

## SCHEDULES

### SCHEDULE 1

Section 7(9)

#### MATTERS RELATING TO REGULATED TRANSACTIONS

##### *Application of money received*

- 1 (1) The Board shall apply any money arising from any sale or exchange of a house of residence for the purposes set out below in the following order of priority—
- (a) in payment of the costs, charges and expenses of such a sale or exchange;
  - (b) in or towards repayment of any money expended by the Board for the purpose of rendering the property sold or exchanged more readily saleable or exchangeable;
  - (c) where the property sold or exchanged has been purchased, built or improved wholly or in part by means of a loan from or on the security of a mortgage or charge in favour of any person, body or authority, including a loan from the Commissioners under section 7(8) above, in or towards repayment of any principal or interest owing on such loan, mortgage or charge;
  - (d) to the extent that the income derived from any money arising from the sale or exchange of the property sold or exchanged pending the application of the money under paragraphs (a) to (c) above shall be insufficient for the purpose, with the prior consent of the bishop, in or towards payment to the office holder in question of the whole or part of the expenses reasonably incurred in respect of removal from one house of residence to another, the storage of furniture and any rent paid for any temporary residence pending occupation of the new house of residence;
  - (e) in or towards repaying the Commissioners the whole or part of any grant made by them for or towards the erection or purchase of a house of residence;
  - (f) in or towards the exercise of any powers under section 6 above, provided that priority is given to any requirement for a residence for the holder of the office for which the house of residence was sold or exchanged;
  - (g) in allocation of it to the capital account of the diocesan stipends fund of the diocese in which the house of residence was situated or to the pastoral account of the diocese, or partly to one and partly to the other, as the Diocesan Board of Finance may determine.
- (2) The Board shall provide the Commissioners with such information as they may require concerning transactions under section 6 or 7 above or this Schedule and the Commissioners may give advice to the Board on any such matters and the Board shall have regard to any such advice.
- (3) In any case where any income is derived from any money arising from any sale or exchange by the Board under section 6 above pending the application and disposition of the money under this paragraph the income shall be added to the capital.

*Formalities*

- 2 (1) Any consent or approval by a bishop in relation to a regulated transaction shall be signified by writing under his hand.
- (2) The sealing by the Board of any transfer of land under section 6 above shall be conclusive evidence that any requirements of this Measure with respect to the transfer have been complied with.
- (3) Where the consent of the Commissioners or the Archbishops' Council is required to any transaction affecting property under this Measure a statement in the document by the secretary or other duly authorised officer of the Commissioners or the Secretary General or any other duly authorised officer of the Council that they or it have or has consented to the terms of that transaction shall be conclusive evidence that they or it have or has consented to those terms.
- (4) A statement in a document giving effect to any regulated transaction under this Measure that the consent of the Commissioners or the Archbishops' Council to the transaction is not required shall, if the document is sealed with the seal of the Board or the relevant housing provider or is signed on behalf of the Board or other relevant housing provider by a person duly authorised, be conclusive evidence of that fact.
- (5) Where any transaction under this Measure affecting property does not contain a statement under sub-paragraph (3) or (4) above then in favour of a person who (whether under the transaction or otherwise) acquires an interest in the property for money or moneys worth the disposition effected by the transaction shall be valid whether or not any consent of the Commissioners or the Archbishops' Council which was required to the transaction has been given.
- (6) Every transfer of land (including buildings) purchased or acquired by way of exchange of a house of residence under this Measure shall be registered in the registry of the diocese concerned.
- (7) In any case where any land (including buildings) sold or exchanged under this Measure is subject to any mortgage or charge in favour of the Commissioners, the transfer thereof under this Measure shall be effectual to pass the same discharged from the mortgage or charge, and the mortgage or charge shall attach to the purchase money arising on the sale or to any money paid to the Board by way of equality of exchange and to the land or building acquired by way of exchange.

## SCHEDULE 2

Section 11(4)

## AMENDMENT OF ENACTMENTS

*The Deaconesses and Lay Ministry Measure 1972*

- 1 In section 1A(b) of the [Deaconesses and Lay Ministry Measure 1972 \(1972 No. 4\)](#) there shall be inserted at the beginning the words “in the case of any such person who is not subject to Common Tenure,”.

*The Pastoral Measure 1983*

- 2 The [Pastoral Measure 1983 \(1983 No. 1\)](#) shall be amended as follows.

