



CHURCH MEASURES

Extracted from *Manx Church Legislation* (3rd ed., 2006))

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NOTE: Measures up to 1993 were enacted under the Church (Application of General Synod Measures) Act 1979, those from 1994 onwards under the Church Legislation Procedure Act 1993.

Pastoral Measure (Isle of Man) 1990

GC 131/90

NOTE: COMMENCEMENT: the Measure was brought into force on 1st January 1991 by the Pastoral Measure (Isle of Man) 1990 (Appointed Day) Order 1990 (GC 144/90). The amendments made by the Church Act 1992 (noted below) were brought into force on 1st January 1993 by the Church Act 1992 (Appointed Day) (No. 1) Order 1992 (GC 327/92).

1. Extension of the Pastoral Measure 1983

(1) The Pastoral Measure 1983 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

(2) Accordingly the said Measure as it has effect in the Island by virtue of this section is set out in Schedule 2.

2. Short title and commencement

(1) This Measure may be cited as the Pastoral Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day as the Bishop may by order appoint.

NOTE: S.2: subs.(2): see general note above.

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE PASTORAL MEASURE 1983 HAS EFFECT IN THE ISLAND

[General modifications

1. Subject to the following provisions of this Schedule, for references to the pastoral committee substitute references to the Commissioners.

Pastoral committee

1A. Omit section 1.

Duties of Commissioners

1B. In section 2(1), omit "(other than section 36)".]

NOTE: Para.1 substituted and paras.1A & 1B inserted by Church Act 1992 Sch.4 Part 2 para.1.

Formulation of proposals

2. (1) In section 3(1), omit the words from ", subject" to "authorities,".

(2) In section 3(2) —

(a) in paragraph (c), after "parishes" insert "and chapelries", and at the end insert "and";

(b) omit paragraph (d);

(c) for paragraph (e) substitute —

"(e) the archdeacon and the rural deans of any deaneries which would be so affected or to which any such benefices, parishes or chapelries belong and the lay chairmen of the deanery synods of any such deaneries.";

(d) omit paragraph (f).

(3) In section 3(3) —

(a) omit "archdeaconries or"; and

(b) for paragraphs (a), (b) and (c) substitute —

"(a) the parochial church councils of any parishes and chapelries for which a change of deanery, or an alteration of the name of the archdeaconry or deanery, is contemplated or proposed;

(b) the incumbents of benefices to which such parishes and chapelries belong; and

(c) the archdeacon and the rural deans of the deaneries affected and the lay chairmen of the deanery synods of such deaneries.

[(5) Omit section 3(4).

(5A) In section 3(5) and (6), for "sub-committee" (in each place) substitute "committee".

(5B) Omit section 3(7) and (8).

(6) In section 3(10), omit the words from "and, if" onwards.

NOTE: Para.2: sub-para.(5) substituted and sub-para.(5A) & (5B) inserted by Church Act 1992 Sch.4 Part 2 (5B) inserted by Church Act 1992 Sch.4 Part 2 para.2.

[Approval by bishop of draft proposals

2A. Omit section 4.]

NOTE: Para.2A inserted by Church Act 1992 Sch.4 Part 2 para.3.

[Preparation of draft scheme

3. (1) For section 5(1) substitute —

"(1) The Commissioners shall implement in accordance with the following provisions of this Part any draft proposals submitted to the bishop under section 3(9) and approved by him, with any amendments made under section 3(9)."

- (2) Omit section 5(2) and (3).
- (3) In section 5(4) —
 - (a) omit "with such other amendments (if any) as may have been made under subsection (3),";
 - (b) omit "(other than section 36)";
 - (c) in proviso (i), omit "given after consultation with the pastoral committee"; and
 - (d) in proviso (iii), omit "a proposal to create an archdeaconry or".]

NOTE: Para.3 substituted by Church Act 1992 Sch.4 Part 2 para.4.

Notice of draft schemes and orders

4. [(1) Omit section 6(2).
(1A)] In section 6(3) —
 - (a) in paragraph (a), omit "on the Advisory Board and" and the words from "and, if" onwards;
 - (b) for "circulating in the locality" substitute "published and circulating in the Isle of Man", and for "locality" (in the second place) substitute "Isle of Man";
 - (c) for the words from "paragraph (a)" to "paragraph (b)" substitute "paragraphs (a) and (b)".

(2) In section 6(4), after "every parish" insert "or chapelry", and at the end insert "or, as the case may be, of the chapel of the chapelry".

NOTE: Para.4: new sub-para.(1) inserted, and original sub-para.(1) renumbered (1A), by Church Act 1992 Sch.4 Part 2 para.5.

[Amendment of draft schemes and orders

- 4A. In section 7(1), omit "after consultation with the pastoral committee" and "after consultation with the committee".]

NOTE: Para.4A inserted by Church Act 1992 Sch.4 Part 2 para.6.

Making of schemes and orders

5. In section 8(1), omit "and shall submit it for confirmation by Her Majesty in Council".

Review of schemes

6. (1) In section 9(1) —
 - (a) for "submitted for confirmation by Her Majesty in Council" substitute "made";
 - (b) in paragraphs (a) and (b), for "such submission" substitute "making thereof";

- (c) for "Judicial Committee of the Privy Council, to appeal to Her Majesty in Council" substitute "Clerk of the Rolls, to appeal to the Clerk of the Rolls"; and

- (d) for the words from "When submitting" onwards substitute —

"When serving any notice under this subsection may the Commissioners shall inform the Chief Registrar of the date which is to be specified in the notice."

- (2) In section 9(2), for "Her Majesty in Council" and "the Judicial Committee of the Privy Council" substitute "the Clerk of the Rolls".

- (3) In section 9(3), for "Her Majesty in Council" substitute "the Clerk of the Rolls".

- (4) In section 9(4) —

- (a) in paragraph (c), for "Judicial Committee" substitute "Clerk of the Rolls";

- (b) for "Her Majesty may by Order in Council confirm the scheme" substitute "the scheme shall come into operation in accordance with section 11(2)".

- (5) Omit section 9(5).

- (6) For section 9(6) substitute —

"(6) If leave to appeal is granted, the Clerk of the Rolls shall hear the appeal, and shall either —

- (a) allow the appeal, in which case the scheme shall be of no effect, but without prejudice to the making of a further scheme; or

- (b) dismiss the appeal and direct on what date the scheme shall come into operation;

and may make such order as to costs as he thinks proper."

- (7) For section 9(7) substitute —

"(7) In relation to any appeal under this section, the Governor may, at the request of any party to the appeal or of his own motion, direct that the functions of the Clerk of the Rolls under this section shall be exercised in his place by the Second Deemster. or by such other fit and proper person (being an advocate, barrister or solicitor of not less than 10 years' standing) as may be specified in the direction; and in any case where such a direction is given, references to the Clerk of the Rolls in the foregoing provisions of this section and in Schedule 2 shall be construed as references to the Second Deemster or to the person so specified, as the case may be."

- (8) Omit section 9(8) and (9).

Transmission of orders

7. (1) In section 10(1), for "Order in Council by which a scheme is confirmed under section 9 and of every order made by the bishop" substitute "scheme or order made", and omit the words from "and, in the case" onwards.

(2) In section 10(2), for "Order in Council" substitute "scheme".

Validity etc. of schemes and orders

8. For section 11 substitute —

"11. (1) The validity of a scheme or order made under this Part shall not be questioned in any legal proceedings.

(2) Subject to section 9(6), and except in so far as any such scheme or order, or any provision thereof, is expressed to come into operation —

(a) in the case of a scheme, on the expiration of 3 months beginning with the date on which it is made;

(b) in the case of an order, on the date on which it is made.

(3) *Section 7 of the Church Act 1880 (an Act of Tynwald) shall not apply to a scheme made under this Part.*"

NOTE Para.8: s.11(3) repealed by Pastoral (Amendment) Measure 1994 s.14A (q.v.).

Schemes and orders affecting more than one diocese

9. Omit sections 12 and 13.

Powers of bishop to make proposals

10. [(1) In section 14(1), omit "after consultation with the pastoral committee" (in both places) and "proposals to dissolve an archdeaconry or".

(2) Omit section 14(2).

NOTE: Para.10: sub-para.(1) substituted by Church Act 1992 Sch.4 Part 2 para.7.

Withdrawal of scheme or order

11. In section 15, omit the words from "of the diocese" to "dioceses concerned", "or request", and [the proviso].

NOTE: Para.11: words in square brackets substituted by Church Act 1992 Sch.4 Part 2 para.8.

[Supplementary powers

12. In section 16(2), omit "a pastoral committee or a joint pastoral committee or".]

NOTE: Para.12 substituted by Church Act 1992 Sch.4 Part 2 para.9.

Pluralities

13. . . .

NOTE: Para.13: new modifications substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows:

In the proviso to section 18(2) —

(a) for "section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931" substitute "section 7 of the Patronage (Benefices) Measure 1986";

(b) in paragraph (b), for "section 1" substitute "section 7".

Deaneries

14. In section 19(a) and (b), omit "archdeaconry or".

Team ministries

15. In section 20(11), for "(2), (3), (5) and (6)" substitute "(3) and (5)"; and omit "and for the elections of district church councils and churchwardens,".

Operation of schemes

16. (1) In section 25(1), omit "archdeaconry" (in each place) and "archdeacon".

(2) In section 25(3) —

(a) omit "or archdeaconry";

(b) for "the date on which the scheme is confirmed by Order in Council under section 9" substitute "the expiration of the period of 3 months referred to in section 11(2)(a)"; and

(c) for "the date of confirmation of the scheme" substitute "the expiration of the said period of 3 months".

(3) In section 25(4), omit "archdeacon".

Compensation of clergy

17. In section 26, for "vicars in team ministries and archdeacons" substitute "and vicars in team ministries".

Parish churches

18. (1) In section 27(5) —

(a) in paragraph (b), omit "section 23 of the Marriage Act 1949, as extended by"; and

(b) in paragraph (e), omit the words from "and the Churchwardens" to "pair of churchwardens".

(2) In section 27(8), for the words from "bishop" onwards substitute "bishop may direct".

Redundant churches

19. In section 28(1), omit "(in the circumstances specified in sections 46 and 47)".

Places of worship

20. (1) In section 29(2)(a), for "Marriage Act 1949" substitute "Marriage Act 1984 (an Act of Tynwald)".

(2) Omit section 29(3).

(3) In section 29(6), for "circulating in the locality" substitute "published and circulating in the Isle of Man".

Burial grounds

21. (1) In section 30(1), for paragraphs (a), (b) and (c) substitute "a churchyard or other land annexed to or belonging to a church"

(2) Omit section 30(4).

Parsonage houses

22. (1) In section 31(1) —

(a) in paragraph (c), for the words from "or as a site therefor" onwards substitute "or a parsonage house or part of a parsonage";

(b) in paragraph (d), for "part of a parsonage house or any parsonage land" substitute "or part of a parsonage house"; and omit "as part of the diocesan glebe land of the diocese".

(2) Omit section 31(3) and (4).

Patronage

23. . . .

NOTE: Para.23: new modifications substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows:

(1) In section 32(3), for the words from "the diocesan" onwards substitute "the bishop".

(2) Omit section 32(10).

Endowments etc.

24. (1) In section 33(2)(c), omit "the aggregate of the income derived from the following sources, namely," and the words from "any guaranteed" to "that Measure,".

[(2) In section 33(4) —

(a) for "Commissioners" substitute "diocesan board of finance";

(b) for "the Parsonages Measure 1938" substitute "Schedule 2 to the Church Act 1992 (an Act of Tynwald)";

(c) for "the said Measure" substitute "that Schedule";

(d) omit "for which the money was held or to which the property belonged".

(3) In section 33(5) —

(a) for the words from "section 5" to "property)" substitute "the said Schedule 2";

(b) omit "under that Measure";

(c) in paragraph (a), for "Commissioners" substitute "diocesan board of finance"; and

(d) in paragraph (d), omit "within the meaning of section 46".]

(4) After section 33(5) insert —

"(6) In this section "place of worship" means a building licensed by the bishop for public worship in accordance with the rites and ceremonies of the Church of England, being a building used wholly for the purposes of such worship and purposes ancillary thereto, or partly for those purposes and partly for other ecclesiastical purposes of the parish and purposes ancillary thereto, and includes a building which, pursuant to an agreement under the Sharing of Church Buildings Act 1969, is to be used as a place of worship jointly with another church and is to be owned by the Church of England only or is to be jointly owned by that Church and any other church."

NOTE: Para.24: sub-para.(3) & (4) substituted by Church Act 1992 Sch.4 Part 2 para.10.

Chapelries

25. In section 34 —

(a) omit "any sinecure rectory, or" and, in paragraph (b), "rectory or";

(b) at the end insert —

"(c) for altering a chapelry, or for abolishing a chapelry and dissolving the parochial church council thereof."

Schemes affecting more than one diocese

26. Omit sections 35 and 36.

Pastoral orders

27. In section 37 —

(a) in paragraph (d), for "for designating," substitute "or for designating, a deanery";

(b) in paragraph (l), omit "under the Parsonages Measure 1938";

(c) omit paragraph (m); and

(d) in the proviso, omit "dissolving any archdeaconry or" and "archdeacon or".

[Supplementary provisions

28. In section 38(1), omit the words from "or bishops" to "committee) concerned".]

NOTE: Para.28 substituted by Church Act 1992 Sch.4 Part 2 para.11.

Amendment etc. of schemes and orders

29. Omit section 39(3).

Redundant churches

30. Omit sections 41 to 48.

Redundancy schemes

31. (1) For section 49(1) substitute —
"(1) Where a pastoral scheme contains a declaration of redundancy but does not make provisions for the redundant building in accordance with this Part, the redundant building [together with the contents thereof shall, when the declaration takes effect, vest by virtue of this Measure without any assurance in the diocesan board of finance."
(2) In section 49(2)(d), omit the words from the beginning to "may be,".
(3) In section 49(3), for "the Inspection of Churches Measure 1955" substitute "Part I of the Church Act 1979 (an Act of Tynwald)".
(4) In section 49(4), omit "the Advisory Board, the Redundant Churches Fund".

NOTE: Para.31: words in square brackets in sub-para.(1) substituted by Church Act 1992 Sch.4 Part 2 para.12.

