



# Cathedrals Measure 2021

2021 No. 2

## *Transitional provisions*

### **46 Preparatory steps by Councils**

- (1) The Council of each cathedral must act so as to secure the revision of the constitution and statutes in readiness for the implementation of this Measure; and to secure that objective, the Council must act in accordance with sections 31 to 34 as modified by section 53(2).
- (2) If, before the passing of this Measure, the Council of a cathedral has taken steps which it considers necessary or appropriate for securing the objective under subsection (1), those steps are to be treated as if they had been taken in compliance with subsection (1) after the passing of this Measure.
- (3) If the Church Commissioners are satisfied that the Council of a cathedral has secured the objective under subsection (1), they must certify to the Charity Commission and to the Chapter that—
  - (a) the constitution and statutes have been revised in readiness for the implementation of this Measure,
  - (b) the provisions of this Measure specified in the certificate will come into force in relation to the cathedral on the day on which the revised constitution and statutes take effect (as to which see, section 53(3)), and
  - (c) the charity provisions (as to which, see section 53(7)) will come into force in relation to the cathedral on the date specified in the certificate.
- (4) The date certified under subsection (3)(c) must be—
  - (a) no earlier than three months after the date on which the revision of the constitution and statutes was completed, and
  - (b) no later than three years after the date on which this Measure is passed.
- (5) A certificate for the purposes of subsection (3)(c) may be given after the certificate for the purposes of subsection (3)(a) and (b) is given.

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*Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 2021, Section 46. (See end of Document for details)*

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- (6) If, in the opinion of the Church Commissioners, there is an unreasonable delay on the part of the Council of a cathedral in taking steps to secure the objective under subsection (1), the Church Commissioners may themselves act in accordance with sections 31 to 34 so as to secure the objective; and for that purpose, those sections have effect as if—
- (a) any reference to the Chapter were a reference to the Church Commissioners, except in section 34(3),
  - (b) in each of sections 31(1) and 33(1), the requirement for the consent of the Church Commissioners were omitted,
  - (c) in section 31, subsections (4) and (6) were omitted, and
  - (d) in section 32 there were also a requirement for the notice under subsection (2) of that section to be sent to the Chapter and the administrator of the cathedral.
- (7) The Chapter may appeal to the archbishop of the province against a decision by the Church Commissioners to act under subsection (6); and the archbishop's decision is final.
- (8) Subsections (1) and (2) do not affect the operation of section 13 of the Interpretation Act 1978 (anticipatory exercise of powers) in relation to this Measure.

**Changes to legislation:**

There are currently no known outstanding effects for the Cathedrals Measure 2021, Section 46.