

# Church of England (Miscellaneous Provisions) Measure 2014

2014 No. 1 (as applied to the Isle of Man)

*NOTE: The provisions extended to the Island by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 are indicated by a line in the right-hand margin.*

## **1 Amendment of the Ecclesiastical Commissioners Act 1840**

*Note: s.1 extended to Isle of Man by s.21(4)(a); in force 19 May 2014 (SI 2014/1369)*

(1) In section 67 of the Ecclesiastical Commissioners Act 1840 (which provides for the application of the revenues of the Church Commissioners), the Proviso is repealed.

(2) Section 12 of the Ecclesiastical Commissioners Act 1860 and, in section 14, the words "the proviso at the end of the said section, or" are repealed.

## **2 Amendment of Burial Act 1857**

*Note: s.2 does not extend to Isle of Man*

## **3 Amendment of Episcopal Endowments and Stipends Measure 1943**

*Note: s.3 does not extend to Isle of Man*

## **4 Power of Church Commissioners and Pensions Board to enter into derivative contracts, etc.**

*Note: s.4 extended to Isle of Man by s.21(4)(a); in force 19 May 2014 (SI 2014/1369)*

(1) After section 6 of the Church Commissioners Measure 1947, there is inserted the following section—

### **"6A Further provisions relating to the Assets Committee**

(1) The Commissioners may exercise their powers to make investments by entering into derivative contracts, derivative financial instruments and equity instruments and the function of the Assets Committee, under section 6(3)(a) above, to make, realise and change investments includes power to enter into any of those contracts or instruments.

(2) In subsection (1) above, "derivative contracts" means options, futures or contracts for differences, within the meaning which those expressions have for the purposes of the Corporation Tax Act 2009, and "derivative financial instruments" and "equity instruments" have the same meanings as in that Act.

(3) The Commissioners may, by regulations, amend subsection (1) above by adding other financial instruments to those listed in that subsection.

(4) A draft of any regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod with or without amendment, the draft regulations so approved shall be referred to the Commissioners.

- (5) Where draft regulations are referred to the Commissioners under subsection (4) above—
- (a) if they have been approved by the General Synod without any amendment, the Commissioners shall, by applying their seal, make the regulations;
  - (b) if they have been approved by the General Synod with amendments, the Commissioners may either—
    - (i) by applying their seal make the regulations as amended, or
    - (ii) withdraw the draft regulations for further consideration in view of any amendment by the General Synod, and the regulations shall not come into force until they have been sealed by the Commissioners.
- (6) Where the Business Committee of the General Synod determines that draft regulations do not need to be debated by the General Synod, then unless—
- (a) notice is given by a member of the General Synod in accordance with its standing orders that he or she wishes the draft regulations to be debated, or
  - (b) notice is given by any such member that he or she wishes to move an amendment to the draft regulations, the draft regulations shall, for the purposes of subsections (4) and (5) above, be deemed to have been approved by the General Synod without amendment.
- (7) The Statutory Instruments Act 1946 applies to any regulations sealed by the Commissioners under subsection (5) above as if they were a statutory instrument and were made when sealed by the Commissioners, and as if this Measure were an Act providing that any such regulations were to be subject to annulment in pursuance of a resolution of either House of Parliament."
- (2) After section 32(1) of the Clergy Pensions Measure 1961 there are inserted the following subsections—
- "(1A) The power of the Board to invest moneys in subsection (1)(a) above includes power to enter into derivative contracts, derivative financial instruments and equity instruments.
- (1B) In subsection (1A) above, "derivative contracts" means options, futures or contracts for differences, within the meaning which those expressions have for the purposes of the Corporation Tax Act 2009 and "derivative financial instruments" and "equity instruments" have the same meanings as in that Act.
- (1C) The Board may, by regulations, amend subsection (1A) above by adding other financial instruments to those listed in that subsection.
- (1D) A draft of any regulations proposed to be made shall be laid before the General Synod and, if they are approved by the General Synod with or without amendment, the draft regulations so approved shall be referred to the Board.
- (1E) Where draft regulations are referred to the Board under subsection (1D) above—

- (a) if they have been approved by the General Synod without amendment, the Board shall, by applying their seal, make the regulations;
- (b) if they have been approved with amendments, the Board may either—
  - (i) by applying their seal, make the regulations as amended, or
  - (ii) withdraw the regulations for further consideration in view of any amendment by the General Synod,

and the regulations shall not come into force until they have been sealed by the Board.

