



# Church of England (Miscellaneous Provisions) Measure 2018

2018 No. 7

*Statutory bodies: procedure*

## **10 Legal Aid Commission: rules**

- (1) In section 4 of the Church of England (Legal Aid) Measure 1994 (rules), after subsection (3) insert—

“(3A) Any rules made under subsection (1) may provide for the exercise of a discretion.”
- (2) Subsection (1) is to be regarded as having always had effect.
- (3) The Schedule (which makes amendments to the Church of England (Legal Aid) Rules 1995) has effect.
- (4) The amendments made by that Schedule do not affect the power to make further rules amending or revoking the provision made by those amendments.

## **11 Execution of documents**

- (1) In section 9 of the Church Commissioners Measure 1947 (sealing and execution of documents), after subsection (3) insert—

“(3A) A document which is signed by two officers of the Commissioners authorised by the Board for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Commissioners, shall have the same effect as if executed under the common seal of the Commissioners.

“(3B) An authorisation under subsection (3A) shall have effect subject to such limitations or conditions as may be specified in it.”
- (2) In subsection (5) of that section, for “signed by two members of the Board” substitute “signed in accordance with subsection (3) or (3A)”.

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*Status: This is the original version (as it was originally enacted).*

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(3) In section 21 of the Clergy Pensions Measure 1961 (Church of England Pensions Board: constitution), after subsection (13) insert—

“(13A) A document which is signed by two members of the Board and expressed (in whatever form of words) to be executed by the Board shall have the same effect as if executed under the seal of the Board.

(13B) A document which is signed by two officers or servants of the Board authorised by the Board for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Board, shall have the same effect as if executed under the seal of the Board.

(13C) An authorisation under subsection (13B) shall have effect subject to such limitations or conditions as may be specified in it.

(13D) A document executed by the Board which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(13E) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the Board if it purports to be signed in accordance with subsection (13A) or (13B).”

(4) In Schedule 1 to the National Institutions Measure 1998 (Archbishops’ Council: constitution), after paragraph 12 insert—

“12A (1) A document which is signed by two members of the Council and expressed (in whatever form of words) to be executed by the Council shall have the same effect as if executed under the seal of the Council.

(2) A document which is signed by two officers of the Council authorised by the Council for that purpose, and which is expressed (in whatever form of words) to be signed on behalf of the Council, shall have the same effect as if executed under the seal of the Council.

(3) An authorisation under sub-paragraph (2) shall have effect subject to such limitations or conditions as may be specified in it.

(4) A document executed by the Council which makes clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.

(5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the Council if it purports to be signed in accordance with sub-paragraph (1) or (2).”

(5) In section 3 of the Parochial Church Councils (Powers) Measure 1956 (status of PCC as body corporate), the first sentence of which becomes subsection (1) and the second sentence of which becomes subsection (2), at the end insert—

“(3) An instrument which is signed pursuant to a resolution of the council by two members of the council (whether or not they were present at the meeting at which the resolution was passed) and expressed (in whatever form of words)

to be signed on behalf of the council, shall have the same effect as if executed under hands, or under hands and seals, as provided for in subsection (2).

- (4) A document executed by the council which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.
- (5) In favour of a person who in good faith acquires an interest in property for valuable consideration, a document shall be deemed to have been duly executed by the council if it purports to be signed in accordance with subsection (3).”
- (6) A provision of a Measure (whether passed before or after the commencement of this section) enabling a relevant body to make an instrument or execute a document by applying its seal is also to have effect as enabling the body to make the instrument or execute the document by having it signed in accordance with the relevant provision; and the instrument or document is accordingly to be treated as sealed on the date on which it is so signed.
- (7) For the purposes of subsection (6), each of the bodies specified in the first column of the Table below is a relevant body; and the relevant provision in the case of that body is the provision specified opposite in the second column—

<i>Relevant body</i>	<i>Relevant provision</i>
Church Commissioners	Section 9(3) or (3A) of the Church Commissioners Measure 1947.
Church of England Pensions Board	Section 21(13A) or (13B) of the Clergy Pensions Measure 1961.
Archbishops’ Council	In Schedule 1 to the National Institutions Measure 1998, paragraph 12A.

- (8) In each of the following provisions relating to the sealing of instruments, for “comes into force when” substitute “may not come into force unless”—
- (a) section 6A(4) of the Parochial Church Councils (Powers) Measure 1956;
  - (b) section 5A(5) of the Incumbents and Churchwardens (Trusts) Measure 1964;
  - (c) paragraph 7(5) of Schedule 4 to the Mission and Pastoral Measure 2011;
  - (d) section 6(6) of the Safeguarding and Clergy Discipline Measure 2016.
- (9) The amendments made by subsection (8) are to be regarded as having always had effect.

## **12 Delegation and casual vacancies**

- (1) In section 37 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (diocesan advisory committees: functions), after subsection (9) insert—
- “(9A) The committee may delegate the exercise of any of its functions to an officer of the committee.”
- (2) In Schedule 4 to the Dioceses, Pastoral and Mission Measure 2007 (the Church Buildings Council), after paragraph 22 (but before the following cross-heading) insert—

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*Status: This is the original version (as it was originally enacted).*

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*“Delegation to officers*

22A The Council may delegate to an officer such functions as it thinks fit.”

- (3) In paragraph 10 of Schedule 1 to that Measure (the Dioceses Commission: casual vacancy in office of chair or vice-chair), for “a person from among the members of the House of Clergy and House of Laity to fill the vacancy” substitute “a person to fill the vacancy in accordance with that paragraph;”.