Procedure for redundancy schemes

32. (1) In section 50(1), for the words from "may at any time" to "in any case" substitute ", in any case mentioned in section 49(1), shall".
(2) In section 50(2), for the words from "(a)" onwards substitute "shall consult the bishop".
(3) In section 50(3), for the words from "the local" onwards substitute "and the Commonwealth War Graves Commission".
(4) In section 50(4), for "circulating in the locality in which the redundant building is situated" substitute "published and circulating in the Isle of Man".
(5) In section 50(6), omit the words from "and shall submit" onwards.
(6) In section 50(7), omit the words from "or to withdraw" to "Council".
(7) Omit section 50(8).
(8) For section 50(9) substitute —
"(9) Sections 10 and 11 shall apply, with the necessary modifications, to schemes made under this section as they apply to pastoral schemes, and a notice sufficiently identifying a scheme under this section and stating that it has been made and where a copy of it may be obtained shall be published in a newspaper published and circulating in the Isle of Man."

NOTE: Para.28 substituted by Church Act 1992 Sch.4 Part 2 para.11.

Contents of redundancy schemes etc.

33. [(1) In section 51(1) —
(a) for "A redundancy scheme" substitute "A pastoral scheme containing a declaration of redundancy may, and a redundancy scheme shall,";
(b) omit paragraph (b); and
(c) in paragraph (c), omit "or provided for" and "or (b)", and after "any part thereof" insert "to vest or".
(2) In section 51(2), (3) and (4) —
(a) for "a redundancy scheme" substitute "such a scheme";
(b) for "Commissioners" substitute "diocesan board of finance"; and
(c) in section 51(3), after "any part thereof" insert "to vest or".
(3) In section 51(5), for the words from "Commissioners" onwards substitute "diocesan board of finance who, subject to subsection (8), shall pay the net proceeds and net premiums to the diocesan pastoral account".]
(4) Omit section 51(6) and (7).
[(5) In section 51(8) —
(a) after "incumbent" insert "and churchwardens";
(b) for "Commissioners" (in both places) substitute "diocesan board of finance".]
(6) Omit section 51(9), (10), (11) and (12).
(7) In section 51(13), omit "and of sections 46 and 47".

NOTE: Para.33: sub-paras.(1), (2), (3) & (5) substituted by Church Act 1992 Sch.4 Part 2 para.13.

[Further provisions as to redundancy

34. Omit sections 52 and 53.

Redundancy schemes for other churches

- 34A. (1) Omit section 54(1).
(2) In section 54(2) —
(a) for "has been demolished before the commencement of this Measure, or is subsequently" substitute "is";
(b) omit "after the commencement of this Measure or, as the case may be,"; and
(c) for "subsections (8) and (9) substitute "subsection (9)".

Charities

34B. Omit section 55.]

NOTE: Para.34 substituted and paras 34A and 34B inserted by Church Act 1992 Sch.4 Part 2 para.14.

Closure etc. of churches

35. (1) In section 56(1), omit "or the exercise of powers under section 55".

(2) In section 56(3)(b), for "Parliament" substitute "Tynwald".

Amendment of schemes

36. (1) In section 57(1) —

(a) for "section 46 or section 47" substitute "section 50";

(b) for "prepared, made and confirmed" substitute "prepared and made"; and

(c) for "subsections (8) and (9)" substitute "subsection (9)".

(2) Omit section 57(3), (4) and (5).

Restoration of redundant building

37. In section 58 —

[(a) omit "the Redundant Churches Fund or" and "or the Commissioners"; and]

(b) in paragraph (b), after "area of which" insert ", and the churchwardens of the parish in which,"

NOTE: Para.37: sub-para.(a) substituted Church Act 1992 Sch.4 Part 2 para.15.

Vesting of property

38. [(1) In section 59(1) —

(a) for "to which section 46 applies" substitute "containing a declaration of redundancy";

(b) for "the appropriate body" substitute "the diocesan board of finance"; and

(c) omit the words from "In this subsection" onwards.

(1A) In section 59(2), for "Commissioners" (in both places) substitute "diocesan board of finance".]

(2) In section 59(2) and (3), for "a redundancy scheme or a pastoral scheme to which section 46 or section 47 applies" substitute "such a scheme".

(3) In section 59(4), for "a redundancy scheme or a pastoral scheme to which either section 46 or section 47 applies" substitute "such a scheme".

(4) Omit section 59(5).

(5) In section 59(6), for "a redundancy scheme" substitute "such a scheme".

(6) In section 59(7), omit "subject to an appeal to the Dean of Arches and Auditor".

[(7) In section 59(8), for "The body in whom any property vests as aforesaid" substitute

"Where any property vests as aforesaid in the diocesan board of finance, the said board".]

NOTE: Para.38: sub-para.(1) & (7) substituted and sub-para.(1A) inserted by Church Act 1992 Sch.4 Part 2 para.16.

Rights of way etc.

39. In section 60(1) —

(a) omit "the Commissioners or the Redundant Churches Fund" and "(in a case to which section 46 or section 47 applies)";

(b) for "the words from "any of the said bodies" to "aforesaid" substitute "diocesan board of finance";

(c) after paragraph (a), insert "or";

(d) in paragraph (b), for "Commissioners" (in each place) substitute "diocesan board of finance", and

(e) omit paragraph (c).]

(2) In section 60(2) —

(a) omit "the Redundant Churches Fund or"; and

(b) for "the Fund or the board, as the case may be," substitute "the board".

NOTE: Para.39: sub-para.(1) substituted by Church Act 1992 .4 Part 2 para.17.

Removal of effects of consecration

40. [(1) In section 61(1), for the words from "Commissioners" to "in pursuance of a redundancy scheme," substitute "diocesan board of finance under section 59 or in pursuance of a redundancy scheme, or is appropriated to a use or uses specified or described in a redundancy scheme or pastoral scheme,".]

(2) Omit section 61(2).

NOTE: Para.40: sub-para.(1) substituted by Church Act 1992 Sch.4 Part 2 para.18.

[Covenants

41. In section 62(2), for "Commissioners" (in both places) substitute "board".]

NOTE: Para.41 substituted by Church Act 1992 Sch.4 Part 2 para.19.

Trusts for repair etc.

42. [(1) In section 63(1), omit paragraph (b) and, in paragraph (c), "the Commissioners or".]

(2) In section 63(2), for the words from "or is vested" to section 47 applies" substitute "or a pastoral scheme".

[(3) In section 63(3), for "to make schemes in respect of any such charity under the Charities

Act 1960" substitute "of the High Court in the exercise of its jurisdiction relating to charities, or of the Attorney General, or of the diocesan board of finance under Schedule 3 to the Church Act 1992 (an Act of Tynwald)".]

(4) In section 63(4), for the words from the Charity Commissioners" onwards substitute "the Attorney General".

NOTE: Para.42: sub-paras.(1) & (3) substituted by Church Act 1992 Sch.4 Part 2 para.20.

Disposal of contents

43. In section 64(3) —

[a) for the words from "to which section 47" to "part of a church" substitute "provides for a church or part of a church to vest or";]

(b) for "the Fund or the board, as the case may be," substitute "the board".

NOTE: Para.43: sub-para.(a) substituted by Church Act 1992 Sch.4 Part 2 para.21.

Disposal of human remains

44. (1) In section 65(1), for "Secretary of State" substitute "Department".

(2) In section 65(3) —

(a) for "Secretary of State" substitute "Department"; and

(b) for "he may" substitute "the Department may".

(3) Omit section 65(5).

(4) In section 65(9), for "section 46 or section 47" substitute "or containing a declaration of redundancy".

Transfer of redundant churches

45. Omit section 66.

Suspension of presentation for period not exceeding 5 years

46. In section 67(1)(b), for "the parish or each of the parishes" substitute "each parish and chapelry".

Sequestration of profits etc. during suspension period

47. In section 68(2) and (3), for "the parish or each of the parishes" substitute "each parish and chapelry".

Restrictions on presentation

48. . . .

NOTE: Para.48: new modifications substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows —

In section 69(2) —

(a) omit the words from "or where" to "dioceses concerned," and

(b) for the words from "and the requirement" onwards substitute "and the provisions of section 7 of the Patronage (Benefices) Measure 1986 shall, subject to the modifications made by section 70 of this Measure, apply".

Modification of 1931 Measure

49. . . .

NOTE: Para.49: new modifications substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows —

In section 70 —

(a) in paragraph (a), for "section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931" substitute "section 7 of the Patronage (Benefices) Measure 1986";

(b) in paragraph (d), for "section 1" substitute "section 7(4)".

Savings in respect of lapse

50. . . .

NOTE: Para.50: new modifications of ss.71 & 72 substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows —

Omit sections 71 and 72.

Exercise of powers under 1943 Measure

51. Omit section 76.

[Pastoral accounts

52. (1) For section 77(1) substitute —

"(1) The diocesan board of finance shall hold an account to be called the diocesan pastoral account and shall transfer thereto —

(a) any moneys which are payable to the said account under any provision of this Measure or any scheme or order made thereunder;

(b) such other moneys as the board, with the agreement of the bishop, accept for payment to the said account, not being moneys for the application or disposal of which provision is made by or under any other enactment.".

(2) Omit section 77(2).

(3) In section 77(3), for "Every" substitute "The".

NOTE: Para.52 substituted by Church Act 1992 Sch.4 Part 2 para.22.

[Payment of expenses etc.

53. (1) In section 78(1), for the words from the beginning to "determine" substitute "Expenses incurred by or on behalf of, or under the authority or direction of, the bishop, the Commissioners or the diocesan board of finance for the purposes of this Measure or any scheme or order made thereunder may be paid out of the moneys standing to the credit of the diocesan pastoral account".

(2) In section 78(2) —

(a) for the words from the beginning to "request, shall" substitute "The diocesan board of finance may";

(b) omit "them or", "the Commissioners or" and "as the case may be,".

(3) In section 78(3) —

(a) for "after consultation with the diocesan board of finance, the Commissioners" substitute "the diocesan board of finance";

(b) omit "subject to subsection (4)," and "at the request of the diocesan board of finance"; and

(c) omit paragraph (b).

(4) Omit section 78(4).

(5) For section 78(5) substitute —

"(5) If at any time there is not a sufficient amount standing to the credit of the diocesan pastoral account to meet any such expenses or expenditure as aforesaid, the Church Commissioners for England may, if they think fit, make an advance out of their general fund to the diocesan board of finance towards such expenses or expenditure, and the board shall, at such time or times as the Church Commissioners for England may require, repay the amount of the advance out of the diocesan pastoral account to the Church Commissioners for England for the credit of their general fund."

NOTE: Para.59 substituted by Church Act 1992 Sch.4 Part 2 para.23.

Determination of boundaries

[54. In section 79(1) —

(a) for the words from "the Commissioners" (in the first place) to "benefice" substitute "the diocesan board of finance or the incumbent of a benefice (with or without the churchwardens of a parish)"; and

(b) for "any of the said bodies and any incumbent" substitute "the board, any incumbent and any churchwardens".]

NOTE: Para.54 substituted by Church Act 1992 Sch.4 Part 2 para.24.

Questions as to patronage

55. (1) In section 80(1), for "diocesan board of patronage" substitute "bishop"

(2) In section 80(2)(a), after "United Kingdom" (in both places) insert "and the Isle of Man".

Application to Crown benefices

56. . . .

[(2) In section 81(2), for the words from "in accordance" onwards substitute "by or to the Prime Minister".]

NOTE: Para.56: sub-para.(1): new modifications substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows; sub-para.(2) substituted by Church Act 1992 Sch.4 Part 2 para.25.

In section 81(1), omit "Without prejudice to the application of section 72 to the Crown," "or, as the case may be, of the Duke of Cornwall," and the words from "whether in right" onwards.

Notices etc.

57. In section 83(4), after "United Kingdom" insert "or the Isle of Man".

Pluralities not to be authorised

58. In section 85(5), for "a charter or local Act" substitute "an Act of Tynwald".

[Meaning of "benefice" etc.

59. (1) In section 86(1), in the definition of "parish", omit "and does not include a conventional district".

(2) After section 86(4) insert —

"(5) In relation to a parish which includes a chapelry or part of a chapelry, references in this Measure to the parochial church council of the parish shall be taken as references to the parochial church council of the parish (excluding the chapelry) and the parochial church council of the chapelry.".]

NOTE: Para.59 substituted by Church Act 1992 Sch.4 Part 2 para.26.

Interpretation

60. (1) In section 87(1) —

(a) omit the definitions of "the Advisory Board", "charity", "Council for the Care of Churches", "Dioceses Commission" and "local planning authority";

(b) after the definition of "admission" insert —

"the Attorney General" means Her Majesty's Attorney General for the Isle of Man;"

- (c) in the definition of "bishop", for "the diocese concerned" substitute "Sodor and Man";
- (d) after the definition of "the bishop" insert—
 ""chapelry" has the same meaning as in the Church Representation Rules;";
- (e) for the definition of "the Commissioners" substitute —
 ""the Commissioners" means the Church Commissioners for the Isle of Man;";
- (f) after the definition of "the Commissioners" insert —
 ""the Department" means the Department of Local Government and the Environment;";
- (g) for the definition of "diocesan board of finance" (including the proviso) substitute —
 ""the diocesan board of finance" means the Sodor and Man Diocesan Board of Finance;";
- (h) for the definition of "diocesan stipends fund" substitute —
 ""diocesan stipends fund" means the moneys held by the diocesan board of finance for the payment of stipends of the clergy;";
- (i) after the definition of "diocesan stipends fund" insert —
 ""the diocesan synod" means the Sodor and Man Diocesan Synod;";
- (j) in the definition of "endowments", after "patronage," insert "and the income of endowments includes moneys payable to the incumbent under Schedule 2 to the Tithe Act 1985 (an Act of Tynwald);";
- (k) after the definition of "endowments" insert —
 ""the Governor" means the Lieutenant Governor of the Isle of Man, and includes a Deputy Governor and an Acting Governor or Lieutenant Governor of the Isle of Man;
 "the High Court" means Her Majesty's High Court of Justice of the Isle of Man;";
- [(l) omit the definition of "pastoral committee";]
- (m) in the definition of "pastoral scheme", for the words from "and confirmed" onwards substitute "under Part I".
- [(2) In section 87(3)—
- (a) omit "the Commissioners or" (in the first place), "Commissioners or" (in the second and third places) and "or a diocesan redundant churches committee"; and

- (b) for "of the Commissioners" substitute "of the diocesan board of finance".]
- (3) After section 87(3) insert —
 "(3A) In this Measure, unless the context otherwise requires, references to the Sharing of Church Buildings Act 1969, or to any Measure (including this Measure), are to that Act or Measure as it has effect in the Isle of Man."
- (4) In section 87(4) —
- (a) after "those Rules" insert "as they have effect in the Isle of Man and"; and
- (b) at the end insert "and extending to the Isle of Man, and by any resolution of the diocesan synod passed in accordance with section 7(3)(a) of that Measure".