- 3 In section 3 as it has effect by virtue of section 25 of the [Dioceses, Pastoral and Mission Measure 2007 \(2007 No. 1\)](#)—
- (a) in subsection (2) for the words “subsection (3)” there shall be substituted the words “subsections (3) and (3A)”;
  - (b) after subsection (3) there shall be inserted the following subsection—
 

“(3A) Where any recommendations, proposals, draft scheme or order relates to any person holding office under Common Tenure whose office would or might be abolished if they or it took effect and any such person is entitled to receive a stipend or other emoluments of office, including any provision of accommodation, that person shall be deemed to be an interested party for the purposes of this Part”; and
  - (c) in subsection (5), after the words “team ministry” there shall be inserted the words “or a person referred to in subsection (3A)” and for the words “incumbent or vicar” there shall be substituted the words “such person”.
- 4 In section 20—
- (a) in subsection (2), after the words “team ministry” there shall be inserted the words “who is not subject to common tenure”;
  - (b) subsection (3) shall cease to have effect;
  - (c) subsection (3A) shall cease to have effect;
  - (d) in subsection (3B) for the words from the beginning to the words “authorised as aforesaid” there shall be substituted the words “No person shall be authorised under subsection (1)(b) by licence of the bishop to serve in a team ministry as a member of the team”; and
  - (e) subsection (6) shall cease to have effect.
- 5 (1) In section 22(1) the words after the word “vicars” in paragraph (a) and paragraphs (c) and (cc) shall be omitted.
- (2) Section 22(3) shall cease to have effect.
- 6 In section 26(1) for the words “vicars in team ministries and archdeacons” there shall be substituted the words “archdeacons and the holders of any other ecclesiastical offices who are subject to “Common Tenure””.
- 7 In section 37(1) paragraph (e)(iii) and the words “rector or” and “or (c)” in paragraph (e)(iv) shall be omitted.
- 8 In paragraph 7(1) of Schedule 3, in Proviso (b), for the word “provost” there shall be substituted the word “dean”.
- 9 Schedule 4 shall be amended as follows.
- 10 In paragraph 1, for the words “and the holder of an office of vicar in a team ministry” there shall be substituted the words “and the holder of any other ecclesiastical office who is subject to Common Tenure”.
- 11 Paragraphs 2 and 3 shall cease to have effect.
- 12 In paragraph 4, for the words “or a vicar in a team ministry” there shall be substituted the words “or the holder of any other ecclesiastical office who is subject to Common Tenure”.
- 13 In paragraph 5, for the words “or vicar”, in both places where they occur, there shall be substituted the words “or office holder”.

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*Status: This is the original version (as it was originally enacted).*

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- 14 In paragraph 11(c), there shall be added at the end the words “or, following a complaint under the Clergy Discipline Measure 2003, has had imposed on him or her a penalty of removal from office, prohibition for life or for a limited period or revocation of his or her licence or has resigned”.
- 15 In paragraph 13(1)(a) the words after “paragraph 11” to “have ended,” shall be omitted.
- 16 In paragraph 15(1)—
- (a) in sub-paragraph (b) for the word “four” there shall be substituted the word “three”, and
  - (b) in sub-paragraph (c), for the words “two persons” there shall be substituted the words “one person”.
- 17 In paragraph 16—
- (a) in sub-paragraph (1), for the words “The Commissioners” there shall be substituted the words “The Rule Committee established by section 25 of the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No. 1\)](#)”, and
  - (b) sub-paragraph (2) shall cease to have effect.
- 18 In paragraph 18, the words “after consultation with the Commissioners” shall be omitted.

*The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988*

- 19 In section 7(1) of the [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(1988 No. 1\)](#), for the words “ministers, deaconesses, lay workers and readers” there shall be substituted the words “deaconesses, lay workers and readers who are not subject to common tenure”.

*The Care of Churches and Ecclesiastical Jurisdiction Measure 1991*

- 20 The [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No. 1\)](#) shall be amended as follows.
- 21 In section 25—
- (a) in subsection (1) for the word “six” there shall be substituted the word “eight”, and
  - (b) in subsection (2) there shall be added, at the end, the following paragraph—
    - “(d) for the purpose of making rules relating to the procedure to be followed in connection with the determination of rights to compensation under Schedule 4 to the [Pastoral Measure 1983 \(1983 No. 1\)](#) and in other proceedings under that Schedule—
      - (i) one person nominated by the Archbishops' Council, and
      - (ii) one person nominated by the Church of England Pensions Board.”.
- 22 In section 26(1) there shall be added, at the end, the following paragraph—
- “(f) Schedule 4 to the Pastoral Measure 1983.”.

## SCHEDULE 3

Section 12

## REPEALS

<i>Act or Measure</i>	<i>Extent of repeal</i>
The Pluralities Act 1838, 1 & 2 Vict. c. 106	Section 95. Section 96. Section 97.
The Lecturers and Parish Clerks Act 1844, 7 & 8 Vict. c. 59	In section 2 the words from “such suspension or removal” to the end of the section.
The New Parishes Measure 1943, 6 & 7 Geo. 6 No. 1	In section 13(1)(d), the words “or any other ecclesiastical person”. Section 16(3)(c) and (d).
1976 No. 3, The Church of England (Miscellaneous Provisions) Measure 1976	Section 2.
1983 No. 1, The Pastoral Measure 1983	Section 20(3A) and (6). Section 22(1)(c) and (cc) and (3). In Schedule 4, paragraphs 3 and 16(2).
1986 No. 1, The Bishops (Retirement) Measure 1986	Section 6. In section 7, the words “or an archbishopric is declared vacant under section 6 of this Measure”, the words “or archbishop” and the words “or archbishopric”.
1988 No. 1, The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988	Section 7(1A).
1995 No. 2, The Church of England (Miscellaneous Provisions) Measure 1995	Section 4.