

SCHEDULES

SCHEDULE 1

Section 2(2).

PROVISIONS TO BE INCLUDED IN DIOCESAN ADVISORY COMMITTEE CONSTITUTIONS

Name

- 1 The committee shall be known as the [name of diocese concerned] Diocesan Advisory Committee.

Membership

- 2 The committee shall consist of a chairman, the archdeacons of the diocese and not less than twelve other members.
- 3 The chairman shall be appointed by the bishop of the diocese after consultation with the bishop's council, the chancellor and the Council for the Care of Churches.
- 4 The other members shall be—
- (a) two persons appointed by the bishop's council of the diocese from among the elected members of the diocesan synod of the diocese;
 - (b) not less than ten other persons appointed by the bishop's council of the diocese, of whom one shall be appointed after consultation with the Historic Buildings and Monuments Commission for England, one shall be appointed after consultation with the relevant associations of local authorities and one shall be appointed after consultation with the national amenity societies;
 - (c) such other persons as may be co-opted under paragraph 12 below.
- 5 In making appointments under paragraph 4(b) above, the bishop's council shall ensure that the persons appointed have, between them,—
- (a) knowledge of the history, development and use of church buildings;
 - (b) knowledge of Church of England liturgy and worship;
 - (c) knowledge of architecture, archaeology, art and history; and
 - (d) experience of the care of historic buildings and their contents.
- 6 The first appointment of the chairman and other members of the committee under paragraph 4(a) and (b) above shall take place as soon as practicable, and subsequent new appointments of the chairman and those members shall be made within the period of one year following the formation of the second new diocesan synod after the latest appointments.
- 7 The term of office of the chairman and any other member of the committee appointed under paragraph 4(a) or (b) above shall be the period from his appointment to the making of new appointments in accordance with paragraph 6 above.

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

- 8 A member of the committee who ceases to hold a qualification by virtue of which he became a member shall thereupon cease to be a member.
- 9 A member of the committee who ceases to hold office otherwise than by virtue of paragraph 8 above shall be eligible for re-appointment.
- 10 Where a casual vacancy occurs among the chairman and other members of the committee appointed under paragraph 4(a) or (b) above, the bishop shall appoint a person to fill the vacancy, and if the person whose place is to be filled was a member of the committee by virtue of his membership of the diocesan synod of the diocese the person so appointed shall also be a member of that diocesan synod.
- 11 Any person appointed to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he is appointed.
- 12 With the consent of the bishop of the diocese, the committee may from time to time co-opt such persons (of a number not exceeding one third of the total number of the other members) as it thinks fit to be additional members of the committee, but any person so co-opted shall cease to be a member of the committee on the making of new appointments of members in accordance with paragraph 6 above.

Miscellaneous

- 13 The bishop of the diocese may appoint suitably qualified persons to act as consultants to the committee if the committee request him to do so.
- 14 The secretary to the committee shall be appointed by the bishop of the diocese after consultation with the chairman of the committee and the chief administrative officer of the diocese.
- 15 In this constitution “national amenity society” has the same meaning as in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.
- In paragraph 4(b) above “relevant associations of local authorities” means such associations as may from time to time be designated by the Dean of the Arches and Auditor as the relevant associations of local authorities for the purposes of this Schedule in relation to the diocese concerned.

SCHEDULE 2

Section 2(5).

FUNCTIONS OF DIOCESAN ADVISORY COMMITTEE

- 1 The functions of a Diocesan Advisory Committee shall be—
- (a) to act as an advisory body on matters affecting places of worship in the diocese and, in particular, to give advice when requested by any of the persons specified in paragraph 2 below on matters relating to—
 - (i) the grant of faculties;
 - (ii) the architecture, archaeology, art and history of places of worship;
 - (iii) the use, care, planning, design and redundancy of places of worship;
 - (iv) the use and care of the contents of such places;
 - (v) the use and care of churchyards and burial grounds;

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

- (b) to review and assess the degree of risk to materials, or of loss to archaeological or historic remains or records, arising from any proposals relating to the conservation, repair or alteration of places of worship, churchyards and burial grounds and the contents of such places;
 - (c) to develop and maintain a repository of records relating to the conservation, repair and alteration of places of worship, churchyards and burial grounds and other material (including inspection reports, inventories, technical information and photographs) relating to the work of the committee;
 - (d) to issue guidance for the preparation and storage of such records;
 - (e) to make recommendations as to the circumstances when the preparation of such a record should be made a condition of a faculty;
 - (f) to take action to encourage the care and appreciation of places of worship, churchyards and burial grounds and the contents of such places, and for that purpose to publicise methods of conservation, repair, construction, adaptation and re-development;
 - (g) to perform such other functions as may be assigned to the committee by any enactment, by any Canon of the Church of England or by resolution of the diocesan synod or as the committee may be requested to perform by the bishop or chancellor of the diocese.
- 2 The persons referred to in paragraph 1(a) above are—
- (a) the bishop of the diocese;
 - (b) the chancellor of the diocese;
 - (c) the archdeacons of the diocese;
 - (d) the parochial church councils in the diocese;
 - (e) intending applicants for faculties in the diocese;
 - (f) the pastoral committee of the diocese;
 - (g) persons engaged in the planning, design or building of new places of worship in the diocese, not being places within the jurisdiction of the consistory court;
 - (h) such other persons as the committee may consider appropriate.