NOTE: Para.60: sub-para.(2) and words in square brackets in sub-para.(1) substituted by Church Act 1992 Sch.4 Part 2 para.27.

Guild churches

61. Omit section 89.

Churches affected by Act of Tynwald

- 62. (1) In section 90(1) —
- (a) in paragraph (a), for "private or local Act" (in both places) substitute "Act of Tynwald"; and for "1 April 1969" substitute "the extension of this Measure to the Isle of Man"; and
- (b) in paragraph (c), after "benefice" insert "(with or without the churchwardens of a parish)", and omit "of any diocese".
- (2) Omit section 90(2) and (3).
- (3) In section 90(4), for "private or local Act as is referred to in subsection (1) or (2)" substitute "Act of Tynwald as is referred to in subsection (1)".

Amendment of 1938 Measure

63. Omit section 91.

Extension etc.

64. Omit section 94(2), (3) and (4).

[Pastoral Committee

65. Omit Schedule 1.]

NOTE: Para.65 substituted by Church Act 1992 Sch.4 Part 2 para.28.

Appeals to Clerk of the Rolls

- 66. (1) The following modifications of Schedule 2 shall have effect.
- (2) In paragraph 1—
- (a) for "Her Majesty in Council" substitute "the Clerk of the Rolls"; and
- (b) for "Clerk of the Privy Council" substitute "Chief Registrar".

- (3) Omit paragraph 3.
- (4) In paragraph 4 —
 - (a) for "receives a notification under paragraph 3 from the said Clerk he shall lodge in the registry of the Privy Council five copies of" substitute "gives a notice under paragraph (1) he shall lodge in the General Registry"; and
 - (b) omit "each copy of".
- (5) For paragraph 5 substitute —

"5. The Clerk of the Rolls shall consider an application for such leave, and if leave is granted, the Chief Registrar shall forthwith register the appeal and notify the applicant and the Commissioners that he has done so."
- (6) In paragraph 6 —
 - (a) for "Registry of the Privy Council five copies" "General Registry two copies"; and
 - (b) for "the Judicial Committee to advise Her Majesty" substitute "the Clerk of the Rolls to determine the appeal".
- (7) In paragraph 7 for "Registry of the Privy Council five copies" "General Registry two copies".
- (8) In paragraph 8, for "Judicial Committee of the Privy Council" substitute "Clerk of the Rolls".
- (9) In paragraph 11, for the words from "the Registrar" (in the first place) onwards substitute "the Clerk of the Rolls may allow, the Clerk of the Rolls may direct that the appeal shall stand dismissed for non prosecution as from the date of the direction, and a copy of the direction shall be sent by the Chief Registrar to the applicant or his advocate and to the Commissioners".
- (10) In paragraph 12 —
 - (a) for "Judicial Committee" (in the first place) substitute "Clerk of the Rolls" and (in the second place) substitute "High Court"
 - (b) for "Registrar of the Privy Council" substitute "Chief Registrar".
- (11) In paragraph 13 —
 - (a) for "Judicial Committee of the Privy Council" substitute "Clerk of the Rolls"; and
 - (b) for "they consider" substitute "he considers".

Supplementary provisions

67. (1) The following modifications of Schedule 3 shall have effect.
- (2) In paragraph 1 —
 - (a) in sub-paragraph (1), omit "either" and "or by the diocesan board of patronage";

- (b) in sub-paragraph (3), for the words from the beginning to "any other" substitute "Any". and omit "or the diocesan board of patronage";
 - (c) . . .
 - (d) omit sub-paragraph (9); and
 - (e) in sub-paragraph (10), omit "or, as the case may be, to attend and vote at sittings of the diocesan board of patronage".
- (3) In paragraph 2 —
 - (a) in sub-paragraph (1) omit "or by the diocesan board of patronage", and for "same body" substitute "board";
 - (b) in sub-paragraph (2), omit "or the diocesan board of patronage, as the case may be,"; and
 - (c) in sub-paragraph (5), omit the words from "and (c)" onwards.
 - (4) . . .
 - (5) In paragraph 4 —
 - (a) in sub-paragraph (1), for "the parish or any of the parishes" substitute "each parish and chapelry";
 - (b) omit sub-paragraph (2);
 - (c) in sub-paragraphs (3)(c) and (4)(c), after "parish" insert "and chapelry";
 - (d) in sub-paragraph (5), omit "(2)"; and
 - (e) omit sub-paragraph (6).
 - (6) Omit paragraph 5(4).
 - (7) . . .
 - (8) After paragraph 6 insert —

Churchwardens

6A. Where a pastoral scheme creates a new parish, the churchwardens of the parish shall be a body corporate with perpetual succession."

- (9) In paragraph 7 —
 - (a) in the proviso to sub-paragraph (1), omit "(a)" and the words from "(b)" onwards;
 - (b) after sub-paragraph (2) insert —

"(2A) Where in a case to which sub-paragraph (1) or (2) applies, the property was previously vested in the incumbent of a benefice jointly with the churchwardens of a parish, it shall vest in accordance with that sub-paragraph in the incumbent of the new benefice or other benefice, as the case may be, jointly with the churchwardens of the parish in which the property is situated.
- (2B) If a pastoral scheme contains a statement that any such property as is mentioned in sub-paragraph (1) or (2) was previously vested in the incumbent of a benefice, or in the incumbent of a benefice jointly with the churchwardens of a parish,

- the statement shall be conclusive evidence of that fact.";
- (c) in sub-paragraph (5), omit the words from "in the case" to "other property".
- [(10) In paragraph 8 —
- (a) in sub-paragraphs (1) and (3), for "Commissioners" substitute "diocesan board of finance";
- (b) in sub-paragraph (2), for "Commissioners" substitute "board".
- (10A) In paragraph 9 —
- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for "section 46" substitute "section 33".
- (11) Omit paragraph 10.
- (12) In paragraph 11 —
- (a) in sub-paragraphs [(1), (2) and (6)], for "Charity Commissioners" substitute "High Court"; and
- (b) after sub-paragraph (2) insert —
- "(2A) Where a chapelry is abolished by a pastoral scheme and any property of a charity established for the purposes aforesaid is vested in or under the management or control of the parochial church council of the chapelry (with or without other persons), the trusts of the charity shall have effect with the substitution for that council of the parochial church council of the parish within which the chapel of the chapelry is situated."
- (c) in sub-paragraph (6), for "under section 18 of the Charities Act 1960" substitute "relating to charities", and omit "as well as in accordance with that section".;
- [(d) in sub-paragraph (7), for "by the Charity Commissioners" substitute "by the High Court, or by the diocesan board of finance under Schedule 2 to the Church Act 1992 (an Act of Tynwald),".]
- (13) In paragraph 12 —
- (a) omit sub-paragraphs (1) to (3); and
- (b) in sub-paragraph (4), omit "and to the churchyard of any such church,".
- (14) . . .
- (15) For paragraph 14 substitute —
- "14. (1) Where the publication of banns of matrimony has been duly commenced in any church, the publication may be completed either in the same church or in any other church which, by virtue of this Measure, has at the time of completion of the first-mentioned church for the purpose of publication of banns, either generally or in relation to the parties to the intended marriage.

(2) Where, after completion of the publication of the banns in any church, another church has by virtue of this Measure or anything done thereunder become a church in which banns of matrimony could be published in relation to the parties to the intended marriage, the marriage may be solemnised in that other church.

(3) Where a declaration of redundancy has been made in respect of a chapel, any licence relating to that chapel granted under section 14 of the Marriage Act 1984 (an Act of Tynwald) shall be deemed to have been revoked under that section.

(4) Where two or more benefices are held in plurality under this Measure, or by virtue of any provision of this Measure or anything done thereunder there are two or more parish churches in the area of a single benefice, the bishop may in writing direct where banns of matrimony of persons entitled to be married in any church of those benefices, or in any church in that area, as the case may be, may be published and where marriages of those persons may be solemnised.

(5) Nothing in sub-paragraph (4) deprives a person of his right to be married in which he would have been entitled to be married if no directions had been given under that sub-paragraph; and a person may be married in a church in which he would have been so entitled notwithstanding that banns of matrimony have by virtue of that sub-paragraph been published only in some other church.

(16) After paragraph 15 insert —

"Parish burial grounds

15A. A pastoral scheme may, with respect to any parish burial ground of a parish affected by the scheme, modify any of the provisions of the Burials Act 1986 (an Act of Tynwald)."

(17) Omit paragraph 16.

NOTE: Para.67: sub-para.(10) substituted, sub-para.(10A) inserted and words in square brackets in sub-para.(12) substituted or inserted by Church Act 1992 Sch.4 Part 2 para.29; new modifications of paras.1(6), 3, 4(3), 6 & 13 substituted by Patronage Measure (Isle of Man) 1997 s.3(3) & Sch.2 Part 2 as follows —

(1) In paragraph 1(6) of Schedule 3, for "a suffragan or" substitute "an", and at the end insert "being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986".

(2) For paragraph 3 of Schedule 3 substitute

—
"3. Where a group ministry is established by a pastoral scheme for a group of benefices, the patron of a benefice in the group shall consult the other incumbents and any priests in charge in the group before he makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of the parish representatives (as defined in section 11(7) of that Measure), and (unless the patron is the bishop) of the bishop, to the making to a priest of an offer to present him to the benefice."

(3) In paragraph 4(3)(c) of Schedule 3, at the beginning insert *"subject to paragraph 19 of Schedule 2 to the Patronage (Benefices) Measure 1986,"*.

(4) Omit paragraph 6.

(5) In paragraph 13 —

(a) at the beginning of sub-paragraph (1)(c) insert *"subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,"*;

(b) omit sub-paragraph (3).

Compensation of clergy

68. (1) The following modifications of Schedule 4 shall have effect.

[(1A) For references to the pastoral committee substitute references to the diocesan board of finance.]

(2) In paragraph 1, omit "the archdeacon of an archdeaconry dissolved by a pastoral scheme" and "or archdeaconry".

(3) In paragraph 4—

(a) omit "or the archdeacon of an archdeaconry" "archdeaconry" (in the second place); and

(b) for the words from "confirmation" to "case may be" substitute "making of the scheme or order".

(4) In paragraph 5, omit "or archdeacon" and "archdeacon".

(5) In paragraph 6, omit "for the relevant province".

(6) In paragraph 13 —

(a) in sub-paragraph (1), omit "archdeaconry";

(b) in sub-paragraphs (3), (4) and (5), omit "archdeacon".

[(7) In paragraph 14 —

(a) in sub-paragraph (1), for "sub-committee" substitute "committee";

(b) in sub-paragraph (2), for the words from "shall include" onwards substitute "shall include the bishop".]

(8) For paragraph 15 substitute —

"15. (1) For the purposes of this Schedule there shall be an Appeal Tribunal, which shall be constituted as follows —

(a) the Vicar General of the diocese shall be the chairman;

(b) a panel of 5 persons shall be appointed by the house of clergy of the diocesan synod from among the members of that house, in such manner as that house may determine, and 2 persons from the panel shall be nominated by the Vicar General for each appeal;

(c) a panel of 5 persons shall be appointed by the house of laity of the diocesan synod from among the members of that house, in such manner as that house may determine, and 2 persons from the panel shall be nominated by the Vicar General for each appeal.

(2) Subject to sub-paragraph (3), the persons appointed by the house of clergy and the house of laity shall be appointed for the term of 3 years during which the parochial representatives of the laity in the house of laity hold office under the Church Representation Rules, and on a casual vacancy another member of the house concerned shall be appointed in his place, in such manner as the house concerned may determine, for the remainder of that term.

(3) The persons so appointed shall, at the end of that term, continue to hold their appointments until the next following sitting of the diocesan synod, and any such person who has heard the whole or part of an appeal may continue as a member of the Appeal Tribunal until the determination thereof.

(4) The Vicar General shall, as occasion may require, appoint a secretary to the Appeal Tribunal.

(5) The expenses of the Appeal Tribunal in connection with an appeal shall be paid out of money standing to the credit of the diocesan pastoral account."

(9) In paragraph 16 —

(a) [in sub-paragraph (1), for "Commissioners" substitute "[Legislative Committee] of the diocesan synod"; and at the end insert] "; and any such rules may

apply any rules made under this paragraph as it has effect in England, subject to such exceptions, adaptations and modifications as may be therein specified"; and

- (b) in sub-paragraph (2), for "General Synod" (in both places) substitute "diocesan synod"; and omit the words from "and the" onwards.

[(10) In paragraph 18, for "agreed by the Commissioners and" substitute "determined by".

NOTE: Para.68: sub-paras.(1A) & (10A) and first words in square brackets in sub-para.(9) inserted, and sub-para.(7) substituted, by Church Act 1992 Sch.4 Part 2 para.30; second words in square brackets in sub-para.(9) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.1.

Redundant churches bodies

69. Omit Schedule 5.

Disposal of human remains

70. (1) The following modifications of Schedule 6 shall have effect.

(2) In paragraph 1(a), for "circulating in the locality" substitute "published and circulating in the Isle of Man".

(3) In paragraphs 2(d) and 7, for "Secretary of State" substitute "Department".

(4) In paragraph 8 —

(a) for "Registrar General" substitute "Chief Registrar"; and

(b) omit the words from "and every" onwards.

(5) In paragraph 10 —

(a) for the words from "(a) deposit" to "London borough," substitute "send to the Chief Registrar for filing in the General Registry, and also file in the diocesan registry,"; and

(b) omit sub-paragraph (b).

[Sequestration during suspension period

71. In Schedule 7 —

(a) for references to the Commissioners substitute the diocesan board of finance;

(b) in paragraphs 1 and 2(d), omit "by the Benefices (Sequestrations) Measure 1933 or".]

NOTE: Para.71 substituted by Church Act 1992 Sch.4 Part 2 para.31.

Transitional provisions

72. For Schedule 8 substitute —

"SCHEDULE 8
TRANSITIONAL PROVISIONS

1. (1) Every parochial district constituted for ecclesiastical purposes immediately before the appointed day, if it is not already a parish with full parochial status, shall on the appointed day become such a parish, and the minister or vicar of the district shall become the vicar of the parish without any further process or form of law.