(1F) Where the Business Committee of the General Synod determines that draft regulations do not need to be debated by the General Synod, then unless—

- (a) notice is given by a member of the General Synod in accordance with its standing orders that he or she wishes the draft regulations to be debated, or
- (b) notice is given by any such member that he or she wishes to move an amendment to the draft regulations,

the draft regulations shall, for the purposes of subsections (1D) and (1E) above, be deemed to have been approved by the General Synod without amendment.

(1G) The Statutory Instruments Act 1946 applies to any regulations sealed by the Board under subsection (1E) above as if they were a statutory instrument and were made when sealed by the Board, and as if this Measure were an Act providing that any such regulations were to be subject to annulment in pursuance of a resolution of either House of Parliament."

(3) Schedule 2 contains further amendments to the Church Commissioners Measure 1947 and the Clergy Pensions Measure 1961.

## **5 Amendment of Parochial Church Councils (Powers) Measure 1956**

*Note: s.5 extended to Isle of Man by section 3(a); in force 1 July 2015 (SD 2015/0238).*

- (1) The Parochial Church Councils (Powers) Measure 1956 is amended as follows.
- (2) After section 3 there is inserted the following section—

### **"3A Employment of members and other contractual services**

(1) Subject to subsection (3), a parochial church council may enter into a paid contract of employment or other contract with one or more members of the council or one or more connected persons to provide such services to or on behalf of the Council as may be specified in the contract, provided that the conditions specified in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1) are that—

- (a) before entering into the contract the council is satisfied that it would be in the best interests of the council for the services to

- be provided by the person concerned for the amount, or maximum amount, of remuneration set out in the contract;
  - (b) the total number of any persons employed at any time under subsection (1) and any person who is connected to any such person constitute a minority of the members of the council;
  - (c) the terms of the contract, including the remuneration paid, are set out in an agreement in writing between the council and the member concerned; and
  - (d) the amount or maximum amount of the remuneration does not exceed what is reasonable in the circumstances for the provision by that member of the services in question.
- (3) Subsections (1) and (2) do not apply to services provided by a person in that person's capacity as a member of the council.
- (4) A person is a connected person for the purposes of this section if that person is—
- (a) a child, parent, grandchild, brother or sister of a member of the council, or
  - (b) the spouse or civil partner of a member or of any person falling within paragraph (a),

and "connected" is to be construed accordingly."

- (3) Section 7 shall become subsection (1) of that section and there is added the following subsection— ***subsections—***

"(2) The objects referred to in subsection (1)(iv) may be determined either generally or by reference to particular occasions or occasions of a particular class.

***(3) Periodical payments made by standing order, direct debit or any other similar method of payment to a council in lieu of or in addition to money given in church, not being payments intended for a specific object, shall be treated for the purpose of subsection (1)(iv) as moneys given or collected in church."***

## **6 Amendment of Ecclesiastical Jurisdiction Measure 1963**

*Note: s.6 extended to Isle of Man with modifications by section 3(b); in force 1 July 2015 (SD 2015/0238).*

- (1) The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.

~~(2) For section 2(2) there is substituted the following subsection—~~

~~"(2) A person appointed to be chancellor of a diocese shall be a person—~~

~~(a) who holds or has held high judicial office or the office of Circuit judge, or~~

~~(b) has the qualifications required for a person to be appointed a Circuit judge;~~

~~and, before appointing a layman, the bishop shall satisfy himself that that person is a communicant."~~

- (3) For section 3(3) there is substituted the following subsection—

"(3) A person appointed to be Dean of the Arches and Auditor shall be a person who—

- (a) holds or has held high judicial office, or
- (b) has the qualifications required for a person to be appointed a Lord Justice of Appeal,

and, before appointing a layman, the Archbishops of Canterbury and York shall satisfy themselves that that person is a communicant."

(4) This section does not have effect in relation to the appointment of any person who holds office as Dean of the Arches and Auditor or chancellor immediately before this section comes into force.

## **7 Amendment of Faculty Jurisdiction Measure 1964**

*Note: s.7 extended to Isle of Man by section 3(c); in force 1 July 2015 (SD 2015/0238).*

(1) Section 3 of the Faculty Jurisdiction Measure 1964 is amended as follows.

(2) In subsection (2), for the words "Subject to the provisions of the succeeding subsection" there are substituted the words "Subject to subsection (3)".

(3) For subsection (3) there is substituted the following subsection—

"(3) Where the court is satisfied that the matter is of such urgency that it would not be reasonable to require the petitioner for the faculty to seek the consent of the owner of the monument or to take the other steps referred to in subsection (2)(i), the court may grant a faculty notwithstanding that that consent has not been sought or that those steps have not been taken."

