



# Cathedrals Measure 2021

2021 No. 2

PROSPECTIVE

*Governing instruments, etc.*

## 4 Constitution: objects

- (1) The constitution must specify the following as the only objects of the Chapter of a cathedral—
  - (a) to advance the Christian religion in accordance with the faith and practice of the Church of England, in particular by furthering the mission of the Church of England;
  - (b) to care for and conserve the fabric and structure of the cathedral church building;
  - (c) to advance any other charitable purposes which are ancillary to the furtherance of the purpose referred to in paragraph (a) or (b).
- (2) In subsection (1)—
  - “the mission of the Church of England” means the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical;
  - “cathedral church building” means, in the case of each cathedral, the buildings within the ecclesiastical exemption for that cathedral;
  - “charitable purposes” means purposes within section 2(1) of the Charities Act 2011.
- (3) In furthering the objects set out in subsection (1), the Chapter must act for the public benefit within the meaning of section 4(3) of the Charities Act 2011.
- (4) A reference in this Measure to the constitution in relation to a cathedral is—
  - (a) in relation to times before the commencement under section 53(3) of certain provisions of this Measure in relation to that cathedral, a reference to the constitution of the cathedral, and

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- (b) in relation to times after that commencement, a reference to the constitution of the Chapter.

## **5 Constitution: general provision**

- (1) The constitution must—
  - (a) provide for the appointment of canons in Holy Orders, subject to section 9(4);
  - (b) provide for the appointment of lay canons;
  - (c) make provision as to the duration of the term of office, and as to the number of consecutive terms of office, which a non-executive member of the Chapter may serve;
  - (d) provide for the appointment of persons to undertake administration in the cathedral through the carrying out of the role of a chief operating officer and the role of a chief finance officer;
  - (e) provide for the appointment of an architect or surveyor of the fabric of the cathedral;
  - (f) provide for the appointment of an auditor for the Chapter;
  - (g) provide for the appointment of a person having the function of supervising music in the cathedral;
  - (h) provide for the establishment of a committee known as “the Nominations Committee” (see section 15);
  - (i) provide (subject to sub-paragraph (j)) for the establishment of a committee known as “the Finance Committee” and of a committee known as “the Audit and Risk Committee” (see section 16);
  - (j) provide that, if the Chapter considers that establishment of the committees referred to in sub-paragraph (i) is not practicable, a committee known as the “Finance Committee” must be established and the Chapter must make whatever arrangements are necessary to ensure appropriate governance of the cathedral (including management of risk) and appropriate oversight of its internal and external audit, given the size and complexity of its financial affairs and the nature of its activities.
- (2) The same person may be appointed to carry out each of the roles referred to in subsection (1)(d), if each role is to be carried out on a part-time basis.
- (3) A person appointed to either of the roles referred to in subsection (1)(d) is referred to in this Measure as a “chief officer”; but the Chapter may confer on a person so appointed a job title different from that given in subsection (1)(d).
- (4) The constitution must provide that a person may not be appointed by virtue of subsection (1)(e) unless the person has such qualifications and expertise in matters relating to the conservation of historic buildings and other matters as the Chapter considers appropriate.
- (5) Before making a decision about the qualifications and expertise required for the purposes of subsection (4), the Chapter must consult—
  - (a) the Cathedrals Fabric Commission for England, and
  - (b) such other persons as the Chapter considers appropriate.
- (6) In making arrangements of the kind referred to in subsection (1)(j), the Chapter must have due regard to any guidance issued by the Church Commissioners on the financial affairs of cathedrals.

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- (7) Before issuing guidance of the kind referred to in subsection (6), the Church Commissioners must consult such bodies as appear to them to represent cathedrals in relation to their financial affairs.
- (8) The constitution must include provision to exclude the power conferred by section 292B of the Charities Act 2011 (social investment power).
- (9) Where the constitution provided, immediately before the commencement of this section, for the appointment of the dean to be made by Her Majesty, the constitution must continue so to provide.
- (10) Where, in the case of a cathedral which is or part of which is a parish church, the constitution provided, immediately before the commencement of this section, for the incumbent of the benefice which comprises the parish to be the dean, the constitution must continue so to provide.

