SCHEDULES

SCHEDULE 1

Section 27

OTHER ECCLESIASTICAL JURISDICTIONS

Revival of amendments made by Care of Cathedrals (Supplementary Provisions) Measure 1994

1 Sections 8 and 9 of and the Schedule to the Care of Cathedrals (Supplementary Provisions) Measure 1994, and section 11 of that Measure so far as relating to those provisions, are to be treated as having been revived immediately after the commencement of the repeal of that Measure by Schedule 3 to the Care of Cathedrals Measure 2011.

Amendments of the Ecclesiastical Jurisdiction Measure 1963

2 The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

3 (1) Section 1 (the ecclesiastical courts) is amended as follows.

(2) Omit subsections (1) and (2).

(3) In subsection (3)—

(a) for "the said provinces" substitute "the provinces of Canterbury and York", and

(b) omit paragraphs (b) and (d) and the "and" preceding paragraph (d).

4 Omit section 2 (judge of consistory court).

5 Omit section 2A (power to limit number of chancellorships etc.).

6 (1) Section 3 (judges of the Arches and Chancery Courts) is amended as follows.

(2) In subsection (1), after "respectively" insert "for the purposes of proceedings on an appeal under section 20 of the Clergy Discipline Measure 2003".

(3) In subsection (2)—

(a) for paragraphs (a) and (b) substitute—

"(a) one shall be the Dean of the Arches and Auditor;

(b) four shall be appointed in accordance with section 20(2) and (3) of the Clergy Discipline Measure 2003.", and

(b) omit paragraph (d).

(4) Omit subsections (3) to (6).

(5) In subsection (7)(a), for "the said oaths" substitute "the oaths set out in Part 1 of Schedule 1 to this Measure".

(6) In subsection (8), for "either of the two last foregoing subsections" substitute "subsection (7)".

7 Omit section 4 (appointment of deputy judges of consistory court).

8 Omit section 5 (judges of the Ecclesiastical Causes Reserved).

9 Omit section 6 (jurisdiction of consistory court).

10 (1) Section 7 (jurisdiction of the Arches and Chancery Courts) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (1A)—

(a) for "Each of the said Courts shall also" substitute "The Arches Court of Canterbury and the Chancery Court of York shall each", and

(b) omit "including that Court".

(4) In subsection (2)—

(a) in paragraph (a), omit "in a disciplinary case,", and

(b) omit paragraph (b).

(5) Omit subsections (4) and (5).

11 Omit section 8 (appellate jurisdiction of Her Majesty in Council).

12 In section 10 (jurisdiction of Court of Ecclesiastical Causes Reserved), omit subsections (A1), (1)(b) and (2) to (6).

13 In section 11 (the title to which becomes "Jurisdiction of Her Majesty to review findings of Court of Ecclesiastical Causes Reserved"), omit subsection (2)(b).

14 For section 12 substitute—

"**12 Disciplinary tribunals to be unaffected by vacation of see**

(1) The vacation of the see of Canterbury or York or of the bishop of any other diocese shall not render a disciplinary tribunal unable to exercise its jurisdiction, and no such vacancy shall affect the discharge by the members or officers of such a tribunal of their functions.

(2) For provision as to the Arches Court of Canterbury, the Chancery Court of York and the Vicar-General's court of each province where there is a vacation of see as mentioned in subsection (1), see section 22 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018."

15 Omit section 13 (certain judges to be ex officio officials principal).

16 Omit section 46 (proceedings in consistory court).

17 In section 47 (proceedings in Arches and Chancery Courts), in subsection (1A), omit ", including any directions under section 7(4) of this Measure".

18 (1) Section 48 (proceedings before Commission of Review) is amended as follows.

(2) In subsection (1), after "a Commission of Review" insert "exercising jurisdiction under this Measure".

(3) In subsection (2), after "in reviewing" insert "under this Measure".

