



Pastoral Measure 1983 (repealed)

1983 No. 1

PART IV

MISCELLANEOUS, ADMINISTRATIVE AND GENERAL

General provisions

87 General interpretation.

(1) In this Measure, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say:—

“admission” includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or (for the purposes of section 85) the holder of a cathedral preferment and “admit” shall be construed accordingly;

“the Advisory Board” means the Advisory Board for Redundant Churches appointed under section 41;

“the bishop” means the bishop of the diocese concerned;

“charity” shall be construed in accordance with [^{F1}section 96 of the Charities Act 1993];

“church” means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part thereof as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the consecration of the part of the building used or intended to be used for the purpose of such public worship as aforesaid;

“Council for the Care of Churches” means the body so named at the passing of this Measure or any body subsequently exercising the functions of that body under a different name or with a different constitution;

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“the Commissioners” means the Church Commissioners;

“diocesan board of finance” means in relation to a diocese, the board of that name constituted under the ^{M1}Diocesan Board of Finance Measure 1925 for that diocese;

Provided that, if the bishop certifies that a board of finance not so constituted or a body constituted for the holding on trust of diocesan property is to be treated for any of the purposes of this Measure or of any scheme or order made thereunder as the diocesan board of finance for that diocese, the board or body so certified shall be so treated instead of any board constituted under the said Measure;

“diocesan pastoral account” means, in relation to a diocese, the account referred to in section 77 for that diocese;

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established for that diocese;

“Dioceses Commission” means the body constituted under the ^{M2}Dioceses Measure 1978;

“endowments” in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, but subject as aforesaid any question as to what constitutes the endowments of a benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

[^{F2}“funding period” means a period determined as such by an order made under section 53(1);]

“interested parties” has the meanings assigned by section 3;

“local planning authority”—

- (a) [^{F3}in England]outside Greater London, means the district planning authority;
- (b) in Greater London, means the Greater London Council and also, in relation to the City of London, means the Common Council of the City of London and, in relation to any London borough, means the council of that borough;

“parsonage house” means the house or other dwelling vested in the incumbent of a benefice (when the benefice is full) and being his official residence, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

“pastoral committee” means the committee appointed under, or by virtue of, this Measure, but does not include a joint pastoral committee;

“pastoral order” means an order made by the bishop under section 8;

“pastoral scheme” means a scheme made by the Commissioners and confirmed by Order in Council under Part I, and includes (except where it is expressly or by necessary implication excluded) any such scheme made in pursuance of proposals by a joint pastoral committee appointed under section 13;

“patron”, in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, to present to that benefice upon a vacancy, including—

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who is for the

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time being the person who would be entitled to present on the next or any subsequent turn,

and “right of patronage” shall be construed accordingly:

Provided that, in the application of these definitions, the fact that any person is a Roman Catholic shall be disregarded;

“provision” in relation to a building, includes, in addition to the construction or erection thereof, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and “provide” shall be construed accordingly;

“redundant building” has the meaning assigned to it by section 28;

[^{F4}“redundant churches temporary maintenance account” means the account referred to in section 78A;]

“redundancy scheme” has the meaning assigned to it by section 48;

[^{F5}“registered patron”, in relation to a benefice or to benefices held in plurality, means every person who is for the time being registered under the Patronage (Benefices) Measure 1986 in a register of patrons as a patron of that benefice or those benefices]

“restoration” includes rebuilding or partial rebuilding;

“sharing agreement” has the same meaning as in the ^{M3}Sharing of Church Buildings Act 1969;

“suspension period” has the meaning assigned to it by section 67(1).

- (2) In this Measure, except where otherwise indicated,—
- (a) a reference to a numbered section or schedule is a reference to the section of or schedule to this Measure so numbered, and
 - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
 - (c) a reference in a section, subsection or schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or schedule so numbered, and
 - (d) a reference in a paragraph of a schedule to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered, and
 - (e) a reference to a particular Part is a reference to that Part of this Measure.
- (3) In determining the net proceeds of the sale or exchange of any property by the Commissioners or the diocesan board of finance, or the net premium or net rent of any property let by the Commissioners or board, the deductions to be made shall include the deduction of any money expended by the Commissioners or board or a diocesan redundant churches uses committee on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.
- (4) Any reference in this Measure to the Church Representation Rules shall be construed as a reference to those Rules as for the time being amended by any resolution of the General Synod passed in accordance with section 7(1) of the ^{M4}Synodical Government Measure 1969.
- [^{F6}(5) Any reference in this Measure to the demolition of a building shall be construed as including a reference to the demolition of part thereof.]

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Textual Amendments

- F1** Words in s. 87(1) substituted (E.W.) (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 18(4)**
- F2** S. 87(1): Definition of “funding period” inserted (1.4.1994) by 1994 No. 1, **s. 11(a)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F3** S. 87(1): Words in definition of “local planning authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 71** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**.
- F4** S. 87(1): Definition of “redundant churches temporary maintenance account” inserted (1.4.1994) by 1994 No. 1, **s. 11(b)**; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F5** Definition inserted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 24**
- F6** S. 87(5) inserted (1.9.1995) by 1995 No. 2, **s. 11(d)**; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.

Marginal Citations

- M1** 1925 No. 3.
- M2** 1978 No. 1.
- M3** 1969 c. 38.
- M4** 1969 No. 2.

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