



Church of England (Miscellaneous Provisions) Measure 1992

1992 No. 1

PART I **E**

MISCELLANEOUS PROVISIONS

1 **Sequestration.** **E**

(1) During the vacancy of a benefice and otherwise where the profits of a benefice are to be sequestered, the churchwardens of every parish comprised in the benefice and the rural dean and such other person as the bishop of the diocese concerned may appoint, if he considers it desirable to do so, shall [^{F1}, subject to subsection (1A) below,] be the sequestrators of the benefice, and any rule of law requiring the bishop of the diocese concerned to issue a writ of sequestration on a benefice becoming vacant shall cease to have effect.

[^{F2}(1A) In the case of a benefice in respect of which a team ministry is established, subsection (1) above shall have effect as if for the words “rural dean” there were substituted the words “ministers in the team ministry”:
Provided that the bishop of the diocese concerned, if he considers that any of the ministers in the team ministry should not be a sequestrator of the benefice, may direct accordingly.

^{F2}(1B) In subsection (1A) above “minister” in relation to a team ministry means a person—
(a) who is a vicar in the team ministry; or
(b) to whom a special responsibility for pastoral care in respect of a part of the benefice has been assigned under section 20(8A) of the Pastoral Measure 1983, that part of the benefice not being a part in respect of which a special cure of souls has been assigned to a vicar in the team ministry by a scheme under that Measure or by his licence from the bishop.]

(2) A writ of sequestration in respect of the profits of a benefice shall not be issued by any court—

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part I. (See end of Document for details)

- (a) for the purpose of obtaining satisfaction of a debt owed by the incumbent of the benefice; or
- (b) by reason of the bankruptcy of the incumbent; or
- (c) for the purpose of applying the profits where the incumbent is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to the benefice.

Textual Amendments

- F1** Words in s. 1 inserted (1.5.1996) by 1995 No. 1, s. 17(1)(2); Instrument dated 12.1.1996 made by [Archbishops of Canterbury and York](#)
- F2** S. 1(1A)(1B) inserted (1.5.1996) by 1995 No. 1, s. 17(1)(3); Instrument dated 12.1.1996 made by [Archbishops of Canterbury and York](#)

Commencement Information

- II** S. 1 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

2 Conduct of funeral services. **E**

- (1) The performance of a funeral service in accordance with this section shall not require the consent or be subject to the control of the minister of the parish in which it is performed.
- (2) The minister of a parish may perform [^{F3}or arrange the performance of] a funeral service in any crematorium or cemetery situated in another parish if—
 - (a) the deceased person dies in the first-mentioned parish; or
 - (b) the deceased person was resident in the first-mentioned parish immediately before his death; or
 - (c) the name of the deceased person was on the church electoral roll of the first-mentioned parish immediately before his death.
- (3) Without prejudice to section 2 of ^{M1} the Extra-Parochial Ministry Measure 1967, a person licensed for the time being under that section to perform funeral services on premises forming part of or belonging to a university, college, school, hospital or public or charitable institution may perform a funeral service in any crematorium or cemetery if the deceased person was resident in any such premises or was employed by or enrolled as a student at the institution in question immediately before his death.
- (4) The minister of a parish situated wholly or partly in an area—
 - (a) which is chargeable with the expenses of a cemetery; or
 - (b) for the use of which a crematorium or cemetery has been designated by the bishop of the diocese concerned,

shall, with respect to persons who are his own parishioners or who die in his parish or whose names are entered on the church electoral roll of his parish, where he is requested to do so, be under the same obligation [^{F4}(subject to subsection (4A))] to perform or arrange the performance of funeral services in the crematorium or cemetery as he has to perform or arrange the performance of funeral services in any churchyard of his parish.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part 1. (See end of Document for details)