SCHEDULE 3

Section 3.

AMENDMENT OF INSPECTION OF CHURCHES MEASURE 1955

- 1 The ^{M1}Inspection of Churches Measure 1955 shall be amended as follows.

Marginal Citations

M1 1955 No. 1.

- 2 In subsection (2) of section 1 (which provides for the establishment of schemes for the inspection of churches)—
- (a) in paragraph (c) for the words “an architect or architects” there shall be inserted the words “ a qualified person or persons ”;
 - (b) in paragraph (d) for the words “and to the parochial church council of the parish” there shall be substituted the words “ , to the parochial church council of the parish in which the church is situate and to the incumbent

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

of the benefice comprising that parish and to the secretary of the advisory committee of the diocese ”.

3 After section 1 there shall be inserted the following sections:—

“1A Inspections to extend to certain valuable articles, etc.

Where, in accordance with a scheme established under section 1 of this Measure, a person inspects a church the inspection shall extend to—

- (a) any movable article in the church which he is directed by the archdeacon concerned, after consultation with the advisory committee, to treat as being, and such other articles as the person inspecting the church considers to be,—
 - (i) of outstanding architectural, artistic, historical or archaeological value; or
 - (ii) of significant monetary value; or
 - (iii) at special risk of being stolen or damaged;
- (b) any ruin in the churchyard (open or closed) which is for the time being designated by the Council for British Archaeology and the Royal Commission on the Historical Monuments of England acting jointly as being of outstanding architectural, artistic, historical or archaeological value;
- (c) any tree in the churchyard (open or closed) belonging to the church in respect of which a tree preservation order under the Town and Country Planning Act 1990 is for the time being in force,

and references in this Measure to the inspection of a church shall be construed accordingly.

1B Duty of bishops to establish schemes.

- (1) Where, for any diocese to which this Measure applies, a scheme has not been made in pursuance of section 1 of this Measure it shall be the duty of the bishop of the diocese to establish a scheme for the purpose specified in subsection (1) of that section complying with the provisions of subsection (2) (a) to (d) thereof and containing such other provisions not inconsistent with this Measure as the bishop shall think fit.
- (2) Any scheme made in pursuance of this section shall, for the purposes of this Measure (except section 1(4)), be deemed to have been made in pursuance of section 1 of this Measure.”.

4 In section 2 (which empowers the archdeacon to ensure the inspection of churches every five years)—

- (a) in subsection (1) for the words “an architect” there shall be substituted the words “ a qualified person ”;
- (b) at the end there shall be inserted the following subsection:—

“(3) For the purposes of this section any reference to a church shall be construed as including a reference to any movable article in a church which the archdeacon concerned, after consultation with the advisory committee, considers to be—

- (a) of outstanding architectural, artistic, historic or archaeological value; or

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

- (b) of significant monetary value; or
- (c) at special risk of being stolen or damaged.”

5 In section 6 (interpretation)—

- (a) after the definition of “the bishop” there shall be inserted the following definition:—

““church” means—

- (a) any parish church other than one to which the Care of Cathedrals Measure 1990 applies;
- (b) any other church or chapel (not being a cathedral church to which the Care of Cathedrals Measure 1990 applies or a church or chapel which is not subject to the jurisdiction of the bishop of a diocese or the Cathedral Church of Christ in Oxford) which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England; and
- (c) any building licensed for public worship according to the rites and ceremonies of the Church of England other than—
 - (i) a building which is in a university, college, school, hospital or public or charitable institution but which has not been designated under section 29(2) of the 1983 Measure as a parish centre of worship;
 - (ii) a building which has been excluded from the provisions of this Measure by direction of the bishop with the approval of the advisory committee; and
 - (iii) a building used solely for the purpose of religious services relating to burial or cremation;”;

- (b) at the end there shall be inserted the following definitions:—

““qualified person” means a person registered under the Architects Registration Acts 1931 to 1969 or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor;

“ruin” means any site comprising the remains of any building above the surface of the land, not being—

- (a) a monument (within the meaning of section 3 of the Faculty Jurisdiction Measure 1964); or
- (b) a site which is for the time being used for the purpose of public worship according to the rites and ceremonies of the Church of England”.

SCHEDULE 4

Section 8.

AMENDMENT OF ECCLESIASTICAL JURISDICTION MEASURE 1963

1 The ^{M2}Ecclesiastical Jurisdiction Measure 1963 shall be amended as follows.

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

Marginal Citations

M2 1963 No.1.

