

## SCHEDULES

### SCHEDULE 4

#### CONSEQUENTIAL AMENDMENTS

#### PART 1

#### ACTS AND MEASURES

##### *Ecclesiastical Commissioners Act 1840*

- 1 In section 27 of the Ecclesiastical Commissioners Act 1840 (qualification of deans, archdeacons and canons), omit “, provost” in each place it appears.

##### *Ecclesiastical Commissioners Act 1841*

- 2 In section 13 of the Ecclesiastical Commissioners Act 1841 (dealings with property held in trust for Durham University), any reference to the dean and chapter of Durham Cathedral which, by virtue of section 36(1) of the Cathedrals Measure 1999, was to be read immediately before the commencement of this paragraph as a reference to the corporate body of that cathedral is to be read as a reference to the Chapter of the cathedral in its capacity as the body corporate for the cathedral.

##### *Ecclesiastical Houses of Residence Act 1842*

- 3 In section 8 of the Ecclesiastical Houses of Residence Act 1842 (application of trust property), omit “dean, and”.

##### *Universities and College Estates Act 1925*

- 4 In section 37 of the Universities and College Estates Act 1925 (power to transfer advowsons, etc. gratuitously), after “a bishop,” insert “Chapter,”.

##### *Ecclesiastical Commissioners (Powers) Measure 1936*

- 5 In section 2 of the Ecclesiastical Commissioners (Powers) Measure 1936 (schemes for re-endowing certain bishoprics)—
- (a) in subsection (3)(d), for “the cathedral council” substitute “the Chapter”, and
  - (b) in subsection (6), for “a dean and chapter” substitute “the Chapter”.

##### *Cathedrals Measure 1963*

- 6 The Cathedrals Measure 1963 is amended as follows.
- 7 Section 40 (Newcastle Chapter Endowment Fund) is repealed.

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- 8 (1) Section 42 (appointment of additional canon at Oxford) is amended as follows.
- (2) In subsection (4), for “cathedral duties; sections 8(2) and (3), 21, 22 and 35(1) of the Cathedrals Measure 1999” substitute “cathedral duties within the meaning of the Cathedrals Measure 2021; and sections 14(2) to (5), 28(1) to (3) and 45(1) of that Measure”.
- (3) In subsection (6), after “the passing of the Cathedrals Measure 1999” insert “, or the passing of the Cathedrals Measure 2021,”.
- 9 (1) Section 44 (Southwark) is amended as set out in sub-paragraphs (2) and (3).
- (2) Subsection (1) ceases to have effect.
- (3) In subsection (2), for “section twenty of this Measure on the capitular body of the said cathedral church” substitute “sections 21 and 22 of the Cathedrals Measure 2021 (acquisition and disposal of land) on the Chapter of the cathedral church of Southwark”.
- (4) In consequence of the repeal made by sub-paragraph (2), it is hereby declared that the cathedral church building of the diocese of Southwark is vested in the Chapter of the cathedral.
- 10 In section 52(1) (interpretation), omit the definition of “cathedral duties”.

*Leasehold Reform Act 1967*

- 11 (1) Section 31 of the Leasehold Reform Act 1967 (ecclesiastical property) is amended as follows.
- (2) In subsection (1)—
- (a) for “a capitular body within the meaning of the Cathedrals Measure 1963” substitute “the Chapter of a cathedral”, and
- (b) for “the capitular body” substitute “the Chapter”.
- (3) In subsection (2)—
- (a) omit “the Cathedrals Measure 1999 or”, and
- (b) after “the Church Property Measure 2018” insert “or the Cathedrals Measure 2021”.
- (4) In subsection (3)—
- (a) for “the capitular body” substitute “the Chapter”, and
- (b) for “sections 21 and 23 of the Cathedrals Measure 1963” substitute “section 24 of the Cathedrals Measure 2021”.

*Sharing of Church Buildings Act 1969*

- 12 In section 10(2) of the Sharing of Church Buildings Act 1969 (cathedrals), for “The dean or provost and chapter of such a cathedral” substitute “The Chapter of such a cathedral or, in the case of the cathedral church of Christ in Oxford, the dean and canons”.

#### *Synodical Government Measure 1969*

- 13 In the Church Representation Rules, contained in Schedule 3 to the Synodical Government Measure 1969, in Rule 83 (interpretation), in paragraph (6), for the words from “section 9” to the end substitute “section 6(1) of the Cathedrals Measure 2021”.

#### *Ecclesiastical Offices (Age Limit) Measure 1975*

- 14 The Ecclesiastical Offices (Age Limits) Measure 1975 is amended as follows.
- 15 In section 3 (continuing in office after retirement age), in subsection (1)(b), omit “provost”.
- 16 In section 6 (interpretation), in the definition of “incumbent”, omit “or provost”.
- 17 In the Schedule (relevant offices), omit “or provost”.

#### *Incumbents (Vacation of Benefices) Measure 1977*

- 18 The Incumbents (Vacation of Benefices) Measure 1977 is amended as follows.
- 19 In section 6 (enquiry into whether incumbent unable to discharge functions because of age or disability), in subsection (2)(b), omit “, provost”.
- 20 In section 19 (meaning of “benefice”), for “dean or provost of a parish church cathedral within the meaning of the Cathedrals Measure 1963” substitute “dean of a parish church cathedral; and the reference to a parish church cathedral is to be read with section 40(2) of the Cathedrals Measure 2021”.

#### *Administration of Justice Act 1982*

- 21 In section 41 of the Administration of Justice Act 1982 (transfer of funds to Official Custodian for Charities or corporate body of cathedral etc.), after subsection (3) insert—
- “(4) The preceding provisions of this section cease to apply to the case of funds held in trust for a cathedral on the commencement in relation to that cathedral of the charity provisions within the meaning of section 53(7) of the Cathedrals Measure 2021”.

