

SCHEDULES

SCHEDULE 3

Section 96

CONSEQUENTIAL AMENDMENTS

PART 1

PRIMARY LEGISLATION

Burial Act 1857

- 1 In section 25 of the Burial Act 1857 (offence of removal of body from burial ground), in subsection (4) (meaning of “court”)—
- (a) after “means” insert “—
(a),
and
 - (b) for the words from “or any other court” to the end substitute “, or
(b) any other court or body referred to in section 9, 16, 19 or 21 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (Arches and Chancery Courts, Court of Ecclesiastical Causes Reserved, Commission of Review, Privy Council) and having jurisdiction to determine the matter.”

City of London (Guild Churches) Act 1952

- 2 In section 12 of the City of London (Guild Churches) Act 1952 (vicars), in subsection (10) (application of disciplinary provisions), for “and of the Incumbents (Vacation of Benefices) Measure 1977” substitute “, of the Incumbents (Vacation of Benefices) Measure 1977 and of the Clergy Discipline Measure 2003”.

Church Property (Miscellaneous Provisions) Measure 1960

- 3 In section 7 of the Church Property (Miscellaneous Provisions) Measure 1960 (powers of dealing with gifts of land), at the end insert—
- “(7) A reference in this section to the Consecration of Churchyards Act 1867 or to a provision of that Act includes a reference to sections 89 to 91 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

Ecclesiastical Jurisdiction Measure 1963

- 4 The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.
- 5 In section 63 (the title to which becomes “Fees payable in connection with proceedings under this Measure”), for “the Ecclesiastical Fees Measure 1986”

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substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

- 6 In section 66(1) (interpretation), in the definition of “prescribed” for “section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Overseas and Other Clergy (Ministry and Ordination) Measure 1967

- 7 In each of the following provisions in the Overseas and Other Clergy (Ministry and Ordination) Measure 1967, for “the Ecclesiastical Jurisdiction Measure 1963” substitute “the Clergy Discipline Measure 2003”—
- (a) section 1(6) (officiating as priest or deacon without permission);
 - (b) section 4(3) (unlawful performance of episcopal functions).

Synodical Government Measure 1969

- 8 In the Church Representation Rules in Schedule 3 to the Synodical Government Measure 1969, in rule 9 (business of annual parochial church meeting), in paragraph (1), for sub-paragraph (d) (but not the following “and”) substitute—
- “(d) the annual fabric report under section 50 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;”.

Ecclesiastical Fees Measure 1986

- 9 In Part 2 of Schedule A1 to the Ecclesiastical Fees Measure 1986 (explanatory notes on parochial fees), in each of paragraphs 3(b) and 4, after “such sums as may be determined by the Chancellor” insert “under section 87 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 10 In section 60 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (exception for ecclesiastical buildings from certain provisions as to listing), in subsection (3), for “section 1 of the Care of Places of Worship Measure 1999” substitute “section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Clergy Discipline Measure 2003

- 11 The Clergy Discipline Measure 2003 is amended as follows.
- 12 In section 5(3) (registrar of tribunals: term of office), for “section 5 of the [Ecclesiastical Judges and Legal Officers Measure 1976 \(1976 No 2\)](#)” substitute “section 32(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 13 In section 43(1) (interpretation), in the definition of “prescribed” for “section 26 of the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No 1\)](#)” substitute “section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Constitutional Reform Act 2005

- 14 (1) In Schedule 7 to the Constitutional Reform Act 2005 (power to transfer, modify or abolish functions of Lord Chancellor: protected functions), Part A in paragraph 4 is amended as follows.
- (2) Omit each of the following—
- (a) the entries for the Ecclesiastical Jurisdiction Measure 1963 and the preceding cross-heading;
 - (b) the entry for the Ecclesiastical Fees Measure 1986 and the preceding cross-heading;
 - (c) the entry for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the preceding cross-heading.
- (3) At the end insert—
- “Ecclesiastical Jurisdiction and Care of Churches Measure 2018*
Section 2(6)
Section 81(3)”.

