
STATUTORY INSTRUMENTS

1998 No. 1715

ECCLESIASTICAL LAW, ENGLAND

**The National Institutions of The Church of
England (Transfer of Functions) Order 1998**

*Made by the Archbishops
acting jointly - - - - - 5th July 1998
Laid before the General Synod
in draft - - - - - 4th July 1998
Laid before Parliament 15th July 1998
Coming into force in accordance with Article 1(4)*

The Archbishops of Canterbury and York, in exercise of the powers conferred on them by section 5 of the National Institutions Measure 1998(1), hereby make the following Order, a draft of which has been approved by the General Synod in accordance with section 5(5) of the said Measure:—

Citation, interpretation, extent and commencement

1.—(1) This Order may be cited as the National Institutions of the Church of England (Transfer of Functions) Order 1998.

(2) In this Order—

“the appointed day” means the day appointed under section 14 of the Measure for the coming into force of section 1 thereof;

“the Appointments Committee” means the Appointments Committee of the Church of England;

“the Business Committee” means the Business Committee of the General Synod;

“the Council” means the Archbishops' Council established by section 1 of the Measure;

“functions” includes powers and duties;

“the Measure” means the National Institutions Measure 1998;

“the Standing Committee” means the Standing Committee of the General Synod;

“statutory provisions” means any provision contained in an Act or Measure or in an instrument made under an Act or Measure;

“transferee body” in relation to any function of a transferor body means the body to which that function is transferred by virtue of Article 2 or 3 below;

“transferor body” means the Standing Committee or the Church Commissioners.

(3) This Order shall extend to the whole of the provinces of Canterbury and York.

(4) This Order shall come into force on the appointed day.

Transfer of functions of Standing Committee

2. The functions of the Standing Committee are hereby transferred to the Council, the Appointments Committee or the Business Committee in accordance with the table set out in Schedule 1 to this Order and, accordingly, the Standing Committee shall cease to exist.

Transfer of Church Commissioners' functions under Ecclesiastical Fees Measure 1986

3. The functions of the Church Commissioners under sections 1 and 2 of the Ecclesiastical Fees Measure 1986(2) are hereby transferred to the Council.

Supplementary

4.—(1) Any statutory provision, and any other instrument or contract, in force immediately before the appointed day shall have effect, for the purpose or in consequence of the transfer of any function of a transferor body by virtue of Article 2 or 3 above, as if any reference therein to the transferor body were a reference to the transferee body.

(2) This Order shall not affect the validity of anything done by or in relation to a transferor body before the appointed day; and anything (including legal proceedings) which on that day is in process of being done by or in relation to a transferor body in connection with a function transferred by virtue of Article 2 or 3 above may be continued by or in relation to the transferee body.

(3) Anything done by a transferor body for the purpose of or in connection with a function transferred by virtue of Article 2 or 3 above which is in force immediately before the appointed day shall have effect, so far as required for continuing its effect on and after that day, as if done by the transferee body.

(4) The amendments specified in Schedule 2 to this Order shall have effect.

The draft of this Order was approved by the General Synod of the Church of England on the 4th day of July 1998

Made the 5th day of July 1998

P. J. C. Mawer
+George Cantvar:
+David Ebor:
Secretary General

SCHEDULE I

Article 2

TRANSFER OF STANDING COMMITTEE'S FUNCTIONS

<i>Number</i>	<i>Statutory Provision</i>	<i>Transferee Body</i>
1961 No. 3	Clergy Pensions Measure 1961Section 21(5)	Appointments Committee
1969 No. 2	Synodical Government Measure 1969Schedule 2, paragraph 4(2)	Appointments Committee
1972 No. 5	Clergy Pensions (Amendment) Measure 1972Section 6(4A)	Business Committee
1977 No. 1	Incumbents (Vacation of Benefices)Measure 1977Section 18(1) Section 18(5)	Appointments CommitteeBusiness Committee
1978 No. 1	Dioceses Measure 1978Section 1(1)	Appointments Committee
	Sections 2(1) and (2), 4(1), 5(2) and (4), 6(2), 18(2) and 19(3)	Archbishops' Council
1983 No. 1	Pastoral Measure 1983Section 45(1), (2) and (4) Section 53(6A)	Archbishops' CouncilBusiness Committee
1986 No. 2	Ecclesiastical Fees Measure 1986Section 4 Sections 2(3), 5(4) and 6(4)	Appointments CommitteeBusiness Committee
1986 No. 3	Patronage (Benefices) Measure 1986Section 38(1) and Schedule 1, paragraph 10(1)	Appointments Committee
	Section 38(5) and Schedule 1, paragraph 12(2)	Business Committee
1990 No. 2	Care of Cathedrals Measure 1990Section 18(1), (2), (3) and (5) and Schedule 1, paragraph 2	Archbishops' Council
1991 No. 1	Care of Churches and EcclesiasticalJurisdiction Measure 1991Section 25(2)(b) Section 27(3)	Appointments CommitteeBusiness Committee
1993 No. 3	Ordination of Women (Financial Provisions)Measure 1993Section 10(4) Section 10(5) and (7)	Appointments CommitteeBusiness Committee

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Number</i>	<i>Statutory Provision</i>	<i>Transferee Body</i>
1994 No. 3	Church of England (Legal Aid) Measure 1994 Section 1(2) and (4) Section 4(1) and (2) Section 4(5)	Appointments CommitteeArchbishops' CouncilBusiness Committee

SCHEDULE 2

Article 4(4)

AMENDMENT OF ENACTMENTS

*Synodical Government Measure 1969***1969 No. 2**

1. In Schedule 2 to the Synodical Government Measure 1969 in paragraph 10(2) for the words “a Standing Committee and such other committees, Commissions and bodies” there shall be substituted the words “such Committees, Commissions and other bodies (in addition to the Committees mentioned in section 10 of the National Institutions Measure 1998)”.

*Ecclesiastical Fees Measure 1986***1986 No. 2**

2.—(1) In sections 1 and 2 of the Ecclesiastical Fees Measure 1986 for the words “Church Commissioners” wherever those words appear there shall be substituted the words “Archbishops' Council.”

(2) In section 4(1) of that Measure for paragraph (e) there shall be substituted the following paragraph—

“(e) a member of the General Synod appointed by the Appointments Committee of the Church of England,”

(3) In section 4(4)(b) of that Measure—

(a) for the words “Standing Committee of the General Synod” there shall be substituted the words “Appointments Committee of the Church of England”;

(b) for the words “that Committee” there shall be substituted the words “the General Synod”.

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EXPLANATORY NOTE

(This Note is not part of the Order)

Pursuant to section 5 of the National Institutions Measure 1998, this Order transfers functions of the Standing Committee to the Archbishops' Council, the Appointments Committee or the Business Committee as appropriate and transfers functions of the Church Commissioners for making Parochial Fees Orders to the Archbishops' Council.