

2021 No. 1151

ECCLESIASTICAL LAW, ENGLAND

**The Cathedrals Measure 2021 (Transitional Provisions) Order
2021**

Made - - - - *7th October 2021*

Coming into force in accordance with article 1(2)

The Archbishops of Canterbury and York acting jointly, in exercise of the power conferred by section 53(10) of the Cathedrals Measure 2021(a), make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Cathedrals Measure 2021 (Transitional Provisions) Order 2021.

(2) This Order comes into force on the first date on which the provisions of the Cathedrals Measure 2021 referred to in section 53(3) of that Measure come into force in relation to a cathedral.

Church Dignitaries (Retirement) Measure 1949: provision relating to freeholders

2. On the disapplication by section 53(3) of the Cathedrals Measure 2021 of certain provisions of the Cathedrals Measure 1999(b) in relation to a cathedral, section 36(1) of that Measure (construction of references to dean and chapter, etc.) is nevertheless to continue to apply to the Church Dignitaries (Retirement) Measure 1949(c) for so long as there are persons to whom that Measure is capable of applying in the case of that cathedral.

General transitional provisions relating to references to old cathedral bodies etc.

3.—(1) A reference in an instrument or other document to the dean and chapter, the administrative chapter, the administrative body, the cathedral chapter or the capitular body is, unless the context requires otherwise, to be read as a reference to the Chapter of the cathedral in question.

(2) A reference in an instrument or other document to a parish church cathedral is, unless the context requires otherwise, to be read as a reference to a cathedral in respect of which, immediately before the date appointed in relation to that cathedral under section 38(2) of the Cathedrals Measure 1999, there was no corporate body known as the dean and chapter.

(3) A reference in an instrument or other document to the provost of a cathedral is, unless the context requires otherwise, to be read as a reference to the dean of the cathedral.

(a) 2021 No. 2.
(b) 1999 No. 1.
(c) 1949 No. 1.

(4) A reference in an instrument or other document to capitular revenues or capitular funds in relation to a cathedral is, unless the context requires otherwise, to be read as a reference to the funds of the Chapter of the cathedral.

(5) In this article, a reference to an instrument or other document does not include a reference to an enactment.

+ *Justin Cantuar*
Archbishop of Canterbury
+ *Stephen Ebor*
Archbishop of York

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision under section 53(10) of the Cathedrals Measure 2021.

Article 2 relates to the Church Dignitaries (Retirement) Measure 1949, which applies only to clergy who hold office on freehold, including those who hold freehold office in a cathedral. It provides for the references to cathedral chapters in the 1949 Measure to continue to be defined in accordance with the Cathedrals Measure 1999 for so long as there are cathedral clergy to whom the 1949 Measure applies.

Article 3 makes general transitional provision for ensuring that references in instruments or documents (but not legislation) to cathedral-related terms which are now out of date are, where necessary, to be read as references to the relevant term under the Cathedrals Measure 2021.

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