- [^{F5}(4A) Each of the following may perform a funeral service under an arrangement made under subsection (2) or (4)—
- (a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons of the Church of England;
 - (b) a duly authorised deaconess, reader or lay worker.]
- (5) Section 11 of the ^{M2}Cremation Act 1902 (incumbent not to be obliged to perform burial service) shall cease to have effect.
- (6) In this section—
- “minister”, in relation to a parish, means—
 - (a) the incumbent;
 - (b) in a case where the benefice to which the parish belongs is vacant (and paragraph (c) below does not apply), the rural dean;
 - (c) in a case where a suspension period applies to the benefice to which the parish belongs, the priest-in-charge (if any); and
 - (d) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under ^{M3} the Pastoral Measure 1983 or by his licence from the bishop, that vicar;
 - “suspension period” has the same meaning as in the Pastoral Measure 1983.

Textual Amendments

- F3** Words in s. 2(2) inserted (1.5.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 4(5), 17(3); S.I. 2019/67, art. 3(a)
- F4** Words in s. 2(4) inserted (1.5.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 4(6), 17(3); S.I. 2019/67, art. 3(a)
- F5** S. 2(4A) inserted (1.5.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 4(7), 17(3); S.I. 2019/67, art. 3(a)

Commencement Information

- I2** S. 2 wholly in force at 11.7.1992 see s. 19(2) and Instrument dated 11.7.1992 made by the Archbishops of Canterbury and York.

Marginal Citations

- M1** 1967 No. 2.
M2 2 Edw. 7 c. 8.
M3 1983 No. 1.

^{F6} **Burial of cremated remains.** **E**

Textual Amendments

- F6** S. 3 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 Church of England (Miscellaneous Provisions) Measure 1992, Part I. (See end of Document for details)

4 Amendment of Parochial Registers and Records Measure 1978. E

(1) The ^{M4}Parochial Registers and Records Measure 1978 shall have effect subject to the amendments specified in Schedule 1 to this Measure.

^{F7}(2)

(3) The amendment specified in paragraph 11 of the said Schedule 1 (substitution of new burial register form) shall not apply in relation to entries made in register books of burial before the said date.

Textual Amendments

F7 S. 4(2) repealed (1.7.2018) by [Statute Law \(Repeals\) Measure 2018 \(No. 1\), s. 2\(3\), Sch. Pt. 5; S.I. 2018/718, art. 2](#)

Commencement Information

I3 S. 4 wholly in force at 1.1.1993 see s. 19(2) and [Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M4 1978 No. 2.

5 Appointment of new patrons. E

(1) In this section “relevant instrument” means an instrument made in pursuance of the Church Building Acts 1818 to 1884 or otherwise under which the person who is for the time being the bishop of a diocese or the incumbent of a benefice or the holder of any other office has a right to be appointed a patron of a benefice in preference to any other person upon a vacancy occurring amongst the patrons.

(2) Where any bishop of a diocese, incumbent of a benefice or holder of an office who is a patron of a benefice to which any relevant instrument relates by virtue of his office ceases to be the bishop of the diocese, incumbent of the benefice or holder of the office, as the case may be, he shall cease to be such a patron.

(3) Where any bishop of a diocese, incumbent of a benefice or holder of an office has, by virtue of a relevant instrument, a right to be appointed a patron of a benefice in preference to any other person upon a vacancy occurring amongst the patrons he shall, upon such a vacancy occurring, without any deed of appointment or other process, become a patron of the benefice by virtue of his office unless he has previously resigned as patron of the benefice.

Commencement Information

I4 S. 5 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part 1. (See end of Document for details)

6 Amendment of section 5 of the Church of England (Ecumenical Relations) Measure 1988. **E**

In section 5 of ^{M5} the Church of England (Ecumenical Relations) Measure 1988 in subsection (2)(b) at the end there shall be inserted the words “ or, in the case of a Church outside the United Kingdom, it is nominated by the General Synod for the purposes of this section by resolution ”.

