Church of England (Miscellaneous Provisions) Measure 2014

2014 No. 1

A Measure passed by the General Synod of the Church of England to amend section 67 of the Ecclesiastical Commissioners Act 1840; to amend section 25 of the Burial Act 1857; to amend section 5 of the Episcopal Endowments and Stipends Measure 1943; to amend the Church Commissioners Measure 1947; to amend the Parochial Church Councils (Powers) Measure 1956; to amend the Clergy Pensions Measure 1961; to amend sections 2 and 3 of the Ecclesiastical Jurisdiction Measure 1963; to amend section 3 of the Faculty Jurisdiction Measure 1964; to amend the Overseas and Other Clergy (Ministry and Ordination) Measure 1967; to amend the Synodical Government Measure 1969; to amend the Endowments and Glebe Measure 1976; to amend the Incumbents (Vacation of Benefices) Measure 1977; to amend the Patronage (Benefices) Measure 1986; to amend the Care of Churches and Ecclesiastical Jurisdiction Measure 1991; to amend the Cathedrals Measure 1999; to confer power on chancellors to determine fees; to extend the powers of the General Cemetery Company; to make provision for Christ Church, Oxford; to make provision for the tenure of office of vicars general and surrogates; to amend the Dioceses, Pastoral and Mission Measure 2007; to make minor and consequential amendments to other enactments; and for connected purposes. [14th May 2014]

1 Amendment of the Ecclesiastical Commissioners Act 1840

(1) In section 67 of the Ecclesiastical Commissioners Act 1840 (which provides for the application of the revenues of the Church Commissioners), the Proviso is repealed.

(2) Section 12 of the Ecclesiastical Commissioners Act 1860 and, in section 14, the words “the proviso at the end of the said section, or” are repealed.

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

Commencement Information

I1 S. 1 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

2 Amendment of Burial Act 1857

For section 25 of the Burial Act 1857 there is substituted the following section—

"25 Offence of removal of body from burial ground

(1) It is an offence for a body or any human remains which have been interred in a place of burial to be removed unless one of the conditions listed in subsection (2) is complied with.

(2) The conditions referred to in subsection (1) are—

(a) the body or remains is or are removed in accordance with a faculty granted by the court;

(b) the body or remains is or are removed in accordance with the approval of a proposal under the Care of Cathedrals Measure 2011 (No. 1) by the Cathedrals Fabric Commission for England or a fabric advisory committee;

(c) unless the body or remains is or are interred in land which is subject to the jurisdiction of the court or its or their removal requires or require the approval of a proposal under the Care of Cathedrals Measure 2011, the body or remains is or are removed under a licence from the Secretary of State and in accordance with any conditions attached to the licence.

(3) A person who removes a body or remains in contravention of subsections (1) and (2) is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

(4) In subsection (2)(a) and (c) "court" means the consistory court of the diocese or, in the diocese of Canterbury, the commissary court of that diocese or any other court or body referred to in section 1(2) or (3) of the Ecclesiastical Jurisdiction Measure 1963 having jurisdiction to determine the matter.".

Commencement Information

I2 S. 2 in force at 1.1.2015 by S.I. 2014/2077, **art. 2(2)** (with Sch. para. 12)

3 Amendment of Episcopal Endowments and Stipends Measure 1943

For section 5 of the Episcopal Endowments and Stipends Measure 1943 (6 & 7 Geo. 6 No. 2), there is substituted the following section—

"5 Powers of Commissioners to pay expenses

Where a scheme is in force in respect of a see, the Commissioners may—

(a) pay the whole, or any part, of the stipend of any suffragan bishop or any chaplain to the bishop, and

(b) provide such amount, by way of annual sum or otherwise, in respect of the expenses of the bishop or any suffragan bishop in connection with the performance of the duties of their offices as the Commissioners think fit.".

Commencement Information

I3 S. 3 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

4 Power of Church Commissioners and Pensions Board to enter into derivative contracts, etc.

(1) After section 6 of the Church Commissioners Measure 1947 (10 and 11 Geo. 6 No. 2), there is inserted the following section—

"6A Further provisions relating to the Assets Committee

(1) The Commissioners may exercise their powers to make investments by entering into derivative contracts, derivative financial instruments and equity instruments and the function of the Assets Committee, under section 6(3)(a) above, to make, realise and change investments includes power to enter into any of those contracts or instruments.

(2) In subsection (1) above, "derivative contracts" means options, futures or contracts for differences, within the meaning which those expressions have for the purposes of the Corporation Tax Act 2009, and "derivative financial instruments" and "equity instruments" have the same meanings as in that Act.

(3) The Commissioners may, by regulations, amend subsection (1) above by adding other financial instruments to those listed in that subsection.

(4) A draft of any regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod with or without amendment, the draft regulations so approved shall be referred to the Commissioners.

(5) Where draft regulations are referred to the Commissioners under subsection (4) above—

(a) if they have been approved by the General Synod without any amendment, the Commissioners shall, by applying their seal, make the regulations;

(b) if they have been approved by the General Synod with amendments, the Commissioners may either—

(i) by applying their seal make the regulations as amended, or

(ii) withdraw the draft regulations for further consideration in view of any amendment by the General Synod,

and the regulations shall not come into force until they have been sealed by the Commissioners.

(6) Where the Business Committee of the General Synod determines that draft regulations do not need to be debated by the General Synod, then unless—

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

(a) notice is given by a member of the General Synod in accordance with its standing orders that he or she wishes the draft regulations to be debated, or

(b) notice is given by any such member that he or she wishes to move an amendment to the draft regulations,

the draft regulations shall, for the purposes of subsections (4) and (5) above, be deemed to have been approved by the General Synod without amendment.

(7) The Statutory Instruments Act 1946 (c. 36) applies to any regulations sealed by the Commissioners under subsection (5) above as if they were a statutory instrument and were made when sealed by the Commissioners, and as if this Measure were an Act providing that any such regulations were to be subject to annulment in pursuance of a resolution of either House of Parliament.".

[F1](2) . . . . . .

