



# Care of Places of Worship Measure 1999

1999 No. 2

## 1 List of buildings affected by the Measure

- (1) It shall be the duty of the Council for the Care of Churches (hereinafter referred to as “the Council”) to compile and maintain, in accordance with the following provisions of this Measure, a list specifying the buildings which are to be affected by this Measure.
- (2) Subject to subsection (5) below, any building falling within paragraphs (a) to (e) below shall, on application made in the prescribed manner, be eligible for inclusion in the list—
  - (a) a building which is subject to any peculiar jurisdiction and which is used for worship according to the rites and ceremonies of the Church of England;
  - (b) a building which is a chapel forming part of an episcopal house of residence;
  - (c) a building which is a chapel or other place of worship owned or leased by or held in trust for a religious community;
  - (d) a building (not being one falling within any of the foregoing paragraphs) which is part of a university, college, school, hospital, Inn of Court, almshouse or other public or charitable institution and of which the primary use is for worship according to the rites and ceremonies of the Church of England or for joint worship by members of the Church of England and other Churches;
  - (e) a building which is subject to a sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969 and which is used for worship.
- (3) Where an application is or has been made for the inclusion in the list of any building, an application may also be made for the inclusion in the list of an adjoining building which is used wholly or mainly as a vestry or sacristy.
- (4) Where an application is or has been made for the inclusion in the list of a building which—
  - (a) falls within paragraph (a) or (e) of subsection (2) above (peculiar or shared churches), and
  - (b) is detached from any other building,an application may also be made for the inclusion in the list of the curtilage of the building, of any monument within the curtilage or of any object or structure

forming part of the land within the curtilage which is used wholly or mainly for purposes ancillary to the purposes for which the building is used, and references in the following provisions of this Measure to buildings included in the list shall be construed accordingly.

- (5) A building—
- (a) to which the Care of Cathedrals Measure 1990 applies, or
  - (b) which is subject to the faculty jurisdiction of a consistory court, or
  - (c) which falls within paragraph (d), (e), (f) or (g) of Article 4 of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994,
- shall not be eligible to be included in the list.

## **2 Supplementary provisions re the list**

- (1) On receipt by the Council of an application made in the prescribed manner for the inclusion of a building in the list or the removal of a building from the list, the building shall be included in the list or removed from the list, as the case may be, unless the Council is satisfied that the application does not comply with the requirements of this Measure or any rules relating to the application.
- (2) If, in respect of a building included in the list, the Council considers that—
- (a) the building is no longer eligible for inclusion, or
  - (b) any order or direction of a court in connection with the court's faculty jurisdiction, or any undertaking given in connection with the application for inclusion, has not been complied with,
- the Council may, after giving the relevant person or body an opportunity to show reason to the contrary, remove the building from the list.
- (3) The removal of a building from the list under this section shall not affect the provisions of section 13 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 in its application to the building or anything done under that section before the removal.
- (4) The provisions of Schedule 1 to this Measure shall have effect with respect to applications for the purposes of this Measure, to the matters to be mentioned in the list, to the notifications required in connection with the list and to the inspection of the list by members of the public.

## **3 Effect of inclusion in the list**

- (1) The following provisions shall have effect with respect to buildings included in the list.
- (2) The building and any object or structure fixed to it shall be subject to the faculty jurisdiction of the consistory court of the diocese in which the building is situated and the provisions of any Measure, rules or other instrument relating to the faculty jurisdiction (except section 7 of the Faculty Jurisdiction Measure 1964 and section 11(1) to (7) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991) shall apply in relation to the building and any such object or structure.
- (3) In the case of a building falling within paragraph (b) of section 1(2) above (episcopal houses of residence), section 46(1) of the Ecclesiastical Jurisdiction Measure 1963 shall have effect as if the proviso were omitted.

- (4) Except in the case of a building falling within paragraph (b) of section 1(2) above (episcopal houses of residence), the provisions of the Inspection of Churches Measure 1955 (other than sections 1A, 2(2) and (3), 3, 4 and 5) shall apply in relation to the building as if the building were a church:

Provided that, in the application of those provisions in relation to the building,—

(a) section 1(2)(d) shall have effect as if for the words from “parochial church council” to “that parish” there were substituted the words “Council for the Care of Churches,”;

(b) section 2 shall have effect as if—

(i) for subsection (1) there were substituted the following subsection—

“(1) Where the archdeacon of any archdeaconry finds that a church in his archdeaconry has not been inspected to his satisfaction by a qualified person for a period of at least five years, he shall notify the Council for the Care of Churches of that fact.”;

(ii) in subsection (2) for the words “notice was served” there were substituted the words “notification was made”;

(c) in the case of a building which is part of a prison, references to the archdeacon shall be construed as references to the Chaplain-General of Prisons.

- (5) If a chapel forming part of Lambeth Palace is included in the list—

(a) the Vicar-General’s court of the province of Canterbury shall, for the purposes of subsection (2) above, exercise the faculty jurisdiction of the consistory court in relation to the chapel (the registrar of the province of Canterbury acting as registrar of the Vicar-General’s court) and references to a consistory court or to the registrar of a diocese in any Measure, rules or other instrument relating to the faculty jurisdiction shall be construed accordingly;

(b) the Council shall, in the application of any such Measure, rules or other instrument, discharge the functions of the Diocesan Advisory Committee.

#### **4 Amendment of Ecclesiastical Fees Measure 1986**

The Ecclesiastical Fees Measure 1986 shall have effect subject to the amendments specified in Schedule 2 to this Measure.

#### **5 Rules**

Rules made under section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 may make provision for carrying into effect the provisions of this Measure and, accordingly, in that subsection after paragraph (d) there shall be inserted the words—

“(e) the Care of Places of Worship Measure 1999”.

#### **6 Interpretation**

- (1) In this Measure—

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*Status: This is the original version (as it was originally enacted).*

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“building” includes any structure or erection, and any part of a building as so defined, but does not include plant or machinery comprised in a building;

“Council for the Care of Churches” means the body so named at the passing of this Measure or any body subsequently exercising the functions of that body under a different name or with a different constitution;

“episcopal house of residence” has the same meaning as in section 3 of the Episcopal Endowments and Stipends Measure 1943;

“the list” means the list mentioned in section 1(1) above;

“monument” includes a tomb, gravestone or other memorial and any kerb or setting forming part thereof;

“prescribed” means prescribed by Schedule 1 to this Measure or by rules made under section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;

“relevant person or body” in relation to any building means the person or body entitled to make an application in respect of the building by virtue of paragraph 1 of Schedule 1 to this Measure.

- (2) Any reference in this Measure to the consistory court of a diocese shall, in its application to the diocese of Canterbury, be construed as a reference to the commissary court thereof.
- (3) For the purposes of this Measure, a place which is surrounded by or adjacent to one diocese and does not form part of that diocese shall be deemed to be situated within that diocese, and a place which is surrounded by or adjacent to two or more dioceses and does not form part of any of those dioceses shall be deemed to be situated within such one of them as the archbishop of the relevant province may direct.

## **7 Citation, commencement and extent**

- (1) This Measure may be cited as the Care of Places of Worship Measure 1999.
- (2) This Measure shall come into operation on such date as the Archbishops of Canterbury and York may jointly appoint, and different dates may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man and to any extra-provincial place in England, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.