#### *Patronage (Benefices) Measure 1986*

- 22 In section 8 of the Patronage (Benefices) Measure 1986 (declaration of membership), in subsection (7), for paragraph (a) substitute—
- “(a) the Chapter of the cathedral of the diocese or, in the case of the cathedral church of Christ in Oxford, the dean and canons;”.

#### *Leasehold Reform, Housing and Urban Development Act 1993*

- 23 The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.
- 24 (1) In Schedule 2, paragraph 8 (ecclesiastical landlords) is amended as follows.
- (2) In sub-paragraph (1)(a), for “a capitular body within the meaning of the Cathedrals Measure 1963” substitute “the Chapter of a cathedral”.

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- (3) In sub-paragraph (2)—
    - (a) omit “the Cathedrals Measure 1999 or”, and
    - (b) after “the Church Property Measure 2018” insert “or the Cathedrals Measure 2021”.
  - (4) In sub-paragraph (3)—
    - (a) for “a capitular body” substitute “the Chapter of a cathedral”,
    - (b) in paragraph (a), for “that body” substitute “the Chapter”, and
    - (c) in paragraph (b), for “sections 21 and 23 of the Cathedrals Measure 1963” substitute “section 24 of the Cathedrals Measure 2021”.
- 25 In Schedule 14 (landlord’s right to terminate new lease on grounds of redevelopment), in paragraph 11(a), for “a capitular body within the meaning of the Cathedrals Measure 1963” substitute “the Chapter of a cathedral”.

*Clergy Discipline Measure 2003*

- 26 In section 42 of the Clergy Discipline Measure 2003 (special cases), in subsection (2) (a), for “the council of the cathedral church” substitute “the Chapter of the cathedral”.

*Dioceses, Pastoral and Mission Measure 2007*

- 27 Schedule 2 to the Dioceses, Pastoral and Mission Measure 2007 (contents of reorganisation schemes) is amended as follows.
- 28 In paragraph 1 (preliminary), omit the definition of “the 1999 Measure”.
- 29 (1) Paragraph 4 (provisions relating to cathedral church etc.) is amended as follows.
- (2) In sub-paragraph (3)—
    - (a) in paragraph (a), for the words from “the 1999 Measure” to the end substitute “the Cathedrals Measure 2021”,
    - (b) in paragraph (c), for “under section 5 of the 1999 Measure” substitute “in accordance with section 3 of the Cathedrals Measure 2021”, and
    - (c) in paragraph (d), for “the 1999 Measure” substitute “the Cathedrals Measure 2021”.
  - (3) In sub-paragraph (4), for “under section 5 of the 1999 Measure” substitute “in accordance with section 3 of the Cathedrals Measure 2021”.
- 30 In paragraph 5, in sub-paragraph (3)(b), for “section 5 of the 1999 Measure” substitute “section 3 of the Cathedrals Measure 2021”.

*Church of England (Miscellaneous Provisions) Measure 2010*

- 31 In section 10 of the Church of England (Miscellaneous Provisions) Measure 2010 (cathedrals), omit subsection (1) (which provides that the corporate body of a cathedral is not a charity).

*Care of Cathedrals Measure 2011*

- 32 The Care of Cathedrals Measure 2011 is amended as follows.

- 33 In each of sections 2(1) and (2A), 24(1) and 25(1) (references to property vested in corporate body), for “the corporate body”, in each place it appears, substitute “the Chapter”.
- 34 In section 9 (application to Cathedrals Fabric Commission), omit subsection (5) (which enables the Commission to ask the Chapter to consult the Council).
- 35 In section 26(5) (reports and inspections by architects and surveyors), for “section 20 of the [Cathedrals Measure 1999 \(1999 No.1\)](#)” substitute “section 27 of the Cathedrals Measure 2021”.
- 36 In section 27 (maintenance of records), for “section 20 of the Cathedrals Measure 1999” substitute “section 27 of the Cathedrals Measure 2021”.
- 37 In section 28 (reports by cathedral archaeologists), after subsection (3) insert—
- “(4) For the purposes of the application of subsection (1) by subsection (3), the reference to section 20 of the Cathedrals Measure 1999 is to be read as a reference to section 27 of the Cathedrals Measure 2021.”
- 38 In section 32(1) (interpretation)—
- (a) in the definition of “administrator of the cathedral”, for “under section 9(1) (e) of the Cathedrals Measure 1999” substitute “by virtue of section 5(1) (d) of the Cathedrals Measure 2021”,
  - (b) in the definition of “cathedral architect or surveyor of the fabric”, for “section 9(1)(f) of the Cathedrals Measure 1999” substitute “section 5(1) (e) of the Cathedrals Measure 2021”,
  - (c) in the definition of “Chapter”, for “section 2 of the Cathedrals Measure 1999” substitute “section 2 of the Cathedrals Measure 2021”, and
  - (d) omit the definition of “corporate body”.

#### *Mission and Pastoral Measure 2011*

- 39 In paragraph 6 of Schedule 3 to the Mission and Pastoral Measure 2011 (pastoral schemes and orders: vesting of property), in paragraph (b) of the proviso to subparagraph (1), for “the cathedral chapter” substitute “the Chapter of the cathedral”.

#### *Church of England Pensions Measure 2018*

- 40 In section 10 of the Church of England Pensions Measure 2018 (the responsible body), in subsection (2)(b), for “section 21 of the Cathedrals Measure 1999” substitute “section 28(1) or (2) of the Cathedrals Measure 2021”.