## **8 Amendment of Overseas and Other Clergy (Ministry and Ordination) Measure 1967**

*Note: s.8 extended to Isle of Man by s.21(4)(a); in force 19 May 2014 (SI 2014/1369)*

(1) The Overseas and Other Clergy (Ministry and Ordination) Measure 1967 is amended as follows.

(2) In section 1—

(a) in subsection (4), after the word "permission" there are inserted the words "or any instrument under subsection (5A) revoking a permission";

(b) after subsection (5) there is inserted the following subsection—

"(5A) The Archbishop of the same province may, if he considers that there is any cause which appears to him to be good and reasonable, revoke, in writing, a permission granted to an overseas clergyman under this section, unless—

(a) the clergyman is a freehold incumbent or, at that time, holds office under Common Tenure, or

(b) the matter which constitutes a good and reasonable cause is a matter for which a censure of deprivation under section 49(1)(a) of the Ecclesiastical Jurisdiction Measure 1963 or a penalty under section 24(1)(a), (c) or (d) of the Clergy

Discipline Measure 2003 or a penalty of removal from office or prohibition for life under section 30 or 31 of that Measure could be, but has not been, imposed."

(3) After section 1 there is added the following section—

**"1A General permission to overseas clergymen to officiate**

(1) Without prejudice to section 1 of this Measure, the Archbishop of either province may, by an instrument in writing, grant, in accordance with the following provisions of this section, a general permission to overseas clergymen to officiate as priest or deacon in that province.

(2) A permission granted under this section shall specify—

- (a) the class or description of overseas clergymen to which it relates,
- (b) the functions, or class or description of functions, which any clergyman may exercise in accordance with the permission, and
- (c) the duration of the permission.

(3) A permission granted under this section may be for an indefinite period or for such period as is specified in the permission and, where it is granted for a limited period, may be extended by a further permission, either for an indefinite or for a limited period.

(4) A clergyman may not, in accordance with any permission granted under this section, solemnize or publish the banns of a marriage.

(5) The Archbishop of either province may, at any time, amend or revoke a permission granted by him under this section by a further instrument in writing.

(6) No overseas clergyman may hold office under Common Tenure, unless he has a permission to officiate under section 1 of this Measure.

(7) Subject to subsections (4) and (6) of this section, a clergyman who officiates under a permission granted under this section shall, when exercising any function to which the permission relates,—

- (a) be in the same position as if he had been granted permission to officiate under section 1 of this Measure, and
- (b) for the duration of the permission, possess the same rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by a bishop in a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).

(8) Section 1(4) of this Measure shall apply to a permission granted under this section or an instrument amending or revoking such a permission as it applies to a permission granted or any instrument revoking a permission under that section and the reference in section 1(6) to a permission granted under that section shall include a reference to a permission granted under this section."

**9 Amendment of Synodical Government Measure 1969**

*Note: s.9 extended to Isle of Man by section 3(d); in force 1 July 2015 (SD 2015/0238).*

In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 —

- (a) in rule 42(1), there is added at the end the following paragraph—  
"(h) the Chair of the Dioceses Commission"; and
- (b) in rule 46A(c), the words "the Central Board of Finance," are omitted.

**10 Amendment of Endowments and Glebe Measure 1976**

*Note: s.10 does not extend to Isle of Man*

**11 Amendment of Incumbents (Vacation of Benefices) Measure 1977**

*Note: s.11 does not extend to Isle of Man*

**12 Amendment of Patronage (Benefices) Measure 1986**

*Note: s.12 does not extend to Isle of Man*

**13 Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure 1991**

*Note: s.13 extended to Isle of Man with modifications by section 3(e); in force 1 July 2015 (SD 2015/0238).*

- (1) The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 is amended as follows.
- (2) For section 17 there is substituted the following section—  
**"17 Faculties for demolition of churches**
  - (1) A court shall not grant a faculty for the demolition or partial demolition of a church, except as provided in this section.
  - (2) Subject to subsection (4) below, a court may grant a faculty for the demolition of the whole or part of a church if it is satisfied that another church or part of a church will be erected on the site or curtilage of the church or part of a church in question, or on part of the site or curtilage, to take the place of the church or part of a church.
  - (3) Subject to subsection (4) below, a court may grant a faculty for the demolition of part of a church if it is satisfied that—
    - (a) the part of the church left standing will be used for the public worship of the Church of England for a substantial period after the demolition, or
    - (b) the demolition is necessary for the purpose of the repair or alteration of the church or the reconstruction of the part to be demolished.
  - (4) The court shall not grant a faculty under subsection (2) or (3)(a) above unless the person bringing proceedings for the faculty has obtained the

written consent of the bishop of the diocese concerned to the proceedings being brought.

