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SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 2(5)

THE CHAPTER OF A CATHEDRAL

Membership

- 1 (1) The members of the Chapter of a cathedral are—
- (a) the dean of the cathedral,
 - (b) the residentiary canons of the cathedral, and
 - (c) such other persons as are appointed or elected in accordance with this Schedule.
- (2) The following members of the Chapter are referred to in this Measure as the “executive” members—
- (a) the dean of the cathedral, and
 - (b) each residentiary canon who carries out cathedral duties.
- (3) For the purposes of sub-paragraph (2)(b), a residentiary canon is not to be regarded as carrying out cathedral duties if the Chapter considers that the duties carried out by that residentiary canon are of such a minor nature that they should be disregarded for those purposes.
- (4) Any question arising as to the nature of cathedral duties carried out by a residentiary canon is to be determined by the bishop as Visitor.
- (5) The other members of the Chapter are referred to in this Measure as the “non-executive” members.
- (6) The Chapter must have more non-executive members than executive members.
- (7) The Chapter must have at least eight members but no more than twelve or such larger number as is necessary to comply with sub-paragraph (6).
- (8) At least two-thirds of the non-executive members must be lay persons.

Eligibility, etc.

- 2 (1) A person is not eligible to be a member of the Chapter if—
- (a) the person is disqualified from being a charity trustee under the Charities Act 2011, and
 - (b) the disqualification is not subject to a waiver under that Act which is applicable to membership of the Chapter.

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- (2) Section 36 (safeguarding) makes other provision about disqualification from appointment to the Chapter.
- (3) A person is not eligible to be a member of the Chapter if the person is a chief officer; and, accordingly, if a member of the Chapter is appointed as a chief officer, the membership of the Chapter terminates on the appointment.
- (4) But a chief officer who was a member of the Chapter in accordance with the Cathedrals Measure 1999 immediately before the commencement of this Schedule in relation to the cathedral may, in spite of sub-paragraph (3), continue to serve as such—
 - (a) until the commencement of the charity provisions (see section 53(7)), and
 - (b) if the Chapter's application under section 35 of the Charities Act 2011 for registration as a charity includes a request for the chief officer to continue to serve as such and the request is agreed to, from the time when the request is agreed to.
- (5) Where the Chapter's application for registration as a charity includes a request of the kind mentioned in sub-paragraph (4)(b), a chief officer is entitled to serve in reliance on sub-paragraph (4) pending the decision on whether to agree to the request.
- (6) A person is not eligible to be a member of the Chapter unless the person is aged 16 or over.
- (7) A person is eligible to be a non-executive member only if the person is—
 - (a) an actual communicant (within the meaning given in Rule 83(2) of the Church Representation Rules), or
 - (b) a communicant member of a Church which is not in communion with the Church of England but subscribes to the doctrine of the Holy Trinity.
- (8) A majority of the non-executive members must be actual communicants (within the meaning given in Rule 83(2) of the Church Representation Rules).
- (9) At least one non-executive member must have recent and relevant financial experience.

Non-executive members: appointment or election

- 3 (1) It is for the members of the Chapter, subject to sub-paragraph (2), to appoint all but one of the non-executive members other than the residentiary canons; and an appointment under this sub-paragraph may be made only if the bishop has approved it.
- (2) If the constitution so provides, up to one-third of the non-executive members of the Chapter (other than the residentiary canons) may be elected—
 - (a) where the cathedral is not a parish church, by the persons whose names are included on the roll maintained for the purposes of section 6(1) and, if there is a roll maintained under section 6(4), by the persons whose names are included on that roll, or
 - (b) where the cathedral or part of it is a parish church, by the persons whose names are included on the church electoral roll of the parish and, if there is a roll maintained for the purposes of section 6(5), by the persons whose names are included on that roll.

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- (3) A person is not eligible to be a candidate for an election referred to in sub-paragraph (2) unless the person's candidacy has been approved by the bishop, the Chapter and the Nominations Committee.
- (4) If the constitution so provides, an election referred to in sub-paragraph (2) is to be held in accordance with the statutes.
- (5) It is for the bishop of the diocese to appoint one of the non-executive members who is not a residentiary canon; but before making an appointment under this sub-paragraph, the bishop must consult the Chapter.

Emoluments and expenses

- 4 (1) An executive member is entitled to receive stipends or any other emoluments in accordance with section 26 or 28.
- (2) An executive member who is a residentiary canon and does not receive stipends or any other emoluments in accordance with section 26 or 28 is entitled to receive stipends or any other emoluments from the Chapter or from any other person in respect of any functions (other than as a charity trustee) relating to the cathedral.
- (3) Neither a non-executive member nor a connected person is entitled to receive any emoluments from the Chapter.
- (4) Neither a non-executive member nor a connected person is entitled to receive any emoluments from the Church Commissioners in respect of any functions (whether as a charity trustee or otherwise) relating to the cathedral.
- (5) A member of the Chapter is entitled to reimbursement of reasonable expenses incurred in exercising functions as such and as a charity trustee.
- (6) Section 185 of the Charities Act 2011 (remuneration for charity trustee providing services to a charity) does not apply to a member of the Chapter.
- (7) “Connected person”, in relation to a non-executive member, has the meaning it has in accordance with section 188 of the Charities Act 2011 in relation to any charity trustee.

