



# Cathedrals Measure 1963

1963 No. 2

## SPECIAL PROVISIONS RELATING TO CERTAIN CATHEDRAL CHURCHES

### **39 Charge on capitular revenues of Birmingham cathedral.**

The capitular revenues of the cathedral church of Birmingham shall be charged with an annual payment of three thousand pounds to the [<sup>F1</sup>diocesan board of finance] for the benefit of the income account of the diocesan stipends fund of the diocese of Birmingham.

#### **Textual Amendments**

**F1** Words in s. 39 substituted (1.1.2001) by 2000 Measure No. 1, s. 6; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

### **<sup>F2</sup>40 Provisions as to Newcastle Chapter Endowment Fund.**

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#### **Textual Amendments**

**F2** S. 40 repealed (29.4.2021) by Cathedrals Measure 2021 (No. 2), s. 53(1)(h), **Sch. 4 para. 7** (with ss. 42(4), 48, 52(1))

### **41 Provisions as to canonry annexed to archdeaconry of Norfolk.**

- (1) The canonship or prebend in the cathedral church of Norwich which by the <sup>M1</sup>St. Catharine's College Cambridge (Canonship of Norwich) Act 1927 was annexed to the archdeaconry of Norfolk is hereby severed from that archdeaconry:

Provided that if at the passing of this Measure any person is holding both the said canonship or prebend and also the said archdeaconry, this subsection shall not come

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into force until both those offices are next vacant or until the holder of both those offices agrees to their severance, whichever shall first occur.

- (2) After the said canonship or prebend is severed from the said archdeaconry under the last foregoing subsection the bishop shall be entitled to appoint persons to fill the said canonship or prebend.
- (3) The sum which the dean and chapter of the cathedral church of Norwich are required under section three of the said Act to pay annually to the master or warden of St. Catharine's College in the University of Cambridge shall, as from the date on which the said canonship or prebend is severed from the said archdeaconry under the foregoing provisions of this section, cease to be a charge upon and paid out of the income of that canonship or prebend and shall be a charge upon and paid out of the moneys held by the diocesan board of finance of the diocese of Norwich [<sup>F3</sup>The said sum shall be fifty pounds per annum.].

#### Textual Amendments

**F3** Words in s. 41 inserted (30.6.1999 with application as mentioned in s. 38(3)) by 1999 No.1, s. 39(1), Sch. 2 para. 4 (with ss. 33, 34, 37, 38(5)(6))

#### Marginal Citations

**M1** 1927 c. lxii.

## 42 Provision for appointment of additional canon at Oxford.

- (1) Subject to the provisions of this section, the Cathedrals Commission may, with the consent of the bishop, the dean and canons of the cathedral church of Christ in Oxford and the Church Commissioners, make and seal an instrument providing for the creation of an additional canonry for that cathedral church:

Provided that the creation of an additional canonry under this section shall not involve any charge direct or indirect upon the revenues of the House of Christ Church.

- (2) The bishop shall be entitled to appoint persons to fill the said canonry.
- (3) A person appointed to fill the said canonry shall not be entitled to be a member of the governing body of the House of Christ Church.
- (4) Any instrument made under this section shall regulate the rights and duties of the canon appointed thereunder and those rights and duties shall be such as to secure that the canon will be engaged exclusively on [<sup>F4</sup>cathedral duties within the meaning of the Cathedrals Measure 2021; and sections 14(2) to (5), 28(1) to (3) and 45(1) of that Measure][<sup>F5</sup>shall apply in relation to that canon as if that Measure] provided that administrative functions in relation to the cathedral church were to be performed by the dean and canons.
- (5) The Cathedrals Commission shall not seal any instrument under this section unless it is satisfied that a house of residence is available for allocation for the use of the canon to be appointed thereunder and the bishop shall not appoint a canon under this section unless he is satisfied that a house of residence is available and will be allocated for the use of that canon.

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<sup>F6</sup>[(6) The bishop, the dean and canons and the Church Commissioners acting jointly may make an instrument for the purposes of this section varying or replacing any instrument previously made thereunder and for the time being in force, and the provisions of this section with any adaptations necessary to take account of the passing of the Cathedrals Measure 1999, [<sup>F7</sup>or the passing of the Cathedrals Measure 2021], shall apply under this subsection as they applied in relation to an instrument made before the passing of that Measure.]

#### Textual Amendments

- F4** Words in s. 42(4) substituted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\)](#), [Sch. 4 para. 8\(2\)](#) (with [ss. 42\(4\), 48, 52\(1\)](#))
- F5** Words in s. 42(4) substituted (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1, s. 39\(1\)](#), [Sch. 2 para. 5](#) (with [ss. 33, 34, 37, 38\(5\)\(6\)](#))
- F6** S. 42(6) substituted (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1, s. 39\(1\)](#), [Sch. 2 para. 5](#) (with [ss. 33, 34, 37, 38\(5\)\(6\)](#))
- F7** Words in s. 42(6) inserted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\)](#), [Sch. 4 para. 8\(3\)](#) (with [ss. 42\(4\), 48, 52\(1\)](#))