(2) Part II of, and Schedule 3 to, this Measure shall apply with any necessary modifications to districts which become parishes with full parochial status under sub-paragraph (1) above, and to the benefices to which they belong, as they apply to parishes and benefices created by a pastoral scheme.

Provided that the existing rights of patronage in respect of the district shall continue in respect of the parish.

2. On the appointed day the churchwardens of every parish (including a parochial district becoming a parish by virtue of paragraph 1 above), shall become a body corporate with perpetual succession, if they are not already such a body.

3. Where any scheme or order is pending at the appointed day under any provisions repealed by this Measure, being a scheme required to be approved by the Ecclesiastical Committee of Tynwald or an order under section 12 of the Church Act 1960 (an Act of Tynwald), the repealed provision shall continue to apply for the purpose of completing the proceedings on the scheme or order.

4. Any such scheme or order made before the appointed day or under paragraph 3 shall continue to have effect (so far as it is not revoked or spent) notwithstanding the repeal of the said provisions, and this Measure shall apply, subject to such modifications as may be necessary, to any such scheme or order as if it were a pastoral scheme or a pastoral order, as the case may be.

5. Where any such scheme is not in operation at the appointed day because its operation is dependent on the occurrence of a vacancy or vacancies in any benefice or benefices, and the incumbent of the benefice or any of the benefices concerned agrees with the [Commissioners] that, if he resigns the benefice, compensation will be payable to him for any loss suffered in consequence, he shall be entitled on resignation to compensation under Schedule 4 to this Measure for any such

loss, and that Schedule shall apply accordingly.

6. Where under the Church (Suspension of Presentation) Act 1980 (an Act of Tynwald), a suspension period is in operation at the appointed day, the suspension period shall have effect as if the notice (or last such notice) given under section 1 of that Act had been given under section 67 of this Measure.

7. Any licence, direction, designation, consent, notice or other thing given or done under the provisions repealed as aforesaid shall, so far as it is applicable for the purposes of this Measure or otherwise, continue to have effect notwithstanding the repeal.

8. If at the appointed day proceedings are in course of being carried out under the provisions repealed as aforesaid for the removal of human remains from any church or land annexed or belonging thereto, the proceedings may be completed in accordance with those provisions and shall have effect as if they had been completed before the said repeal.

9. (1) The application of any provisions of this Measure to any scheme or order made under the provisions repealed by this Measure, whether before or after the appointed day or under paragraph 3 above, shall have effect subject to any express provision of the scheme or order.

(2) If any difficulty or question arises as to such application or as to the effect of anything given or done under the said provisions, it shall be determined by directions of the Commissioners given under their seal.

10. Any right of patronage created under any of the repealed provisions shall continue to be incapable of sale and any transfer thereof for valuable consideration shall be void.

11. In this Schedule "the appointed day" means the day on which this Measure is extended to the Isle of Man."

Repeals

73. For Schedule 9 substitute —

"SCHEDULE 9

ACTS OF TYNWALD REPEALED

Volume/ Chapter	Short title	Extent of repeal
V p.58	The Church Act 1880	Sections 10 to 30. Section 36.
VI p.648	The Church Act 1895.	Section 27.
IX p.257	The Church Acts Amendment Act 1911.	Sections 4, 5 and 6.
XI p.129	The Government Chaplaincies Act 1921.	The whole Act.
XV p.79	The Church Act 1938.	Section 4.
XVIII p.851	The Douglas Parishes Act 1957.	The whole Act.
XIX p.2	The Church Act 1960.	Sections 10 to 13.
1980 c.19	The Church (Suspension of Presentation) Act 1980.	The whole Act.
1983 c.22	The Church Act 1983.	In Schedule 1, paragraphs 2, 3 and 5.
1984 c.13	The Marriage Act 1984.	Section 6(5).
1984 c.24	The Castletown Church Act 1984.	Section 2(5). Section 6(1). Schedule 3.
1986 c.5	The Sharing of Church Buildings Act 1986.	In Schedule 1, paragraphs 1(2) and (4), 4, 5(2)(b) and 6.
1987 c.12.	The Church Act 1987.	In Schedule 1, paragraphs 2(2), 5, 6, 7, 13(1)(a) and (2), 16(1), (2) & (4) and 17.

SCHEDULE 2

[omitted]

NOTE: Schedule 2 sets out the text of the Pastoral Measure 1983 as modified by Schedule 1.

Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990

GC 132/90

NOTE COMMENCEMENT: the Measure was brought into force on 1st July 1990 by the Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990 (Appointed Day) Order 1990 (GC 145/90).

1. Extension of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988

The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (a Measure of the General Synod of the Church of England) shall extend to the Island subject

to the exceptions, adaptations and modifications specified in the Schedule.

2. Short title and commencement

(1) This Measure may be cited as the Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day as the Bishop may by order appoint.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE CHURCH OF ENGLAND (LEGAL AID AND MISCELLANEOUS PROVISIONS) MEASURE 1988 HAS EFFECT IN THE ISLAND

.....

NOTE: Paragraphs 1 & 2 repealed by Legal Aid Measure (Isle of Man) 1995 (SD 426/95) Sch.2.

Marriages

3. Omit section 5.

Change of name of see

4. Omit section 6.

Licences of ministers etc.

5. Omit section 7(2).

Church land

6. Omit section 9.

Leasehold Reform Act 1967

7. Omit section 10.

Short title etc.

8. (1) For section 15(2) substitute —
"(2) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."

(2) Omit section 15(3).

.....

NOTE Paragraphs 9 & 10 repealed by Legal Aid Measure (Isle of Man) 1995 (SD 426/95) Sch.2

Repeals

11. In Schedule 3, omit the entries relating to the Pluralities Act 1838, the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 and the Incumbents (Vacation of Benefices) Measure 1977.

Church (Miscellaneous Provisions) Measure (Isle of Man) 1990

GC 3/91

NOTE COMMENCEMENT: the Measure was brought into force by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990 (Appointed Day) Order 1991 (GC 40/91) as follows: ss.3-7 and Schedules 3-5 on 1st April 1991; ss.1 & 2 and Schedules 1 & 2 on 1st January 1992.

1. Incumbents and Churchwardens (Trusts) Measure 1964

The Incumbents and Churchwardens (Trusts) Measure 1964 (a Measure of the Church Assembly) shall extend to the Isle of Man subject to the modifications specified in Schedule 1.

2. Churchwardens (Appointment and Resignation) Measure 1964

The Churchwardens (Appointment and Resignation) Measure 1964 (a Measure of the Church Assembly) shall extend to the Isle of Man subject to the modifications specified in Schedule 2.

3. Clergy (Ordination and Miscellaneous Provisions) Measure 1964

The Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (a Measure of the Church Assembly) shall extend to the Isle of Man subject to the modifications specified in Schedule 3.

4. Church of England (Miscellaneous Provisions) Measure 1983

The Church of England (Miscellaneous Provisions) Measure 1983 (a Measure of the General Synod) shall extend to the Isle of Man subject to the modifications specified in Schedule 4.

5. Ecclesiastical Fees Measure 1986

The Ecclesiastical Fees Measure 1986 (a Measure of the General Synod) shall extend to the Isle of Man subject to the modifications specified in Schedule 5.

6. Deacons (Ordination of Women) Measure 1986

Section 3 (provisions as to pensions etc.) of the Deacons (Ordination of Women) Measure

1986 (a Measure of the General Synod) shall extend to the Isle of Man.

7. Short title and commencement

(1) This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

SCHEDULE 1

**MODIFICATIONS SUBJECT TO WHICH
THE INCUMBENTS AND
CHURCHWARDENS (TRUSTS) MEASURE
1964 EXTENDS TO THE ISLE OF MAN**

Interpretation

1. In section 1 —

- (a) omit the definition of "custodian trustee";
- (b) in the definition of "endowments of the benefice", omit "and any land or personal property held by the incumbent under the Parsonages Measure 1938";
- (c) in the definition of "incumbent", omit "but shall not include the curate in charge of a conventional district";
- (d) in the definition of "land", omit "and mines and minerals, whether or not held apart from the surface,", "a manor and" and the words from "nor an undivided" onwards;
- (e) in the definition of "parish", omit the words from "and includes" onwards;
- (f) for the definition of "permanent trusts" substitute —
""permanent trusts" means any trust of property which is held subject to a restriction on its being expended without distinction between capital and income."

Property to which Measure applies

2. (1) In section 2(2) —

- (a) in paragraph (a), after "office," insert "or in an incumbent and churchwardens,";
- (b) omit paragraphs (b), (c) and (d).

(2) In section 2(3), omit the proviso.

Vesting of property in diocesan authority

3. (1) In section 3(1), for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man".

(2) After section 3(2) insert —

"(2A) Subject to the following provisions of this Measure, where any interest is vested in the diocesan authority as custodian trustee —

- (a) the management of the trust property and the exercise of any power or discretion exercisable by the trustees

under the trust shall remain vested in the trustees other than the custodian trustee ("the managing trustees");

- (b) as between the custodian trustee and the managing trustees, and subject to the rights of any other persons, the custodian trustee shall have the custody of all securities and documents of title relating to the trust property, but the managing trustees shall have free access to them and be entitled to take copies thereof or extracts from them;
- (c) the custodian trustee shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them (including the power to pay money or securities into court), unless the matter in which it is requested to concur is a breach of trust, or involves a personal liability upon it in respect of calls or otherwise, but unless it so concurs the custodian trustee shall not be liable for any act or default on the part of the managing trustees or any of them;
- (d) all sums payable to or out of the income or capital of the trust property shall be paid to or by the custodian trustee, except that the custodian trustee may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as they may direct, or into such bank for the credit of such person as they may direct, and in such case shall be exonerated from seeing to the application of them and shall not be answerable for any loss or misapplication of them;
- (e) the power of appointing new trustees, when exercisable by the trustees, shall be exercisable by the managing trustees alone, but the custodian trustee shall have the same power of applying to the court for appointment of a new trustee as any other trustee;
- (f) in determining the number of trustees for the purpose of the Trustee Act 1961 (an Act of Tynwald) the custodian trustee shall not be reckoned as a trustee;
- (g) the custodian trustee, if it acts in good faith, shall not be liable for accepting as correct and acting upon the faith of any written statement by the managing trustees as to any matter of

fact upon which the title to the trust property or any part thereof may depend, nor for acting on any legal advice obtained by the managing trustees independently of the custodian trustee."

(3) In section 3(3), for the words from "paragraph (b)" onwards substitute "section 39(1)(b) of the Trustee Act 1961 (an Act of Tynwald)".

(4) In section 3(6), for "the High Court or the Charity Commissioners" substitute "Her Majesty's High Court of Justice of the Isle of Man".

Consent of diocesan authority to acquisition of property

4. In section 4, for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man".

Provisions as to property vested in diocesan authority

5. In section 5, omit "either from the Charity Commissioners or otherwise".

Short title etc.

6. Omit section 6(2) and (3).

Vesting of property

7. (1) The Schedule is modified as follows.

(2) In paragraph 2, for "to the incumbent and to the Charity Commissioners" substitute "and to the incumbent".

(3) Omit paragraph 3.

(4) In paragraph 5 —

(a) omit the words from "If the Charity" to "they have made and";

(b) for "(2) and (3)" substitute "(2), (2A) and (3)".

SCHEDULE 2

MODIFICATIONS SUBJECT TO WHICH THE CHURCHWARDENS (APPOINTMENT AND RESIGNATION) MEASURE 1964 EXTENDS TO THE ISLE OF MAN

Number and qualifications of churchwardens

1. For section 1(1) substitute —
"(1) There shall continue to be —
 - (a) six churchwardens of the parish of German;
 - (b) four churchwardens of every ancient parish except the parish of German;
 - (c) two churchwardens of every other parish."

Election of churchwardens

2. (1) In section 2(1), for the words from "not later" onwards substitute "not later than the 30th April in each year".

(2) After section 2(1) insert —

"(1A) The churchwardens of an ancient parish shall be elected by a meeting of the parishioners."

(3) In section 2(2), for "a parish" substitute "any other parish".

Meetings

3. (1) In section 3(1)(b), for "register of local government electors" substitute "register of electors in force under the Registration of Electors Act 1984 (an Act of Tynwald)".

(2) For section 3(6) substitute —

"(6) Elections of churchwardens by the meeting of parishioners shall be conducted, announced and notified in the same manner as elections under rule 10 of the Church Representation Rules, except that all persons entitled to attend the meeting of parishioners other than the minister shall be entitled to nominate and vote at such election of churchwardens."

Conduct of meeting etc.

4. Omit sections 4 to 6.

Admission of churchwardens

5. For section 7 substitute —

"7. (1) Each person chosen for the office of churchwarden shall appear before the Chapter Court at the time and place appointed by the Vicar General and be admitted to the office of churchwarden after taking the oath of office. No person chosen for the office of churchwarden shall become churchwarden until he has been admitted to office under this section.

(2) Subject to the provisions of this Measure the churchwardens so chosen and admitted shall continue in their office until they, or others as their successors, have been admitted in like manner before the Chapter Court."

Guild churches

6. Omit section 10.

Special provisions

7. Omit section 11(3).

Savings

8. (1) Omit section 12(1) and (2).

(2) In section 12(3), for "passing of this Measure" substitute "extension of this Measure to the Isle of Man".

Interpretation

9. For section 13 substitute —
"13. In this Measure —
"actual communicant member",
"minister" and "public worship" have
the same meanings as in the Church
Representation Rules;
"ancient parish" means a parish
specified in the Schedule to this
Measure;
"the Church Representation Rules"
means the rules contained in Schedule
3 to the Synodical Government
Measure 1969, as it has effect in the
Isle of Man;
"parish" means an ecclesiastical
parish."

Repeals

10. For section 14 substitute —
"14. Section 6 of the German Parish
Church Act 1893 (an Act of Tynwald) is
repealed."

Short title etc.