Extent Information

E1 For extent see s. 19(3)-(4)

Commencement Information

I5 S. 6 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M5 1988 No. 3.

7 Amendment of Ecclesiastical Jurisdiction Measure 1963. **E**

^{M6}The Ecclesiastical Jurisdiction Measure 1963 shall have effect subject to the following amendments—

- (a) in section 55 (deprivation of priest or deacon following certain proceedings in secular courts)—
 - (i) in subsection (2) the words from “, within twenty-eight days” to “conclusive,” shall be omitted;
 - (ii) in subsection (3) at the beginning there shall be inserted the words “ Subject to the provisions of the following subsection ” and the words “, within two months after the date mentioned in that subsection,” shall be omitted;
 - (iii) after subsection (3) there shall be inserted the following subsection—

“(3A) A declaration shall not be made under this section after the expiry of the period of three years beginning with the date on which the sentence, decree, finding or order, as the case may be, becomes conclusive.”;
- (b) in section 56 (deprivation of bishop or archbishop following certain proceedings in secular courts)—
 - (i) in subsection (1) at the beginning there shall be inserted the words “ Subject to the provisions of the following subsection ” and the words from “, within two months” to “conclusive,” shall be omitted;
 - (ii) after subsection (1) there shall be inserted the following subsection—

“(1A) A declaration shall not be made under this section after the expiry of the period of three years beginning with the date on which the sentence, decree, finding or order, as the case may be, becomes conclusive.”.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part I. (See end of Document for details)

Commencement Information

I6 S. 7 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M6 1963 No. 1.

F8 **Amendment of New Parishes Measure 1943.** **E**

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Textual Amendments

F8 S. 8 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), art. 2

9 **Amendment of Cathedrals Measure 1976.** **E**

(1) The ^{M7}Cathedrals Measure 1976 shall have effect subject to the following amendments.

(2) In section 3 (confirmation of scheme by Order in Council)—

- (a) in subsection (1) for the words from “to appeal” to the end there shall be substituted the words “, on obtaining the leave of the Judicial Committee of the Privy Council, to appeal to Her Majesty in Council and shall specify such date as may be determined by the Commission, being a date not less than twenty-eight days after the service of the notice, on or before which an application for such leave must be made.

When submitting a scheme for confirmation by Her Majesty in Council the Commission shall inform the Clerk of the Privy Council of the date which is to be specified in notices under this subsection relating to the scheme.”;

- (b) in subsection (2) for the words from “by lodging notice of appeal” to the end there shall be substituted the words “, but only with the leave of the Judicial Committee of the Privy Council ”;
- (c) for subsection (3) there shall be substituted the following subsection—

“(3) If—

- (a) no application for leave to appeal is made on or before the date specified in notices under subsection (1) above; or
- (b) the Judicial Committee refuses to grant such leave; or
- (c) an appellant, having been granted leave to appeal under this section, fails to lodge his petition of appeal within a period of three months beginning with the date on which leave was granted or such extended period as the Registrar of the Privy Council may allow,

Her Majesty may by Order in Council confirm the scheme.”;

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part 1. (See end of Document for details)

- (d) in subsection (4) for the words from the beginning to “Judicial Committee of the Privy Council” there shall be substituted the words “ If leave to appeal is granted and a petition of appeal is lodged within the said period or extended period, the Judicial Committee of the Privy Council shall hear the appeal ”.
- (3) In section 4 (publication of notice of confirmation of scheme)—
- (a) subsection (1) shall be omitted;
- (b) in subsection (2) for the words “such Order in Council” there shall be substituted the words “ Order in Council by which a scheme is confirmed under section 3 of this Measure ”.
- (4) In section 5 (supplementary provisions with respect to schemes) in subsection (1) for the words from “notice” to the end there shall be substituted the words “ the Order in Council is made ”.
- (5) Nothing in subsection (2) above shall affect any right of appeal under section 3 of the said Measure in respect of a scheme made under section 2 before the coming into force of this section, and the said section 3 shall continue to have effect in respect of such a scheme as if the said subsection (2) had not been enacted.

