



# Cathedrals Measure 1999

1999 No. 1

## PART I

### GOVERNING BODIES AND FINANCIAL PROVISIONS

#### *Provisions as to property*

#### **13 Vesting of property in cathedral.**

Where immediately before the relevant date any property is vested in the dean and chapter of a cathedral or the cathedral chapter of a cathedral, that property shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in the cathedral together with, in the case of land, any easements, rights or other privileges annexed thereto:

Provided that the vesting of any property by virtue of this section shall not affect any previously existing trust or contract or any mortgage or other charge affecting the property.

#### **14 Schemes for transfer of property to cathedral.**

- (1) The Church Commissioners with the consent of the Chapter may prepare a scheme providing for the transfer of property by the Commissioners to the cathedral.
- (2) A scheme under subsection (1) above may—
  - (a) amend or repeal the provisions of any other scheme made under any Act or Measure relating to the property of the cathedral concerned, other than provisions forming part of the constitution and statutes of the cathedral;
  - (b) contain such incidental, consequential or supplementary provisions as may be necessary or expedient for giving full effect to the scheme.

*Status: Point in time view as at 19/05/2014.*

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## 15 Acquisition and disposal of land.

(1) Before exercising any power to acquire or dispose of land the Chapter shall obtain the consent of the Church Commissioners and also in the case of the disposal of a house of residence—

- (a) the consent of the dean or residentiary canon who normally occupies the house except during a vacancy in the office of the dean or residentiary canon, as the case may be, and
- (b) where the house is allocated for the use of the holder of a dignity the right of presentation to which is vested in Her Majesty, the consent of Her Majesty:

Provided that no consent shall be required under this subsection for—

- (i) the grant of a lease to a clerk in Holy Orders holding office in the cathedral or to any person employed in connection with the cathedral, or
- (ii) the acquisition of land by a gift inter vivos or by will, or
- (iii) any transaction for which the sanction of an order is required under [<sup>F1</sup>sections 117 to 121 of the Charities Act 2011,] or
- (iv) any transaction relating to land which immediately before the relevant date is held by the dean and chapter of the cathedral of St Paul in London as part of the Tillingham estate.

(2) The Church Commissioners may by order except from the provisions of subsection (1) above transactions relating to land forming part of an estate specified in the order or transactions of a class so specified or relating to property of a class so specified.

(3) The powers conferred by section 4(9) above may be exercised notwithstanding that the consideration for any transaction executed thereunder may not be the full consideration.

(4) The sealing by the Church Commissioners of any document under this section shall be conclusive evidence that all the requirements of this section with respect to the transaction to which the document relates have been complied with.

(5) A statement in a document sealed by the Chapter that the consent thereto of the Church Commissioners is not required under this section shall be sufficient evidence of that fact.

### Textual Amendments

**F1** Words in s. 15(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), s. 355, Sch. 7 para. 83](#) (with s. 20(2), Sch. 8)

### Modifications etc. (not altering text)

**C1** S. 15(1) excluded (31.1.2011) by [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\), ss. 11\(8\), 13\(2\)](#) (with s. 9); [S.I. 2010/8, art. 2](#)

## 16 Cathedral moneys: investment powers, etc.

(1) Subject to the provisions of this section, the Chapter of any cathedral may exercise the following powers in respect of moneys which form part of the endowment of the cathedral or are otherwise vested in the cathedral or which are vested in the Church Commissioners on its behalf, that is to say—

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- (a) power to invest such moneys in the acquisition of land, including participation in any collective investment scheme operated for the purposes of this paragraph by the Church Commissioners,
- (b) power to invest such moneys in any investment fund or deposit fund constituted under the <sup>M1</sup>Church Funds Investment Measure 1958,
- [<sup>F2</sup>(c) power to invest in any investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act),]
- (d) subject to subsection (3) below, power to use such moneys for the improvement or development of any property vested in the cathedral,
- <sup>F3</sup>  
. . . .
- (2) The Chapter of any cathedral shall before investing any moneys in the acquisition of land obtain the like consents as are required under section 15 above for the acquisition of land.
- (3) Moneys which form part of the endowment of the cathedral may not be used for the improvement or development of the cathedral or any other building falling within paragraph 5(2)(a) of the <sup>M2</sup>Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 and the Chapter shall before using them for the improvement or development of any other property obtain the consent of the Church Commissioners.
- (4) Moneys which form part of the endowment of the cathedral may not be used for the repair of any property:

Provided that, where the Chapter is satisfied that an emergency has arisen which justifies the expenditure of such moneys on the repair of the cathedral or any other building falling within paragraph 5(2)(a) of the said Order of 1994, it may, with the consent of the Church Commissioners, incur that expenditure and the sum expended shall be replaced by the Chapter within such period and in such manner as may be agreed between the Church Commissioners and the Chapter.