(4) In subsection (3), after "a Commission of Review" insert "under this Measure".

(5) In subsection (6)—

(a) after "a previous Commission of Review" insert "under this Measure or the Ecclesiastical Jurisdiction and Care of Churches Measure 2018", and

(b) after "subsequently appointed" insert "under this Measure".

19 In section 58 (payment of costs of bishop etc.), omit paragraph (c) and the preceding "and".

20 (1) Section 60 (powers of courts and commissions in regard to costs) is amended as follows.

(2) In subsection (1), omit the words from "and the Vicar-General's court" to "1994".

(3) In subsection (2), for the words from the beginning to "examiner" substitute "A court or commission exercising jurisdiction under this Measure, a Vicar-General's court as constituted under the Clergy Discipline Measure 2003, or a committee under this Measure".

21 In section 62 (payment of expenses of courts by Archbishops' Council), in subsection (1), omit the words from "and of the Vicar-General's court" to the end.

22 In section 69 (criminal proceedings)—

(a) omit "in the consistory court of a diocese or", and

(b) for "those Parts" substitute "that Part".

23 In section 80 (place where courts etc. to sit)—

(a) for "Any court, commission, committee or inquiry established or held by or under the provisions of this Measure" substitute "Proceedings in a court or commission exercising jurisdiction under this Measure or of a committee or inquiry under this Measure", and

(b) omit "and the Vicar-General's court of each of the provinces of Canterbury and York".

24 (1) Section 81 (evidence and general powers and rights of courts and commissions) is amended as follows.

(2) In subsection (1)—

(a) for "established" substitute "exercising jurisdiction", and

(b) omit "and the Vicar-General's Court of each of the provinces of Canterbury and York".

(3) In subsection (2), omit "or Vicar-General's court".

(4) Omit subsection (4).

Amendments of the Care of Cathedrals Measure 2011

25 The Care of Cathedrals Measure 2011 is amended as follows.

26 In section 11(3) (constitution of Commission of Review), in paragraph (a), for the "section 3(3) of the Ecclesiastical Jurisdiction Measure 1963 (1963 No 1)" substitute "section 10 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018".

27 (1) Section 18 (institution of proceedings for injunction or restoration order) is amended as follows.

(2) After subsection (1) insert—

"(1A) The Church Commissioners may pay out of their general fund the whole or part of the costs and expenses incurred by a bishop or person designated as mentioned in subsection (1) in or in relation to or directly or indirectly arising out of proceedings authorised, taken or contemplated under subsection (1).

(1B) Before making a payment under subsection (1A), the Commissioners must be satisfied that the costs or expenses are reasonable in amount."

(3) In subsection (2), in paragraph (a), for "section 58 of the Ecclesiastical Jurisdiction Measure 1963 (1963 No.1)" substitute "subsection (1A)".

28 In section 19 (jurisdiction and composition of Vicar-General's court), after subsection (3) insert—

"(4) Proceedings instituted under section 18 may be held in any place convenient to the court, due regard being had to the convenience of parties and witnesses."

29 (1) Section 20 (powers of Vicar-General's court) is amended as follows.

(2) In subsection (9), before "shall be a contempt of court" insert "or of a special citation under subsection (1)".

(3) After subsection (10) insert—

"(11) The court has the same powers as the High Court in relation to—

(a) the attendance and examination of witnesses, and

(b) the production and inspection of documents.

(12) If a person does or omits to do something in connection with proceedings instituted under section 18 which is in contempt of the court, the presiding judge may certify the act or omission under his or her hand to the High Court.

(13) The High Court may—

(a) on receiving a certificate under subsection (12), inquire into the alleged act or omission, and

(b) after hearing any witnesses against or on behalf of the person subject to the allegation and any statement in defence, exercise the same jurisdiction and powers as if the person were guilty of contempt of the High Court.

(14) For the right of appeal against a judgment, order or decree of the court in proceedings instituted under section 18, see section 14 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018."