(3) Schedule 2 contains further amendments to the Church Commissioners Measure 1947 and the Clergy Pensions Measure 1961.

Textual Amendments

F1 S. 4(2) repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

Commencement Information

I4 S. 4 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

5 Amendment of Parochial Church Councils (Powers) Measure 1956

(1) The Parochial Church Councils (Powers) Measure 1956 (4 & 5 Eliz. 2 No. 3) is amended as follows.

[F2](2) . . . . . .

(3) Section 7 shall become subsection (1) of that section and there is added the following subsection—

"(2) The objects referred to in subsection (1)(iv) may be determined either generally or by reference to particular occasions or occasions of a particular class.".

Textual Amendments

F2 S. 5(2) repealed (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 14(3)**, 17(3) (with s. 14(4)); S.I. 2019/67, art. 2(1)(m)

Commencement Information

I5 S. 5 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

[F3]6 Amendment of Ecclesiastical Jurisdiction Measure 1963

. . . . . .

Textual Amendments

F3 S. 6 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

[F4]7 Amendment of Faculty Jurisdiction Measure 1964

. . . . . .

Textual Amendments

F4 S. 7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

8 Amendment of Overseas and Other Clergy (Ministry and Ordination) Measure 1967

(1) The Overseas and Other Clergy (Ministry and Ordination) Measure 1967 (No. 3) is amended as follows.

(2) In section 1—

(a) in subsection (4), after the word "permission" there are inserted the words " or any instrument under subsection (5A) revoking a permission ";

(b) after subsection (5) there is inserted the following subsection—

"(5A) The Archbishop of the same province may, if he considers that there is any cause which appears to him to be good and reasonable, revoke, in writing, a permission granted to an overseas clergyman under this section, unless—

(a) the clergyman is a freehold incumbent or, at that time, holds office under Common Tenure, or

(b) the matter which constitutes a good and reasonable cause is a matter for which a censure of deprivation under section 49(1)(a) of the Ecclesiastical Jurisdiction Measure 1963 or a penalty under section 24(1)(a), (c) or (d) of the Clergy Discipline Measure 2003 or a penalty of removal from office or prohibition for life under section 30 or 31 of that Measure could be, but has not been, imposed.".

(3) After section 1 there is added the following section—

"1A General permission to overseas clergymen to officiate

(1) Without prejudice to section 1 of this Measure, the Archbishop of either province may, by an instrument in writing, grant, in accordance with the following provisions of this section, a general permission to overseas clergymen to officiate as priest or deacon in that province.

(2) A permission granted under this section shall specify—

(a) the class or description of overseas clergymen to which it relates,

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Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

(b) the functions, or class or description of functions, which any clergyman may exercise in accordance with the permission, and

(c) the duration of the permission.

(3) A permission granted under this section may be for an indefinite period or for such period as is specified in the permission and, where it is granted for a limited period, may be extended by a further permission, either for an indefinite or for a limited period.

(4) A clergyman may not, in accordance with any permission granted under this section, solemnize or publish the banns of a marriage.

(5) The Archbishop of either province may, at any time, amend or revoke a permission granted by him under this section by a further instrument in writing.

(6) No overseas clergyman may hold office under Common Tenure, unless he has a permission to officiate under section 1 of this Measure.

(7) Subject to subsections (4) and (6) of this section, a clergyman who officiates under a permission granted under this section shall, when exercising any function to which the permission relates,—

(a) be in the same position as if he had been granted permission to officiate under section 1 of this Measure, and

(b) for the duration of the permission, possess the same rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by a bishop in a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).

(8) Section 1(4) of this Measure shall apply to a permission granted under this section or an instrument amending or revoking such a permission as it applies to a permission granted or any instrument revoking a permission under that section and the reference in section 1(6) to a permission granted under that section shall include a reference to a permission granted under this section.”.

Commencement Information

I6 S. 8 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

9 Amendment of Synodical Government Measure 1969

In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (No. 2)—

(a) in rule 42(1), there is added at the end the following paragraph—

“(h) the Chair of the Dioceses Commission”; and

(b) in rule 46A(c), the words “the Central Board of Finance,” are omitted.

Commencement Information

I7 S. 9 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

10 Amendment of Endowments and Glebe Measure 1976

(1) For section 6(1) of the Endowments and Glebe Measure 1976 (No. 4) there is substituted the following subsection—

"(1) The Commissioners may from time to time pay out of their general fund—

(a) such sums as they think fit towards the stipend of any person holding the office of archdeacon, and

(b) such annual sum in respect of the expenses incurred by any person referred to in paragraph (a) above in connection with the performance of the duties of that person's office as the Commissioners think fit.".

(2) Schedule 2 contains further amendments to the Endowments and Glebe Measure 1976.

Commencement Information

I8 S. 10 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

11 Amendment of Incumbents (Vacation of Benefices) Measure 1977

(1) After section 12 of the Incumbents (Vacation of Benefices) Measure 1977 (No. 1) there is inserted the following section—

"**12A Right of appeal against findings of tribunal**

(1) An appeal may be brought against the findings contained in a report by a provincial tribunal under Part I or II of this Measure in accordance with the following provisions of this section.

(2) In the case of a report under Part I, the incumbent concerned or the parochial church council concerned may appeal against any findings of law or fact in the report.

(3) In the case of a report under Part I, the archdeacon in whose archdeaconry the benefice of the incumbent is or any person requesting an enquiry under section 1A(1)(d) may appeal against any findings of law in the report.

(4) In the case of a report under Part II, the incumbent may appeal against any findings of law or fact.

(5) There shall be an Appeal Panel for each province, which shall be constituted in the same way and from among the same persons as in the case of the Appeal Tribunals established under paragraph 13 of Schedule 4 to the Mission and Pastoral Measure 2011 (No. 3) except that no person who—

(a) was a member of the provincial tribunal which conducted the enquiry which is the subject of the appeal, or

(b) was ineligible to be appointed to that tribunal under Schedule 1 to this Measure,

(6) The appellant must state the grounds, or a summary of the grounds, of the appeal.