Senior non-executive member

- 5 (1) The non-executive member appointed by the bishop under paragraph 3(5) is, by virtue of that appointment, the senior non-executive member of the Chapter.
- (2) The senior non-executive member—
 - (a) may be a lay person or a clerk in Holy Orders, but
 - (b) may not be a suffragan or assistant bishop or archdeacon in the diocese or the bishop's chaplain or the diocesan secretary.

Meetings

- 6 (1) Meetings of the Chapter are to be chaired by—
 - (a) the dean, or
 - (b) if the dean is absent, the senior non-executive member, or

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- (c) if the dean and the senior non-executive member are absent, a non-executive member chosen by the members of the Chapter.
- (2) But the senior non-executive member is not entitled to chair a meeting of the Chapter if a person appointed under section 13 is carrying out functions of the dean (unless that person is himself or herself absent).
- (3) Each year, the Chapter must hold a sufficient number of meetings to enable the efficient transaction of its business.
- (4) The chief officers must attend each meeting of the Chapter unless the Chapter considers that there are circumstances which justify excluding or excusing either or both of the chief officers from the whole or part of the meeting; and a chief officer, when attending the whole or part of a meeting of the Chapter, may speak but may not vote.
- (5) If there is a tied vote at a meeting of the Chapter which is being chaired by the dean, the dean has a second, casting vote.

Trust corporation

- 7 For the purposes of each of the following provisions, “trust corporation” includes the Chapter of a cathedral—
- (a) section 117(1)(xxx) of the Settled Land Act 1925;
 - (b) paragraph (18) of section 68(1) of the Trustee Act 1925;
 - (c) section 205(1)(xxviii) of the Law of Property Act 1925;
 - (d) section 55(1)(xxvi) of the Administration of Estates Act 1925;
 - (e) section 128 of the Senior Courts Act 1981.

Transfer of Council's trusteeships etc.

- 8
- (1) The trusts of any charity the property of which was, immediately before the commencement of section 2(3), vested in or under the management or control of the Council for a cathedral, whether with or without other persons, are to have effect with the replacement of the Council by the Chapter in its capacity as the body corporate for the cathedral.
 - (2) The trusts of any charity the property of which was, immediately before the commencement of section 2(3), vested in or under the management or control of one or more members of the Council for a cathedral in their capacity as such, whether with or without other persons, are to have effect with the replacement of each member concerned by a member of the Chapter whom it has appointed for the purpose.
 - (3) Any power to make an appointment or to give consent which was conferred on the Council for a cathedral by an instrument or other document made before the commencement of section 2(3) is transferred to the Chapter for it to exercise in its capacity as the body corporate for the cathedral.
 - (4) Any power to make an appointment or to give consent which was conferred on the chair of the Council for a cathedral in his or her capacity as such by an instrument or other document made before the commencement of section 2(3) is transferred to the dean as chair of the Chapter for him or her to exercise in that capacity.

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PROSPECTIVE

SCHEDULE 2

Section 3

DIOCESE OF LEEDS: THE COLLEGE OF CANONS

- 1 In its application to the diocese of Leeds, section 3 has effect as if the following were substituted for it—

The College of Canons

- “3 (1) There is to continue to be a body for all of the cathedrals of the diocese, established in the case of each cathedral in accordance with the constitution, called the College of Canons (but, by virtue of section 2(2), neither that body nor its members form part of the body corporate for the cathedral).
- (2) The members of the College of Canons are—
- (a) the dean of each cathedral of the diocese,
 - (b) every suffragan bishop of the diocese,
 - (c) every canon of each of the cathedrals of the diocese,
 - (d) every archdeacon of the diocese, and
 - (e) the incumbent of any benefice a church belonging to which is the pro-cathedral of the diocese.
- (3) The function of presiding in the College of Canons is exercisable—
- (a) by the dean of a cathedral of the diocese appointed by the bishop for that purpose, or
 - (b) if that dean is unable to preside or elects not to do so on a particular occasion, by such of the other deans as has held office longest as dean of a cathedral of the diocese.
- (4) The functions conferred by the Appointment of Bishops Act 1533 on the body referred to in that Act as the dean and chapter of a cathedral are exercisable by the College of Canons; and that Act is to be read accordingly.
- (5) The reference in subsection (3) to presiding in the College of Canons includes a reference to calling the College together for the purpose of performing the functions referred to in subsection (4).
- (6) The College of Canons has such other functions as may be conferred on it by the constitution or statutes.
- (7) In subsection (2)(c), “canon” includes a lay canon and a non-residentiary canon but not a minor canon; and “non-residentiary canon” includes a prebendary who is not a residentiary canon.”