- (5) For the purposes of this section, "partial demolition" and cognate expressions—
- (a) mean removal of such part of a church as would, in the opinion of the court, significantly affect its external appearance, and
  - (b) do not include the destruction or removal of minor or ancillary structures forming part of the building."
- (3) Section 18 is amended as follows—
- (a) for subsection (1)(a), there is substituted the following paragraph—
    - "(a) that the demolition of the whole or part of a church in the diocese is urgently necessary in the interests of safety or health or for the preservation of the church;"
  - (b) in subsection (1)(b), the words "in the case of a church which is a listed building **registered in the Protected Buildings Register** or is in a conservation area" are repealed; and
  - (c) at the end of subsection (1) the words "without a faculty" are repealed.

#### **14 Amendment of Cathedrals Measure 1999**

*Note: s.14 does not extend to Isle of Man*

#### **15 Tenure of office of vicars general and surrogates**

*Note: s.15 extended to Isle of Man with modifications by section 3(f); in force 1 July 2015 (SD 2015/0238).*

- (1) The appointment of a person to be the vicar general of a province ~~or diocese~~ does not cease to have effect by reason only that a vacancy in the archiepiscopal ~~or diocesan~~ see is terminated and the appointment has not previously been confirmed.
- (2) The appointment of a person to be a surrogate does not cease to have effect by reason only of the occurrence of a vacancy in the ~~office of vicar general of the diocese by whom the surrogate was appointed~~ **diocesan see**.
- (3) A vacancy in the see of Canterbury or York does not affect the jurisdiction of the court of the vicar general or the discharge by the judges, members or officers of the court of any of its or their functions.
- (4) Without prejudice to subsection (1) **or (2)**, a vacancy in an archiepiscopal or diocesan see does not affect the discharge by the vicar general or by a surrogate ~~of the vicar general~~ of the functions of the vicar general or surrogate.

#### **16 Amendment of Dioceses, Pastoral and Mission Measure 2007**

*Note: s.16 does not extend to Isle of Man*

## **17 Power for chancellor to determine fees**

*Note: s.17 extended to Isle of Man with modifications by section 3(g); in force 1 July 2015 (SD 2015/0238).*

(1) Without prejudice to any power which may exist apart from this section, where a faculty is or has been granted for any of the purposes specified in subsection (2), the chancellor of the diocese may, from time to time, determine the amount of the fees payable to the parochial church council and the diocesan board of finance, or either of them.

(2) The purposes mentioned in subsection (1) are—

- (a) the introduction of a monument in a church or any additional inscription on such a monument;
- (b) ~~the reservation of a grave space; or~~
- (c) the construction of a vault.

~~(3) In this section "church" and "monument" have the same meanings as in section 10 of the Ecclesiastical Fees Measure 1986 and Schedule A1 to that Measure, respectively.~~

**(3) In this section "monument" has the same meaning as in Schedule 1 to the Church Fees Measure (Isle of Man) 2014.**

## **18 Power for General Cemetery Company to dispose of whole or part of Kensal Green Cemetery**

*Note: s.18 does not extend to Isle of Man*

## **19 Provisions relating to Christ Church, Oxford**

*Note: s.19 does not extend to Isle of Man*

## **20 Minor and consequential amendments**

*Note: s.20 extended to Isle of Man by s.21(4)(b), so far as it relates to paragraphs 3, 4, 10, 12, 13, 18(1) and 20 of Schedule 2 (in force 19 May 2014 (SI 2014/1369)); extended to Isle of Man by section 3(h), so far as it relates to paragraphs 5, 17 and 19 of Schedule 2 (in force 1 July 2015 (SD 2015/0238)).*

Schedule 2 contains minor amendments and amendments which are consequential on other enactments or which clarify ambiguities in the law.

## **21 Citation, commencement and extent**

*Note: s.21 extended to Isle of Man by subs.(4)(b); in force 14 May 2014 (subs.(2))*

(1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2014.

(2) This section shall come into force on the day on which this Measure is passed and the other provisions of this Measure shall come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint and—

- (a) different days may be appointed for different provisions or for different purposes, and
- (b) an order may contain transitional or saving provisions.

(3) This Measure extends to the whole of the provinces of Canterbury and York, except that it only extends to the Channel Islands and the Isle of Man in accordance with the following provisions of this section.

(4) The following provisions extend to the Isle of Man—

- (a) sections 1, 4, 8 and this section; and
- (b) paragraphs 3, 4, 10, 12, 13, 18(1) and 20 of Schedule 2 and section 20, so far as it relates to those paragraphs.