Dioceses, Pastoral and Mission Measure 2007

- 15 In section 55 of the Dioceses, Pastoral and Mission Measure 2007 (functions of Church Buildings Council in relation to churches etc. in use), in subsection (1)(b)—
- (a) for “section 6(1)(b) or (bb) of the [Ecclesiastical Jurisdiction Measure 1963 \(1963 No 1\)](#)” substitute “section 7(1)(a), (c) or (d) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”, and
 - (b) for “any provision in Part III of the [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(1991 No 1\)](#)” substitute “any of sections 56, 58(1) to (6) and (9), 60, 62 to 64, 68 to 75 and 77 to 79 of that Measure”.

Mission and Pastoral Measure 2011

- 16 The Mission and Pastoral Measure 2011 is amended as follows.
- 17 In section 43 (designation of places of worship), in subsection (4), for “section 6 of the [Faculty Jurisdiction Measure 1964 \(1964 No 5\)](#)” substitute “section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 18 In section 61 (declaration of closure for regular public worship), in subsection (3), for “the [Inspection of Churches Measure 1955 \(3 & 4 Eliz. 2 No.1\)](#)” substitute “sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 19 (1) Section 68 (prohibition on closure or disposal of churches otherwise than under the 2011 Measure) is amended as follows.
- (2) In subsection (12)—
- (a) for “section 11 of the [Faculty Jurisdiction Measure 1964 \(1964 No 5\)](#)” substitute “section 26 of the 2018 Measure (costs)”, and
 - (b) for “the proceedings mentioned in that section” substitute “proceedings before a court exercising jurisdiction under that Measure”.
- (3) In subsection (13), for the words from the beginning to “(1991 No 1)” substitute “Section 60(2)(a) and (3) to (8) of the 2018 Measure (parties to proceedings: role of archdeacon)”.

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- (4) In subsection (14), for “section 14 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 74 of the 2018 Measure (power of archdeacon to exercise faculty jurisdiction)”.
- (5) In subsection (15), in paragraph (c), for “section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 92 of the 2018 Measure”.
- (6) At the end insert—
- “(17) In this section, “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”

Care of Cathedrals Measure 2011

- 20 The Care of Cathedrals Measure 2011 is amended as follows.
- 21 In section 6 (application for approval for works to cathedral), in subsection (12), omit the words from “made under” to the end.
- 22 In each of the following provisions, omit “made under section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991”—
- (a) in section 7 (treasure), subsection (5);
 - (b) in section 24 (inventories), subsection (1);
 - (c) in section 32(1) (interpretation), in the definition of “prescribed”.
- 23 In section 32(1) (interpretation), at the appropriate place insert—
- ““rules” means rules made under section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018;”.

PART 2

PROCEDURAL RULES

Ecclesiastical Jurisdiction (Discipline) Rules 1964 (S.I. 1964/1755)

- 24 The Ecclesiastical Jurisdiction (Discipline) Rules 1964 are amended as follows.
- 25 In rule 2(1) (interpretation)—
- (a) in the definition of “the Dean of the Arches and Auditor”, for “section 4 of the Measure” substitute “section 12 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”,
 - (b) in the definition of “the judge of the consistory court”, for “section 4 of the Measure” substitute “section 4 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 26 The following are revoked—
- (a) rules 5 to 18 (proceedings against priest or deacon for offence not involving doctrine etc.);
 - (b) rules 19 to 28 (proceedings against bishop for offence not involving doctrine etc.);
 - (c) rules 39 to 43 (appeal from consistory court);
 - (d) rule 52 (deprivation following proceedings in secular court);

- (e) Forms 8 to 28 and 38 to 41.