30 After section 20 insert—

"**20A Costs**

(1) The Vicar-General's court may, at any stage of proceedings instituted under section 18, order a party to give security for costs.

(2) The Vicar-General's court may make an order against a party to proceedings instituted under section 18 for payment of—

(a) taxed costs,

(b) a specified proportion of the taxed costs,

(c) the taxed costs from or up to a specified stage of the proceedings, or

(d) a specified gross sum in lieu of taxed costs.

(3) The power to tax costs under this section is exercisable by a registrar; and the power must be exercised in the prescribed manner.

(4) Where an order for payment of costs is made under subsection (2)(a), (b) or (c), a party to the proceedings may appeal against the registrar's taxation to the Vicar-General's court.

(5) An appeal under subsection (4) is to be lodged and conducted in such manner as may be prescribed.

(6) On an appeal under subsection (4), the Vicar-General may confirm or vary the registrar's taxation.

(7) Costs ordered to be paid under this section are, if the county court so orders, recoverable—

(a) under a warrant issued by the county court (see section 85 of the County Courts Act 1984), or

(b) otherwise as if the sum were payable under an order of the county court.

(8) For the purposes of subsection (7), a certificate stating that the sum specified is the sum due to be paid by the person referred to, and purporting to be signed by the registrar of the diocese or province in which the award for costs was made, is conclusive evidence of the facts certified.

(9) In this section, "costs" includes fees, charges, disbursements, expenses and remuneration.

20B Payment of expenses of courts by Archbishops' Council

(1) The Archbishops' Council must pay the costs and expenses of the Vicar-General's court for the purposes of proceedings instituted under section 18, except in so far as they are payable by any other person under section 20A or an order or rule for the time being in force.

(2) Before making a payment under subsection (1), the Archbishops' Council must be satisfied that the costs or expenses are reasonable in amount.

(3) The Church Commissioners may make contributions from their general fund in relief of the liability of the Archbishops' Council under this section."

SCHEDULE 2

Section 36

DIOCESAN ADVISORY COMMITTEE: CONSTITUTION

Name

1 The committee is known as the [*name of diocese*] Diocesan Advisory Committee.

Membership: appointment

2 (1) The committee consists of—
(a) a chair,
(b) the archdeacon of each archdeaconry in the diocese, and
(c) at least 12 other members.

(2) The chair is appointed by the bishop of the diocese after consultation with—
(a) the bishop's council,
(b) the chancellor of the diocese, and
(c) the Church Buildings Council.

(3) The other members are—
(a) two persons appointed by the bishop's council of the diocese from among the elected members of the diocesan synod,
(b) at least ten other persons appointed by the bishop's council of the diocese of whom—
(i) one is appointed after consultation with the Historic Buildings and Monuments Commission for England,
(ii) one is appointed after consultation with such associations as the Dean of the Arches and Auditor may from time to time designate as the relevant associations of local authorities in relation to the diocese, and
(iii) one is appointed after consultation with the national amenity societies, and
(c) such other persons as may be co-opted under paragraph 5.

(4) In making an appointment under sub-paragraph (3)(b), the bishop's council must ensure that the persons so appointed have between them—
(a) knowledge of the history, development and use of church buildings,
(b) knowledge of Church of England liturgy and worship,
(c) knowledge of architecture, archaeology, art and history, and
(d) experience of the care of historic buildings and their contents.

(5) The first appointments of the chair and of other members under sub-paragraph (3)(a) and (b) take place as soon as practicable.

(6) Subsequent new appointments of the chair or of a member under sub-paragraph (3)(a) or (b) must be made within the period of one year following the formation of the second new diocesan synod after the latest appointments.

Membership: term of office

3 (1) The term of office of the chair or a member appointed under paragraph 2(3)(a) or (b) begins with the appointment and ends with the making of a new appointment under paragraph 2(6).

