



Care of Churches and Ecclesiastical Jurisdiction Measure 1991

1991 No. 1

PART IV

MISCELLANEOUS AND GENERAL

31 Interpretation.

(1) In this Measure, unless the context otherwise requires—

“the 1963 Measure” means the ^{M1}Ecclesiastical Jurisdiction Measure 1963;

“the 1964 Measure” means the ^{M2}Faculty Jurisdiction Measure 1964;

“the 1983 Measure” means the ^{M3}Pastoral Measure 1983;

“administrative body”—

- (a) in relation to a cathedral church in respect of which there is a corporate body known as the dean and chapter, means the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section 7 of the ^{M4}Cathedrals Measure 1963;
- (b) in relation to any other cathedral church, means the body by which administrative functions in relation to the cathedral church are performed by virtue of paragraph (b) of section 8 of that Measure;

“advisory committee” in relation to a diocese or archdeaconry means the Diocesan Advisory Committee of the diocese or of the diocese in which the archdeaconry is situated, as the case may be;

“article” includes part of an article and any thing affixed to land or a building;

“building” includes any structure or erection, and any part of a building as so defined;

“Cathedrals Fabric Commission” means the Cathedrals Fabric Commission for England;

“conservation area” has the same meaning as in the ^{M5}Planning (Listed Buildings and Conservation Areas) Act 1990;

Status: Point in time view as at 01/03/1993. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Section 31. (See end of Document for details)

“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;

“Diocesan Board of Finance” has the same meaning as in the ^{M6}Endowments and Glebe Measure 1976;

“high judicial office” has the meaning assigned to it by section 25 of the ^{M7}Appellate Jurisdiction Act 1876;

“inventory” means the inventory maintained under section 4(1) above;

“land” includes buildings;

“listed building” has the same meaning as in the ^{M8}Planning (Listed Buildings and Conservation Areas) Act 1990;

“local planning authority” in relation to any area means the body exercising the functions of a local planning authority under section 8 of the ^{M9}Planning (Listed Buildings and Conservation Areas) Act 1990 in that area;

“log-book” means the log-book maintained under section 4(1) above;

“minister”, in relation to a parish, means—

- (a) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the 1983 Measure or by his licence from the bishop, that vicar;
- (b) in any other case—
 - (i) the incumbent of the benefice comprising the parish; or
 - (ii) a curate licensed to the charge of the parish or a minister acting as priest-in-charge of the parish, where rights of presentation are suspended;

“national amenity society” means any of the following, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purpose of this Measure;

“parish” means—

- (a) an ecclesiastical parish; and
- (b) a district which is constituted a “conventional district” for the cure of souls;
 - “parish church” does not include a parish church cathedral to which the ^{M10}Care of Cathedrals Measure 1990 applies;
 - “place of worship” includes the curtilage of a place of worship;
 - “prescribed” means prescribed by rules made under section 26 above;
 - “Rule Committee” means the Rule Committee established under section 25 above;
 - “terrier” means the terrier maintained under section 4(1) above.

(2) In Parts I, II and IV of this Measure “church” means—

- (a) any parish church;
- (b) any other church or chapel (not being a cathedral church to which the Care of Cathedrals Measure 1990 applies or chapel which is not subject to the jurisdiction of the bishop of a diocese or the Cathedral Church of Christ

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- in Oxford) which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England; and
- (c) any building licensed for public worship according to the rites and ceremonies of the Church of England other than—
- (i) a building which is in a university, college, school, hospital or public or charitable institution but which has not been designated under section 29(2) of the 1983 Measure as a parish centre of worship;
 - (ii) a building which has been excluded from the provisions of Parts II and IV of this Measure by direction of the bishop of the diocese concerned with the approval of the advisory committee; and
 - (iii) a building used solely for the purpose of religious services relating to burial or cremation.
- (3) In this Measure references to work authorised by a faculty shall be construed as including a reference to work ordered by a faculty.
- (4) In this Measure references to the consistory court of a diocese and to the chancellor of a diocese shall, in their application to the diocese of Canterbury, be construed as references to the commissary court thereof and to the commissary general of such court respectively.
- (5) Any reference in any enactment to an advisory committee for the care of churches appointed under section 13 of the 1964 Measure shall be construed as including a committee constituted under section 2 above.
- (6) Nothing in this Measure shall be construed as prejudicing or affecting the provisions of the ^{M11}Ancient Monuments and Archaeological Areas Act 1979, the ^{M12}Town and Country Planning Act 1990 or the ^{M13}Planning (Listed Buildings and Conservation Areas) Act 1990 or any instrument made thereunder.

Marginal Citations

- M1** 1963 No. 1.
M2 1964 No. 5.
M3 1983 No. 1.
M4 1963 No.2.
M5 1990 c. 9.
M6 1976 No. 4.
M7 39 & 40 Vict. c. 59.
M8 1990 c. 9.
M9 1990 c. 9.
M10 1990 No.2.
M11 1979 c. 46.
M12 1990 c. 8.
M13 1990 c. 9.

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