Patronage (Benefices) Rules 1987 (S.I. 1987/773)

- 27 In rule 1(1) of the Patronage (Benefices) Rules 1987 (interpretation), in the definition of “A Fees Order”, for “Part II of the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Patronage (Appeals) Rules 1988 (S.I. 1988/1980)

- 28 In rule 2(1) of the Patronage (Appeals) Rules 1988 (interpretation), in the definition of “Fees Order”, for “Part II of the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.

Care of Places of Worship Rules 1999 (S.I. 1999/2111)

- 29 The Care of Places of Worship Rules 1999 are amended as follows.
- 30 In rule 2 (interpretation)—
- (a) in the definition of “application”, for “the Measure” substitute “sections 38 to 44 of the 2018 Measure”, and
 - (b) after the definition of “the Measure” insert “; “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 31 In rule 8 (removal from list: supplementary provisions), for “section 2(2) of the Measure” substitute “section 42(3) of the 2018 Measure”.
- 32 Rule 9 (guidance by diocesan chancellors) is revoked.
- 33 (1) Part 1 of the Schedule (material required in connection with applications for inclusion in the list) is amended as follows.
- (2) In paragraph 3 (entitlement to make application)—
 - (a) for “paragraph 1 of Schedule 1 to the Measure” substitute “section 40 of the 2018 Measure”, and
 - (b) for “that paragraph” substitute “that section”.
 - (3) In paragraph 6 (relevant category), for “section 1(2) of the Measure” substitute “section 38(2) of the 2018 Measure”.
 - (4) In paragraph 7 (use of adjoining building as vestry or sacristy), for “section 1(3) of the Measure” substitute “section 39(1) of the 2018 Measure”.
 - (5) In paragraph 8 (inclusion of curtilage etc.), for “section 1(4) of the Measure” substitute “section 39(2) of the 2018 Measure”.
 - (6) In paragraph 9 (map or plan)—
 - (a) in paragraph (c), for “section 1(3) of the Measure” substitute “section 39(1) of the 2018 Measure”, and
 - (b) in paragraph (d), for “section 1(4) of the Measure” substitute “section 39(2) of the 2018 Measure”.
 - (7) In paragraph 12 (objects and structures), for “paragraph 3 of Schedule 1 to the Measure” substitute “section 44(1) of the 2018 Measure”.

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- 34 (1) Part 2 of the Schedule (material required in connection with applications not for inclusion in the list) is amended as follows.
- (2) In paragraph 13 (name of diocese), for “is deemed pursuant to section 6(3) of the Measure to be situated” substitute “is treated by section 95(5) of the 2018 Measure as being situated”.
- (3) In paragraph 16 (consent)—
- (a) for “paragraph 2 of the Schedule 1 of the Measure” substitute “section 41 of the 2018 Measure”, and
 - (b) for “paragraph 2(6)” substitute “subsection (1) or (2) of that section”.
- (4) In paragraph 17 (shared churches)—
- (a) for “section 1(2)(e) of the Measure” substitute “section 38(2)(e) of the 2018 Measure”, and
 - (b) for “paragraph 2(4) of Schedule 1 to the Measure” substitute “section 41(9) of the 2018 Measure”.
- (5) In paragraph 18 (undertaking), for “the Measure” substitute “sections 38 to 44 of the 2018 Measure”.
- (6) In paragraph 19 (statement of eligibility), for “paragraph (a), (b) or (c) of section 1(5) of the Measure” substitute “section 38(3)(a), (b) or (c) of the 2018 Measure”.

Care of Cathedrals Rules 2006 (S.I. 2006/1941)

- 35 (1) Rule 24 of the Care of Cathedrals Rules 2006 (procedure of Commission of Review and orders as to costs) is amended as follows.
- (2) In paragraph (4)(a), for “the Ecclesiastical Fees Measure 1986” substitute “section 86 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- (3) In paragraph (5)—
- (a) for “Sections 60(3) and 61 of the Ecclesiastical Jurisdiction Measure 1963” substitute “Subsections (2)(b) to (d), (7) and (8) of section 26 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”, and
 - (b) for “section 60 of the said Measure” substitute “that section”.