F12

Textual Amendments

F1 Sch. 4 para. 2 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

- 3 In section 3 (judges of the Arches and Chancery Courts)—
- (a) in subsection (1) for the words “five in number” there shall be substituted the words “ as set out in subsection (2) of this section ”;
 - F2(b)
 - F2(c)
 - F2(d)
 - F2(e)
 - (f) in subsection (7) for the words from the beginning to “appointed” there shall be substituted the words “ A person appointed under paragraph (b) or (c) of subsection (2) of this section ”.

Textual Amendments

F2 Sch. 4 para. 3(b)-(e) repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F34

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F35

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F36

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

F37

Textual Amendments

F3 Sch. 4 paras. 4-7 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

8 In section 47 (proceedings in Arches and Chancery Courts) for subsection (1) there shall be substituted the following subsection—

“(1) Proceedings in the Arches Court of Canterbury or the Chancery Court of York shall be heard and disposed of—

- (a) in the case of an appeal from a judgment of the consistory court of a diocese given in such proceedings as are mentioned in section 6(1) (a) of this Measure, by all the judges of the Court mentioned in paragraphs (a), (b) and (c) of section 3(2) of this Measure;
- (b) in any other case, by the Dean of the Arches and Auditor and two diocesan chancellors designated by him for the purposes of the case.”.

9 In section 60 (powers of courts and commissions in regard to costs) at the end there shall be inserted the following subsections—

“(5) Where an order for payment of taxed costs has been made under subsection (2) of this section any party to the proceedings may appeal to the chancellor of the diocese in which the proceedings took place against the registrar’s taxation, and on any such appeal the chancellor may confirm or vary the registrar’s taxation.

(6) An appeal under subsection (5) of this section shall be lodged and conducted in such manner as may be prescribed.”

10 In section 66(1) (interpretation) in the definition of “prescribed” for the words “this Measure” there shall be substituted the words “ section 26 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 ”.

11 In section 81 (evidence and general powers and rights of courts and commissions) for subsections (2) and (3) there shall be substituted the following subsections—

“(2) If any person does or omits to do anything in connection with proceedings before, or with an order made by, such court or commission which is in contempt of that court or commission by virtue of any enactment or which would, if the court or commission had been a court of law having power to commit for contempt, have been in contempt of that court, the judge or presiding judge of the court or the presiding member of the commission, as the case may be, may certify the act or omission under his hand to the High Court.

(3) On receiving a certificate under subsection (2) above the High Court may thereupon inquire into the alleged act or omission and after hearing any witnesses who may be produced against or on behalf of the person who is the subject of the allegation, and after hearing any statement that may be offered in defence, exercise the same jurisdiction and powers as if that person had been guilty of contempt of the High Court.

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

(4) In this section “order” includes a special citation under subsection (2) of section 13 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and an injunction under subsection (4) of that section.”.

F4 SCHEDULE 5

Section 9.

Textual Amendments

F4 Sch. 5 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F5 SCHEDULE 6

Section 10.

Textual Amendments

F5 Sch. 6 repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

SCHEDULE 7

Section 32(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

F6 ...

Textual Amendments

F6 Sch. 7 paras. 1-3 and cross-heading repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

- F6₁
- F6₂
- F6₃

Synodical Government Measure 1969

4 In Schedule 3 to the ^{M3}Synodical Government Measure 1969 (Church Representation Rules)—

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

- (a) in rule 8(1) in sub-paragraph (f), at the end there shall be inserted the words “ , under section 5 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 ”;
- (b) in rule 24(2)(a)(vii) and (3)(a)(ii) after the word “finance” there shall be inserted in both places the words “ and the chairman of the diocesan advisory committee ”.

Marginal Citations

M3 1969 No. 2.

Pastoral Measure 1983

F75

Textual Amendments

F7 Sch. 7 para. 5 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Sch. 8); 2012 No. 1, art. 2

F8 ...

Textual Amendments

F8 Sch. 7 para. 6 and cross-heading repealed (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), Sch. 5 (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

F86

SCHEDULE 8

Section 32(2).

ACT AND MEASURES REPEALED

Chapter	Short title	Extent of repeal
7 Will 4 & 1 Vict c.45.	Parish Notices Act 1837.	Section 4.
1963 No. 1	Ecclesiastical Jurisdiction Measure 1963.	Section 64.Section 65.
1964 No. 5	The Faculty Jurisdiction Measure 1964.	Section 2..Section 5.Section 9.Section 10.Section 12.Section 13.Section 14.Schedule
1972 No. 2	The Repair of Benefice Buildings Measure 1972.	In section 20, in subsection (1) the words from “and the timber growing” to “such consent”, sub-

Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. (See end of Document for details)

		sections (3) and (4) and in subsection (6) the words from “, in the case of timber in a churchyard” to “in other cases”.
1978 No. 3	The Church of England (Miscellaneous Provisions) Measure 1978.	Section 9.
1990 No. 2	Care of Cathedrals Measure 1990.	Section 16.

Changes to legislation:

There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.