11. Omit section 15(2) and (3).

Ancient parishes

12. At the end of the Measure insert —

"SCHEDULE

ANCIENT PARISHES

Patrick	Maughold
German	Lonan
Michael	Onchan
Ballaugh	Braddan
Jurby	Marown
Andreas	Santon
Lezayre	Malew
Bride	Arbory

Rushen

SCHEDULE 3

MODIFICATIONS SUBJECT TO WHICH
THE CLERGY (ORDINATION AND
MISCELLANEOUS PROVISIONS)
MEASURE 1964 EXTENDS TO THE ISLE
OF MAN

Miscellaneous provisions

1. Omit sections 10 and 11.

Vacancy in see

2. Omit section 12.

Extent

3. Omit section 13.

SCHEDULE 4

MODIFICATIONS SUBJECT TO WHICH
THE CHURCH OF ENGLAND

(MISCELLANEOUS PROVISIONS)
MEASURE 1983 EXTENDS TO THE ISLE
OF MAN

Miscellaneous provisions

1. Omit sections 1, 2, 3, 4 and 6.

Discharge of certain functions of bishop

2. (1) In section 8(1) and (3), omit
"bishop's council and".
(2) In section 8(11), for the words from
"section 3" to "1978" substitute "and section 8
of the Church Act 1979 (an Act of Tynwald)".
(3) In section 8(12), for "comes into
operation" substitute "is extended to the Isle of
Man".

Discharge of certain functions of archdeacon

3. In section 9(4), omit the words from "or
section 2(2)" onwards.

Miscellaneous provisions

4. Omit sections 11 and 12.

Short title etc.

5. Omit section 13(2) and (3).

SCHEDULE 5

MODIFICATIONS SUBJECT TO WHICH
THE ECCLESIASTICAL FEES MEASURE
1986 EXTENDS TO THE ISLE OF MAN

Procedure for parochial fees orders

1. For section 2 substitute —
"2. (1) A draft Parochial Fees Order
shall be laid before the Sodor and Man
Diocesan Synod, and if it is approved by
the Synod, it shall be made by the Church
Commissioners and shall come into
operation on such day as may be specified
therein.
(2) A Parochial Fees Order made under
this section shall be filed in the Sodor and
Man Diocesan Registry, and a copy shall
be deposited in the General Registry of the
Isle of Man."

Ecclesiastical judges' and legal officers' fees

2. Omit Part II (sections 4 to 6).

Reimbursement of archbishops etc.

3. Omit section 8.

Private, local and personal Acts etc.

4. Omit section 9 and Schedule 1.

Interpretation

5. In section 10 —
(a) after "assigned to them —" insert —
""the Church Commissioners" means the
Church Commissioners for the Isle of
Man;"

- (b) omit the definitions of "ecclesiastical judges" and "legal officers";
- (c) in the definition of "parochial fees", for the words from "fees or other charges" onwards substitute "fees fixed under the Marriage Act 1984, the Burials Act 1986 or the Cremation Act 1957 (Acts of Tynwald)".

Repeals etc.

- 6. (1) For section 11 substitute —
"11. (1) Section 12 of the Church Act 1948 (an Act of Tynwald) is hereby repealed.

(2) Notwithstanding the repeal effected by subsection (1) above, any order made under the said section 12 relating to parochial fees shall be deemed to have been made under this Measure; and any fee payable on the extension of this Measure to the Isle of Man under an existing order relating to parochial fees shall be deemed to be payable under this Measure."

- (2) Omit Schedule 2.

Short title etc.

- 7. Omit section 12(2) and (3).

Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992

GC 485/92

NOTE: COMMENCEMENT: the Measure was brought into force by the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 (Appointed Day) Order 1993 (SD 102/93) as follows:

(a) on 1st April 1993 in relation to the 1991 Measure ss.2 (except subs.(7)), 8 (in part), 25, 26, 27, 32 (in part) & 33, Sch.4 paras.1-4 & 10, Sch.7 paras.2A, 3 & 5A and Sch.8 (in relation to Ecclesiastical Jurisdiction Measure 1963, Faculty Jurisdiction Measure 1964 s.14 & Sch., Church Act 1969 and Church Act 1979 s.10(1) & 11 and Sch.2 paras.15, 16, 17 & 19);

(b) on 1st January 1994 in relation to the remainder of the Measure.

1. Extension of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991

The Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the modifications specified in the Schedule.

2. Short title and commencement

(1) This Measure may be cited as the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

SCHEDULE

MODIFICATIONS SUBJECT TO WHICH THE CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION

MEASURE 1991 HAS EFFECT IN THE ISLAND

Diocesan Advisory Committee

1. (1) In section 2(2), omit the words from "containing" onwards.

(2) In section 2(3), for "such further provisions consistent with those set out in Schedule 1 to this Measure" substitute "such provisions".

(3) In section 2(7), omit the words from "and the secretary" onwards.

(4) In section 2(8), for "Section 13 of the 1964 Measure" substitute "Section 10 of the Church Act 1979 (an Act of Tynwald)".

Inspection of churches

2. In section 3, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

Duties of churchwardens as to records

3. In section 4(3), for "Council for the Care of Churches" substitute "bishop of the diocese concerned".

Duties of churchwardens as to fabric etc.

4. In section 5(1)(b), for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

Trees in churchyards

5. Omit section 6.

Duties of diocesan board of finance

6. In section 7, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

Ecclesiastical jurisdiction — general

7. In section 8(2), for "coming into operation of that amendment" substitute "extension of that amendment to the Isle of Man".

Ecclesiastical Judges and Legal Officers Measure 1976

8. Omit section 9.

Ecclesiastical Fees Measure 1986

9. Omit section 10.

Faculty jurisdiction — general

10. In section 11(2), for "coming into operation of this section" substitute "extension of this section to the Isle of Man".

Delegation to archdeacon

[11. Omit section 14(6).]

NOTE Para.11 substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 s.3.

....

NOTE Para.12 omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 s.3.

Parties

13. In section 16(5), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

Faculties for demolition of churches

14. (1) In section 17(4)—

(a) in paragraph (a), for ""The London Gazette" and in such other newspapers" substitute "such newspaper or newspapers published and circulating in the Isle of Man";

(b) in paragraph (b), omit "the Council for the Care of Churches and";

(c) in paragraph (d), for the words from "(i) to "other person" substitute "any person".

(2) For section 17(5) substitute —

"(5) Without prejudice to the requirements of subsection (4) above, the court shall not grant a faculty under subsection (2) or (3)(a) above in the case of a church which is registered in the Protected Buildings Register [or is in a conservation area] unless —

(a) the registrar has given notice in writing to the Department of Local Government and the Environment;

(b) the judge of the court has thereafter considered such advice as that Department may have tendered to the court;

(c) the registrar has given notice in writing to the Manx Museum and National Trust and thereafter either —

(i) for a period of at least one month following the giving of the notice reasonable access to the church has been made available to members or officers of that body for the purpose of recording it; or

(ii) that body has stated in writing that it has completed its recording of the church or that it does not wish to record it."

(3) In section 17(6)(b), for "a listed building" substitute "registered in the Protected Buildings Register".

(4) In section 17(7), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

NOTE: Para.14: words in square brackets in sub-para.(2) inserted by Statute Law Revision Measure (Isle of Man) 1994 Sch.1 para.7.

Emergency demolition of churches

15. (1) In section 18(1), for "coming into operation of this section" substitute "extension of this section to the Isle of Man".

(2) In section 18(1)(b) and (2)(b), for "a listed building" substitute "registered in the Protected Buildings Register".

(3) In section 18(2)(b), for "local planning authority" substitute "Department of Local Government and the Environment".

(4) In section 18(3), for the words from "Council" onwards substitute "said Department".

Deposit of articles for safe keeping

16. For section 21(7) substitute —

["(7) In this section "article" does not include any register or article to which the Church Records Measure (Isle of Man) 2000 applies.".]

NOTE Para.16: words in square brackets substituted by Church Records Measure (Isle of Man) 2000 s.32(2)(a).

Removal of legal effects of consecration

17. (1) In section 22(1)(a), after "purposes)" insert ", by the churchwardens of any parish jointly with any such corporation".

(2) In section 22(3), for "Secretary of State" substitute "Department of Local Government and the Environment".

(3) In section 22(5), after "enforceable" insert ", subject to section 29 (registration of encumbrances) of the Registration of Deeds Act 1961 (an Act of Tynwald) and to the

provisions of the Land Registration Act 1982 (an Act of Tynwald);".

(4) After section 22(5) insert —

"(5A) For the purposes of section 11(1) of the said Act of 1961 the archdeacon shall be deemed to be a person legally or beneficially interested in the building or land affected; and for the purposes of the said Act of 1982 a condition or requirement shall be treated as falling within Part I of Schedule 6 (registrable burdens) to that Act."

(5) For section 22(7) substitute —

"(7) Section 1 of the Conveyancing Act 1983 (an Act of Tynwald) (which enables the court to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under subsection (2) above."

(6) Omit section 22(8).

Application to Crown land

18. For section 23(4) substitute —

"(4) In this section —

"the appropriate authority" means —

(a) in relation to Crown land vested in or managed by a Department or Statutory Board or a government department of the United Kingdom, that Department, Board or department;

(b) in relation to any other Crown land, the Governor in Council; and, if any question arises as to what authority is the appropriate authority in relation to any land, the question shall be referred to the Governor in Council, whose decision shall be final;

"Crown land" means land in which there is an interest belonging to or held in trust for Her Majesty;

"Department", "the Governor in Council" and "Statutory Board" have the meanings given by the Interpretation Act 1976 (an Act of Tynwald)."

Public notices

19. In section 24, for "Section 4 of the Parish Notices Act 1837" substitute "Section 6 of the Public Notices Act 1872 (an Act of Tynwald)".

Rule Committee

[20. Omit section 25.]

Functions of Rule Committee

21. [(1) In section 26(1), for "Rule Committee" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".]

(2) In section 26(2) —

(a) in paragraph (a), after "practice" insert "in the Isle of Man", and omit the words from "or the Care" onwards; and

(b) omit paragraph (b).

[(3) In section 26(3) —

(a) for "Rule Committee" substitute "Legislative Committee";

(b) omit paragraph (b); and

(c) in paragraph (c), for "section 25 of the Parochial Registers and Records Measure 1978" substitute "Church Records Measure (Isle of Man) 2000".]

(4) After section 26(3) insert —

"(4) Rules made under this section may provide that the rules made under this section as it has effect in England shall have effect in the Isle of Man subject to such modifications as may be prescribed."

NOTE Para.21: sub-paras.(1) and (3) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.2.

Rules: supplementary provisions

22. (1) In section 27(1), omit paragraph (c).

(2) For section 27(2) substitute —

"(2) Any rules made under section 24 above shall not have effect unless they are approved by the Sodor and Man Diocesan Synod, and shall be laid before Tynwald as soon as may be after they are so approved."

(3) Omit section 27(3) and (4).

Registrars' fees

23. Omit section 29.

Interpretation

24. (1) In section 31(1) —

(a) omit the definitions of "administrative body", "Cathedrals Fabric Commission", "Council for the Care of Churches", "high judicial office", "listed building", "local planning authority", "national amenity society"[, "Rule Committee"] and "parish church";

(b) in the definition of "conservation area", for "Planning (Listed Buildings and Conservation Areas) Act 1990" substitute "Town and Country Planning Act 1991 (an Act of Tynwald)";

- (c) for the definition of "Diocesan Board of Finance" substitute —
""Diocesan Board of Finance" means the Sodor and Man Diocesan Board of Finance;"
- (d) for the definition of "parish" substitute —
""parish" means an ecclesiastical parish;"
- (e) after the definition of "prescribed" insert —
""Protected Building Register" means the register maintained under section 1 of the Town and Country Planning Act 1991 (an Act of Tynwald);".
- (2) In section 31(2)(b), for the words in brackets substitute "(not being a church or chapel which is not subject to the jurisdiction of the bishop of the diocese)".
- (3) For section 31(4) substitute —
"(4) In relation to a church or building in a district assigned to a chapel under the Church Representation Rules, references in this Measure to the parochial church council or a parochial church meeting of the parish concerned are to the parochial church council or a parochial church meeting of that district.
(4A) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."
- (4) In section 31(5), for "section 13 of the 1964 Measure" substitute "section 10 of the Church Act 1979 (an Act of Tynwald)".
- (5) In section 31(6), for the words from "the Ancient" onwards substitute "any enactment relating to ancient monuments or town and country planning".

NOTE Para.24: sub-para.(1)(a) amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.2.

Citation etc.

25. Omit section 33(2) and (3).

Constitution of Diocesan Advisory Committee

26. Omit Schedule 1.

Inspection of churches

27. (1) Schedule 3 is modified as follows.

(2) In the heading, for "INSPECTION OF CHURCHES MEASURE 1955" substitute "CHURCH ACT 1979".

(3) In paragraph 1, for "Inspection of Churches Measure 1955" substitute "Church Act 1979 (an Act of Tynwald)".

(4) In paragraph 2, for sub-paragraphs (a) and (b) substitute —

"(a) in paragraph (c), for the words an architect or architects, surveyor or other suitably qualified person" substitute "a qualified person or persons";

(b) in paragraph (d), after "situate" insert "to the incumbent of the benefice comprising that parish and to the secretary of the diocesan advisory committee of the diocese".

(5) In paragraph 3 —

(a) in section 1A —

(i) for "Measure" substitute "Act";

(ii) in paragraph (b), for the words from "Council" to "jointly" substitute "Manx Museum and National Trust"; and

(iii) omit paragraph (c); and

(b) omit section 1B.

(6) In paragraph 5 —

(a) for "section 6" substitute "section 11";

(b) in sub-paragraph (a), for ""bishop"" substitute ""benefice"", and in the definition of "church" —

(i) in paragraph (a), omit "other than one to which the Care of Cathedrals Measure 1990 applies";

(ii) in paragraph (b), for the words in brackets substitute "(not being a church or chapel which is not subject to the jurisdiction of the bishop of the diocese)";

(b) in sub-paragraph (b), in the definition of "qualified person", for "Architects Registration Acts 1931 to 1969" substitute "Architects Act 1976 (an Act of Tynwald)".

Amendment of Ecclesiastical Jurisdiction Measure 1963

28. (1) Schedule 4 is amended as follows.

(2) In paragraph 2 —

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), after "solicitor" insert "or an advocate of the Manx bar";

(c) for sub-paragraph (c)(ii) substitute —

"(ii) for the words "without limit of time" there shall be substituted the words "for the period beginning with the date of the appointment and ending with the date on which he attains the age of 72 years";

(iii) at the end there shall be inserted the following paragraph —

"(c) may continue to act as chancellor for the purpose of any proceedings or cause of faculty in the consistory

court or the chapter court of the diocese during the course of which he attains the age of 72 years as if the date of the conclusion in that court of those proceedings or that cause, as the case may be, were the date on which he attains that age.";

- (d) in sub-paragraph (d), in the new section 2(4A), for "the age at which a puisne judge of the High Court is obliged to vacate that office" substitute "the age of 75 years".
- (3) Omit paragraph 9.
- (4) In paragraph 11, after the new section 81(4) insert —
 "(5) In this section "the High Court", in relation to a court in the Isle of Man, means the High Court of Justice of the Isle of Man."