Faculty Jurisdiction Rules 2015 (S.I. 2015/1568)

- 36 The Faculty Jurisdiction Rules 2015 are amended as follows.
- 37 (1) In rule 2.2 (interpretation), paragraph (1) is amended as follows.
- (2) In the definition of “costs”, for “section 13(1)” substitute “section 69(2)”.
- (3) In the definition of “injunction”, for “section 13(4)” substitute “section 71”.
- (4) In the definition of “the Measure” for “the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- (5) In the definition of “minister”, for “the Measure” substitute “Part 4 of the Measure (see section 80(1) of that Measure)”.

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- (6) In the definition of “national amenity society”, for “the Measure” substitute “Part 3 of the Measure (see section 55(1) of that Measure)”.
- (7) In the definition of “relevant person or body”—
- (a) for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”, and
 - (b) for “by virtue of paragraph 1 of Schedule 1 to that Measure” substitute “under section 40 of the Measure”.
- (8) In the definition of “restoration order”, for “section 13(5)” substitute “section 72”.
- 38 In rule 2.2, in paragraph (5)—
- (a) for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”, and
 - (b) in sub-paragraph (a), for “section 1(4) of that Measure” substitute “section 39(2) of the Measure”.
- 39 In rule 3.1 (matters not requiring a faculty: interpretation), in paragraph (5)(b), for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”.
- 40 In rule 3.4 (additional matters which may be undertaken without a faculty), in paragraph (1), for “section 18C(1)” substitute “section 78(1)”.
- 41 In rule 3.5 (excluded matters: general), in paragraph (1)(k), for “section 3 of the Faculty Jurisdiction Measure 1964” substitute “section 66 of the Measure”.
- 42 (1) Rule 3.6 (excluded matters orders) is amended as follows.
- (2) In paragraph (1), for “section 18C(3)” substitute “section 78(3)”.
 - (3) In paragraph (3), for “section 4(1) of the Measure” substitute “section 49 of the Measure (see subsections (1) and (2) of that section)”.
- 43 In each of the following provisions in Part 5 (faculty proceedings), for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”—
- (a) in rule 5.2 (persons who may submit petition), paragraph (2)(c);
 - (b) in rule 5.3 (form of petition), paragraph (2);
 - (c) in rule 5.5 (information to accompany petition), paragraph (2).
- 44 In rule 5.5 (documents etc. to accompany petition), in paragraph (4), for “section 17(2) or (3)(a)” substitute “section 62(2) or (3)”.
- 45 In rule 6.2 (form of public notice), in paragraph (2), for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”.
- 46 (1) Rule 8.1 (removal of article to place of safety) is amended as follows.
- (2) In each of paragraphs (1) and (2), for “section 21” substitute “section 53”.
 - (3) In paragraph (2)(a), for “section 21(2)” substitute “section 53(3)(a)”.
- 47 In rule 10.1 (objections to faculty petition: interested persons), in paragraph (2), for “section 1(1) of the Care of Places of Worship Measure 1999” substitute “section 38(1) of the Measure”.

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- 48 In rule 19.4 (special citation of persons in default), in paragraph (2)(a), for “section 13(1)” substitute “section 69”.
- 49 In rule 21.2 (appeals: interpretation), omit each of the following—
- (a) the definition of “interim order”;
 - (b) the definition of “permission to appeal”.
- 50 In Schedule 1 (matters which may be undertaken without a faculty), in Table 2 (List B), in each of the following items, for “section 1(2) of the Inspection of Churches Measure 1955” substitute “section 45(2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”—
- (a) item B1(1) (church building: routine maintenance etc.);
 - (b) item B5(3) (churchyard: routine maintenance etc. of walls).
- 51 In Schedule 3 (forms), in each of the following forms, in the parenthetical words following the heading, for “Care of Places of Worship Measure 1999” substitute “section 38 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”—
- (a) Form 1B (standard information);
 - (b) Form 3B (petition for faculty);
 - (c) Form 4B (public notice).

