

*Status: Point in time view as at 01/03/2019.*

**Changes to legislation:** There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2014, SCHEDULE 2. (See end of Document for details)

## SCHEDULES

### 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 c. 94) is repealed.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

- II** Sch. 2 para. 1 in force at 19.5.2014 by [S.I. 2014/1369](#), [art. 2](#)

*F1* ...

#### Textual Amendments

- F1** Sch. 2 paras. 2, 6 and cross-headings repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. [53\(2\)](#), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), [art. 2](#)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

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- 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

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approved by the Board or the committee with the same effect as if they had been approved at a duly convened meeting.”.

**Commencement Information**

**I2** Sch. 2 para. 3 in force at 19.5.2014 by [S.I. 2014/1369](#), [art. 2](#)

*Clergy Pensions Measure 1961*

<sup>F24</sup> .....

**Textual Amendments**

**F2** 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.”.

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

**I3** Sch. 2 para. 5 in force at 19.5.2014 by [S.I. 2014/1369](#), [art. 2](#)

*FI* ...

**F16** .....

#### *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

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

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

**Commencement Information**

**I4** 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**

**I5** 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

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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**

**I6** 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**

**I7** 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**

**I8** Sch. 2 para. 11 in force at 19.5.2014 by [S.I. 2014/1369](#), **art. 2**

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### *Pensions Measure 1997*

F3 12 .....

#### **Textual Amendments**

**F3** 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**

**I9** 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

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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**

**I10** 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**

**I11** 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**

**I12** 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



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misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial or in accordance with the capability procedures.”.

**Commencement Information**

**I13** 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**

**I14** 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.

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- (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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- (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

- I15** Sch. 2 para. 19(1)-(3)(6)-(11) in force at 19.5.2014 by [S.I. 2014/1369](#), [art. 2](#)
- I16** Sch. 2 para. 19(4)(5) in force at 6.8.2014 by [S.I. 2014/2077](#), [art. 2\(1\)](#) (with [Sch. para. 6\(1\)\(2\)](#))
- I17** 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*

<sup>F4</sup>20 .....

#### Textual Amendments

- F4** [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](#)

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