#### <sup>F8</sup>43 Further provisions as to Oxford

- (1) The bishop shall have power after consulting, first, the dean and then the dean and chapter, to appoint non-residentiary canons in the cathedral church of Christ in Oxford as follows—
- not more than 35 who are clerks in holy orders either of the Church of England or of a Church in communion with the Church of England,
  - not more than 10 lay canons, being lay persons who are actual communicants within the meaning of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 and who, in the opinion of the bishop, have given distinguished service to the diocese of Oxford or to the cathedral church and who have an active commitment to and concern for the life of the cathedral church and its mission and service, and
  - not more than 5 persons who shall be known as “ecumenical canons”, being persons who are baptised and members in good standing of a Church (not in communion with the Church of England) which subscribes to the doctrine of the Holy Trinity.
- (2) A non-residentiary canon appointed under subsection (1)(a) or under subsection (1) as originally enacted shall, unless the bishop otherwise determines, vacate that office—
- on ceasing to be beneficed, or licensed to serve, in the diocese of Oxford, or
  - on attaining the age of 70 years,
- whichever event first occurs.
- (3) A non-residentiary canon appointed under subsection (1)(b) or (c) shall hold that office in accordance with the terms of his or her appointment, which shall be specified by the bishop and agreed by him with the dean and chapter of the cathedral church and the terms of appointment shall specify the duration of the appointment, the circumstances in which it can be terminated and such other conditions as the bishop thinks fit.

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- (4) The bishop may confer the title of canon emeritus in the cathedral church on any non-residentiary canon who vacates that office under subsection (2) or in accordance with subsection (3).
- (5) The dean and chapter of the cathedral church may, after consulting the bishop, confer the title of canon emeritus on—
- (a) any former residentiary canon of the cathedral church,
  - (b) any former canon who filled the additional canonry created under section 42, and
  - (c) any former lay canon appointed in accordance with section 2 of the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No. 2).
- (6) Subsection (5) applies whether the former canon held office before or after the coming into force of section 10 of the Church of England (Miscellaneous Provisions) Measure 2010 (2010 No. 1).
- (7) There shall be a college of canons of the cathedral church, the membership of which shall consist of—
- (a) the dean,
  - (b) every suffragan bishop of the diocese of Oxford,
  - (c) every full-time stipendiary assistant bishop of the diocese,
  - (d) every canon (including any lay canon), and
  - (e) every archdeacon of the diocese.
- (8) The College of Canons shall—
- (a) receive and consider any report of the dean and chapter relating to the management and activities of the cathedral church, including any financial statement, and
  - (b) discuss such matters concerning the cathedral church as may be raised by any of the members.
- (9) Without prejudice to subsection (8), the rights and duties of non-residentiary canons and of canons emeriti in the cathedral church shall be determined from time to time by the dean and chapter of the cathedral church with the agreement of the bishop.
- (10) If a question arises whether a Church is in communion with the Church of England for the purposes of subsection (1) that question shall be determined in like manner as it is determined for the purposes of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967 (1967 No. 3).
- (11) In this section “the dean and chapter” means the body consisting of the dean and all the residentiary canons, including the canon who fills the additional canonry created under section 42.]

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**Textual Amendments**

- F8** S. 43 substituted (1.9.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), ss. 10(2), 13(2); S.I. 2010/2, art. 3, Sch. 2

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#### 44 Provisions as to Southwark.

- (1) [<sup>F9</sup>[<sup>F10</sup>The constitution or statutes made in pursuance of paragraph 1 of Schedule 1 to the Cathedrals Measure 1999 and any revision thereof under Part II of that Measure] with respect to the cathedral church of Southwark may, with the consent of the trustees of the Rectory of St. Saviour, Southwark, provide that the said cathedral church shall vest in the capitular body of that cathedral church and that any rights of those trustees in relation to the approval of, or consultation upon, alterations to the fabric or monuments of the cathedral church or to its curtilage shall cease; and the said trustees are hereby authorised to give their consent to any such provisions as aforesaid.]
- (2) The powers conferred by [<sup>F11</sup>sections 21 and 22 of the Cathedrals Measure 2021 (acquisition and disposal of land) on the Chapter of the cathedral church of Southwark] in relation to a house of residence shall be exercisable in like manner in relation to the Chapter House of Southwark.

In this subsection the expression “the Chapter House” has the same meaning as in the <sup>M2</sup>Southwark Cathedral Measure 1937.

#### Textual Amendments

- F9** S. 44(1) ceases to have effect (29.4.2021) by virtue of [Cathedrals Measure 2021 \(No. 2\)](#), s. 53(1)(h), [Sch. 4 para. 9\(2\)](#) (with ss. 42(4), 48, 52(1), [Sch. 4 para. 9\(4\)](#))
- F10** Words in s. 44(1) substituted (30.6.1999 with application as mentioned in s. 38(3)) by [1999 No. 1](#), s. 39(1), [Sch. 2 para. 6](#) (with ss. 33, 34, 37, 38(5)(6))
- F11** Words in s. 44(2) substituted (coming into force in accordance with s. 53(3) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\)](#), [Sch. 4 para. 9\(3\)](#) (with ss. 42(4), 48, 52(1))

#### Marginal Citations

- M2** [1937 No. 3](#).

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