#### Textual Amendments

**F2** S. 16(1)(c) substituted (1.2.2001) by 2000 c. 29, s. 40, **Sch. 2 Pt. III para. 57(a)** (with s. 35); S.I. 2001/49, **art. 2**

**F3** Words in s. 16(1) repealed (1.2.2001) by 2000 c. 29, s. 40, **Sch. 2 Pt. III para. 57(b)**, **Sch. 4 Pt. II** (with s. 35); S.I. 2001/49, **art. 2**

#### Marginal Citations

**M1** 1958 No.1.

**M2** S.I. 1994/1771.

## 17 Proceeds of disposal of property forming part of endowment of cathedral.

Where any property which forms part of the endowment of a cathedral is disposed of, the proceeds of the disposal (including any moneys received by way of loan on a mortgage or charge on land or premium on the grant of a lease) shall be treated as part of the endowment of the cathedral.

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#### **[<sup>F4</sup>17A Investment of endowment funds on total return basis**

- (1) The Chapter of any cathedral may, if it is satisfied that it is in the interests of the cathedral to do so, resolve that all or any portion of the moneys forming part of the cathedral's endowment—
  - (a) should be invested without the need to maintain a balance between capital and income returns, and
  - (b) should be freed from the restrictions on the use of the endowment contained in sections 16 and 17 above.
- (2) Any resolution passed under subsection (1) above is referred to in this Measure as a total return resolution.
- (3) The Chapter may, if it is satisfied that it is in the interests of the cathedral to do so, amend or revoke a total return resolution.
- (4) Where the Chapter is proposing to revoke a total return resolution, it must determine whether or not there is a negative total return, that is to say whether the total return represents a reduction in the value of the cathedral's endowment, as it was immediately before the total return resolution was passed.
- (5) Where the Chapter determines under subsection (4) that there is a negative total return, it must make provision in its annual report and accounts specifying how an amount equivalent to the negative total return is to be paid into the cathedral's endowment over such period as the Chapter thinks reasonable, not exceeding 10 years from the date when the total return resolution is revoked.
- (6) Where the Chapter does not determine under subsection (4) that there is a negative total return, the Chapter must determine what part of the unapplied total return of the assets of the cathedral should be allocated for accumulation as part of its investments.
- (7) Where subsection (6) applies, the amount allocated must not result in the value of the cathedral's endowment immediately after the date of the revocation exceeding its value immediately before the date when the total return resolution was passed, increased by the rise in the Retail Price Index between the last mentioned date and the date of revocation.
- (8) Where a total return resolution is in force, the Chapter must, so far as applicable, comply with the requirements of Schedule A1.
- (9) Schedule A1 may be amended by a resolution of the General Synod.
- (10) The Statutory Instruments Act 1946 (c. 36) shall apply to any resolution under subsection (9) as if it were a statutory instrument and as if this Measure were an Act providing that it should be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### **Textual Amendments**

- F4** S. 17A inserted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), ss. 14(2), 21(2); S.I. 2014/1369, art. 2

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## **18 Provisions as to moneys held by Church Commissioners on behalf of a cathedral.**

Where the Church Commissioners hold on behalf of any cathedral any moneys which form part of the endowment of that cathedral the Church Commissioners may, if the Chapter requests them to do so, make payments out of those moneys for the purpose of enabling the Chapter to exercise any of the powers conferred by section 16 above.

## **19 Allocation of houses for residentiary use.**

The Chapter of any cathedral may allocate for the use of any person holding an office in connection with the cathedral, as a residence from which to perform the duties of that office, any house vested in the cathedral.

## **20 Inspection of cathedral property.**

- (1) It shall be the duty of the Chapter of each cathedral to arrange, during the period of five years beginning with the relevant date and during every subsequent period of five years, for an architect or surveyor to carry out an inspection of all property (other than the cathedral [<sup>F5</sup> and any ancillary building within the meaning of section 14(6) of the Care of Cathedrals Measure 1990]) which the Chapter is liable to repair and maintain, and to make a report in writing to the Chapter on [<sup>F6</sup>any works which the architect or surveyor considers will need to be carried out in relation to that property and of the urgency with which the architect or surveyor considers that they should be carried out]
- (2) In the case of property within the precinct of the cathedral the report required by subsection (1) above shall be compiled in consultation with the [<sup>F7</sup>cathedral archaeologist (if any) appointed under section 12(2) of the Care of Cathedrals Measure 1990], and the Chapter shall send a copy of the report to the fabric advisory committee of the cathedral and to the Cathedrals Fabric Commission for England.

### **Textual Amendments**

- F5** Words in s. 20(1) inserted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 8\(a\)](#); S.I. 2007/2, Instrument made by Archbishops
- F6** Words in s. 20(1) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 8\(b\)](#); S.I. 2007/2, Instrument made by Archbishops
- F7** Words in s. 20(2) substituted (1.1.2008) by [Care of Cathedrals \(Amendment\) Measure 2005 \(No. 2\)](#), s. 20(3), [Sch. 3 para. 9](#); S.I. 2007/2, Instrument made by Archbishops

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