PART 3

FEES ORDERS

Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2017 (S.I. 2017/796)

- 52 The Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2017 is amended as follows.
- 53 In article 1 (the title to which becomes “Citation, commencement and interpretation”), after paragraph (3) insert—
- “(4) In this Order, “the 2018 Measure” means the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.”
- 54 (1) Article 2 (faculty fees payable to diocesan boards of finance) is amended as follows.
- (2) In paragraph (1), for “section 3(2) of the Care of Places of Worship Measure 1999” substitute “section 43(1) of the 2018 Measure”.
 - (3) In paragraph (4)(a), for “section 1(2)(e) of the Care of Places of Worship Measure 1999” substitute “section 38(2)(e) of the 2018 Measure”.
- 55 In article 3 (register of patrons), in paragraph (2), for “section 5(1) of the Ecclesiastical Fees Measure 1986” substitute “section 86(1) and (3) of the 2018 Measure”.
- 56 (1) Article 4 (proceedings in consistory court) is amended as follows.
- (2) In paragraph (2), in Table 1—
 - (a) in the entry for item 2, for “section 13 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (“the 1991 Measure”)” substitute “section 71 or 72 of the 2018 Measure”,

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- (b) in the entry for item 3, for “section 13 of the 1991 Measure” substitute “section 71 or 72 of the 2018 Measure”, and
 - (c) in the entry for item 4, for “section 18 of the 1991 Measure” substitute “section 63 of the 2018 Measure”.
- (3) In paragraph (6), for “section 3(5)(a) of the Care of Places of Worship Measure 1999” substitute “section 43(3) of the 2018 Measure”.
- 57 In article 5 (appeals from consistory court), in paragraph (2), in Table 2, in the entry for item 1, for “section 10(3) of the Ecclesiastical Jurisdiction Measure 1963” substitute “section 18(4) of the 2018 Measure”.
- 58 In article 7 (proceedings in Vicar-General’s court), in paragraph (3), for “section 62 of the Ecclesiastical Jurisdiction Measure 1963” substitute “section 20B of the Care of Cathedrals Measure 2011”.
- 59 (1) Article 9 (proceedings on review of finding of Court of Ecclesiastical Causes Reserved) is amended as follows.
- (2) In paragraph (1), after “(“the 1963 Measure”)” insert “or section 19 of the 2018 Measure”.
 - (3) In paragraph (3)(b), for “proceedings on a case of the kind referred to in section 11(2) (b) of that Measure” substitute “proceedings under section 19 of the 2018 Measure”.
- 60 In article 12 (miscellaneous fees), in paragraph (2), for “section 8 of the Ecclesiastical Fees Measure 1986” substitute “section 86(6) of the 2018 Measure”.

Legal Officers (Annual Fees) Order 2017 (S.I. 2017/797)

- 61 The Legal Officers (Annual Fees) Order 2017 is amended as follows.
- 62 In article 1(3)(b) (interpretation), for “the Ecclesiastical Fees Measure 1986” substitute “the Ecclesiastical Jurisdiction and Care of Churches Measure 2018”.
- 63 (1) Schedule 2 (scope of annual fee) is amended as follows.
- (2) In paragraph 1 (professional services to be provided by the diocesan registrar), in sub-paragraph (10), before “the Measure” insert “section 86 of”.
 - (3) In paragraph 4 (work not within scope), in each of sub-paragraphs (6) and (13), for the words from “Ecclesiastical Judges” to “the Measure” substitute “the Order for the time being in force under subsection (3) of section 86 of the Measure to give effect to recommendations under subsection (2) of that section”.
 - (4) In sub-paragraph (12) of that paragraph, for “section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991” substitute “section 92 of the Measure”.