



# Church of England (Miscellaneous Provisions) Measure 2005

2005 No. 3

A Measure passed by the General Synod of the Church of England to amend the Parsonages Measure 1938; to amend sections 6 and 11 of the Church Commissioners Measure 1947; to repeal section 7 of the Diocesan Stipends Funds Measure 1953; to amend section 8 of the Parochial Church Councils (Powers) Measure 1956; to amend section 20 of the Church Property (Miscellaneous Provisions) Measure 1960; to amend the Repair of Benefice Buildings Measure 1972; to amend the Endowments and Glebe Measure 1976; to amend the Pastoral Measure 1983; to make provision for the appointment of diocesan secretaries; and for purposes connected therewith. [24th March 2005]

## <sup>F1</sup> 1 Amendment of Parsonages Measure 1938

.....

### Textual Amendments

**F1** S. 1 repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), art. 2

## 2 Amendment of Church Commissioners Measure 1947

The Church Commissioners Measure 1947 (10 & 11 Geo.6. No. 2) shall be amended as follows—

- (a) in section 6(1)(b) after the word “shall”, in the third place where it occurs, there shall be inserted the words “, if present, ”;
- (b) for section 6(3B)(d) there shall be substituted the following paragraph—
  - “(d) a duty to appoint, with the approval of the Board, an auditor and to direct the manner in which the audit required to be

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

made under section 11(2) below is undertaken, including ensuring that the requirements of generally accepted auditing standards are met;” and

- (c) in section 11(2) the words “in such manner and by such person as the Treasury may direct” shall be omitted.

**Commencement Information**

**I1** S. 2 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

**3 Amendment of Diocesan Stipends Funds Measure 1953**

Section 7 of the Diocesan Stipends Funds Measure 1953 (1 & 2 Eliz. 2 No. 2) is hereby repealed.

**Commencement Information**

**I2** S. 3 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

**4 Amendment of Parochial Church Councils (Powers) Measure 1956**

For section 8 of the Parochial Church Councils (Powers) Measure 1956 (4 & 5 Eliz. 2 No. 3) there shall be substituted the following section—

**“8 Financial statements of the council**

- (1) Every council shall furnish to the annual parochial church meeting for discussion the financial statements of the council for the financial year immediately preceding the meeting.
- (2) The financial year referred to in subsection (1) above shall be such period as may be prescribed and the financial statements referred to in that subsection shall be prepared in the prescribed form, audited or independently examined as prescribed and published and displayed in the prescribed manner.
- (3) In subsection (2) above “prescribed” means prescribed by the Church Representation Rules or by regulations made under those Rules.”.

**Commencement Information**

**I3** S. 4 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

**5 Amendment of Church Property (Miscellaneous Provisions) Measure 1960**

- (1) Section 20 of the Church Property (Miscellaneous Provisions) Measure 1960 (8 & 9 Eliz. 2 No. 1) shall be amended as follows.

- (2) For subsection (1) there shall be substituted the following subsection—

“(1) The Commissioners shall have power to grant to any First Church Estates Commissioner or Third Church Estates Commissioner who retires from

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

service as such a Commissioner, having served a period of pensionable service, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.”.

(3) Subsection (2) is hereby repealed.

(4) For subsection (2A) there shall be substituted the following subsection—

“(2A) Where a First Church Estates Commissioner or a Third Church Estates Commissioner dies before or after retirement from service as such a Commissioner, having served a period of pensionable service, and leaves a widow or widower, the Commissioners shall have power to grant to the surviving spouse, subject to such conditions as they may determine, superannuation benefits of such a kind and of such amounts as the Commissioners may determine, being benefits which are no more favourable to the beneficiary than the benefits which would have been payable if the Commissioner had been a member of the Church Administrators Pension Fund who had served an equivalent period of pensionable service.”.

(5) In subsection (3) after the words “pensionable service” there shall be inserted the words “, in relation to a Church Estates Commissioner, ”.

(6) At the end there shall be added the following subsection—

“(4) In determining the amount of any superannuation benefits to be granted to a person under this section the Commissioners shall have regard to any superannuation benefits to which that person may be entitled in respect of any other service performed by the First or Third Church Estates Commissioner before the Commissioner’s pensionable service began.”.

(7) Nothing in this section shall have effect in relation to a First or Third Church Estates Commissioner who is in service as such a Commissioner on the date of the coming into force of this section, or who has retired from or otherwise ceased to be in service as such a Commissioner before that date.

#### **Commencement Information**

**I4** S. 5 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

## **6 Amendment of Repair of Benefice Buildings Measure 1972**

(1) The Repair of Benefice Buildings Measure 1972 (1972 No. 2) shall have effect subject to the amendments specified in Schedule 2 to this Measure.

