



# Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988

1988 No. 1

## <sup>F1</sup>PART I

### LEGAL AID

#### Textual Amendments

- F1** Pt. I (ss. 1-4) modified (1.9.1994) by [1994 No. 3, s. 5\(1\)](#); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

<sup>F2</sup>**1** .....

#### Textual Amendments

- F2** Ss. 1-4 repealed (with saving in s. 5(1)) (1.9.1994) by [1994 No. 3, ss. 7\(1\)](#); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

<sup>F3</sup>**2** .....

#### Textual Amendments

- F3** Ss. 1-4 repealed (with saving in s. 5(1)) (1.9.1994) by [1994 No. 3, ss. 7\(1\)](#); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

<sup>F4</sup>**3** .....

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 1-4 repealed (with saving in s. 5(1)) (1.9.1994) by 1994 No. 3, ss. 7(1); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

**F5** 4 .....

**Textual Amendments**

**F5** Ss. 1-4 repealed (with saving in s. 5(1)) (1.9.1994) by 1994 No. 3, s. 7(1); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

**PART II**

MISCELLANEOUS PROVISIONS

**5 Solemnization of marriages of housebound and detained persons.**

In section 2 of the <sup>M1</sup> Extra-Parochial Ministry Measure 1967 (ministry at institutions) the proviso at the end of subsection (1) shall be omitted and there shall be inserted the following subsection—

“(1A) Where—

- (a) a clergyman of the Church of England is licensed under subsection (1) above to perform at an institution offices and services specified in the licence; and
- (b) the marriage of a person who is housebound or is a detained person is to be solemnized at the institution in question in pursuance of section 26(1)(dd) of the Marriage Act 1949, and
- (c) that marriage is intended to be solemnized according to the rites of the Church of England,

the offices and services which the clergyman is licensed under subsection (1) above to perform shall be treated as including the solemnization of that marriage; but, except as provided by the preceding provision of this subsection, no licence granted under subsection (1) above shall extend to the solemnization of marriage.

A person is housebound or is a detained person for the purposes of this subsection if he is housebound or a detained person for the purposes of the Marriage Act 1949.”

**Marginal Citations**

**M1** 1967 No. 2.

*Changes to legislation: There are currently no known outstanding effects for the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988. (See end of Document for details)*

**F6**      **Change of name of see.**

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**Textual Amendments**

**F6**      S. 6 repealed (1.9.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), s. 66(2), [Sch. 7](#); S.I. 2008/1, Instrument made by Archbishops

**7**      **Provisions as to licences of ministers, deaconesses, lay workers and readers.**

(1) [<sup>F7</sup>Subject to subsection (1A) below,]It shall be lawful for the General Synod to make provision by Canon with respect to the revocation by the bishop of a diocese of licences granted to [<sup>F8</sup>deaconesses, lay workers and readers who are not subject to common tenure], and with respect to appeals from any such revocation.

<sup>F9</sup>(1A) .....

(2) The following provisions of the <sup>M2</sup> Pluralities Act 1838 shall cease to have effect—

- (a) in section 97 (penalty for licensed curate who quits curacy without notice) the words from “upon pain of paying to the bishop” to the end of the section; and
- (b) section 98 (licences of curates employed by non-resident incumbents and revocation of such licences).

**Textual Amendments**

**F7**      Words in s. 7(1) inserted (1.5.1996) by [1995 No. 1](#), [s. 15\(a\)](#); Instrument dated 12.2.1996 made by [Archbishops of Canterbury and York](#)

**F8**      Words in s. 7(1) substituted (31.1.2011) by [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\)](#), s. 13(2), [Sch. 2 para. 19](#) (with s. 9); S.I. 2010/8, art. 2

**F9**      S. 7(1A) repealed (31.1.2011) by [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\)](#), s. 13(2), [Sch. 3](#) (with s. 9); S.I. 2010/8, art. 2

**Marginal Citations**

**M2**      [1838 c. 106](#).

**8**      **Appointment of organists and choirmasters.**

It shall be lawful for the General Synod by Canon to make provision with respect to the appointment of persons to act as organists and choirmasters (by whatever name called) and with respect to the termination of such appointments.

**F109**      **Powers to deal with church land during vacancy in benefice.**

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**Textual Amendments**

**F10**      S. 9 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

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## 10 Amendment of s. 31 of Leasehold Reform act 1967.

Section 31 of the <sup>M3</sup> Leasehold Reform Act 1967 (tenancies of ecclesiastical property) shall have effect subject to the following amendments—

- (a) in subsection (1) for the words “an ecclesiastical benefice” there shall be substituted the words “a diocesan board of finance as diocesan glebe land” and for the word “incumbent” there shall be substituted the words “diocesan board of finance”;
- (b) in subsection (4)—
  - (i) for the words “an ecclesiastical benefice” there shall be substituted the words “a diocesan board of finance”;
  - (ii) in paragraph (a) for the words “incumbent’s interest” there shall be substituted the words “interest of the diocesan board of finance”;
  - (iii) paragraph (b) shall be omitted;
  - (iv) in paragraph (c) for the word “incumbent” there shall be substituted the words “diocesan board of finance”;
  - (v) paragraph (d) shall be omitted;
- (c) for subsection (5) there shall be substituted the following subsection—
 

“(5) In this section “diocesan board of finance” and “diocesan glebe land” have the same meaning as in the Endowments and Glebe Measure 1976.”

### Marginal Citations

**M3** 1967 c. 88.

## 11 Persons to be consulted under s. 3 of Pastoral Measure 1983.

In section 3(3) of the <sup>M4</sup> Pastoral Measure 1983 (definition of “interested parties” for purposes of consultation) there shall be inserted at the end the following paragraph—  
 “Where a team ministry is established for the area of a benefice, the reference in paragraph (b) to the incumbents of benefices shall in relation to that benefice be construed as a reference to all the persons who constitute the team under section 20(1).”

### Marginal Citations

**M4** 1983 No. 1.

## <sup>F11</sup>12 Clergy (Widows and Dependants) Pensions Fund.

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### Textual Amendments

**F11** S. 12 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

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### **13 Amendment of s. 7 of Parochial Church Councils (Powers) Measure 1956.**

In paragraph (iv) of section 7 of the <sup>M5</sup> Parochial Church Councils (Powers) Measure 1956 (which confers power on a parochial church council to determine, jointly with the minister, the objects for which moneys collected in church are to be given) the words “subject to the directions contained in the Book of Common Prayer as to the disposal of money given at the offertory” shall be omitted.

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#### **Marginal Citations**

**M5** 1956 No. 3.

## **PART III**

### **GENERAL**

### **14 Minor and consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 2 to this Measure shall have effect subject to the minor and consequential amendments specified in that Schedule.
- (2) The enactments mentioned in Schedule 3 to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

### **15 Short title, extent and commencement.**

- (1) This Measure may be cited as the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988.
- (2) This Measure shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint; and different dates may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but 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 and may be extended to the Isle of Man by or under Act of Tynwald.

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#### **Modifications etc. (not altering text)**

**C1** Power of appointment conferred by s. 15(2) fully exercised by Instrument dated 19.4.1988

**Changes to legislation:**

There are currently no known outstanding effects for the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988.