

Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

PART 2

PROCEDURAL RULES

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

24 The Ecclesiastical Jurisdiction (Discipline) Rules 1964 are amended as follows.

Commencement Information

I1 Sch. 3 para. 24 in force at 1.9.2018 by S.I. 2018/720, art. 2

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 ”.

Commencement Information

I2 Sch. 3 para. 25 in force at 1.9.2018 by S.I. 2018/720, art. 2

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.

Commencement Information

I3 Sch. 3 para. 26 in force at 1.9.2018 by S.I. 2018/720, art. 2

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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 ”.

Commencement Information

I4 Sch. 3 para. 27 in force at 1.9.2018 by S.I. 2018/720, art. 2

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 ”.

Commencement Information

I5 Sch. 3 para. 28 in force at 1.9.2018 by S.I. 2018/720, art. 2

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

- 29 The Care of Places of Worship Rules 1999 are amended as follows.

Commencement Information

I6 Sch. 3 para. 29 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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”.

Commencement Information

I7 Sch. 3 para. 30 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 31 In rule 8 (removal from list: supplementary provisions), for “section 2(2) of the Measure” substitute “ section 42(3) of the 2018 Measure ”.

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I8 Sch. 3 para. 31 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 32 Rule 9 (guidance by diocesan chancellors) is revoked.

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Commencement Information

I9 Sch. 3 para. 32 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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 ”.

Commencement Information

I10 Sch. 3 para. 33 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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 ”.

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- (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 ”.

Commencement Information

I11 Sch. 3 para. 34 in force at 1.9.2018 by S.I. 2018/720, art. 2

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 ”.

Commencement Information

I12 Sch. 3 para. 35 in force at 1.9.2018 by S.I. 2018/720, art. 2

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

- 36 The Faculty Jurisdiction Rules 2015 are amended as follows.

Commencement Information

I13 Sch. 3 para. 36 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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) ”.
- (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

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(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”.

Commencement Information

I14 Sch. 3 para. 37 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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”.

Commencement Information

I15 Sch. 3 para. 38 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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”.

Commencement Information

I16 Sch. 3 para. 39 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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)”.

Commencement Information

I17 Sch. 3 para. 40 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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”.

Commencement Information

I18 Sch. 3 para. 41 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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)”.

Commencement Information

I19 Sch. 3 para. 42 in force at 1.9.2018 by S.I. 2018/720, art. 2

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- 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).

Commencement Information

I20 Sch. 3 para. 43 in force at 1.9.2018 by S.I. 2018/720, art. 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) ”.

Commencement Information

I21 Sch. 3 para. 44 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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 ”.

Commencement Information

I22 Sch. 3 para. 45 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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) ”.

Commencement Information

I23 Sch. 3 para. 46 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 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 ”.

Commencement Information

I24 Sch. 3 para. 47 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 48 In rule 19.4 (special citation of persons in default), in paragraph (2)(a), for “section 13(1)” substitute “ section 69 ”.

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I25 Sch. 3 para. 48 in force at 1.9.2018 by S.I. 2018/720, art. 2

- 49 In rule 21.2 (appeals: interpretation), omit each of the following—

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- (a) the definition of “interim order”;
- (b) the definition of “permission to appeal”.

Commencement Information

I26 Sch. 3 para. 49 in force at 1.9.2018 by S.I. 2018/720, art. 2

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) (churtyard: routine maintenance etc. of walls).

Commencement Information

I27 Sch. 3 para. 50 in force at 1.9.2018 by S.I. 2018/720, art. 2

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).

Commencement Information

I28 Sch. 3 para. 51 in force at 1.9.2018 by S.I. 2018/720, art. 2

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