed.
- (4) For subsection (2A) there shall be substituted the following subsection—
 - “(2A) Where a First Church Estates Commissioner or a Third Church Estates Commissioner dies before or after retirement from service as such a Commissioner, having served a period of pensionable service, and leaves a widow or widower, the Commissioners shall have power to grant to the surviving spouse, subject to such conditions as they may determine, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.”.
- (5) In subsection (3) after the words “pensionable service” there shall be inserted the words “, in relation to a Church Estates Commissioner.”.
- (6) At the end there shall be added the following subsection—
 - “(4) In determining the amount of any superannuation benefits to be granted to a person under this section the Commissioners shall have regard to any superannuation benefits to which that person may be entitled in respect of any other service performed by the First or Third Church Estates Commissioner before the Commissioner’s pensionable service began.”.

- (7) Nothing in this section shall have effect in relation to a First or Third Church Estates Commissioner who is in service as such a Commissioner on the date of the coming into force of this section, or who has retired from or otherwise ceased to be in service as such a Commissioner before that date.

6 Amendment of Repair of Benefice Buildings Measure 1972

- (1) The [Repair of Benefice Buildings Measure 1972 \(1972 No. 2\)](#) shall have effect subject to the amendments specified in Schedule 2 to this Measure.
- (2) Any scheme made by a diocesan synod and in force on the date of the coming into force of this section shall have effect subject to the amendments in paragraphs 2 to 9 of Schedule 2 to this Measure.

7 Amendment of Endowments and Glebe Measure 1976

The [Endowments and Glebe Measure 1976 \(1976 No. 4\)](#) shall have effect subject to the amendments specified in Schedule 3 to this Measure.

8 Amendment of Pastoral Measure 1983

The [Pastoral Measure 1983 \(1983 No. 1\)](#) shall have effect subject to the amendments specified in Schedule 4 to this Measure.

9 Diocesan Secretaries

- (1) There shall be, for each diocese, an officer, to be known as the diocesan secretary, who shall exercise the functions conferred by or under this section and such other functions as may be specified by the diocesan synod of the diocese.
- (2) The diocesan secretary shall be the chief administrative officer of the diocese.
- (3) The diocesan secretary may be appointed by the diocesan synod to act as the secretary of the diocesan synod appointed in accordance with rule 34(1)(b) of the Church Representation Rules.
- (4) The diocesan secretary may, if the terms of appointment so provide, act as the secretary to the Diocesan Board of Finance for that diocese.
- (5) Subject to subsections (2) to (4) above the manner and terms of appointment of the diocesan secretary shall be such as may be determined from time to time by the diocesan synod.
- (6) In this section “Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the [Diocesan Boards of Finance Measure 1925 \(15 & 16 Geo. 5 No. 3\)](#) for that diocese or recognised under section 9 of the [Diocesan Stipends Funds Measure 1953 \(1 & 2 Eliz. 2 No. 2\)](#) as being the board of finance for that diocese for the purposes of that Measure.

10 Repeals

The enactments mentioned in Schedule 5 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

11 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2005.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of 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.
- (4) This section shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 2, 4, 8, 9 and 10 above and Schedules 4 and 5 to this Measure shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument
- (5) This Measure, except sections 1, 2, 3 and 4 above and Schedule 1 to this Measure, may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.