(7) Where the appeal is brought under subsection (2) by the parochial church council, section 1A(1)(c), (3) and (4) apply in relation to the appeal except

that the references to a request for an enquiry or a notice of intention to make it are to be construed as references to the appeal.

(8) Where the appeal is brought under subsection (3) by a person requesting an enquiry, section 1A(1)(d), (3) and (5) apply in relation to the appeal except that the references to a request for an enquiry or a notice of intention to make it are to be construed as references to the appeal.

(9) Notice of the appeal shall be given in writing to the bishop of the diocese in which the parish in question is and to the secretary of that diocese and section 1A(6) applies as it applies to a request for an enquiry.”.

(2) Schedule 2 contains further amendments to the Incumbents (Vacation of Benefices) Measure 1977.

Commencement Information

I9 S. 11 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

12 Amendment of Patronage (Benefices) Measure 1986

(1) The Patronage (Benefices) Measure 1986 (No. 3) is amended as follows.

(2) After section 16 there is inserted the following section—

“16A Special procedure for appointment of priest in charge as incumbent

(1) This section applies where a benefice is vacant and—

(a) the bishop is aware that a suspension period in respect of the benefice is shortly to come to an end, or has come to an end, or a restriction on presentation to the benefice is shortly to cease to be in force, or has ceased to be in force, and

(b) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.

(2) Where subsection (1) above applies, the bishop may give notice of his proposal to—

(a) the registered patron, unless the bishop is the registered patron;

(b) the priest in charge; and

(c) the parochial church council of each parish belonging to the benefice.

(3) Upon receiving the notice referred to in subsection (2)(a) above and after the suspension period has come to an end or the restriction has ceased to be in force, the registered patron may, if content with the proposal, send a notice to the bishop presenting the priest in charge to him for admission to the benefice, if the following conditions are satisfied—

(a) the priest in charge has stated in writing that he is willing to be admitted to the benefice, and

(b) the parochial church council of each parish belonging to the benefice has passed a resolution stating that it approves the proposal that the priest in charge should be admitted.

(4) No member of a parochial church council who is the priest in charge or the spouse or civil partner of the priest in charge or the registered patron or the representative of the registered patron shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.

(5) Unless section 2 of the 2010 Measure applies, where the bishop is the registered patron, and the conditions set out in subsection (3)(a) and (b) are satisfied, he may, after complying with the requirements of section 19, collate the priest in charge to the benefice.

(6) Where section 2 of the 2010 Measure applies and the bishop is the relevant bishop for the purposes of section 2(2), the bishop shall, if Her Majesty has not given notice under section 2(3), if the conditions set out in subsection (3)(a) and (b) are satisfied, present the priest in charge on behalf of Her Majesty for admission to the benefice.

(7) Where—

(a) the registered patron has given notice in accordance with subsection (3) above, or

(b) the bishop has complied with the requirements of section 19 under subsection (5) above, or

(c) the bishop has presented the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (6) above,

the provisions of this Measure mentioned in subsection (8) below and section 88(d) of the Mission and Pastoral Measure 2011 shall not apply.

(8) The provisions referred to in subsection (7) above are sections 7, 11, 12, 13, 14, 15 and 16.

(9) Where a registered patron (other than the bishop) proposes to send a notice to the bishop in accordance with subsection (3), sections 8 and 9 shall apply as if the notice given by the bishop under subsection (2) were a notice under section 7(4).

(10) In this section "suspension period" has the meaning assigned to it in section 85(1) of the Mission and Pastoral Measure 2011 and "restriction" means a restriction on the right of presentation to a benefice imposed under section 38 or 87 of that Measure.".

(3) In section 24(3), for the words "11 and 12" there are substituted "11, 12 and 16A" and for the words " section 13 " there are substituted "sections 13 and 16A".

(4) In section 35(1A), the word "and" after paragraph (c) is omitted and there is added, at the end of paragraph (d), the word " and " and the following paragraph—

"(e) section 16A except subsection (9).".

(5) Schedule 2 contains further amendments to the Patronage (Benefices) Measure 1986.

Commencement Information

I10 S. 12 in force at 1.1.2015 by S.I. 2014/2077, **art. 2(2)** (with Sch. para. 4)

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

[F5]13 Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991

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Textual Amendments

F5 S. 13 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

14 Amendment of Cathedrals Measure 1999

(1) The Cathedrals Measure 1999 (No. 1) ("the 1999 Measure") is amended as follows.

(2) After section 17 there is inserted the following section—

"17A Investment of endowment funds on total return basis

(1) The Chapter of any cathedral may, if it is satisfied that it is in the interests of the cathedral to do so, resolve that all or any portion of the moneys forming part of the cathedral's endowment—

(a) should be invested without the need to maintain a balance between capital and income returns, and

(b) should be freed from the restrictions on the use of the endowment contained in sections 16 and 17 above.

(2) Any resolution passed under subsection (1) above is referred to in this Measure as a total return resolution.

(3) The Chapter may, if it is satisfied that it is in the interests of the cathedral to do so, amend or revoke a total return resolution.

(4) Where the Chapter is proposing to revoke a total return resolution, it must determine whether or not there is a negative total return, that is to say whether the total return represents a reduction in the value of the cathedral's endowment, as it was immediately before the total return resolution was passed.

(5) Where the Chapter determines under subsection (4) that there is a negative total return, it must make provision in its annual report and accounts specifying how an amount equivalent to the negative total return is to be paid into the cathedral's endowment over such period as the Chapter thinks reasonable, not exceeding 10 years from the date when the total return resolution is revoked.

(6) Where the Chapter does not determine under subsection (4) that there is a negative total return, the Chapter must determine what part of the unapplied total return of the assets of the cathedral should be allocated for accumulation as part of its investments.

(7) Where subsection (6) applies, the amount allocated must not result in the value of the cathedral's endowment immediately after the date of the revocation exceeding its value immediately before the date when the total return resolution was passed, increased by the rise in the Retail Price Index between the last mentioned date and the date of revocation.