(2) Any scheme made by a diocesan synod and in force on the date of the coming into force of this section shall have effect subject to the amendments in paragraphs 2 to 9 of Schedule 2 to this Measure.

#### **Commencement Information**

**I5** S. 6 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

## 7 Amendment of Endowments and Glebe Measure 1976

The Endowments and Glebe Measure 1976 (1976 No. 4) shall have effect subject to the amendments specified in Schedule 3 to this Measure.

### Commencement Information

**I6** S. 7 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

## F28 Amendment of Pastoral Measure 1983

### Textual Amendments

**F2** S. 8 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](#)); [S.I. 2012/1](#), art. 2

### Commencement Information

**I7** S. 8 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

## 9 Diocesan Secretaries

- (1) There shall be, for each diocese, an officer, to be known as the diocesan secretary, who shall exercise the functions conferred by or under this section and such other functions as may be specified by the diocesan synod of the diocese.
- (2) The diocesan secretary shall be the chief administrative officer of the diocese.
- (3) The diocesan secretary may be appointed by the diocesan synod to act as the secretary of the diocesan synod appointed in accordance with rule 34(1)(b) of the Church Representation Rules.
- (4) The diocesan secretary may, if the terms of appointment so provide, act as the secretary to the Diocesan Board of Finance for that diocese.
- (5) Subject to subsections (2) to (4) above the manner and terms of appointment of the diocesan secretary shall be such as may be determined from time to time by the diocesan synod.
- (6) In this section “Diocesan Board of Finance” means, in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925 (15 & 16 Geo. 5 No. 3) for that diocese or recognised under section 9 of the Diocesan Stipends Funds Measure 1953 (1 & 2 Eliz. 2 No. 2) as being the board of finance for that diocese for the purposes of that Measure.

### Commencement Information

**I8** S. 9 in force at 1.9.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

## 10 Repeals

The enactments mentioned in Schedule 5 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

### Commencement Information

**I9** [S. 10](#) in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

## 11 Citation, commencement and extent

- (1) This Measure may be cited as the Church of England (Miscellaneous Provisions) Measure 2005.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the Provinces of Canterbury and York, except that it shall only extend to the Isle of Man and the Channel Islands in accordance with the following provisions of this section.
- (4) This section shall extend to the Isle of Man and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, sections 2, 4, 8, 9 and 10 above and Schedules 4 and 5 to this Measure shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument
- (5) This Measure, except sections 1, 2, 3 and 4 above and Schedule 1 to this Measure, 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.

### Commencement Information

**I10** [S. 11](#) in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

## SCHEDULES

### F<sup>3</sup>SCHEDULE 1

Section 1

#### Textual Amendments

- F3** Sch. 1 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

### SCHEDULE 2

Section 6

#### AMENDMENT OF REPAIR OF BENEFICE BUILDINGS MEASURE 1972

- 1 The Repair of Benefice Buildings Measure 1972 (1972 No. 2) shall be amended as follows.

#### Commencement Information

- I11** Sch. 2 para. 1 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 2 In section 1(2) there shall be added at the end the words— “ Provided that no person appointed as a surveyor after the coming into force of section 6 of the Church of England (Miscellaneous Provisions) Measure 2005 shall be considered to be a fit person for the purposes of this subsection unless that person is registered under the Architects Act 1997 or is a corporate member of the Chartered Institute of Building or the Royal Institution of Chartered Surveyors or a member of such other body as the Commissioners may determine and appearing to them to be suitably qualified. ”.

#### Commencement Information

- I12** Sch. 2 para. 2 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 3 In section 14(1) after the word “Board”, in the first place where it occurs, there shall be inserted the words “ is satisfied that a parsonage house may be sold or exchanged without the consent of the Commissioners under the Parsonages Measure 1938 or ” and for the words “sale, exchange or demolition” in each place where they occur there shall be substituted the words “ sale or exchange ”.

#### Commencement Information

- I13** Sch. 2 para. 3 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

- 4 In section 14(1)(b) the words “in a case where the parsonage house is to be sold or exchanged,” shall be omitted.

**Commencement Information**

**I14** Sch. 2 para. 4 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 5 In section 14(2) for the words “sale, exchange or demolition” there shall be substituted the words “ sale or exchange ”.

**Commencement Information**

**I15** Sch. 2 para. 5 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 6 In section 15(4) for the words “shall not constitute a charge on the Parsonages Fund established under section 17 hereof” there shall be substituted the words “ shall be met by any fund or funds capable of being used for the purposes in question ” and the proviso shall be omitted.