(2) A member of the committee who ceases to hold a qualification by virtue of which he or she became a member ceases to be a member on ceasing to hold the qualification.

(3) A member of the committee who ceases to hold office otherwise than by virtue of sub-paragraph (2) is eligible for reappointment.

Membership: casual vacancies

4 (1) Where a casual vacancy occurs among the chair and other members appointed under paragraph 2(3)(a) and (b), the bishop must appoint a person to fill the vacancy.

(2) If the person whose place is to be filled was a member of the committee by virtue of being a member of the diocesan synod, the person appointed under sub-paragraph (1) must also be a member of that diocesan synod.

(3) If the person whose place is to be filled was appointed under sub-paragraph (i), (ii) or (iii) of paragraph 2(3)(b), the bishop must, before appointing a person to fill the vacancy, undertake the consultation required under the sub-paragraph concerned.

(4) A person appointed to fill a casual vacancy holds office only for the unexpired portion of the term of office of the person whose place is being filled.

Membership: co-opting

5 (1) The committee may, with the consent of the bishop, from time to time co-opt such persons as it thinks fit to be additional members of the committee.

(2) The number of persons appointed under this paragraph must not exceed one-third of the total number of the other members.

(3) A person co-opted ceases to be a member of the committee on the making of new appointments of members under paragraph 2(6).

Consultants

6 The bishop may appoint suitably qualified persons to act as consultants to the committee if the committee requests the bishop to do so.

Secretary

7 The secretary to the committee is appointed by the bishop after consultation with—

(a) the chair, and

(b) the diocesan secretary.

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" 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)".

(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".

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)".

(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".

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",

(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".

SCHEDULE 4

Section 97

TRANSITIONAL, SAVING AND TRANSITORY PROVISIONS

PART 1

TRANSITIONAL AND SAVING PROVISIONS

Continuity of the law

1 The repeal and re-enactment of provisions by this Measure does not affect the continuity of the law.

2 A reference, express or implied, in this Measure, another enactment or an instrument or document, to a provision of this Measure is, subject to its context, to be read as being or including a reference to the corresponding provision repealed by this Measure, in relation to times, circumstances or purposes in relation to which the repealed provision had effect.

3 A reference, express or implied, in an enactment, instrument or document to a provision repealed by this Measure is, subject to its context, to be read as being or including a reference to the corresponding provision of this Measure, in relation to times, circumstances or purposes in relation to which the corresponding provision has effect.

4 Any subordinate legislation made, any appointment or nomination made or any other thing done, or having effect as if made or done, under (or for the purposes of or in

reliance on) a provision repealed and re-enacted by this Measure, and in force or effective immediately before the commencement of the corresponding provision of this Measure, has effect after that commencement as if made or done under (or for the purposes of or in reliance on) that corresponding provision.

5 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Schedule affects any other provision of that Act.

Effect of previous transitionals and savings

6 The repeals made by this Measure do not affect the operation of a transitional provision or saving relating to the commencement of a provision reproduced in this Measure so far as the transitional provision or saving is not specifically reproduced in this Measure but remains capable of having effect in relation to the corresponding provision of this Measure or otherwise.

7 (1) The repeal by this Measure of a provision previously repealed subject to savings does not affect the continued operation of those savings.

(2) The repeal by this Measure of a saving on the previous repeal of a provision does not affect the operation of the saving in so far as it is not specifically reproduced in this Measure but remains capable of having effect.

Use of existing forms etc.

8 A reference to a provision repealed by this Measure which is contained in a form or other document made, served, granted or issued after the commencement of the repeal is, subject to its context, to be read as being or including a reference to the corresponding provision of this Measure.

Duplicated repeals

9 (1) This paragraph applies in relation to a provision, the repeal of which is provided for both by this Measure and by the Statute Law (Repeals) Measure 2018.