(8) Where a total return resolution is in force, the Chapter must, so far as applicable, comply with the requirements of Schedule A1.

(9) Schedule A1 may be amended by a resolution of the General Synod.

(10) The Statutory Instruments Act 1946 (c. 36) shall apply to any resolution under subsection (9) as if it were a statutory instrument and as if this Measure were an Act providing that it should be subject to annulment in pursuance of a resolution of either House of Parliament.".

(3) In section 27, after subsection (2) there is inserted the following subsection—

"(2A) Where a total return resolution is in force in relation to a cathedral's endowment, the Chapter must, so far as applicable, comply with the requirements of Schedule A1.".

(4) Schedule 2 contains a further amendment to the 1999 Measure.

(5) Schedule A1 to the 1999 Measure is set out in Schedule 1.

Commencement Information

I11 S. 14 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

[F6]15 Tenure of office of vicars general and surrogates

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Textual Amendments

F6 S. 15 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

16 Amendment of Dioceses, Pastoral and Mission Measure 2007

(1) The Dioceses, Pastoral and Mission Measure 2007 (No. 1) is amended as follows.

(2) In section 4(3), at the end there are added the following paragraphs—

"(e) the re-naming of a diocesan or suffragan see;

(f) the creation of a new suffragan bishopric.".

(3) After section 4(3) there is inserted the following subsection—

"(3A) Where a new suffragan bishopric is created under subsection (3) above, the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 directing that the town concerned be taken and accepted for the see of a suffragan bishop.".

(4) For paragraph 2 of Schedule 1 there is substituted the following paragraph—

"2 (1) The Chair and Vice-Chair shall be appointed by the Archbishops of Canterbury and York acting jointly in the following manner—

(a) the Chair shall be appointed with the approval of the General Synod, and

(b) the Vice-Chair shall be appointed from among the members of the House of Clergy and the House of Laity of the General Synod.

(2) Before appointing a lay person to be the Chair the Archbishops shall satisfy themselves that that person is an actual communicant within the meaning of rule 54(1) of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969.”.

(5) Schedule 2 contains further amendments to the Dioceses, Pastoral and Mission Measure 2007.

Commencement Information

I12 S. 16 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

[F7]17 Power for chancellor to determine fees

. . . . . .

Textual Amendments

F7 S. 17 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 5** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

18 Power for General Cemetery Company to dispose of whole or part of Kensal Green Cemetery

(1) Notwithstanding section 5 of the Act 2 & 3 Will. IV c. cx, the consistory court of the diocese of London may grant a faculty authorising the sale or other disposal by the General Cemetery Company of any land forming part of Kensal Green Cemetery which has been consecrated and set apart for the burial of the dead.

(2) Any sale or other disposal authorised under subsection (1) shall be subject to such conditions and on such terms as the court may determine.

Commencement Information

I13 S. 18 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

19 Provisions relating to Christ Church, Oxford

For section 2(3) of the Church of England (Miscellaneous Provisions) Measure 1995 (No. 2) there is substituted the following subsection—

“(3) Notwithstanding sections 5 and 6 of the Ecclesiastical Commissioners Act 1840, which annexed 2 canonries in the chapter of the Cathedral Church of Christ in Oxford to, respectively, the Lady Margaret's professorship of divinity and the regius professorship of ecclesiastical history, those professorships may

be held either by residentiary canons in the chapter or by lay canons appointed pursuant to subsection (1).”.

Commencement Information

I14 S. 19 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

20 Minor and consequential amendments

Schedule 2 contains minor amendments and amendments which are consequential on other enactments or which clarify ambiguities in the law.

Commencement Information

I15 S. 20 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

21 Citation, commencement and extent

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2014.

(2) This section shall come into force on the day on which this Measure is passed and the other provisions of this Measure shall come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint and—

(a) different days may be appointed for different provisions or for different purposes, and

(b) an order may contain transitional or saving provisions.

(3) This Measure extends to the whole of the provinces of Canterbury and York, except that it only extends to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.

(4) The following provisions extend to the Isle of Man—

(a) sections 1, 4, 8 and this section; and

(b) paragraphs 3, 4, 10, 12, 13, 18(1) and 20 of Schedule 2 and section 20, so far as it relates to those paragraphs.

(5) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the following provisions also extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act of Tynwald or instrument—

(a) sections 5, 6, 7, 9, 11, 12, 13, 15, 16 and 17;

(b) paragraphs 5, 7, 8, 9, 15, 16, 17 and 19 of Schedule 2 and section 20, so far as it relates to those paragraphs; and

(c) Schedule 3.

(6) This section and sections 8, 9, 10, 11, 12, 13 and 16 and any provision of Schedule 2 which amends an enactment which extends to the Channel Islands and section 20, so far as it relates to that provision, 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.

(7) The power to make an order conferred by subsection (2) shall be exercisable by statutory instrument and the Statutory Instruments Act 1946 (c. 36) shall apply to any such order as if it had been made by a Minister of the Crown and as if this Measure were an Act.

(8) Provision made under subsection (2)(b) may be contained in a separate order from the order which provides for the commencement to which the provision relates and, for that purpose, it does not matter—

(a) whether the order which provides for the commencement includes a provision made under subsection (2)(b);

(b) whether the commencement has taken place.

(9) An order which contains a provision made under subsection (2)(b) must be laid before Parliament and is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 14

CATHEDRALS: TOTAL RETURN

Commencement Information

I16 Sch. 1 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

"SCHEDULE A1
TO CATHEDRALS
MEASURE 1999

INVESTMENTS OF CATHEDRAL HELD ON TOTAL RETURN BASIS

1 The Chapter must, at the time when it passes the resolution, identify and record which part of the cathedral's assets represents its unapplied total return, that is to say any funds which are available either for application for the purposes of the cathedral or for accumulation as part of its investments.

2 The Chapter must from time to time determine which part of the unapplied total return should be available for application for the purposes of the cathedral and which part should be available for accumulation as part of its investments.

