

SCHEDULES

SCHEDULE 3

Section 17(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Cemeteries Clauses Act 1847

- 1 In section 27 of the Cemeteries Clauses Act 1847 (appointment and licensing of chaplain) for the words “The company shall” there shall be substituted the words “The company may”.

Sequestration Act 1849

- 2 In section 1 of the Sequestration Act 1849 (which relates to the powers of sequestrators of ecclesiastical benefices)—
- (a) for the words from the beginning to “authority of law” there shall be inserted the words “Every sequestrator of an ecclesiastical benefice”;
 - (b) for the words “appointment of such sequestrator” there shall be inserted the word “sequestration”.

Benefices Act 1898

- 3 In section 11 of the Benefices Act 1898 (rules) after the words “section 3 of this Act” there shall be inserted the words “or section 1(2) of the Benefices Measure 1972”.

Church Commissioners Measure 1947

- 4 In section 5 of the Church Commissioners Measure 1947 (constitution and functions of Board of Governors) in subsection (2) at the end there shall be inserted the words “; and for the purposes of this subsection a member may be elected to act as chairman in the Archbishop’s absence at any meeting to be held during the following period of twelve months.”
- 5 In the First Schedule to that Measure (constitution of the Commissioners)—
- (a) in paragraph 1 for the words “deans appointed by the General Synod” there shall be substituted the words “persons elected by the deans from amongst themselves”;
 - (b) in paragraph 2—
 - (i) for the words “shall be appointed” there shall be substituted the words “and Commissioners elected by the deans shall be appointed or elected”;
 - (ii) after the words “to be appointed” there shall be inserted the words “or elected”;
 - (iii) after the words “so appointed” there shall be inserted the words “or elected”.

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Diocesan Stipends Funds Measure 1953

- 6 In section 4 of the Diocesan Stipends Funds Measure 1953 (application of moneys credited to capital accounts) in subsection (1) after paragraph (d) there shall be inserted the following paragraph—

“(dd) the provision or improvement of parsonage houses;”

- 7 In section 5 of that Measure (application of moneys credited to income accounts) in subsection (1) after paragraph (a) there shall be inserted the following paragraph—

“(aa) in meeting expenses incurred in repairing and maintaining parsonage houses;”.

- 8 In section 8 of that Measure (interpretation) in subsection (1) at the end there shall be inserted the following definition—

““parsonage house” has the same meaning as in the Endowments and Glebe Measure 1976”.

Ecclesiastical Jurisdiction Measure 1963

- 9 In section 55 of the Ecclesiastical Jurisdiction Measure 1963 (deprivation of priest or deacon following certain proceedings in secular courts) in subsection (1)(e) for the words “a matrimonial order made against him under section 2 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960” there shall be substituted the words “an order made against him under section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978”.

Cathedrals Measure 1963

- 10 In section 12 of the Cathedrals Measure 1963 (provisions as to parishes of parish church cathedrals) for subsection (3) there shall be substituted the following subsection—

“(3) Upon the transfer of the functions of the parochial church council of any parish under subsection (1) of this section, the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 shall have effect in relation to that parish subject to the following modifications—

- (a) for any reference to the parochial church council there shall be substituted a reference to the administrative body;
- (b) paragraphs (3) and (5) of Rule 8, Rules 12 to 17B, paragraphs (2) and (3) and the words “or extraordinary” in paragraph (4) of Rule 18 and Appendix II shall not apply;
- (c) in paragraph (9) of Rule 8 for the reference to the secretary of the parochial church council there shall be substituted a reference to the clerk to the administrative body; and
- (d) in paragraph (1) of Rule 18 for the reference to a written representation by not less than one-third of the lay members of the parochial church council there shall be substituted a reference to a written representation by not less than one-half of the lay members of the administrative body:

Provided that an annual parochial church meeting shall not be entitled by virtue of this section to receive under paragraph (1) of Rule 8 of the said Rules any information or accounts which they

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would not have been entitled to receive thereunder if the said transfer had not taken place.”.

Benefices Measure 1972

11 In section 1 of the Benefices Measure 1972 (additional ground for refusing to institute) after subsection (2) there shall be inserted the following subsection—

“(2A) The procedure and practice on or in connection with proceedings on an appeal under subsection (2) above shall be in accordance with rules made under section 11 of the Benefices Act 1898.”.

Church of England (Miscellaneous Provisions) Measure 1976

12 In section 6 of the Church of England (Miscellaneous Provisions) Measure 1976 (amendment of law relating to burials in parish burial ground) in subsection (2) at the end there shall be inserted the words “; and in this subsection the reference to burial includes a reference to disposal of cremated remains”.

