



# Cathedrals Measure 2021

2021 No. 2

## *Transitional provisions*

### **46 Preparatory steps by Councils**

- (1) The Council of each cathedral must act so as to secure the revision of the constitution and statutes in readiness for the implementation of this Measure; and to secure that objective, the Council must act in accordance with sections 31 to 34 as modified by section 53(2).
- (2) If, before the passing of this Measure, the Council of a cathedral has taken steps which it considers necessary or appropriate for securing the objective under subsection (1), those steps are to be treated as if they had been taken in compliance with subsection (1) after the passing of this Measure.
- (3) If the Church Commissioners are satisfied that the Council of a cathedral has secured the objective under subsection (1), they must certify to the Charity Commission and to the Chapter that—
  - (a) the constitution and statutes have been revised in readiness for the implementation of this Measure,
  - (b) the provisions of this Measure specified in the certificate will come into force in relation to the cathedral on the day on which the revised constitution and statutes take effect (as to which see, section 53(3)), and
  - (c) the charity provisions (as to which, see section 53(7)) will come into force in relation to the cathedral on the date specified in the certificate.
- (4) The date certified under subsection (3)(c) must be—
  - (a) no earlier than three months after the date on which the revision of the constitution and statutes was completed, and
  - (b) no later than three years after the date on which this Measure is passed.
- (5) A certificate for the purposes of subsection (3)(c) may be given after the certificate for the purposes of subsection (3)(a) and (b) is given.

- (6) If, in the opinion of the Church Commissioners, there is an unreasonable delay on the part of the Council of a cathedral in taking steps to secure the objective under subsection (1), the Church Commissioners may themselves act in accordance with sections 31 to 34 so as to secure the objective; and for that purpose, those sections have effect as if—
- (a) any reference to the Chapter were a reference to the Church Commissioners, except in section 34(3),
  - (b) in each of sections 31(1) and 33(1), the requirement for the consent of the Church Commissioners were omitted,
  - (c) in section 31, subsections (4) and (6) were omitted, and
  - (d) in section 32 there were also a requirement for the notice under subsection (2) of that section to be sent to the Chapter and the administrator of the cathedral.
- (7) The Chapter may appeal to the archbishop of the province against a decision by the Church Commissioners to act under subsection (6); and the archbishop's decision is final.
- (8) Subsections (1) and (2) do not affect the operation of section 13 of the Interpretation Act 1978 (anticipatory exercise of powers) in relation to this Measure.

#### **47 Transfer of trust property**

- (1) The trusteeship of the property specified in the Table in Schedule 3, being property held by the Church Commissioners on trust in connection with the cathedral so specified, is transferred by virtue of this section on the date on which this section comes into force for the Chapter to hold for the cathedral's general purposes.
- (2) A transfer by virtue of this section is made free from any restriction on the expenditure of capital which was in force immediately before the transfer.
- (3) On a transfer by virtue of this section, the Church Commissioners are discharged from the trust.

#### **48 Saving for existing interests**

No provision of this Measure or of an instrument made under section 31 is to be taken as adversely affecting the tenure of office or right to a pension of a person who, immediately before the commencement of the provision, was holding or had held a freehold or other office conferring fixity of tenure in a cathedral unless, by an instrument in writing under his or her hand, the person agrees to be bound by the provision.

#### **49 Special provision for Ripon Cathedral**

- (1) This section applies to the Cathedral Church of St Peter and St Wilfrid, commonly known as Ripon Cathedral and one of the cathedrals of the diocese of Leeds.
- (2) The functions of the PCC of the parish for which the Cathedral is the parish church are transferred to the Chapter of the Cathedral.
- (3) On the transfer under subsection (2), all relevant property of the PCC is transferred to the Chapter of the Cathedral without any instrument or other formality being required; and for this purpose, the "relevant property" of the PCC is—

- (a) the property held by the PCC,
  - (b) the property vested in the diocesan authority under section 6(2) of the Parochial Church Councils (Powers) Measure 1956 or vested in that authority as custodian trustee on behalf of the PCC, or
  - (c) any other property held on trust for the PCC.
- (4) A bequest or other gift which is expressed as a gift to the PCC, and which takes effect on or after the day on which this section comes into force, takes effect as a gift to the Chapter of the Cathedral.
- (5) “PCC” means parochial church council.