3 If part of the unapplied total return is not allocated for application for the purposes of the cathedral or for accumulation as part of its investments, it shall be treated as if it were allocated for accumulation as part of its investments until the Chapter makes a determination in accordance with paragraph 2.

4 The Chapter must set out in its annual report and accounts—

(a) a statement of the policy adopted by it for making the identification required by paragraph 1 and of the date from which the analysis required by that paragraph was performed, and

(b) an explanation of its approach to determining, under paragraph 2, which part of the unapplied total return should be available for application for the purposes of the cathedral and which part should be available for accumulation as part of its investments.

5 The notes to the annual report and accounts must specify—

(a) the aggregate value of the assets representing the unapplied total return at the start of the year to which the accounts relate,

(b) any increase or decrease in that value during the year,

(c) the part of the unapplied total return that the Chapter has allocated for investment, and

(d) the aggregate value of the assets representing the unapplied total return at the balance sheet date.

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

6 In section 17A and this Schedule "unapplied total return" has the meaning specified in paragraph 1 and "total return" means the whole of the investment return received by the cathedral's endowment."

SCHEDULE 2

Section 20

MINOR AND CONSEQUENTIAL AMENDMENTS

Ecclesiastical Commissioners Act 1850

1 Section 1(2) of the Ecclesiastical Commissioners Act 1850 (13 & 14 Vict. c. 94) is repealed.

Commencement Information
I17 Sch. 2 para. 1 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

F8 …

Textual Amendments
F8 Sch. 2 paras. 2, 6 and cross-headings repealed (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 3** (with Sch. 2); S.I. 2019/97, art. 2

2 . . . . . .

Church Commissioners Measure 1947

3 (1) The Church Commissioners Measure 1947 is further amended as follows.

(2) In section 4(5) after the word "post" there are inserted the words " or by electronic transmission ".

(3) For section 5(2) there is substituted the following subsection—

"(2) The Archbishop of Canterbury shall be the chairman of the Board and—

(a) he may appoint a deputy chairman from among the members of the Board, who may act as chairman in the Archbishop's absence at any meeting to be held during the period of five years following the date of his appointment; and

(b) if neither the chairman nor the deputy chairman is present at any meeting, the members attending the meeting may elect a member to act as chairman of that meeting.".

(4) Section 6 is amended as follows—

(a) the Audit Committee established by section 6(1) is re-named the Audit and Risk Committee and, accordingly, the references in that section and in any other provision of the Measure and in any other enactment to the Audit Committee shall be construed as references to the Audit and Risk Committee;

(b) in subsection (3A), in the definition of "actuary", for the words "Institute of Actuaries or of the Faculty of Actuaries in Scotland" there are substituted the words " Institute and Faculty of Actuaries ";

(c) in subsection (3B), after paragraph (a) there is inserted the following paragraph—

"(aa) a duty to keep under review the risks, including financial risks, to which the Commissioners are exposed in carrying out their functions and the adequacy of the steps taken by the Commissioners to mitigate those risks;";

(d) for subsection (4) there is substituted the following subsection—

"(4) The Standing Orders regulating the procedure of the Board, the Assets Committee or any committee appointed by the Board may provide for authorising the chairman, deputy chairman or an appropriate officer to act on behalf of the Board, the Assets Committee or other committee, as the case may be, in relation to such matters as the Board may think fit."; and

(e) for the heading to the section there is substituted " Assets Committee and Audit and Risk Committee ".

(5) In section 9, there is added at the end the following subsection—

"(3) In this section "signature" includes signature by electronic means."

(6) In paragraph 2 of Schedule 1—

(a) for the sentence beginning "Nominated Commissioners" there is substituted the following sentence—

"Nominated Commissioners shall hold office for such period as the person or persons making the nomination may determine.", and

(b) the sentence beginning "In this paragraph" is omitted.

(7) In paragraph 5A of Schedule 1, for the words "a House" there are substituted the words " the House of Bishops ".

(8) For paragraph 6 of Schedule 1, there is substituted the following paragraph—

"6 Every lay Commissioner, other than a person who is a Commissioner in right of office, shall, upon appointment and before acting as a Commissioner, sign and return to an officer of the Commissioners a written declaration of membership of the Church of England.".

(9) After paragraph 5 of Schedule 4 there is inserted the following paragraph—

"5A (1) The chairman of the Board or of any committee may, if he considers that any business can properly be conducted by correspondence, instruct the secretary of the Board or of the committee to circulate to the Board or the committee in writing or by electronic transmission proposals requiring the approval of its members.

(2) Unless objections to the proposals are received from any members in such numbers and within such period from the date of their posting or transmission (as the case may be), as may be specified in Standing Orders, the proposals shall be deemed, at the expiry of that period, to be approved by the Board or the committee with the same effect as if they had been approved at a duly convened meeting.".

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

Commencement Information

I18 Sch. 2 para. 3 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Clergy Pensions Measure 1961

F9 4 . . . . . .

Textual Amendments

F9 Sch. 2 para. 4 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

Sharing of Church Buildings Act 1969

5 (1) The Sharing of Church Buildings Act 1969 (c. 38) is amended as follows.

(2) For section 11(3) there are substituted the following subsections—

"(3) Any Church which is a member of Churches Together in Britain and Ireland or is affiliated to the Evangelical Alliance or is a member of the governing body of Affinity may give notice in writing to the company secretary of Churches Together in Britain and Ireland or the company secretary of the Evangelical Alliance or the director of Affinity, as the case may be, that it desires that this Act shall apply to the Church and the notice shall specify the appropriate authority or authorities for the purposes of this Act.

(4) The person to whom the notice referred to in subsection (3) of this section is given shall publish in the London Gazette a notice signed by him—

(a) stating that the Church is a member of Churches Together in Britain and Ireland, or is affiliated to the Evangelical Alliance or is a member of the governing body of Affinity, as the case may be;

(b) stating that this Act will apply to that Church as from the date of publication of the notice; and

(c) specifying the appropriate authority or authorities for the purposes of this Act;

and thereupon this Act applies to that Church as from that date and has effect as if an entry in respect of that Church and the appropriate authority or authorities so specified were made in Schedule 2.