Endowments and Glebe Measure 1976

13 In section 20 of the Endowments and Glebe Measure 1976 (powers of Diocesan Boards of Finance to deal with diocesan glebe land)—

(a) in subsection (5) for the words “if the benefice is vacant, on the churchwardens of that parish” there shall be substituted the words—

“if the benefice is vacant—

(a) on the priest-in-charge of the benefice, in the event of a priest-in-charge being appointed for the benefice during a suspension period declared in respect of the benefice under section 67 of the Pastoral Measure 1983; or

(b) on the churchwardens of the parish, in any other case”;

(b) in subsection (6) for the words “churchwardens of the parish” there shall be substituted the words “priest-in-charge or churchwardens of the parish, as the case may be”.

14 In section 23 of that Measure (grant or appropriation of diocesan glebe land for certain purposes) in subsection (2) for the words from “of section 13(1)” to the end there shall be substituted the words “or (f) of section 13(1) of the said Measure of 1943 (provision of building or land for various purposes connected with church halls etc.)”.

15 In section 24 of that Measure (rent free house for team vicar on diocesan glebe land) after the words “vicar in a team ministry” there shall be inserted the words “or assistant curate or a deaconess or lay worker”.

16 In section 38 of that Measure (amendments of the law relating to sequestrations) in subsection (3) for the words from the beginning to “vacancy in a benefice” there shall be substituted the words “Except where a period of suspension of presentation immediately follows a period during which the benefice has been vacant, the sequestrators of a vacant benefice”.

17 In section 45 of that Measure (interpretation) in subsection (1) after the definition of “land” there shall be inserted the following definition—

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““lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been licensed by a bishop to serve as such a worker;”.

Dioceses Measure 1978

- 18 In section 2 of the Dioceses Measure 1978 (advisory functions of the Commission) in subsection (3) at the end there shall be inserted the words “or on any proposal to appoint a full-time stipendiary assistant bishop for the diocese”.

Pastoral Measure 1983

- 19 In section 29 of the Pastoral Measure 1983 (places of worship) in subsection (1) the words “in the parish” shall be omitted.
- 20 In section 54 of that Measure (redundancy schemes in respect of churches closed or demolished otherwise than under this Measure) in subsection (3) at the end there shall be inserted the words “: Provided that, where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which a demolished church was situated, to take the place of the demolished church, the net proceeds and the net premiums shall be applied in accordance with section 46(1)(c)”.
- 21 In section 67 of that Measure (suspension of presentation for period not exceeding five years) in subsection (6)(e) the words “if sequestrators have been appointed under section 68,” shall be omitted.
- 22 In section 68 of that Measure, (during suspension period sequestration of profits and other matters)—
- (a) in subsection (1) the words from “and in appointing” to the end shall be omitted;
 - (b) in subsection (2) the words “appointed under this section in respect of any benefice” shall be omitted.
- 23 In Schedule 4 to that Measure (compensation of clergy), in paragraph 15—
- (a) in sub-paragraph (1)(b) for the words from “by the Lower House” to “members of that House” there shall be substituted the words “from among the members of the Lower House of the Convocation of the Province concerned by, in the case of the Convocation of Canterbury, the Standing Committee of the Lower House and, in the case of the Convocation of York, the body of Assessors of the Lower House of that Convocation”;
 - (b) in sub-paragraph (1)(c) after the words “appointed by” there shall be inserted the words “the Standing Committee of”;
 - (c) in sub-paragraph (2) for the words “The persons appointed by” there shall be substituted the words “The persons appointed from among the members of” and for the words “his place, in such manner as the House concerned may determine” there shall be substituted “place of the person vacating office, in the same manner as that person was appointed”.
- 24 In Schedule 6 to that Measure (disposal of human remains) in paragraph 3(1) for the words from “cost of such removal” to the end there shall be substituted the words “reasonable cost of such removal and reinterment or cremation or disposal; and if any question arises as to what is a reasonable sum for that purpose the decision of the Commissioners shall be conclusive”.

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- 25 In Schedule 7 to that Measure (sequestration of benefice property during suspension period)—
- (a) in paragraph 1 for the words from the beginning to ““the sequestrators”” there shall be substituted the words “During any suspension period the sequestrators”;
 - (b) for paragraph 4 there shall be substituted the following paragraph—

“4 Where a suspension period immediately follows a period during which a benefice has been vacant, the foregoing provisions of this Schedule shall apply to any balance in the hands of the sequestrators at the beginning of the suspension period as if it were income of the benefice accruing during that period.”.

Patronage (Benefices) Measure 1986

- 26 In section 9 of the Patronage (Benefices) Measure 1986 (information to be sent to designated officer)—
- (a) in subsection (1) after the word “vacant” there shall be inserted the words “or the expiration of three weeks after receiving notice of the vacancy from the designated officer under section 7(4) of this Measure, whichever is later,”;
 - (b) in subsection (2) after the words “two months” there shall be inserted the words “or three weeks, as the case may be,”.
- 27 In Schedule 2 to that Measure (modification of Part II in its application to certain benefices) in paragraph 4 after the words “one representative,” there shall be inserted the words “but not more than two representatives,”.