



# Cathedrals Measure 2021

2021 No. 2

*Final*

## **52 Application and extent**

- (1) This Measure applies to cathedrals in England only but does not apply to the cathedral church of Christ in Oxford, except in so far as Schedule 4 amends a provision which applies to that cathedral church.
- (2) An amendment or repeal made by this Measure has the same extent as the provision being amended or repealed.

## **53 Commencement**

- (1) The following provisions come into force on the day on which this Measure is passed—
  - (a) sections 31 to 34 (other than sections 31(3), 33(2) and 34(4) and (5)) (amendment of governing instruments);
  - (b) section 45 (interpretation), so far as necessary for the purposes of any other provision which comes into force under this subsection;
  - (c) sections 46 to 48 (preparatory steps and savings);
  - (d) section 51(1) (repeal), so far as relating to Part 3 of the Cathedrals Measure 1999 (revision of constitution and statutes);
  - (e) section 52 (application and extent);
  - (f) this section;
  - (g) section 54 (short title);
  - (h) paragraphs 6, 7 and 9(1), (2) and (4) of Schedule 4 (amendments to Cathedrals Measure 1963) and section 50(1) so far as it gives effect to those paragraphs.
- (2) Pending the commencement under subsection (3) of the remaining provisions of this Measure other than the charity provisions (as to which see subsection (7)), sections 31 to 34 have effect as if any reference to the Chapter of a cathedral were a reference to the Council established for the cathedral under sections 2 and 3 of the Cathedrals Measure 1999.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The remaining provisions of this Measure, other than the charity provisions and section 51 (in so far as it is not already in force), come into force in relation to a cathedral on the day on which the constitution and statutes, amended under sections 31 to 34 as modified by subsection (2) of this section or by section 46(6), take effect; and on that day the Cathedrals Measure 1999, other than section 17A and Schedule 1, ceases to apply to the cathedral.
- (4) Accordingly, sections 45(6) and 49 come into force on the day on which the provisions referred to in subsection (3) come into force in accordance with that subsection in relation to the Cathedral Church of St Peter and St Wilfrid, commonly known as Ripon Cathedral and one of the cathedrals of the diocese of Leeds.
- (5) Pending the commencement of the charity provisions in relation to a cathedral—
- (a) section 12(11) does not have effect in relation to the cathedral,
  - (b) paragraph 2 of Schedule 1 has effect in relation to the cathedral as if—
    - (i) in sub-paragraph (1), for the words “a waiver under that Act which is applicable to membership of the Chapter” there were substituted “such waiver as the bishop may grant by notice in writing”, and
    - (ii) after sub-paragraph (1) there were inserted—
 

“(1A) Before deciding whether to grant a waiver under sub-paragraph (1), the bishop must consult—

      - (a) the diocesan safeguarding advisor, and
      - (b) such other persons as the bishop considers appropriate.

(1B) On granting a waiver under sub-paragraph (1), the bishop must give a copy of the notice to the registrar of the diocese; and the registrar must file the copy in the diocesan registry.”, and
  - (c) paragraph 4(2), (4) and (5) of Schedule 1 has effect in relation to the cathedral as if the reference to a charity trustee were omitted.
- (6) The charity provisions come into force in relation to a cathedral on the day certified in relation to that cathedral under section 46(3)(c); and on that day section 17A of and Schedule 1 to the Cathedrals Measure 1999 cease to apply to the cathedral.
- (7) The “charity provisions” are—
- (a) section 8 (application of the Charities Act 2011);
  - (b) section 9(10) (decisions of Charity Commission);
  - (c) section 22(6) and (7) (disposal of land in compliance with Charities Act);
  - (d) section 24(7) and (8) (total return investment);
  - (e) section 31(3) (regulated amendments to statutes);
  - (f) section 33(2) (regulated amendments to constitution);
  - (g) section 34(4) and (5) (filing amended constitution with Charity Commission);
  - (h) section 42 (removal etc. from cathedral office on disqualification as charity trustee);
  - (i) section 43 (removal from senior management role on disqualification as charity trustee);
  - (j) in Schedule 1, paragraph 4(6) (disapplication of section 185 of Charities Act);

- (k) in Schedule 4, paragraph 31 (repeal of provision in Church of England (Miscellaneous Provisions) Measure 2010 that cathedral corporate body not charity).
- (8) Section 51 (in so far as it is not already in force) comes into force on the first day on which the charity provisions are in force in relation to each cathedral.
- (9) The Archbishops' Council must, in the case of each cathedral, publish in such manner as it considers appropriate—
  - (a) notice of the date on which the provisions of this Measure other than the charity provisions and section 51 (in so far as it is not already in force) come into force under subsection (3) of this section;
  - (b) notice of the date on which the charity provisions come into force under subsection (6) of this section.
- (10) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.
- (11) The power to make an order under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

#### **54 Short title**

This Measure may be cited as the Cathedrals Measure 2021.