Further amendments

29. Omit Schedules 5 and 6.

Minor and consequential amendments

- 30. (1) Schedule 7 is modified as follows.
- (2) Omit paragraph 1.
- (3) In paragraph 2 —
- (a) for "that Measure" substitute "the Faculty Jurisdiction Measure 1964";
- (b) for "coming into force" substitute "extension to the Isle of Man".
- (4) After paragraph 2 insert —
 "2A. In section 6(3) of that Measure, for "1962" there shall be substituted the words "1986, as it has effect in the Isle of Man".
- (5) For paragraph 3 substitute —
 "3. For section 15 of that Measure there shall be substituted —

"15. In this Measure unless the context otherwise requires —

"advisory committee" means the diocesan advisory committee constituted under section 2 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, as it has effect in the Isle of Man;

"Bishop" means the Bishop of Sodor and Man;

"church" includes any building or part of a building which is licensed for public worship according to the rites and ceremonies of the Church of England and is subject to the faculty jurisdiction;

"court" means the consistory court of the diocese of Sodor and Man;

"judge" means the judge of the court;

"prescribed" means prescribed by rules made under section 26 of the said Measure.".

- (6) In paragraph 4, for sub-paragraph (b) substitute —

"(b) in rule 24(2)(a), at the end there shall be inserted —

"(v) the chairman of the diocesan advisory committee (if in Holy Orders);";

- (c) in rule 24(3)(a), at the end there shall be inserted —

"(iii) the chairman of the diocesan advisory committee (if not in Holy Orders);".

.

- (8) Omit paragraph 6.

NOTE Para.30: sub-para.(7) repealed by Legal Aid Measure (Isle of Man) 1995 Sch.2.

Acts and Measures repealed

- 31. For Schedule 8 substitute —
 "Section 32(2)

SCHEDULE 8
 ENACTMENTS REPEALED
 PART 1
 MEASURES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1963 No.1	The Ecclesiastical Jurisdiction Measure 1963.	Section 64. Section 65. Section 65A.
1964 No.5	The Faculty Jurisdiction Measure 1964.	Section 2. Section 5. Section 9. Section 10. Section 12. Section 14. The Schedule.

PART 2
 ACTS OF TYNWALD

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
IV p.158	The Public Notices Act 1872.	Section 6.
XXI p.94	The Church Act 1969.	In Schedule 1, paragraphs 2(b) and 5.
1979 c.10	The Church Act 1979.	Section 10. In section 11, the definition of "advisory committee". In Schedule 2, paragraphs 6, 9, 11,13, 15, 16 and 17.

Church (Miscellaneous Provisions) Measure (Isle of Man) 1993

SD 496/93

NOTE: COMMENCEMENT: the Measure was brought into force on 1st January 1994 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1993 (Appointed Day) Order 1993 (SD 509/93).

1. Extension of provisions of the Church of England (Miscellaneous Provisions) Measure 1992

The following provisions of the Church of England (Miscellaneous Provisions) Measure 1992 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in the Schedule —

- Section 2 (conduct of funeral services)
- Section 3 (burial of cremated remains)
- section 7 (amendment of Ecclesiastical Jurisdiction Measure 1963)
- Section 10 (advowsons)
- Section 11 and Schedule 2 (resignation of incumbents)
- Section 12 (tenure of office of chancellors and registrars)
- Section 14 (rural deans)
- Section 16 (non-residentiary canons)
- Section 17 and Schedules 3 and 4 (amendments and repeals)
- Section 19 (short title etc.)

2. Short title and commencement

- (1) This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1993.
- (2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

NOTE Commencement: see general note above.

SCHEDULE EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE EXTENDED PROVISIONS OF THE CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 1992 HAVE EFFECT IN THE ISLAND

Section 2 (conduct of funeral services)

1. (1) In section 2(5), for "Section 11 of the Cremation Act 1902" substitute "Section 10 of the Cremation Act 1957 (an Act of Tynwald)".
- (2) In section 2(6), after "In this section —" insert —

""cemetery" does not include any parish burial ground within the meaning of the Burials Act 1986 (an Act of Tynwald);".

Section 3 (burial of cremated remains)

2. In the proviso to section 3(1), for "by an Order in Council" substitute "under section 5 of the Burials Act 1986 (an Act of Tynwald), or under any enactment repealed by that Act,".

Section 10 (advowsons)

3. (1) In section 10(2), omit the words from "and any advowson" onwards.
- (2) Omit section 10(3).

Section 14 (rural deans)

4. In section 14, omit the words from "notwithstanding" onwards.

Section 16 (non-residentiary canons)

5. In section 16 —
 - (a) for "a non-residentiary canon in any cathedral church" substitute "a canon in the cathedral church of Saint German";
 - (b) for the words from "notwithstanding" to "shall be construed" substitute "notwithstanding anything in section 4 of the Church Act 1895 (an Act of Tynwald) or in the statutes of that cathedral church to the contrary; but nothing in that section or those statutes shall be construed".

Section 17 (amendments and repeals)

6. In section 17(2), omit the words in brackets.

Section 19 (short title etc.)

7. (1) After section 19(1) insert —

"(1A) References in this Measure to any Act or Measure or to any provision thereof are to that Act, Measure or provision as it has effect in the Isle of Man."

- (2) Omit section 19(2) to (5).

Schedule 3 (amendments)

8. In Schedule 3 —
 - (a) omit paragraphs 1 to 3, 6 to 17, 20 to 23 and 25 to 27;
 - (b) in paragraph 24, for "Commissioners" substitute "diocesan board of finance".

Schedule 4 (repeals)

9. For Schedule 4 substitute —

"Section 17(2).

SCHEDULE 4 REPEALS

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
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ACTS OF PARLIAMENT
30 & 31 Vict. The Consecration of Section 12.
c.133 Churchyards Act
1872.

ACTS OF TYNWALD
IV p.158 The Public Notices Section 3.
Act 1872. Section 5.
In section 7, the words from
"nor to notice" onwards.

XVIII p.789 The Cremation Act Section 10.
1957.

MEASURES
1959 No.2 The Vacancies in Section 2.
Sees Measure 1959.
1963 No.1 The Ecclesiastical Section 2(3).
Jurisdiction Measure
1963."

Statute Law Revision Measure (Isle of Man) 1994

SD 254/94

NOTE: COMMENCEMENT: the Measure came into force on 21st June 1994 (the date on which Royal assent was announced to Tynwald).

1. Modifications of Church of England (Ecumenical Relations) Measure 1988

(1) The Church of England (Ecumenical Relations) Measure 1988 is modified in its application to the Island as follows.

(2) In section 5 (Churches to which Measure applies), at the end insert —

"(3) Except in the case of a Church nominated under paragraph (b) of subsection (2) above, this Measure does not apply to a Church by virtue of subsection (1) above unless the said Act of 1969, as it has effect in the Isle of Man, for the time being applies to it."

(3) In section 8 (saving regarding solemnization of marriage), for "Marriage Acts 1949 to 1986" substitute "Marriage Act 1984 (an Act of Tynwald)".

2. Amendment of enactments

The enactments specified in Schedule 1 are amended in accordance with that Schedule.

3. Repeals

(1) The enactments specified in Part 1 of Schedule 2 are repealed to the extent specified in column 3 of that Part.

(2) The transitional and saving provisions in Part 2 of Schedule 2 shall have effect.

Short title

4. This Measure may be cited as the Statute Law Revision Measure (Isle of Man) 1994.

SCHEDULE 1 AMENDMENT OF ENACTMENTS *The Church Act 1895 (VI p.648)*

1. (1) In section 2A(3), for "certified to be true by the Bishop and the Secretary of the

Synod" substitute "certified in accordance with section 2 of the Church Act 1987".

(2) In section 4(7), for "by the Commissioners by order under their common seal" substitute "by resolution of the standing committee of the Sodor and Man Diocesan Synod".

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The Church Act 1969 (XXI p.94)

3. (1) Schedule 1 is amended as follows.

(2) In paragraph 2(c), in the substituted section 2(5), omit the words from "and (b)" onwards.

(3) After paragraph 3 insert —

"3A. In section 28 (conduct of trial) —

(a) in paragraphs (a) and (e), for "court of assize exercising criminal jurisdiction" substitute "Court of General Gaol Delivery";

(b) in paragraph (c), for "such a court of assize" substitute "such a Court".

The Marriage Act 1984 (c.13)

4. (1) In section 7(3), for "The churchwardens of every parish shall provide for every church or chapel in the parish" substitute "Every parochial church council shall provide for each church or chapel in its district".

(2) In section 55, in the definition of "clergyman", at the end insert ", and includes a clerk in Holy Orders of the Church in Wales or the Church of Ireland".

The Sharing of Church Buildings Act 1986 (c.5)

5. (1) Schedule 1 is amended as follows.

(2) In paragraph (1), after sub-paragraph (3) insert —

"(4) In section 1(6), for "1969" substitute "1983".

(3) In paragraph 3, for sub-paragraph (b) substitute —

"(b) for the words from "provided" onwards substitute "provided by the

Sharing of Church Buildings Measure 1970".

(4) After paragraph 3 insert —
"4. (1) In section 5(1), for the words from "1969" to "Synod" substitute "1983".

(2) In section 5(4), for "1969" substitute "1983".

(5) After paragraph 5 insert —
"6. In section 7(3), for the words from "1969" onwards substitute "1983".

The Church Act 1992 (c.5)

6. In Part 2 of Schedule 4, for paragraph 19 substitute —

"19. For paragraph 41 substitute —

"Covenants

41. (1) In section 62(1) —

(a) omit "the Commissioners or" (in the first place); and

(b) omit "Commissioners or" (in the second and third places).

(2) In section 62(2), for "Commissioners" (in both places) substitute "board".

The Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 (GC 485/92)

7. In paragraph 14(2) of the Schedule, in the substituted section 17(5), after "Protected Buildings Register" insert "or is in a conservation area".

NOTE Schedule 1: para.2 repealed by PCCs and Accounts Measure (Isle of Man) 2010 s.1(2).

SCHEDULE 2

REPEALS

PART 1

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
I p.46	The Churchwardens Ordinance.	The words "be appointed and sworn once a Year to", and the words from ""their Church-Yard Ditch" onwards.
II p.223	The Parish Registers Act 1849.	Section 7.
IV p.298	The Parochial Registers Act 1873.	Sections 1 to 3.
V p.58	The Church Act 1880.	In section 2, the definitions of "Diocesan Synod", "Ecclesiastical Committee", "Patron", "Seatholders", "Ecclesiastical district", "Registrar" and "Registry". Section 32. Section 34.

VII p.179	The Clergy Residence Act 1897.	Section 16.
VII p.443	The Public Notices Amendment Act 1903.	Section 3.
X p.384	The Civil Registration (Marriages) Act 1919.	Section 4.
XVII p.1	The Church Act 1948.	In section 8, the words from the beginning to "insurance of", and the words from "shall absolutely" to "said Parish Churches". Section 15.
XIX p.2	The Church Act 1960.	Section 16.
XXI p.94	The Church Act 1969.	Section 12. Schedule 2.
1971 c.11	The Church (Miscellaneous Provisions) Act 1971.	Section 26. Sections 32 and 33.
1978 c.4	The St John's (Cronk-y-Voddy) Act 1978.	The whole Act.
1979 c.10	The Church Act 1979.	In paragraph 1 of Schedule 2, the words from "and wherever" onwards.
1983 c.22	The Church Act 1983.	In Schedule 1, paragraph 1.
1984 c.24	The Castletown Church Act 1984.	The whole Act.
1992 c.5	The Church Act 1992.	In Schedule 6, paragraph 5.

PART 2

TRANSITIONAL AND SAVING PROVISIONS

1. The repeal by this Act of section 26 of the Church (Miscellaneous Provisions) Act 1971 shall not come into operation until the repeal (by the Church Act 1992) of section 2 of the Diocesan Endowments Act 1929 comes into operation.

2. The repeal by this Act of paragraph 1 of Schedule 1 to the Church Act 1983 shall not come into operation until the repeal (by the Church Act 1992) of section 4 of the Church Act 1880 comes into operation.

3. The church of St Mary, Castletown shall, as from the 1st December 1989, be deemed for all purposes to have been the parish church of the parish of Castletown.

NOTE Sch.2 Part 2: the repeals mentioned in paras.1 & 2 were brought into force on 22nd November 1994 by the Church Act 1992 (Appointed Day) (No.2) Order 1994 (SD 118/94).

Incumbents (Disability) Measure (Isle of Man) 1995

SD 260/95

NOTE: COMMENCEMENT: the Measure was brought into force on 1st January 1996 by the Incumbents (Disability) Measure (Isle of Man) 1995 (Appointed Day) Order 1995 (SD 457/95).

1. Inquiry whether incumbent is unable to discharge duties

Where the Bishop is satisfied that it is proper to do so, he may by notice in writing require the Vicar General to institute an inquiry as to —

- (a) whether the incumbent of a benefice is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice, and
- (b) if so, whether it is desirable that he should resign his benefice or be given assistance in discharging those duties.

2. Inquiry by tribunal

(1) An inquiry under section 1 shall be conducted by a tribunal consisting of the Vicar General (who shall be chairman) and 2 other persons appointed by him.

(2) Of the 2 persons to be so appointed —

- (a) one shall be a clerk in Holy Orders from the panel appointed from the members of the house of clergy of the Diocesan Synod under paragraph 15(1)(b) of Schedule 4 to the Pastoral Measure 1983 (appeal tribunal for compensation of clergy);
- (b) one shall be a lay person from the panel appointed from the members of the house of laity of the Diocesan Synod under paragraph 15(1)(c) of the said Schedule 4.
- (3) No person may be appointed from a panel mentioned in subsection (2) if —
 - (a) he is ordinarily resident in a parish in the area of the benefice in question, or
 - (b) his name is entered on the church electoral roll of such a parish, or
 - (c) he is a clerk in Holy Orders authorised to exercise his ministry in such a parish.

3. Supplemental provisions as to tribunal

(1) Where, in the course of an inquiry conducted by a tribunal, a member of the tribunal other than the Vicar General dies or becomes unable to act as a member by reason of illness or other incapacity, the tribunal may, with the consent of the parties, continue to conduct the inquiry in the absence of that member.