(5) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the following provisions also extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act of Tynwald or instrument—

- (a) sections 5, 6, 7, 9, 11, 12, 13, 15, 16 and 17;
- (b) paragraphs 5, 7, 8, 9, 15, 16, 17 and 19 of Schedule 2 and section 20, so far as it relates to those paragraphs; and
- (c) Schedule 3.

(6) This section and sections 8, 9, 10, 11, 12, 13 and 16 and any provision of Schedule 2 which amends an enactment which extends to the Channel Islands and section 20, so far as it relates to that provision, 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.

(7) The power to make an order conferred by subsection (2) shall be exercisable by statutory instrument and the Statutory Instruments Act 1946 (c. 36) shall apply to any such order as if it had been made by a Minister of the Crown and as if this Measure were an Act.

(8) Provision made under subsection (2)(b) may be contained in a separate order from the order which provides for the commencement to which the provision relates and, for that purpose, it does not matter—

- (a) whether the order which provides for the commencement includes a provision made under subsection (2)(b);
- (b) whether the commencement has taken place.

(9) An order which contains a provision made under subsection (2)(b) must be laid before Parliament and is subject to annulment in pursuance of a resolution of either House of Parliament.

## **SCHEDULE 1**

Cathedrals: Total Return

*Note: Schedule 1 does not extend to Isle of Man*

## **SCHEDULE 2**

Minor and consequential amendments

*Note: paragraphs 3, 4, 10, 12, 13, 18(1) and 20 extended to Isle of Man by s.20(4)(b); paragraphs 5, 17 and 19 extended with modifications by section 3(h).*

### **3 Church Commissioners Measure 1947**

- (1) The Church Commissioners Measure 1947 is further amended as follows.
- (2) In section 4(5) after the word "post" there are inserted the words "or by electronic transmission".
- (3) For section 5(2) there is substituted the following subsection—
  - "(2) The Archbishop of Canterbury shall be the chairman of the Board and—
    - (a) he may appoint a deputy chairman from among the members of the Board, who may act as chairman in the Archbishop's absence at any meeting to be held during the period of five years following the date of his appointment; and
    - (b) if neither the chairman nor the deputy chairman is present at any meeting, the members attending the meeting may elect a member to act as chairman of that meeting."
- (4) Section 6 is amended as follows—
  - (a) the Audit Committee established by section 6(1) is re-named the Audit and Risk Committee and, accordingly, the references in that section and in any other provision of the Measure and in any other enactment to the Audit Committee shall be construed as references to the Audit and Risk Committee;
  - (b) in subsection (3A), in the definition of "actuary", for the words "Institute of Actuaries or of the Faculty of Actuaries in Scotland" there are substituted the words "Institute and Faculty of Actuaries";
  - (c) in subsection (3B), after paragraph (a) there is inserted the following paragraph—
    - "(aa) a duty to keep under review the risks, including financial risks, to which the Commissioners are exposed in carrying out their functions and the adequacy of the steps taken by the Commissioners to mitigate those risks;"
  - (d) for subsection (4) there is substituted the following subsection—
    - "(4) The Standing Orders regulating the procedure of the Board, the Assets Committee or any committee appointed by the Board may provide for authorising the chairman, deputy chairman or an appropriate officer to act on behalf of the Board, the Assets Committee or other committee, as the case may be, in relation to such matters as the Board may think fit."; and
    - (e) for the heading to the section there is substituted "Assets Committee and Audit and Risk Committee".
- (5) In section 9, there is added at the end the following subsection—
  - "(3) In this section "signature" includes signature by electronic means."
- (6) In paragraph 2 of Schedule 1—
  - (a) for the sentence beginning "Nominated Commissioners" there is substituted the following sentence—

"Nominated Commissioners shall hold office for such period as the person or persons making the nomination may determine.", and

- (b) the sentence beginning "In this paragraph" is omitted.
- (7) In paragraph 5A of Schedule 1, for the words "a House" there are substituted the words " the House of Bishops ".
- (8) For paragraph 6 of Schedule 1, there is substituted the following paragraph—
- "6 Every lay Commissioner, other than a person who is a Commissioner in right of office, shall, upon appointment and before acting as a Commissioner, sign and return to an officer of the Commissioners a written declaration of membership of the Church of England."
- (9) After paragraph 5 of Schedule 4 there is inserted the following paragraph—
- "5A (1) The chairman of the Board or of any committee may, if he considers that any business can properly be conducted by correspondence, instruct the secretary of the Board or of the committee to circulate to the Board or the committee in writing or by electronic transmission proposals requiring the approval of its members.
- (2) Unless objections to the proposals are received from any members in such numbers and within such period from the date of their posting or transmission (as the case may be), as may be specified in Standing Orders, the proposals shall be deemed, at the expiry of that period, to be approved by the Board or the committee with the same effect as if they had been approved at a duly convened meeting."