(5) Where a notice was published in the London Gazette purporting to state that this Act applied to a Church before the coming into force of paragraph 5 of Schedule 2 to the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), this Act is deemed to have applied to that Church from the date of its coming into force or, if the Church was created after that date, from the date of its creation and the appropriate authority or authorities specified are deemed to have been specified from that date.".

(3) Schedule 2 is amended by adding the Churches specified in the first column of Schedule 3 to this Measure.

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Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

(4) The second column of Schedule 2 (as amended by Schedule 3 to this Measure) specifies the appropriate authority or authorities for the purposes of the Act in relation to each of the Churches specified in the first column.

(5) The third entry in Schedule 2 is deleted.

Commencement Information

I19 Sch. 2 para. 5 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

F8...

F8 6 . . . . . .

Incumbents (Vacations of Benefices) Measure 1977

7 Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977 is amended as follows—

(a) in paragraph 2(1)(a)(i), after the words "ecclesiastical service" there are inserted the words " , in respect of service served up to 31st December 1997 and in pensionable service within the meaning of rules made under section 2 of the Pensions Measure 1997 ("the Funded Scheme rules"), in respect of service served after that date ";

(b) in paragraph 2(2)(b), after the words "pension regulations" there are inserted the words " or the Funded Scheme rules ";

(c) in paragraph 2(2)(c), for the words from "whole-time" to "pensions regulations)" there are substituted the words " service which is pensionable service within the meaning of the Funded Scheme rules ";

(d) for paragraph 2(4) there is substituted the following sub-paragraph—

"(4) The period during which a person is in receipt of periodical payments under paragraph 2 shall be deemed to be a period of pensionable service for the purposes of the Funded Scheme rules, but shall not constitute "service" for any other purpose of those rules";

(e) in paragraph 7 there are added the words " and, in the case of a person who is in receipt of periodical payments under paragraph 2, the diocesan board of finance is "the responsible body" for the purposes of section 4 of the Pensions Measure 1997 "; and

(f) in paragraph 8—

(i) in sub-paragraph (1), after the definition of "pensions regulations" there are inserted, at the appropriate place, the following definitions—

"the Funded Scheme Rules" means the rules made under section 2 of the Pensions Measure 1997,

"stipendiary ecclesiastical service" has the same meaning as in the pensions regulations, and

"retiring age" has the same meaning as in the Funded Scheme rules; and

(ii) sub-paragraph (2) is omitted.

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

Commencement Information

I20 Sch. 2 para. 7 in force at 1.1.2015 by S.I. 2014/2077, **art. 2(2)**

Ecclesiastical Fees Measure 1986

8 In section 10 of the Ecclesiastical Fees Measure 1986, in the definition of "church", after the words "parish church" there are inserted the words " a parochial chapel, a chapel of ease, a chapel of a conventional district ".

Commencement Information

I21 Sch. 2 para. 8 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Patronage (Benefices) Measure 1986

9 (1) The Patronage (Benefices) Measure 1986 is further amended as follows.

(2) In section 10, for the word "wife" there are substituted the words " spouse or civil partner ".

(3) For section 35(1B) there are inserted the following subsections—

"(1B) Where—

(a) Her Majesty has the right of presentation to a benefice which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop, and Her Majesty has given notice under section 2(3) of the 2010 Measure, or

(b) that right of presentation is exercisable on behalf of Her Majesty by the relevant bishop under section 2(2) of that Measure,

any reference to the registered patron in any provision of this Measure listed in subsection (1C) below shall be construed as references—

(i) where paragraph (a) above applies, to Her Majesty, and

(ii) where paragraph (b) above applies, to the relevant bishop.

(1C) The provisions referred to in subsection (1B) are sections 7(4), 11(8), so far only as it relates to parish representatives, 13(1)(b)(i), (3) and, so far only as they relate to parish representatives, (4) and (5), 22 and 34(5).".

(4) In section 35(7)(a) the words ", in the case of a shared benefice," are omitted.

(5) After section 35(7) there is inserted the following subsection—

"(7A) Where section 2 of the 2010 Measure applies—

(a) if Her Majesty has not given any such notice as is referred to in subsection (3) of that section, section 35(7)(a) above has effect as if the second and third references to Her Majesty were references to the relevant bishop, and

(b) section 35(7)(b) above has effect as if the reference to a person other than Her Majesty did not include a reference to the relevant bishop.".

(6) In section 37(1), for the words "shall be in the prescribed form" there are substituted the words " shall, where the form of the notice is prescribed by the Patronage (Procedure) Committee, be in the prescribed form ".

(7) In section 39(1), at the beginning of the definitions, there is inserted the following definition—

""the 2010 Measure" means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 (No. 2);".

Commencement Information

I22 Sch. 2 para. 9 in force at 1.1.2015 by S.I. 2014/2077, **art. 2(2)** (with Sch. para. 5)

Church of England (Ecumenical Relations) Measure 1988

10 For section 5(2)(b) of the Church of England (Ecumenical Relations) Measure 1988 (No. 3), there is substituted the following paragraph—

"(b) at the time of designation—

(i) the Church is a member of one of the following bodies, namely, Churches Together in Britain and Ireland, Churches Together in England, the Evangelical Alliance or Affinity, or of any body which is jointly determined by the Archbishops of Canterbury and York to be the successor of any such body, or

(ii) in the case of a Church outside the United Kingdom, it is nominated by resolution of the General Synod for the purposes of this section.".

Commencement Information

I23 Sch. 2 para. 10 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Planning (Listed Buildings and Conservations Areas) Act 1990

11 In section 60(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9), at the end there are added the following words " unless it is a building which is a chapel forming part of an episcopal house of residence and is included in the list maintained by the Church Buildings Council under section 1 of the Care of Places of Worship Measure 1999 or is otherwise subject to the faculty jurisdiction ".

Commencement Information

I24 Sch. 2 para. 11 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Pensions Measure 1997

F10 12 . . . . . .