## **6 Constitution: provision for community rolls**

- (1) In the case of a cathedral which is not a parish church, the constitution must require the formation and maintenance of a roll which contains the name of each person—
  - (a) who is baptised,
  - (b) who is aged 16 or over,
  - (c) who has made one of the following two declarations, and
  - (d) whose application for enrolment for the purposes of this subsection has been granted.
- (2) The first declaration is that the person—
  - (a) is a member of the Church of England or of a Church in communion with it, and
  - (b) has habitually attended public worship at the cathedral during the preceding six months.
- (3) The second declaration is that the person—
  - (a) is a member in good standing of a Church which is not in communion with the Church of England but subscribes to the doctrine of the Holy Trinity,
  - (b) is also a member of the Church of England, and
  - (c) has habitually attended public worship at the cathedral during the preceding six months.
- (4) In the case of a cathedral which is not a parish church, the constitution must permit the formation and maintenance of a roll which contains the name of each person—
  - (a) who is not eligible for inclusion on the roll maintained for the purposes of subsection (1), but
  - (b) who is a member of the cathedral community, and
  - (c) whose application for enrolment for the purposes of this subsection has been granted.
- (5) In the case of a cathedral which is, or part of which is, a parish church, the constitution must permit the formation and maintenance of a roll which contains the name of each person—
  - (a) who is not eligible for inclusion on the church electoral roll of the parish, but
  - (b) who is a member of the cathedral community, and

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- (c) whose application for enrolment for the purposes of this subsection has been granted.

## 7 Statutes

- (1) The statutes must make provision for the good government of the cathedral; and the provision which may be so made includes in particular—
  - (a) provision for the creation, continuance, abolition, suspension or termination of suspension of a dignity, office or body in the cathedral and for the title by which a dignity or office is to be known;
  - (b) provision that the power of presentation or nomination to a benefice in the patronage of the cathedral is exercisable by the Chapter or a patronage committee of the Chapter;
  - (c) if the whole of the cathedral is a parish church, provision that only part of the cathedral is to be the parish church;
  - (d) if part of the cathedral is a parish church, provision that the whole cathedral or another part of it is to be the parish church.
- (2) The statutes must include provision as to the functions of the chief officers.
- (3) The statutes must include provision for the establishment of a group concerned with the management of the cathedral (see section 19).
- (4) The statutes must include provision for the fostering of the corporate and spiritual life of the Chapter and its members.
- (5) The statutes may include consequential, supplementary, incidental or transitional provision.
- (6) Provision made in the statutes must be consistent with this Measure and with the constitution.
- (7) A reference in this Measure to the statutes in relation to a cathedral is—
  - (a) in relation to times before the commencement under section 53(3) of certain provisions of this Measure in relation to that cathedral, a reference to the statutes of the cathedral, and
  - (b) in relation to times after that commencement, a reference to the statutes of the Chapter.

## 8 Application of the Charities Act 2011

- (1) In section 10 of the Charities Act 2011 (ecclesiastical corporations etc.), in subsection (3), after “spiritual purposes” insert “ but does not include the Chapter of a cathedral to which the Cathedrals Measure 2021 applies ”.
- (2) In each of sections 84(3)(b), 84B(3) and 85(3)(b) of that Act (powers of Charity Commission to give directions), after “any Act” insert “ or Measure ”.
- (3) In section 84 of that Act, at the end insert—
 

“(6) In this section and sections 84B and 85, “Measure” means a Measure of the Church Assembly or of the General Synod of the Church of England.”

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- (4) The members of the Chapter of each cathedral have the general control and management of the administration of the Chapter and are, accordingly, the charity trustees of the Chapter for the purposes of the Charities Act 2011.
- (5) The Chapter of each cathedral is subject to the control of the High Court in the exercise of the Court's jurisdiction with respect to charities.

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 24(7A) inserted by [2022 c. 6 Sch. 2 para. 20](#)