(2) If the repeal of the provision by this Measure comes into force before its repeal by the Statute Law (Repeals) Measure 2018 has come into force, the entry for that provision in the Schedule to that Measure is itself repealed.

PART 2

TRANSITORY PROVISIONS

Proceedings for determining rights to compensation for loss of office etc.

10 (1) This paragraph applies if section 6 of the Mission and Pastoral etc. (Amendment) Measure 2018 has not come into force before the commencement of section 81 of this Measure (Rule Committee: membership).

(2) In this paragraph, “the appointed day” means the day on which section 6 of that Measure comes into force under an order made under section 14 of that Measure.

(3) Section 81 has effect until the appointed day as if, after subsection (5), there were inserted—

"(5A) For the purpose of making rules relating to the procedure to be followed in connection with the determination of rights to compensation under Schedule 4 to the Mission and Pastoral Measure 2011 and in other proceedings under that Schedule, the members of the Committee also include—

(a) one person nominated by the Archbishops' Council, and

(b) one person nominated by the Church of England Pensions Board."

(4) Section 83 (Rule Committee: power to make rules) has effect until the appointed day as if, in subsection (1), after paragraph (d) there were inserted—

"(da) Schedule 4 to the Mission and Pastoral Measure 2011 (compensation for loss of office);".

(5) Schedule 3 (consequential amendments) has effect until the appointed day as if, after paragraph 18 (but before the following cross-heading) there were inserted—

"18A In Schedule 4 (compensation of clergy), in paragraph 14, omit "established by section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991"."

SCHEDULE 5

Section 98

REPEALS AND REVOCATIONS

Reference	*Extent of repeal or revocation*
Parochial Libraries Act 1708 (c. 14)	The whole Act.
Consecration of Churchyards Act 1867 (c. 133)	Section 1. Section 2. Sections 9 to 11.
Consecration of Churchyards Act 1868 (c. 47)	The whole Act.
Inspection of Churches Measure 1955 (No. 1)	The whole Measure.
Ecclesiastical Jurisdiction Measure 1963 (No. 1)	In section 1— (a) subsections (1) and (2), and (b) in subsection (3), paragraphs (b) and (d) and the "and" preceding paragraph (d). Section 2. Section 2A. Section 3(2)(d) and (3) to (6). Sections 4 to 6. In section 7— (a) subsection (1), (b) in subsection (1A), "including that Court",

Reference	*Extent of repeal or revocation*
	(c) in subsection (2)(a), "in a disciplinary case,", and (d) subsections (2)(b), (4) and (5).
	Section 8.
	Section 10(A1), (1)(b) and (2) to (6).
	Section 11(2)(b).
	Section 13.
	Section 46.
	In section 47(1A), ", including any directions under section 7(4) of this Measure".
	In section 58, paragraph (c) and the preceding "and".
	In section 60(1), the words from "and the Vicar-General's court" to "1994".
	In section 62(1), the words from "and of the Vicar-General's court" to the end.
	Section 66(4).
	In section 69, "in the consistory court of a diocese or".
	In section 80, "and the Vicar-General's court of each of the provinces of Canterbury and York".
	In section 81— (a) in subsection (1), "and the Vicar-General's Court of each of the provinces of Canterbury and York", (b) in subsection (2), "or Vicar-General's court", and (c) subsection (4).
Faculty Jurisdiction Measure 1964 (No. 5)	The whole Measure.
Ecclesiastical Jurisdiction (Discipline) Rules (S.I. 1964/1755)	Rules 5 to 28, 39 to 43 and 52. Forms 8 to 28 and 38 to 41.
Ecclesiastical Judges and Legal Officers Measure 1976 (No. 2)	The whole Measure.
Church of England (Miscellaneous Provisions) Measure 1976 (No. 3)	Section 6.
Church of England (Miscellaneous Provisions) Measure 1983 (No. 2)	Section 6. In section 9(4), the words from "section 9(2)" to "case) or".
Ecclesiastical Fees Measure 1986 (No. 2)	Part 2. Section 8. In section 10, the definition of "ecclesiastical judges" and the definition of "legal officers".