**Commencement Information**

**I16** Sch. 2 para. 6 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 7 In section 16 there shall be added at the end the following subsection—

“(4) The Board shall in respect of any building in the diocese (other than a parsonage house or other residence of an incumbent in the diocese) used as a residence by any person declared by the bishop to be engaged in the cure of souls within the diocese have power to defray on behalf of the Diocesan Board of Finance for the diocese the cost of any such payments as are referred to in paragraphs (a) to (d) of subsection (1) above and the costs, charges and expenses of any sale.”.

**Commencement Information**

**I17** Sch. 2 para. 7 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

- 8 (1) For section 17 there shall be substituted the following section—

**“17 Expenditure of the Board**

All expenditure of the Board, except expenditure defrayed out of a specific trust fund, shall be defrayed out of any fund or funds capable of being applied for the purposes in question.”.

- (2) On the date of the coming into force of this paragraph every Parsonages Fund for a diocese shall be dissolved and all moneys held in the Fund shall be paid into any fund or funds which may be used for the purposes of defraying the cost of the provision, improvement or repair of parsonage houses.

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

**Commencement Information**

**I18** Sch. 2 para. 8 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

9 Section 18 shall cease to have effect.

**Commencement Information**

**I19** Sch. 2 para. 9 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

10 In section 19(3) and (6) for the words “the Parsonages Fund”, in each place, there shall be substituted the words “any fund or funds capable of being applied for the purposes of the provision, improvement or repair of parsonage houses”.

**Commencement Information**

**I20** Sch. 2 para. 10 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

11 In section 21—  
(a) in subsection (3) the words after “to do so” to the end shall be omitted; and  
(b) at the end there shall be added the following subsection—  
“(5) Any notice under this section shall inform the incumbent or the person or representative as the case may be, of the right to make representations and the date by which the representations must be made, which shall be not less than one month from the date on which the notice is sent, and section 4(5) above shall apply to the consideration of any representations duly made and the Board shall then decide whether or not to proceed with the notice.”

**Commencement Information**

**I21** Sch. 2 para. 11 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

SCHEDULE 3

Section 7

AMENDMENT OF ENDOWMENTS AND GLEBE MEASURE 1976

1 The Endowments and Glebe Measure 1976 (1976 No. 4) shall be amended as follows.

**Commencement Information**

**I22** Sch. 3 para. 1 in force at 1.6.2005 by S.I. 2005/2, Instrument made by Archbishops

<sup>F42</sup> .....



*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

**Textual Amendments**

**F4** Sch. 3 paras. 2-6 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

**F43** .....

**Textual Amendments**

**F4** Sch. 3 paras. 2-6 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

**F44** .....

**Textual Amendments**

**F4** Sch. 3 paras. 2-6 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

**F45** .....

**Textual Amendments**

**F4** Sch. 3 paras. 2-6 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

**F46** .....

**Textual Amendments**

**F4** Sch. 3 paras. 2-6 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

**7** In section 45(1), in the definition of “pastoral scheme” the words “and confirmed by Order in Council” shall be omitted.

**Commencement Information**

**I23** Sch. 3 para. 7 in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

**F58** .....

**Textual Amendments**

**F5** Sch. 3 para. 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

*Status: Point in time view as at 01/03/2019.**Changes to legislation: There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005. (See end of Document for details)*

## F6 SCHEDULE 4

Section 8

**Textual Amendments****F6** Sch. 4 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); S.I. 2012/1, art. 2

## SCHEDULE 5

Section 10

## REPEALS

**Commencement Information****I24** [Sch. 5](#) in force at 1.6.2005 by [S.I. 2005/2](#), Instrument made by Archbishops

<i>Measure</i>	<i>Extent of repeal</i>
1960 (8 & 9 Eliz. 2 No. 2) Church Property (Miscellaneous Provisions) Measure 1960	In section 20, subsection (4).
1972 No. 2, Repair of Benefice Buildings Measure 1972	Section 18. In Schedule 1, paragraphs 2(6) and (7) and 3(b).
1975 No. 1, Church Commissioners (Miscellaneous Provisions) Measure 1975	Section 2.
1976 No. 4, Endowments and Glebe Measure 1976	In section 26, subsection (3).
1983 No. 1, Pastoral Measure 1983	In section 50, subsection (8).
2000 No. 1, Church of England (Miscellaneous Provisions) Measure	In Schedule 2, paragraph 6. In Schedule 4, paragraph 7. In Schedule 5, paragraphs 5(d) and 7(b). In Schedule 6, paragraphs 4 and 5(b).

**Status:**

Point in time view as at 01/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the Church of England (Miscellaneous Provisions) Measure 2005.