#### **4. Clergy Pensions Measure 1961**

- (1) The Clergy Pensions Measure 1961 is further amended as follows.
- (2) In section 21, there are added at the end the following subsections—
- "(14) The Board and their committees may, in accordance with the standing orders, authorise officers to carry out functions on behalf of the Board or its committees.
- (15) The Chairman of the Board or any committee of the Board may, if he or she considers that their business can properly be conducted by correspondence, instruct the secretary to circulate to the Board or the committee in writing or by electronic transmission proposals requiring the approval of their members.
- (16) Unless objections to the proposals are received from members of the Board or the committee in such numbers and within such period from the date of their posting or transmission (as the case may be) as may be specified in the standing orders, the proposals shall be deemed, at the expiry of that period, to have been approved by the Board or the committee with the same effect as if they had been approved at a duly convened meeting."
- (3) In section 46(1), in the definition of "actuary", for the words "Institution of Actuaries or of the Faculty of Actuaries in Scotland" there are substituted the words "Institute and Faculty of Actuaries".

#### **5. Sharing of Church Buildings Act 1969**

- (1) The Sharing of Church Buildings Act 1969 is amended as follows.

(2) For section 11(3) there are substituted the following subsections—

"(3) Any Church which is a member of Churches Together in Britain and Ireland or is affiliated to the Evangelical Alliance or is a member of the governing body of Affinity may give notice in writing to the company secretary of Churches Together in Britain and Ireland or the company secretary of the Evangelical Alliance or the director of Affinity, as the case may be, that it desires that this Act shall apply to the Church and the notice shall specify the appropriate authority or authorities for the purposes of this Act.

(4) The person to whom the notice referred to in subsection (3) of this section is given shall ~~publish in the London Gazette~~ **file in the General Registry of the Isle of Man** a notice signed by him—

- (a) stating that the Church is a member of Churches Together in Britain and Ireland, or is affiliated to the Evangelical Alliance or is a member of the governing body of Affinity, as the case may be;
- (b) stating that this Act will apply to that Church as from the date of ~~publication~~ **filing** of the notice; and
- (c) specifying the appropriate authority or authorities for the purposes of this Act;

and thereupon this Act applies to that Church as from that date and has effect as if an entry in respect of that Church and the appropriate authority or authorities so specified were made in Schedule 2.

(5) Where a notice was ~~published in the London Gazette~~ **filed in the General Registry of the Isle of Man** purporting to state that this Act applied to a Church before the ~~coming into force~~ **extension to the Isle of Man** of paragraph 5 of Schedule 2 to the Church of England (Miscellaneous Provisions) Measure 2014, this Act is deemed to have applied to that Church from the date of its ~~coming into force~~ **extension to the Isle of Man** or, if the Church was created after that date, from the date of its creation and the appropriate authority or authorities specified are deemed to have been specified from that date."

(3) Schedule 2 is amended by adding the Churches specified in the first column of Schedule 3 to this Measure.

(4) The second column of Schedule 2 (as amended by Schedule 3 to this Measure) specifies the appropriate authority or authorities for the purposes of the Act in relation to each of the Churches specified in the first column.

(5) The third entry in Schedule 2 is deleted.

## **10. Church of England (Ecumenical Relations) Measure 1988**

For section 5(2)(b) of the Church of England (Ecumenical Relations) Measure 1988, there is substituted the following paragraph—

- "(b) at the time of designation—
- (i) the Church is a member of one of the following bodies, namely, Churches Together in Britain and Ireland, Churches Together in England, the Evangelical Alliance or Affinity, or of any body which is jointly determined

by the Archbishops of Canterbury and York to be the successor of any such body, or

- (ii) in the case of a Church outside the United Kingdom, it is nominated by resolution of the General Synod for the purposes of this section."

**12. Pensions Measure 1997**

- (1) The Pensions Measure 1997 is amended as follows.
- (2) In section 2(3) for the words "Standing Committee" there are substituted the words "Business Committee".
- (3) In section 9(1), in the definition of "actuary", for the words "Institute of Actuaries or of the Faculty of Actuaries in Scotland" there are substituted the words "Institute and Faculty of Actuaries".