Status: *Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

Textual Amendments

F10 Sch. 2 para. 12 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

National Institutions Measure 1998

13 (1) The National Institutions Measure 1998 (No. 1) is amended as follows.

(2) The power of the Archbishops' Council, under section 2(3), to apply or distribute sums made available by the Church Commissioners under section 2(1), is to be construed (and is deemed always to have had effect) as enabling the Council in its discretion to apply or distribute those sums to such body in a diocese as the Council thinks fit for allocation to parishes in that diocese in such manner as the body thinks appropriate, subject to the requirements of section 2(3).

(3) In section 10(a), the words from "at least one third" to the end of the paragraph are omitted.

(4) In Part II of Schedule 1, there is added at the end the following paragraph—

"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.

(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.".

Commencement Information

I25 Sch. 2 para. 13 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Cathedrals Measure 1999

14 In section 36 of the Cathedrals Measure 1999, after subsection (1A) there is inserted the following subsection—

"(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.".

Commencement Information
I26 Sch. 2 para. 14 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Churchwardens Measure 2001

15 For section 5(7) of the Churchwardens Measure 2001 (No. 1) there is substituted the following subsection—

"(7) The Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (No. 1) may provide for the procedure to be followed at a meeting of the parishioners for the purposes of this Measure and, subject to any provision in the Rules, the meeting has power to adjourn and to determine its own rules of procedure.".

Commencement Information
I27 Sch. 2 para. 15 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Dioceses, Pastoral and Mission Measure 2007

16 Paragraph 5 of Schedule 6 to the Dioceses, Pastoral and Mission Measure 2007 becomes sub-paragraph (1) of that paragraph and there is added the following sub-paragraph—

"(2) On making an instrument under sub-paragraph (1) the bishop shall send a copy of the instrument to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.".

Commencement Information
I28 Sch. 2 para. 16 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Ecclesiastical Offices (Terms of Service) Measure 2009

17 Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (No. 1) is amended as follows—

(a) after subsection (3)(a) there is inserted the following sub-paragraph—

"(aa) in the case of an archbishop or a bishop, on his resignation under section 1 or 4 of the Bishops (Retirement) Measure 1986;";

(b) in subsection (4) the words "or (h)" are omitted; and

(c) after subsection (4) there is inserted the following subsection—

"(4A) The bishop of the diocese in which an office holder referred to in section 1(1)(h) of this Measure holds office may revoke the office holder's licence to exercise the office only on grounds of misconduct, including any act or omission relating to matters

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involving ritual, doctrine or ceremonial or in accordance with the capability procedures.”.

Commencement Information
I29 Sch. 2 para. 17 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Church of England (Miscellaneous Provisions) Measure 2010

18 (1) Section 8 of the Church of England (Miscellaneous Provisions) Measure 2010 (No. 1) (“the 2010 Measure”) is repealed.

(2) For the avoidance of doubt, the repeal by section 12 of and Schedule 2 to the 2010 Measure of paragraph 13 of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) does not affect the amendment made by that paragraph to the Commons Registration Act 1965 (c. 64).

Commencement Information
I30 Sch. 2 para. 18 in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

Mission and Pastoral Measure 2011

19 (1) The Mission and Pastoral Measure 2011 (No. 3) is amended as follows.

(2) In section 6(4), the words from the words “and any such person” to “accommodation” are repealed.

(3) Section 7 is amended as follows—

(a) in subsection (1), for the words “draft proposals” in the second place and in subsections (2) and (3), in each place there is substituted the word “ proposals ”, and

(b) in subsection (2), at the end there are added the words “ , unless notice has already been given by the bishop under section 85(1) of the suspension of the right of presentation to the benefice ”.

(4) In section 21(3) the words from the words “and any such person” to “accommodation” are repealed.

(5) In section 39(3), after the word “vacant”, in the second place where it occurs, there are inserted the words “ , where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation, ”.

(6) In section 45(1)(d), after the words “part of a parsonage house” there are inserted the words “ , a house or part of a house which, before it became diocesan glebe land under a pastoral scheme, was a parsonage house or part of a parsonage house ”.

(7) In section 57, after subsection (5) there are inserted the following subsections—

“(5A) The Churches Conservation Trust shall have power, with the consent of the Commissioners, to transfer, by way of grant, property or funds held by it, other than any church building, to such charitable foundations as it thinks fit.

(5B) The Churches Conservation Trust shall have power, with the consent of the Commissioners, to dispose of any fixtures, fittings or other contents of a church building vested in the Trust under this Part or acquired by the Trust under subsection (6).".

(8) In section 90(3) for "76" there is substituted " 77 ".

(9) Section 95 is amended as follows—

(a) the temporary maintenance account is re-named "the closed church buildings support account" and the heading to that section shall become "The closed church buildings support account";

(b) in subsection (3), for the words "and maintenance" there are substituted the words " , maintenance and, where the scheme authorises it, demolition "; and

(c) after subsection (3) there is added the following subsection—

"(3A) The Commissioners may also apply moneys standing to the credit of the closed church buildings support account (whether the building is vested in the Commissioners or a diocesan board of finance) for the purpose of applying for planning permission or listed building consent in respect of a building closed for regular public worship in the circumstances mentioned in relation to that body in subsection (3).".

(10) Any reference in the Mission and Pastoral Measure 2011 to the temporary maintenance account shall be construed as a reference to the closed church buildings support account.

(11) In section 101, at the end there is added the following subsection—

"(7) Any reference in this section to serving, sending or giving a notice or other document includes a reference to sending it by electronic means.".