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PROSPECTIVE

SCHEDULE 3

Section 47

TRANSFER OF TRUST PROPERTY

<i>Cathedral</i>	<i>Property</i>
Chester	Barbara Dod Fund
Chichester	Prebendal Funds
Gloucester	Re-estab Canonry
Guildford	Residential Canonry
Leicester	Provost Fund
St. Paul in London	Cantlers Prebend
Newcastle	Endowment Fund
Portsmouth	Canonry Fund
Salisbury	ex Rent Charge
Sheffield	Provost Fund
Sheffield	Canonry Fund
York	Consolidated Fund
York	Starkey Choir Fund
York	Bedern Fund

NOTES

- 1 In each entry in the Table, the name specified in the second column is the name used in the Church Commissioners' records to refer to certain property held by them on trust in connection with the cathedral specified in the first column; and the property referred to in that entry is, accordingly, the property referred to by that name in those records.

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SCHEDULE 4

Section 50

CONSEQUENTIAL AMENDMENTS

PART 1

ACTS AND MEASURES

PROSPECTIVE

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.

PROSPECTIVE

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.

PROSPECTIVE

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”.

PROSPECTIVE

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, ”.

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PROSPECTIVE

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.

PROSPECTIVE

- 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.

Commencement Information

- II** [Sch. 4 para. 9\(1\)\(2\)\(4\)](#) in force at Royal Assent see [s. 53\(1\)\(h\)](#)

PROSPECTIVE

- 10 In section 52(1) (interpretation), omit the definition of “cathedral duties”.

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PROSPECTIVE

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 ”.

PROSPECTIVE

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 ”.

PROSPECTIVE

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 ”.

PROSPECTIVE

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”.

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| 16 | In section 6 (interpretation), in the definition of “incumbent”, omit “or provost”. |
| 17 | In the Schedule (relevant offices), omit “or provost”. |

PROSPECTIVE

Incumbents (Vacation of Benefices) Measure 1977

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| 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 ”. |

PROSPECTIVE

Administration of Justice Act 1982

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| 21 | <p>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—</p> <p style="padding-left: 40px;">“(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”.</p> |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PROSPECTIVE

Patronage (Benefices) Measure 1986

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| 22 | <p>In section 8 of the Patronage (Benefices) Measure 1986 (declaration of membership), in subsection (7), for paragraph (a) substitute—</p> <p style="padding-left: 40px;">“(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;”.</p> |
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PROSPECTIVE

Leasehold Reform, Housing and Urban Development Act 1993

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| 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. |

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- (2) In sub-paragraph (1)(a), for “a capitular body within the meaning of the Cathedrals Measure 1963” substitute “ the Chapter of a cathedral ”.
- (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 ”.

PROSPECTIVE

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 ”.

PROSPECTIVE

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 ”.

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PROSPECTIVE

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).

PROSPECTIVE

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”.

PROSPECTIVE

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 sub-

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paragraph (1), for “the cathedral chapter” substitute “ the Chapter of the cathedral ”.

PROSPECTIVE

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 ”.

PROSPECTIVE

PART 2

PROCEDURAL RULES

Clergy Discipline Rules 2005 (S.I. 2005/2022)

- 41 In Rule 92 of the Clergy Discipline Rules 2005 (clergy serving in a cathedral), in paragraph (f)(ii), for “the relevant cathedral council” substitute “ the Chapter of the relevant cathedral ”.

Care of Cathedrals Rules 2006 (S.I. 2006/1941)

- 42 The Care of Cathedrals Rules 2006 are amended as follows.
- 43 In Rule 2(1) (interpretation)—
- (a) in the definition of “administrator”, for “under section 9(1)(e) of the Cathedrals Measure 1999” substitute “ by virtue of section 5(1)(d) of the Cathedrals Measure 2021 ”, and
 - (b) omit the definition of “corporate body”.
- 44 In each of Rules 4(3) and 28(1) (references to property of corporate body), for “the corporate body” substitute “ the Chapter ”.
- 45 In Rule 14 (application to Cathedrals Fabric Commission), in paragraph (2)—
- (a) omit sub-paragraph (b) and the preceding “or”,
 - (b) omit paragraph (ii) and the preceding “, and”, and
 - (c) omit “or the Council's views in paragraph (ii)” and “in question”.

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Changes and effects yet to be applied to :

- Sch. 4 para. 4 and cross-heading omitted by [2022 c. 6 Sch. 1 para. 24](#)

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](#)