**13. National Institutions Measure 1998**

- (1) The National Institutions Measure 1998 is amended as follows.
- (2) The power of the Archbishops' Council, under section 2(3), to apply or distribute sums made available by the Church Commissioners under section 2(1), is to be construed (and is deemed always to have had effect) as enabling the Council in its discretion to apply or distribute those sums to such body in a diocese as the Council thinks fit for allocation to parishes in that diocese in such manner as the body thinks appropriate, subject to the requirements of section 2(3).
- (3) In section 10(a), the words from "at least one third" to the end of the paragraph are omitted.
- (4) In Part II of Schedule 1, there is added at the end the following paragraph—
  - "17 (1) The Council and its committees may authorise such officers as the Council may specify to carry out on its or their behalf such functions as may be specified.
  - (2) The Council or any of its committees may, if it considers that any business can properly be conducted by correspondence, instruct the Secretary General or the secretary of the committee to circulate to the Council or the committee in writing or by electronic transmission proposals requiring the approval of its members.
  - (3) Unless objections to the proposal are received from members of the Council or the committee in such numbers and within such period from the date of their posting or transmission (as the case may be), as the Council or the committee may specify, the proposals shall be deemed, at the expiry of that period, to be approved by the Council or the committee with the same effect as if they had been approved at a duly convened meeting."

**17. Ecclesiastical Offices (Terms of Service) Measure 2009**

Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 is amended as follows—

- (a) after subsection (3)(a) there is inserted the following sub-paragraph—
  - "(aa) in the case of ~~an archbishop or~~ a bishop, on his resignation under section 1 ~~or~~ 4 of the Bishops (Retirement) Measure 1986;"

- (b) in subsection (4) the words "or (h)" are omitted; and
- (c) after subsection (4) there is inserted the following subsection—

"(4A) The bishop of the diocese in which an office holder referred to in section 1(1)(h) of this Measure holds office may revoke the office holder's licence to exercise the office only on grounds of misconduct, including any act or omission relating to matters involving ritual, doctrine or ceremonial or in accordance with the capability procedures."

### **18. Church of England (Miscellaneous Provisions) Measure 2010**

- (1) Section 8 of the Church of England (Miscellaneous Provisions) Measure 2010 ("the 2010 Measure") is repealed.

### **19. Mission and Pastoral Measure 2011**

- (1) The Mission and Pastoral Measure 2011 is amended as follows.

*(sub-paras.(2)-(10) omitted by Measure)*

- (11) In section 101, at the end there is added the following subsection—

"(7) Any reference in this section to serving, sending or giving a notice or other document includes a reference to sending it by electronic means."
- (12) In paragraph 11 of Schedule 4—
  - (a) in sub-paragraph (1)(a), for the words from "the Clergy Pensions Measure 1961" to "pensionable service" there are substituted the words "the Funded Scheme rules, shall be deemed for the purposes of those rules and this paragraph to be a period of pensionable service (but not "service" for any other purpose of those rules)";
  - (b) in sub-paragraph (1)(b), for the words "on attaining the retiring age within the meaning of that Measure, he or she shall be deemed to retire for the purposes of that Measure" there are substituted the words "on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules, he or she shall be deemed to be so entitled and to retire for the purposes of those rules" and the words from "and, if his or her" to the end of that paragraph are omitted;
  - (c) sub-paragraph (1)(c) including the definition of "prescribed period" is omitted;
  - (d) in sub-paragraph (4), for the words from "on attaining the retiring age" to the end of the sub-paragraph there are substituted the words "on attaining the age at which he or she is entitled to receive a pension under the Funded Scheme rules he or she is deemed to be so entitled and to retire for the purposes of this paragraph and compensation shall cease to be payable when he or she attains that age";
  - (e) after sub-paragraph (5) there is inserted the following sub-paragraph—

"(5A) Where the ~~mission and pastoral committee~~ **diocesan board of finance for the diocese concerned** has suspended any periodical payments under paragraph 7 of **Schedule 6 to the Mission and Pastoral Measure (Isle of Man) 2012** to any person, that person is deemed not to

be in pensionable service under paragraph 11(1)(a) for the period during which the periodical payments are suspended.";

(f) for sub-paragraph (6) there is substituted the following sub-paragraph—

"(6) Any reference to the Funded Scheme rules is a reference to the rules made under section 2 of the Pensions Measure 1997."; and

(g) after sub-paragraph (6) there is added the following sub-paragraph—

"(7) The diocesan board of finance for the diocese concerned is the responsible body for the purposes of the Pensions Measure 1997 in respect of a person who is deemed to be in pensionable service for the purposes of this paragraph."