(12) In paragraph 11 of Schedule 4—

(a) in sub-paragraph (1)(a), for the words from "the Clergy Pensions Measure 1961" to "pensionable service" there are substituted the words " the Funded Scheme rules, shall be deemed for the purposes of those rules and this paragraph to be a period of pensionable service (but not "service" for any other purpose of those rules) ";

(b) in sub-paragraph (1)(b), for the words "on attaining the retiring age within the meaning of that Measure, he or she shall be deemed to retire for the purposes of that Measure" there are substituted the words " on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules, he or she shall be deemed to be so entitled and to retire for the purposes of those rules " and the words from "and, if his or her" to the end of that paragraph are omitted;

(c) sub-paragraph (1)(c) including the definition of "prescribed period" is omitted;

(d) in sub-paragraph (4), for the words from "on attaining the retiring age" to the end of the sub-paragraph there are substituted the words " on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules he or she is deemed to be so entitled and to retire for the purposes of this paragraph and compensation shall cease to be payable when he or she attains that age ";

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Changes to legislation: *There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014. (See end of Document for details)*

(e) after sub-paragraph (5) there is inserted the following sub-paragraph—

"(5A) Where the mission and pastoral committee has suspended any periodical payments under paragraph 7 to any person, that person is deemed not to be in pensionable service under paragraph 11(1)(a) for the period during which the periodical payments are suspended.";

(f) for sub-paragraph (6) there is substituted the following sub-paragraph—

"(6) Any reference to the Funded Scheme rules is a reference to the rules made under section 2 of the Pensions Measure 1997."; and

(g) after sub-paragraph (6) there is added the following sub-paragraph—

"(7) The diocesan board of finance for the diocese concerned is the responsible body for the purposes of the Pensions Measure 1997 in respect of a person who is deemed to be in pensionable service for the purposes of this paragraph.".

Commencement Information

I31 Sch. 2 para. 19(1)-(3)(6)-(11) in force at 19.5.2014 by S.I. 2014/1369, **art. 2**

I32 Sch. 2 para. 19(4)(5) in force at 6.8.2014 by S.I. 2014/2077, **art. 2(1)** (with Sch. para. 6(1)(2))

I33 Sch. 2 para. 19(12) in force at 1.1.2015 by S.I. 2014/2077, **art. 2(2)** (with Sch. para. 6(3))

Church of England Pensions Regulations 1988

F11 20 . . . . . .

Textual Amendments

F11 Sch. 2 para. 20 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

PROSPECTIVE

SCHEDULE 3

Schedule 2

CHURCHES ADDED TO SCHEDULE 2 TO SHARING OF CHURCH BUILDINGS ACT 1969

Name of Church	*Appropriate Authority or Authorities*
Congregational Federation	The Trust Corporation known as the Congregational Federation Ltd.
Moravian Church	The Synod of the Moravian Church in the British Province.
The Calvinistic Methodist or Presbyterian Church of Wales	The Properties Board of the Calvinistic Methodist or Presbyterian Church of Wales.

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Any Churches of Elim Foursquare Gospel Alliance	Elim Foursquare Gospel Alliance & Elim Trust Corporation.
Presbyterian Church of Wales	The General Assembly of the Presbyterian Church of Wales.
Any Congregation of the Fellowship of Churches of Christ in Great Britain and Ireland	(a) As respects section 1(3) and (4), the Annual Conference of the Fellowship of Churches of Christ acting with the concurrence of the duly constituted Church meeting. (b) As respects section 1(8), the Annual Conference of the Fellowship of Churches of Christ.
The British Conference of the Pentecostal Holiness Church	The Trustees of the British Conference of the Pentecostal Holiness Church.
The Assemblies of God in Great Britain and Ireland	The Executive Council of the Assemblies of God in Great Britain and Ireland.
Shiloh United Church of Christ Apostolic (Worldwide)	National Executive Board.
International Ministerial Council of Great Britain	IMCGB Executive Committee.
Archdiocese of Thyateira and Great Britain (Greek Orthodox Church)	The Archbishop of Thyateira and Great Britain.
The Salvation Army	The Salvation Army Trustee Company.
Council of Oriental Orthodox Christian Churches	The President of the Coptic Orthodox Church.
Chinese Church in London	The Church Council.
Lutheran Council of Great Britain	Chairman of the Council.
The Free Church of England	The Church Council represented by the General Secretary.
New Testament Assembly	The Executive Board of NTA.
Council of African and Afro-Caribbean Churches	The Chairman of the Council.
The Oakes Christian Fellowship Sheffield	The Leadership Team.
Southam Road Evangelical Fellowship, Banbury	The Church Trustees represented by the General Secretary.
New Testament Church of God	The National Overseer.
Old Baptist Union	The General Secretary.
Joint Council of Anglo-Caribbean Churches	The General Secretary of the Joint Council.
Cherubim and Seraphim Council of Churches	The General Secretary of the Council.
Independent Methodist Churches	The Connexional Committee represented by the General Secretary.

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North Bank Christian Fellowship	The Leadership Team.
New Life Church, Woodall Spa, Lincolnshire	The Diaconate.
Diocese of Sourozh (Russian Orthodox Church)	The Diocesan Assembly.
The Vine Christian Centre, Bridgend	The Trustees of the Vine Christian Centre.
The Oxford Community Church	The Trustees of the Oxfordshire Community Churches.
The Abingdon Community Church	The Trustees of the Oxfordshire Community Churches.
The Church of God of Prophecy	The Trustees of the Church of God of Prophecy.
Pentecostal Evangelistic Outreach (UK)	The Trustees of the Pentecostal Outreach (UK).
Chafford Hundred Community Church	The Trustees of the Chafford Hundred Community Church.
The Straits Church	The Trustees.
Heworth Christian Fellowship	The Trustees.
Aylesbury Vale Community Church	The Trustees.
Wesleyan Reform Union of Churches	The General Committee.
The Archdiocese of Orthodox Parishes of Russian Tradition in Western Europe, Exarchate of the Ecumenical Patriarchate, Deanery of Great Britain and Ireland	His Eminence the Archbishop of Comana.
The Mar Thoma Church	The Council of the Mar Thoma Parishes in Europe (COMPE).
Calvary Chapel Woolacombe Ltd	The Trustees.
Church of the Nazarene (British Isles South district)	The Trustees.
The Religious Society of Friends in Britain (Quakers)	The Yearly Meeting of the Religious Society of Friends in Britain (Quakers).

Status:
Point in time view as at 01/03/2019. This version of this Measure contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014.