(2) Without prejudice to subsection (3), at any meeting of the tribunal to which the incumbent is invited, or at which he is entitled to be present, he may, if he so desires, be assisted, or in his absence represented, by some other person, whether having professional qualifications or not.

(3) At an inquiry any party may be represented by an advocate.

(4) The Vicar General shall, as occasion may require, appoint a secretary to the tribunal.

(5) The expenses of the tribunal shall be defrayed by the Sodor and Man Diocesan Board of Finance.

(6) For the purposes of this section the parties to an inquiry are —

- (a) the incumbent;
- (b) the Archdeacon; and
- (c) the parochial church council of any parish in the area of the benefice in question.

4. Medical examinations

(1) The tribunal by which an inquiry is being conducted may direct that the incumbent should undergo a medical examination in accordance with rules under section 11(1) for the purpose of obtaining a report on his mental or physical condition.

(2) The tribunal may at any time revoke or vary a direction under subsection (1).

(3) Where the tribunal gives a direction under subsection (1) and the incumbent fails to take any step required of him for the purpose of giving effect to the direction, the tribunal may draw such inferences (if any) from that fact as appear proper in the circumstances, without prejudice to the drawing of any other inferences that may properly be drawn by the tribunal in the course of the inquiry.

5. Report to Bishop

(1) The tribunal by which an inquiry was conducted shall report to the Bishop whether in its opinion whether the incumbent is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice.

(2) Where the tribunal is of opinion as mentioned in subsection (1), it shall include in its report its recommendation as to the action to be taken by the Bishop.

(3) The report of the tribunal shall not include a recommendation that it is desirable that the

incumbent should resign his benefice unless all the members of the tribunal were in favour of making that recommendation.

6. Power to impose inhibition

(1) Subject to the following provisions of this section, where —

- (a) the Bishop has required the Vicar General to institute an inquiry, and
- (b) it appears to the Bishop that it is desirable in the interests of the Church of England that he should take action under this section,

the Bishop may cause a notice to be served on the incumbent inhibiting him from executing or performing without the consent of the Bishop any such right or duty of or incidental to his office as the Bishop may specify.

(2) A notice of inhibition shall not be served under subsection (1) after the tribunal has made its report to the Bishop, unless it reports that in its opinion the incumbent concerned is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice.

(3) Where the tribunal has reported to the Bishop as mentioned in subsection (2), a notice of inhibition shall not be served under subsection (1) after the expiry of 3 months following the making of the report unless —

- (a) the Bishop has notified the incumbent under section 7(2)(a) that it is desirable that he should resign his benefice, in which case such a notice may be served at any time before he ceases to be the incumbent; or
 - (b) the Bishop has given the incumbent leave of absence under section 7(2)(c), in which case such a notice may be served at any time during the leave of absence.
- (4) A notice of inhibition served under subsection (1) shall cease to have effect —
- (a) if it is served before the tribunal makes its report to the Bishop, on the making of the report unless it reports as mentioned in subsection (2); or
 - (b) on the expiry of the period of 3 months following the making of the report to the Bishop, unless the Bishop has taken action under section 7(2)(a) or (c); or
 - (c) if the Bishop gives the incumbent leave of absence under section 7(2)(c), on the expiry of the leave of absence; or
 - (d) on the benefice of the incumbent becoming vacant.
- (5) The Bishop may at any time revoke a notice of inhibition served under this section.

7. Powers of Bishop in case of disability

(1) This section has effect where the tribunal by which an inquiry was conducted reports to the Bishop that in its opinion the incumbent is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice.

(2) Subject to subsection (3), the Bishop may —

- (a) notify the incumbent that it is desirable that he should resign his benefice; or
- (b) with the consent of the incumbent, appoint and license an assistant curate to assist the incumbent; or
- (c) give the incumbent leave of absence for a period not exceeding two years and make provision for the discharge of the duties attaching to the benefice during that period; or
- (d) make such other temporary provision for the discharge of those duties as the Bishop thinks fit.

(3) The Bishop shall not exercise the power conferred on him by subsection (2)(a) unless the tribunal recommended that it was desirable that the incumbent should resign his benefice.

(4) Where the incumbent holds 2 or more benefices in plurality, then, without prejudice to section 18(4) of the Pastoral Measure 1983 (resignation of benefices held in plurality), the Bishop may, if he thinks fit, include both or all of those benefices in a notification given by him to the incumbent under subsection (2)(a) even though the recommendation of the tribunal related to one only of them.

(5) An incumbent who is notified by the Bishop under this section that it is desirable that he should resign his benefice or benefices shall tender to the Bishop his written resignation of it or them as from such date as may be specified therein, being a date not later than 3 months after the date thereof.

(6) Where the Bishop notifies an incumbent under this section that it is desirable that he should resign his benefice or benefices, and the incumbent refuses or fails within one month after the notification is given to resign it or them in accordance with subsection (5), the Bishop shall execute a declaration of avoidance declaring the benefice or benefices, as the case may be, vacant as from a date specified in the declaration, being a date not less than 3 or more than 6 months after the date on which the declaration is made.

(7) Where the Bishop requests an incumbent under this section to consent to the appointment of an assistant curate and the incumbent refuses or fails within one month

after the request is made to comply with it, the Bishop shall execute a declaration of avoidance declaring the benefice vacant as from the date mentioned in subsection (6).

(8) Where the incumbent concerned holds 2 or more benefices in plurality, the Bishop may, if he thinks fit, include both or all of those benefices in a declaration executed by him under subsection (7).

8. Provisions supplementary to s.7

(1) As soon as practicable after the Bishop has received the report of an inquiry, he shall notify the incumbent of the action he is required or proposes to take under section 7, or, if no such action is required of, or proposes to be taken by, him, of that fact and shall send a similar notification to —

- (a) the Archdeacon, unless he is the incumbent; and
- (b) the secretary of the parochial church council of every parish in the area of the benefice.

(2) The incumbent of any benefice which has been declared vacant under section 7 or which he has resigned in accordance with section 7(5) shall vacate the parsonage house or other his official residence not later than 3 months after the date on which the benefice became vacant by virtue of the declaration of avoidance or deed or resignation, as the case may be.

(3) The Bishop shall cause any declaration executed by him under section 7 to be filed in the Diocesan Registry and a copy of it to be sent to —

- (a) the incumbent,
- (b) the patron of the benefice and
- (c) the Church of England Pensions Board.

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NOTE S.9 repealed by Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 s.19(2).

10. Exercise of powers of Bishop during absence abroad, etc.

(1) During the absence abroad or incapacity through illness of the Bishop or a vacancy in the see, anything required or authorised by this Measure to be done by, to or before him shall be done or, as the case may be, may be done, by, to or before the Archbishop of York or a person, being a person in episcopal orders, appointed by the Archbishop of York for that purpose.

(2) This section is without prejudice to section 8 of the Church (Miscellaneous Provisions) Act 1983 (discharge of functions of bishop).

11. Procedural rules

(1) The [Legislative Committee of the Sodor and Man Diocesan Synod] may make rules for carrying into effect the provisions of this Measure and, in particular, for —

- (a) regulating the procedure and practice of tribunals, and
 - (b) obtaining medical evidence in connection with inquiries.
- (2) Rules under subsection (1) shall not have effect unless they are approved by the Sodor and Man Diocesan Synod.

NOTE: S.11: subs.(1) amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.2. Rules under subs.(1): the Incumbents (Disability) Rules 1995 (SD 458/95).

12. Interpretation

(1) In this Measure —

"benefice" means the office of rector or vicar, with cure of souls, including the office of vicar in a team ministry established under the Pastoral Measure 1983;

"the incumbent", in relation to any proceedings under this Measure, means the incumbent to whom the proceedings relate;

"inquiry" means an inquiry under this Measure.

(2) References in this Measure to any Measure extending to the Island (including this Measure), or to any provision of such a Measure, are to that Measure or provision as it has effect in the Isle of Man.

(3) In the case of a parish which includes a district or part of a district assigned to a chapel under the Church Representation Rules, references in this Measure to the parochial church council of the parish are references to the parochial church council of the parish (excluding that district) and the parochial church council of that district.

13. Repeals

The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

14. Short title and commencement

(1) This Measure may be cited as the Incumbents (Disability) Measure (Isle of Man) 1995.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

NOTE: S.14: subs.(2): see general note above.

NOTE Schedule 1 repealed by Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 s.19(2).

SCHEDULE 2
ENACTMENTS REPEALED

Reference	Short title	Extent of repeal
V p.58	The Church Act 1880.	Section 40.
1983 c.22	The Church Act 1983.	In Schedule 1, paragraph 4.

Legal Aid Measure (Isle of Man) 1995

SD 546/95

NOTE: COMMENCEMENT: the Measure came into force on 19th October 1995 (the day on which Royal assent was announced to Tynwald).

1. Extension of the Church of England (Legal Aid) Measure 1994

The Church of England (Legal Aid) Measure 1994 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

2. Short title etc.

- (1) This Measure may be cited as the Legal Aid Measure (Isle of Man) 1995.
- (2) The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE CHURCH OF ENGLAND (LEGAL AID) MEASURE 1994 HAS EFFECT IN THE ISLAND

Legal aid — supplementary provisions

1. (1) In section 3(1) and (2), for "solicitor" substitute "advocate".
- (2) In section 3(3)(a) —
 - (a) for "counsel or a solicitor" substitute "an advocate"; and
 - (b) for "counsel, solicitor" substitute "advocate".

Legal aid — rules

2. (1) In section 4(1)(b), for "solicitor or counsel" substitute "advocate".
- (2) In section 4(2), for "counsel or solicitor" substitute "an advocate".
- (3) For section 4(4) to (6) substitute —
 - "(4) Rules made under this section as it has effect in England shall have effect in the Isle of Man subject to the modification that references to counsel or a solicitor shall be construed as references to an

advocate, and to such further modifications (if any) as the [Legislative Committee of the Sodor and Man Diocesan Synod] may by order prescribe.

(5) An order under subsection (4) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod."

NOTE Para.2: words in square brackets in new s.4(4) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.4.

Transitional provisions

3. In section 5(1) and (3), for "coming into force of this Measure" substitute "extension of this Measure to the Isle of Man".

Extent

4. Omit section 6.

Short title etc.

5. For section 8(2) substitute —
 - "(2) References in this Measure to any provision of a Measure (including this Measure) are to that provision as it has effect in the Isle of Man."

Proceedings for which legal aid may be given

- [6. In Schedule 1 —
 - (a) for entry 2 substitute —
 - 2 Proceedings on an inquiry The incumbent concerned under the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 conducted by [a tribunal constituted under that Measure].
 - (b) in entries 3 and 4, for "a pastoral committee" substitute "the Church Commissioners for the Isle of Man".]

NOTE Sch.6: para.6 substituted by Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 Sch.2 para.2; words in square brackets in entry 2 substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.1.

SCHEDULE 2

ENACTMENTS REPEALED

Reference	Short title	Extent of repeal	Ecclesiastical Jurisdiction Measure (Isle of Man) 1992
GC 132/90	The Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990.	In the Schedule paragraphs 1, 2, 9 and 10	paragraph 30(7).
GC 485/92	The Care of Churches and	In the Schedule,	

Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996

SD 714/96

NOTE: COMMENCEMENT: the Measure was brought into force on 1st January 1998 by the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 (Appointed Day) Order 1997 (SD 641/97).

1. Request for inquiry into pastoral situation in a parish

(1) A request for an inquiry into the pastoral situation in a parish on the ground that there has been a serious breakdown of the pastoral relationship between the incumbent and the parishioners (a "pastoral breakdown") to which the conduct of the incumbent or of the parishioners or of both has contributed over a substantial period may, subject to subsection (2), be made by —

- (a) the incumbent of the benefice to which the parish belongs; or
- (b) the Archdeacon; or
- (c) a majority of not less than two-thirds of the lay members of the parochial church council of the parish present and voting at a duly convened meeting of that council on a resolution that the request be made; or
- (d) where the incumbent mentioned in paragraph (a) is the Archdeacon, a majority of the members of the standing committee of the Diocesan Synod.

(2) An inquiry shall only be undertaken after the persons concerned have had an opportunity to resolve the pastoral situation in the parish in question; and, accordingly, a request for an inquiry shall not be made unless notice of intention to make the request has been given by the person or persons concerned to the Bishop at least 6 months, and not more than 12 months, before the request is made.

(3) A request for an inquiry, and a notice of intention to make it, shall be made or given in writing to the Bishop and the Diocesan Registrar and, in the case of a request shall contain particulars of the facts which appear to the person or persons making the request to justify an inquiry.

(4) A request for an inquiry, and a notice of intention to make it, made or given by the persons mentioned in subsection (1)(c) or (d) must —

- (a) be signed by all of those persons and include the address of each of them; and
- (b) specify 2 persons from among those signing the request or notice who are willing to act as representatives of those persons in connection with the inquiry or notice and indicate which of those 2 is willing to conduct and receive correspondence relating to the inquiry or notice ("the designated representative").

(5) A request for an inquiry, and a notice of intention to make it, made or given by the persons mentioned in subsection (1)(c) must also contain a statement that the persons who have signed the request or notice constitute a majority of two-thirds or more of those lay members of the parochial church council of the parish in question who were present at a duly convened meeting of that council and voted thereat on a resolution that the request be made or the notice be given.

(6) A request for an inquiry, and a notice of intention to make it, made or given by the persons mentioned in subsection (1)(d) must also contain a statement that the persons who have signed the request or notice constitute a majority of the members of the standing committee of the Diocesan Synod.

(7) Where a request or notice made or given under this section is received by the Diocesan Registrar, he shall notify —

- (a) the incumbent of the benefice to which the parish in question belongs, unless it was he who made the request or gave the notice;
- (b) the Archdeacon, unless it was he who made the request or gave the notice; and
- (c) the secretary of the parochial church council of that parish, unless it was the persons mentioned in subsection (1)(c) who made the request or gave the notice.

(8) A request under this section may be withdrawn by notice in writing given to the Bishop and the Diocesan Registrar by —

- (a) in the case of a request made by the person mentioned in subsection (1)(a) or (b), that person;
- (b) in the case of a request made by the persons mentioned in section (1)(c), a majority of the lay members of the parochial church council of the parish present and voting at a duly convened meeting of that council on a resolution that the request be withdrawn;
- (c) in the case of a request made by the persons mentioned in subsection (1)(d), by a majority of the members of the standing committee of the Diocesan Synod, and where a request is withdrawn under this subsection no further steps shall be taken under this Measure in connection with the request.