## **20. Church of England Pensions Regulations 1988**

In regulation 2(1) of the Church of England Pensions Regulations 1988 (SI 1988/2256), in the definition of "actuary", for the words "Institute of Actuaries or of the Faculty of Actuaries in Scotland" there are substituted the words "Institute and Faculty of Actuaries".

## **SCHEDULE 3**

Churches added to Schedule 2 to Sharing of Church Buildings Act 1969

*Note: Schedule 3 extended to Isle of Man by section 3(i); in force 1 July 2015 (SD 2015/0238).*

<i>Name of Church</i>	<i>Appropriate Authority or Authorities</i>
Congregational Federation	The Trust Corporation known as the Congregational Federation Ltd.
Moravian Church	The Synod of the Moravian Church in the British Province.
The Calvinistic Methodist or Presbyterian Church of Wales	The Properties Board of the Calvinistic Methodist or Presbyterian Church of Wales.
Any Churches of Elim Foursquare Gospel Alliance	Elim Foursquare Gospel Alliance & Elim Trust Corporation.
Presbyterian Church of Wales	The General Assembly of the Presbyterian Church of Wales.
Any Congregation of the Fellowship of Churches of Christ in Great Britain and Ireland	(a) As respects section 1(3) and (4), the Annual Conference of the Fellowship of Churches of Christ acting with the concurrence of the duly constituted Church meeting. (b) As respects section 1(8), the Annual Conference of the Fellowship of Churches of Christ.
The British Conference of the Pentecostal Holiness Church	The Trustees of the British Conference of the Pentecostal Holiness Church.
The Assemblies of God in Great Britain and Ireland	The Executive Council of the Assemblies of God in Great Britain and Ireland.
Shiloh United Church of Christ Apostolic (Worldwide)	National Executive Board.

*Church of England (Miscellaneous Provisions) Measure 2014*

<i>Name of Church</i>	<i>Appropriate Authority or Authorities</i>
International Ministerial Council of Great Britain	IMCGB Executive Committee.
Archdiocese of Thyateira and Great Britain (Greek Orthodox Church)	The Archbishop of Thyateira and Great Britain.
The Salvation Army	The Salvation Army Trustee Company.
Council of Oriental Orthodox Christian Churches	The President of the Coptic Orthodox Church.
Chinese Church in London	The Church Council.
Lutheran Council of Great Britain	Chairman of the Council.
The Free Church of England	The Church Council represented by the General Secretary.
New Testament Assembly	The Executive Board of NTA.
Council of African and Afro-Caribbean Churches	The Chairman of the Council.
The Oakes Christian Fellowship Sheffield	The Leadership Team.
Southam Road Evangelical Fellowship, Banbury	The Church Trustees represented by the General Secretary.
New Testament Church of God	The National Overseer.
Old Baptist Union	The General Secretary.
Joint Council of Anglo-Caribbean Churches	The General Secretary of the Joint Council.
Cherubim and Seraphim Council of Churches	The General Secretary of the Council.
Independent Methodist Churches	The Connexional Committee represented by the General Secretary.
North Bank Christian Fellowship	The Leadership Team.
New Life Church, Woodall Spa, Lincolnshire	The Diaconate.
Diocese of Sourozh (Russian Orthodox Church)	The Diocesan Assembly.
The Vine Christian Centre, Bridgend	The Trustees of the Vine Christian Centre.
The Oxford Community Church	The Trustees of the Oxfordshire Community Churches.
The Abingdon Community Church	The Trustees of the Oxfordshire Community Churches.
The Church of God of Prophecy	The Trustees of the Church of God of Prophecy.
Pentecostal Evangelistic Outreach (UK)	The Trustees of the Pentecostal Outreach (UK).
Chafford Hundred Community Church	The Trustees of the Chafford Hundred Community Church.
The Straits Church	The Trustees.
Heworth Christian Fellowship	The Trustees.
Aylesbury Vale Community Church	The Trustees.

*Church of England (Miscellaneous Provisions) Measure 2014*

<i>Name of Church</i>	<i>Appropriate Authority or Authorities</i>
Wesleyan Reform Union of Churches	The General Committee.
The Archdiocese of Orthodox Parishes of Russian Tradition in Western Europe, Exarchate of the Ecumenical Patriarchate, Deanery of Great Britain and Ireland	His Eminence the Archbishop of Comana.
The Mar Thoma Church	The Council of the Mar Thoma Parishes in Europe (COMPE).
Calvary Chapel Woolacombe Ltd	The Trustees.
Church of the Nazarene (British Isles South district)	The Trustees.
The Religious Society of Friends in Britain (Quakers)	The Yearly Meeting of the Religious Society of Friends in Britain (Quakers).