



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

PART 6

GENERAL

*Procedure*

## 94 Regulations, rules and orders

- (1) Each of the following powers is exercisable by statutory instrument—
  - (a) the power to make regulations under section 5 (maximum number of chancellorships etc.);
  - [<sup>F1</sup>(aa) the power to make regulations under section 21A (training requirements for ecclesiastical judges);]
  - (b) the power to make regulations under section 32 (age for end of registrar's term of office);
  - (c) the power to make regulations under section 33 (maximum number of registrarships etc.);
  - (d) the power to make rules under section 83;
  - (e) the power to make an order under section 86 (fees).
- (2) The Statutory Instruments Act 1946 applies—
  - (a) as if the regulations, rules or order concerned had been made when approved by the General Synod, and
  - (b) as if this Measure were an Act of Parliament providing for the instrument containing the regulations, rules or order to be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 17/05/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, PART 6. (See end of Document for details)*

### Textual Amendments

- F1** S. 94(1)(aa) inserted (17.5.2024) by [Church of England \(Miscellaneous Provisions\) Measure 2024](#) (No. 1), **ss. 10(2)**, 22(4); S.I. 2024/631, art. 2

### Modifications etc. (not altering text)

- C1** S. 94 modified by 1977 No. 1, Sch. 1 para. 12(2) (as substituted (1.7.2018) by [Mission and Pastoral etc. \(Amendment\) Measure 2018](#) (No. 4), s. 14(3), **Sch. para. 3** (with [Sch. para. 4](#)); S.I. 2018/722, art. 2(a) (with [Sch. para. 3](#)))

### Commencement Information

- I1** S. 94 in force at 1.9.2018 by [S.I. 2018/720](#), **art. 2**

## Interpretation

### 95 Interpretation

- (1) In this Measure, unless otherwise indicated—
- “chancellor” is to be read with section 2(3);
  - “communicant” has the meaning given in subsection (2) below;
  - “consistory court” is to be read with section 1(3);
  - “high judicial office” has the meaning given in subsection (3) below;
  - “parochial library” has the meaning given in subsection (4) below;
  - “PCC” means parochial church council;
  - “rules” means rules under section 83.
- (2) “Communicant” means a person who has received communion according to the use of the Church of England or of a church in communion with it—
- (a) at least once in the twelve months before the date of the person's declaration that he or she fulfils that requirement, or
  - (b) if a declaration is not required of the person, at least once in the twelve months before the date on which he or she is offered an appointment or requested to act in a capacity for which that qualification is required.
- (3) “High judicial office” means—
- (a) high judicial office within the meaning of Part 3 of the Constitutional Reform Act 2005 (see section 60(2) of that Act), or
  - (b) membership of the Judicial Committee of the Privy Council.
- (4) “Parochial library” means a library in a parish which was founded (whether before or after the commencement of this Measure) by way of charitable contribution in order to assist clergy of the Church of England with their studies.
- (5) For the purposes of this Measure—
- (a) a place which is surrounded by or adjacent to one diocese and does not form part of that diocese is to be treated as being in that diocese;
  - (b) a place which is surrounded by or adjacent to two or more dioceses and does not form part of any of those dioceses is to be treated as being in such of them as the archbishop of the province concerned may direct.

*Status: Point in time view as at 17/05/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, PART 6. (See end of Document for details)*

**Commencement Information**

**I2** [S. 95](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

*Ancillary provision*

**96 Consequential amendments**

- (1) Schedule 3 (which contains consequential amendments) has effect.
- (2) An amendment made by that Schedule to rules or to an order does not affect the power to make further rules or a further order amending or revoking the provision made by the amendment.

**Commencement Information**

**I3** [S. 96](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

**97 Transitional, saving and transitory provision**

Schedule 4 (which contains transitional, saving and transitory provision) has effect.

**Commencement Information**

**I4** [S. 97](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

**98 Repeals and revocations**

Schedule 5 (which contains repeals and revocations) has effect.

**Commencement Information**

**I5** [S. 98](#) in force at 1.9.2018 by [S.I. 2018/720](#), [art. 2](#)

*Final provision*

**99 Commencement**

- (1) This section and sections 100 and 101 come into force on the day on which this Measure is passed.
- (2) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.
- (3) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

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- (4) The power to make an order under subsection (2) or (3) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

## **100 Extent**

- (1) This Measure extends to the whole of the provinces of Canterbury and York, but extends to the Channel Islands and the Isle of Man only in accordance with the following provisions of this section.
- (2) The provisions of Parts 3 to 5 and this Part may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them.
- (3) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, the provisions of Parts 1, 3 to 5 and this Part extend to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.

## **101 Short title**

This Measure may be cited as the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

**Status:**

Point in time view as at 17/05/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, PART 6.