



# Cathedrals Measure 2021

2021 No. 2

*Amendment of governing instruments*

## **31 Revision of constitution and statutes**

- (1) The Chapter of each cathedral may, with the consent of the bishop and of the Church Commissioners, make such amendments to the constitution or statutes as are consistent with this Measure.
- (2) The power under subsection (1) may be exercised so as to replace (either as a whole or in part) the constitution or statutes.
- (3) Amendments which would, if the Chapter were a charitable incorporated organisation, be regulated alterations within the meaning of section 226 of the Charities Act 2011 may not be made to the statutes (and for provision as to amendments to the constitution, see section 33(2)).
- (4) Before deciding whether to give consent under this section, the Church Commissioners must consult the Secretary General of the General Synod.
- (5) Amendments to the constitution or statutes are to be made by way of instrument under the common seal of the Chapter.
- (6) If the Chapter does not itself prepare a draft of the instrument, it may request the Church Commissioners to do so; and the Church Commissioners, having received a request from the Chapter, may prepare a draft of the instrument.
- (7) The bishop may propose amendments to the constitution and statutes for consideration by the Chapter.

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### **Commencement Information**

**II** S. 31(1)(2) in force at Royal Assent see s. 53(1)(a)

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*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 2021, Cross Heading: Amendment of governing instruments. (See end of Document for details)*

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## 32 Consultation

- (1) Before making amendments to the constitution or statutes, the Chapter of a cathedral must carry out consultation in accordance with this section.
- (2) The Chapter must prepare a notice of the preparation of a draft of an instrument containing the amendments proposed to the constitution or statutes; and the notice must—
  - (a) set out the purpose of the amendments,
  - (b) specify where the draft instrument may be viewed online,
  - (c) specify a place in the diocese where a copy of the draft instrument may be inspected, and
  - (d) state that written representations may be made to the Chapter no later than a specified date, with that date being at least 28 days after the publication of the notice.
- (3) The Chapter must—
  - (a) post the notice under subsection (2) on its website, and
  - (b) display the notice in a prominent position in or in the vicinity of the cathedral.
- (4) After the end of the period specified in the notice for the purposes of subsection (2) (d), the Chapter, having considered representations duly made during that period, may amend the draft instrument.

## 33 Consents

- (1) The Chapter of a cathedral may not make amendments to the constitution or statutes unless it has obtained—
  - (a) the consent of the Church Commissioners,
  - (b) the consent of the bishop of the diocese, and
  - (c) if consent is required under subsection (2) or (3), that consent.
- (2) Amendments to the constitution which would, if the Chapter were a charitable incorporated organisation, be regulated alterations within the meaning of section 226 of the Charities Act 2011 require the consent of the Charity Commission.
- (3) Amendments to the constitution or statutes which affect any right or interest of Her Majesty require Her consent.

### Commencement Information

**I2** S. 33(1)(3) in force at Royal Assent see s. 53(1)(a)

## 34 Formalities

- (1) After the Chapter has carried out consultation on a draft instrument in accordance with section 32 and has made such amendments to the draft instrument as it thinks fit, the dean must sign a copy of the instrument in the form of that draft incorporating any such amendments.
- (2) A copy of the instrument signed by the dean must be sent to the Church Commissioners.

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- (3) If the Church Commissioners are content with the instrument in the form in which it is sent to them under subsection (2), they must certify that to the Chapter; and the instrument comes into operation on the date of the certificate.
- (4) In the case of amendments made to the constitution, the Chapter must, within 15 working days of receiving the certificate under subsection (3), file a copy of the instrument with the Charity Commission.
- (5) In subsection (4), “working day” means a day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England under the Banking and Financial Dealings Act 1971.

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**Commencement Information**

**I3** [S. 34\(1\)-\(3\)](#) in force at Royal Assent see [s. 53\(1\)\(a\)](#)

**Changes to legislation:**

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