



Cathedrals Measure 2021

2021 No. 2

Governing instruments, etc.

PROSPECTIVE

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

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Cathedrals Measure 2021, Section 5. (See end of Document for details)

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.
- (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.
- [^{F1}(11) The constitution may include provision in accordance with section 14A for the appointment of a lay person as a residentiary canon of the cathedral.]

Textual Amendments

- F1** S. 5(11) inserted (coming into force in accordance with s. 22(3) of the amending Measure) by [Church of England \(Miscellaneous Provisions\) Measure 2024 \(No. 1\)](#), [Sch. 1 para. 16](#)

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