Reference	*Extent of repeal or revocation*
Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (No. 1)	Part 1. Part 2. Sections 9 to 31. In Schedule 4, paragraphs 2, 3(b) to (e) and 4 to 7. Schedule 5. Schedule 6. In Schedule 7, paragraphs 1 to 3 and 6 and the preceding cross-heading in each case.
Solicitors' Recognised Bodies Order 1991 (S.I. 1991/2684)	In Schedule 1, the entry for the Faculty Jurisdiction Measure 1964.
Church of England (Miscellaneous Provisions) Measure 1992 (No.1)	Section 3. Section 12. Section 13. In Schedule 3, paragraph 12 and the preceding cross-heading.
Church of England (Legal Aid) Measure 1994 (No. 1)	In Schedule 2, paragraph 3 and the preceding cross-heading.
Care of Cathedrals (Supplementary Provisions) Measure 1994 (No. 2)	Section 9.
Team and Group Ministries Measure 1995 (No. 1)	Section 16. In the Schedule, paragraphs 4(a), 5, 7 and 8.
Church of England (Miscellaneous Provisions) Measure 1995 (No. 2)	Section 13.
Architects Act 1997 (c. 22)	Section 26(a).
Care of Places of Worship Measure 1999 (No. 2)	The whole Measure.
Care of Places of Worship Rules 1999 (S.I. 1999/2111)	Rule 9.
Church of England (Miscellaneous Provisions) Measure 2000 (No. 1)	Section 13. Section 15. Section 16.
Clergy Discipline Measure 2003 (No. 3)	Section 44(3) and (4). Section 45. In Schedule 1, paragraph 2.
Constitutional Reform Act 2005 (c. 4)	In Schedule 7, in paragraph 4, in Part A— (a) the entries for the Ecclesiastical Jurisdiction Measure 1963 and the preceding cross-heading,

Reference	*Extent of repeal or revocation*
	(b) the entry for the Ecclesiastical Fees Measure 1986 and the preceding cross-heading, and (c) the entry for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the preceding cross-heading.
	In Schedule 17, paragraph 25 and the preceding cross-heading.
Church of England (Miscellaneous Provisions) Measure 2006 (No. 1)	Section 7
Charities Act 2006 (c.50)	In Schedule 8, paragraph 46 and the preceding cross-heading.
Ecclesiastical Offices (Terms of Service) Measure 2009 (No. 1)	In Schedule 2, paragraphs 20 to 22 and the preceding cross-heading.
Church of England (Miscellaneous Provisions) Measure 2010 (No. 1)	Section 5.
Care of Cathedrals Measure 2011 (No. 1)	In section 6(12), the words from "made under" to the end. In section 7(5), the words from "made under" to "1991". In section 24(1), the words from "made under" to "1991". In section 32(1), in the definition of "prescribed", the words from "made under" to "1991".
Ecclesiastical Fees (Amendment) Measure 2011 (No. 2)	Part 2. Section 5(1).
Legal Services Act 2007 (Designation as a Licensing Authority) (No.2) Order 2011 (S.I. 2011/2866)	In Schedule 2, the entry for the Faculty Jurisdiction Measure 1964.
Clergy Discipline (Amendment) Measure 2013 (No. 2)	Section 9(4), (5) and (8).
Church of England (Miscellaneous Provisions) Measure 2014 (No. 1)	Section 6. Section 7. Section 13. Section 15. Section 17.
Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015 (No. 1)	Sections 1 to 9.
Faculty Jurisdiction Rules 2015 (S.I. 2015/1568)	In Rule 21.1, the definition of "interim order" and the definition of "permission to appeal".
Safeguarding and Clergy Discipline Measure 2016 (No. 1)	Section 4(2) and (3).