Commencement Information

I7 S. 9 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M7 1976 No. 1.

10 Advowsons—parochial church councils. E

- (1) Subsection (1) of section 6 of the ^{M8}Parochial Church Councils (Powers) Measure 1956 (which relates, inter alia, to certain interests in land) shall not apply and shall be deemed never to have applied in relation to an advowson or share in an advowson.
- (2) Subsection (2) of the said section 6 shall not apply in relation to an advowson or share in an advowson; and any advowson or share in an advowson which is, at the coming into force of this section, held by a diocesan authority, having been vested in the diocesan authority pursuant to that subsection, shall, by virtue of this subsection and without any conveyance or other assurance, vest in the parochial church council concerned subject to all trusts affecting the same.
- (3) In this section, “diocesan authority” has the same meaning as in the said Measure of 1956.

Commencement Information

I8 S. 10 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M8 4 & 5 Eliz.2 No. 3.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part I. (See end of Document for details)

[^{F9}11 Resignation of incumbents. E

- (1) Where the incumbent of a benefice wishes to tender resignation, it is not necessary to proceed by way of deed.
- (2) An incumbent who does not hold office under common tenure may tender resignation by giving at least three months' written notice to that effect to the bishop of the diocese.
- (3) The requirement to give notice under subsection (2) may be waived by agreement between the incumbent and the bishop.
- (4) For the provision that applies in the case of an incumbent who holds office under common tenure, see section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (which requires the bishop to be given three months' written notice).]

Textual Amendments

- F9** S. 11 substituted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 6(4), 17(3); S.I. 2019/67, art. 2(1)(e)

Commencement Information

- I9** S. 11 wholly in force at 1.6.1992 see s. 19(2) and Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.

[^{F10}12 Tenure of office of diocesan chancellors and registrars. E

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Textual Amendments

- F10** S. 12 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

[^{F11}13 Archdeacons' visitations. E

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Textual Amendments

- F11** S. 13 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

14 Appointment of deacon as rural dean. E

For the avoidance of doubt it is hereby declared that it is lawful for a deacon to be appointed to the office of rural dean, notwithstanding anything in section 10 of ^{M9} the Act of Uniformity 1662.

Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part 1. (See end of Document for details)

Commencement Information

I10 S. 14 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M9 14 Car. 2 c.4.

15 Appointment of deacon as residentiary canon. E

It shall be lawful for a person who is in deacon's orders and who has been ordained for a period exceeding six years to be appointed to the office of a residentiary canon in any cathedral church with the appropriate style, title and dignity thereof, notwithstanding anything in section 10 of ^{M10} the Act of Uniformity 1662 or in the constitution and statutes of that cathedral church to the contrary; but nothing in the constitution and statutes of that cathedral church shall be construed as authorising or requiring a person in deacon's orders so appointed to preside at or celebrate the Holy Communion or pronounce the Absolution.

Commencement Information

I11 S. 15 wholly in force at 11.7.1992 see s. 19(2) and [Instrument dated 11.7.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M10 14 Car. 2 c. 4.

16 Appointment of deacon as non-residentiary Canon. E

It shall be lawful for a deacon to be appointed to the office of a non-residentiary canon in any cathedral church with the appropriate style, title and dignity thereof, notwithstanding anything in section 10 of ^{M11} the Act of Uniformity 1662 or in the constitution and statutes of that cathedral church to the contrary; but nothing in the constitution and statutes of that cathedral church shall be construed as authorising or requiring a person in deacon's orders so appointed to preside at or celebrate the Holy Communion or pronounce the Absolution.

Commencement Information

I12 S. 16 wholly in force at 1.6.1992 see s. 19(2) and [Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York](#).

Marginal Citations

M11 14 Car. 2 c. 4.

Changes to legislation:

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 1992, Part I.