2. Action to be taken by Archdeacon in certain cases before institution of inquiry

(1) Where the Bishop receives a request under section 1, then, unless —

- (a) the request was made by the Archdeacon, or
- (b) the Archdeacon is the incumbent of the benefice to which the parish in question belongs, the Bishop shall direct the Archdeacon to report in accordance with subsection (5).

(2) Where the archdeaconry is vacant, the Bishop shall appoint some other fit and proper person, being a clerk in Holy Orders, to act in the case and shall inform the Diocesan Registrar accordingly.

(3) Where the Archdeacon is of opinion that it would not be right or expedient for him to act in the case, he shall so inform the Bishop and the Bishop shall appoint some other fit and proper person, being a clerk in Holy Orders, to act in his place and shall inform the Diocesan Registrar accordingly.

(4) Where the Bishop appoints a person under subsection (2) or (3) to act in place of the Archdeacon, references to the Archdeacon in the following provisions of this Measure shall be construed as references to that person.

(5) Not more than 6 weeks after receiving the directions of the Bishop the Archdeacon shall report to the Bishop whether in his opinion an inquiry would be in the best interests of the incumbent and the parishioners and should accordingly be instituted; and the Archdeacon, in making his report to the Bishop, shall have regard to the extent to which any relevant rules

of guidance in a Code of Practice for the time being in force in England under section 1 of the Incumbents (Vacation of Benefices) Measure 1977 (a Measure of the General Synod) have been complied with.

(6) On receiving the Archdeacon's report the Bishop shall inform the Diocesan Registrar of the Archdeacon's opinion as stated in his report and direct him to inform the incumbent, the secretary of the parochial church council and the designated representative, if any, of it.

3. Institution of inquiry

(1) Where —

- (a) the request for an inquiry was made by the Archdeacon or the Archdeacon is the incumbent of the benefice to which the parish in question belongs; or
- (b) the Archdeacon reports that in his opinion an inquiry should be instituted; or
- (c) within 6 months after the making of his report the Archdeacon informs the Bishop that, although he did not report as aforesaid, he considers that the circumstances are such that an inquiry is nevertheless required; or
- (d) within 6 months after the making of the Archdeacon's report the incumbent, the secretary of the parochial church council or the designated representative, if any, informs the Bishop that, although the Archdeacon did not report as aforesaid, an inquiry is nevertheless required,

then the Bishop may, if he thinks fit, direct the Diocesan Registrar to institute an inquiry.

(2) If, within the period of 6 months after the relevant date the Bishop neither gives a direction under subsection (1) nor notifies the Diocesan Registrar that he has decided not to give such a direction, such a direction shall be deemed to have been given.

(3) In this section "the relevant date" means —

- (a) in either of the cases described in subsection (1)(a), the date on which the request was made;
- (b) in the case described in subsection (1)(b), the date on which the report was made;
- (c) in the case described in subsection (1)(c) or (d), the date on which the Bishop is informed that, although the Archdeacon did not report that in his opinion an inquiry should be instituted, an inquiry is nevertheless required.

4. Provisions with respect to resignation to benefice by incumbent

(1) Where a request for an inquiry is made in accordance with section 1, the incumbent

concerned may when, or at any time before, he receives a notification from the Bishop —

- (a) under section 11(1), or
- (b) under section 8(1) of the Incumbents (Disability) Measure (Isle of Man) 1995 (as applied by section 9(3)),

request the Bishop to accept his resignation of his benefice, and the Bishop may, if he thinks it would be in the interests of the Church to do so, accept the resignation.

(2) An incumbent who has been informed that the Bishop has accepted his resignation of his benefice under subsection (1) shall give his resignation in writing, resigning his benefice as from such date as may be specified therein, being a date not later than 3 months after the date on which he was informed as aforesaid, and shall vacate the parsonage house or other his official residence not later than 3 months after the date on which the benefice thereby became vacant.

(3) Where the Bishop accepts the resignation of an incumbent under his section, he shall notify the Diocesan Registrar that no further steps are to be taken in connection with the inquiry and direct him to inform the secretary of the parochial church council of the parish in question, the designated representative, if any, and, if necessary, the Archdeacon and the members of the body by which the inquiry was to have been, or is being, conducted of that fact.

[5. Inquiry to be conducted by tribunal

(1) An inquiry into the pastoral situation in a parish shall be conducted by a tribunal constituted in accordance with this section ("the tribunal").

(2) Subject to subsection (3), the tribunal shall consist of —

- (a) the chairman, who shall be the chancellor of the diocese;
- (b) 2 lay persons appointed by the chancellor from those nominated under section 20A(2)(a) of the Clergy Discipline Measure 2003;
- (c) 2 persons in Holy Orders appointed by the chancellor from those nominated under section 20A(2)(b) of that Measure.

(3) If it appears to the chancellor that there is no person nominated under the said section 20A(2)(a) or (b), as the case may be, who is suitable to be appointed a member of the tribunal under subsection (2)(a) or (b), he may instead appoint a member from those nominated under section 21(2)(a) or (3)(a), or section 21(2)(b) or (3)(b), as the case may be, of that Measure to serve on the relevant provincial panel.

(4) Without prejudice to subsection (5), at any sitting of the tribunal to which the incumbent concerned is invited, or at which he is entitled to be present, he may, if he so desires, be assisted, or in his absence represented, by some other person whether having professional qualifications or not.

(5) At an inquiry under this Measure any of the following may be represented by an advocate, barrister or solicitor —

- (a) the incumbent concerned;
- (b) the Archdeacon;
- (c) the parochial church council of the parish concerned or, in the case of an inquiry requested by the persons mentioned in section 1(1)(c), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons;
- (d) in the case of an inquiry requested by the persons mentioned in section 1(1)(d), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons.]

NOTE S.5 substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.2.

6. Medical examinations

(1) The [tribunal] may direct that the incumbent concerned should undergo a medical examination in accordance with rules of court for the purpose of obtaining a report on his mental or physical condition; and the [tribunal] may at any time revoke or vary a direction given under this subsection.

(2) Where the [tribunal] gives a direction under subsection (1) and the incumbent concerned fails to take any step required of him for the purpose of giving effect to the direction, the [tribunal] may draw such inferences (if any) from that fact as appear proper in the circumstances, without prejudice to the drawing of any other inferences that may properly be drawn by the [tribunal] in the course of the inquiry.

(3) The power to make rules for carrying into effect the provisions of this Measure includes power to make rules for obtaining medical evidence in connection with an inquiry.

NOTE S.6: words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

7. Ancillary provisions with respect to inquiry

(1) The Diocesan Registrar shall notify —

- (a) the secretary of the parochial church council of the parish to which the inquiry relates, and
- (b) the secretary of the parochial church council of any other parish belonging to the benefice of which the incumbent concerned is the incumbent,

of the institution of the inquiry and ask him whether that council wishes to make representations to the [tribunal].

(2) The Diocesan Registrar shall supply each member of the [tribunal] with a copy of the request for the inquiry and, in the case of an inquiry to which subsection (1) applies, shall inform the [tribunal] whether or not any parochial church council wishes to make representations to it.

NOTE S.7: words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

8. Report to be made to the Bishop

(1) Subject to subsection (2), the [tribunal] shall find whether in its opinion —

- (a) there has been a pastoral breakdown, and
- (b) if so, the breakdown is one to which the conduct of the incumbent or of the parishioners or of both has contributed over a substantial period;

and shall report its findings to the Bishop.

(2) Where the [tribunal] finds that in its opinion the incumbent concerned is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice it may report such finding to the Bishop instead of a finding under subsection (1).

(3) Where the [tribunal] finds as mentioned in subsection (1)(a) or (2), then, subject to subsection (4), it shall include in its report its recommendations as to the action to be taken by the Bishop.

(4) A report to the Bishop under this Measure shall not include a recommendation —

- (a) where the [tribunal] finds as mentioned in subsection (1), that the Bishop should execute a declaration of avoidance in relation to the benefice of the incumbent concerned;
- (b) where the [tribunal] finds as mentioned in subsection (2), that it is desirable that the incumbent should resign his benefice;

unless 4 or more members of the [tribunal] were in favour of making that recommendation.

NOTE S.8: words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

9. Powers in case of disability

(1) Where the [tribunal] has reported to the Bishop in accordance with section 8(2), and it appears to the Bishop that it is desirable in the interests of the Church of England that he should take action under this section, it shall be lawful for the Bishop to cause a notice to be served on the incumbent who is the subject of the inquiry inhibiting him from executing or performing without the consent of the Bishop any such right or duty of or incidental to his office as the Bishop may specify.

(2) Section 6(2) to (5) of the Incumbents (Disability) Measure (Isle of Man) 1995 applies to a notice of inhibition served under subsection (1) as it applies to a notice served under section 6(1) of that Measure.

(3) Sections 7 and 8 of the said Measure apply where the [tribunal] reports to the Bishop in accordance with section 8(2) as they apply in the circumstances specified in section 7(1) of that Measure.

NOTE S.9 words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

10. Powers of Bishop in case of pastoral breakdown

(1) The provisions of this section shall have effect where the [tribunal] finds as mentioned in section 8(1)(a).

(2) If, but only if, the [tribunal] so recommends, the Bishop may execute a declaration of avoidance declaring the benefice of the incumbent concerned vacant as from a date specified in the declaration, being a date not less than 3 or more than 6 months after the date on which the declaration is made.

(3) Where the incumbent concerned holds 2 or more benefices in plurality, the Bishop may include both or all of those benefices in such a declaration although the recommendation of the [tribunal] related to one only of them.

(4) Where the Bishop executes a declaration under subsection (2), he shall disqualify the incumbent concerned from executing or performing without the consent of the Bishop any right or duty of or incidental to his office during the period beginning with the date on which the declaration is executed and ending with the date on which the benefice or benefices of the incumbent will become vacant in accordance with the declaration.

(5) Where the [tribunal] finds that the pastoral breakdown is one to which the conduct of the incumbent has contributed over a substantial period, the Bishop may rebuke the incumbent and may, if he thinks fit, disqualify him from executing or performing without the consent of the Bishop any such right or duty of or incidental to his office, and during such period, as the Bishop may specify.

(6) Where the [tribunal] finds that the pastoral breakdown is one to which the conduct of the parishioners has contributed over a substantial period, the Bishop may rebuke such of them as he thinks fit and may, if he thinks fit, disqualify such of them as he thinks fit from being a churchwarden or member or officer of the parochial church council of the parish in question or of such other parishes in the diocese as he may specify during such period not exceeding 5 years as he may specify.

(7) Where the Bishop disqualifies a person who is or who becomes a lay member of the Diocesan Synod or the General Synod from being a member of a parochial church council during any period under subsection (6), that person shall not be a member of that council by virtue of that lay membership during that period, notwithstanding rule 14(1)(e) of the Church Representation Rules.

(8) Without prejudice to the preceding provisions of this section, the Bishop may give such pastoral advice to the incumbent concerned and the parishioners as he thinks appropriate having regard to the findings and recommendations of the [tribunal].

(9) Where the Bishop disqualifies an incumbent under subsection (4) or (5), he shall make such provision for the discharge of the duties attaching to the benefice of the incumbent during the period of disqualification as he thinks fit, and the incumbent shall not interfere with any person who may be appointed to discharge any of those duties.

(10) The Bishop may revoke any disqualification effected under subsection (4) or (5).

NOTE S.10: words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

11. Provisions supplementary to ss.9 & 10

(1) As soon as practicable after the report of an inquiry has been received by the Bishop he shall notify the incumbent concerned of the action he is required or proposes to take under section 10, or, if no such action is required of, or proposes to be taken by, him, of that fact and shall send a similar notification to —

- (a) the Archdeacon, unless he is the incumbent concerned;
- (b) the secretary of the parochial church council of that parish; and
- (c) the designated representative, if any.

(2) The incumbent of any benefice which has been declared vacant under section 10 or which he has resigned in accordance with section 7 of the Incumbents (Disability) Measure (Isle of Man) 1995 (as applied by section 9(3)) shall vacate the parsonage house or other his official residence not later than 3 months after the date on which the benefice became vacant by virtue of the declaration of avoidance or resignation, as the case may be.

(3) The Bishop shall cause any declaration executed by him under section 10 or under the said section 7 to be filed in the Diocesan Registry and a copy thereof to be sent to the incumbent concerned, to the patron of the benefice and to the Church of England Pensions Board.

12. Code of practice

Any person exercising functions under this Measure shall have regard to any relevant rules of guidance contained in a Code of Practice for the time being in force in England under section 1 of the Incumbents (Vacation of Benefices) Measure 1977 (a Measure of the General Synod).

13. Compensation and pension

The Incumbents (Vacation of Benefices) Measure 1977 and the Incumbents (Vacation of Benefices) (Amendment) Measure 1993 (Measures of the General Synod) shall extend to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

14. Certain expenses to be paid by Diocesan Board of Finance

- (1) The following expenses —
- (a) any expenses incurred for the purpose enabling the [tribunal] to discharge its functions under this Measure;
 - (b) any travelling or other personal expenses reasonably incurred by the member of the [tribunal] for the purpose of or in connection with the exercise of those functions;
 - (c) any travelling or other personal expenses reasonably incurred by an incumbent in connection with an inquiry which concerns him;
 - (d) any such expenses reasonably incurred by the Archdeacon under section 1;
 - (e) any such expenses reasonably incurred by any person in connection with his

attendance at a sitting of the [tribunal] for the purpose of an inquiry, being a sitting which he was entitled, or invited by the [tribunal] to attend or which he attended as a witness;

shall be paid by the Sodor and Man Diocesan Board of Finance.

(2) Any question whether any such expenses as are referred to in subsection (1) were reasonably incurred or as to the amount thereof shall be determined by the Bishop.

NOTE S.14: words in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.3.

15. Exercise of powers of Bishop during absence abroad, etc.

(1) During the absence abroad or incapacity through illness of the Bishop or a vacancy in the see anything required or authorised by this Measure to be done by, to or before him shall be done or, as the case may be, may be done, by, to or before the Archbishop of York or a person, being a person in episcopal orders, appointed by the Archbishop of York for that purpose.

(2) This section is without prejudice to section 8 of the Church (Miscellaneous Provisions) Act 1983 (discharge of functions of bishop).

16. Interpretation

(1) In this Measure —

"benefice" means the office of rector or vicar, with cure of souls, including the office of vicar in a team ministry established under the Pastoral Measure 1983;

. . .

"the designated representative" has the meaning given by section 1(4)(b);

"the diocese" means the diocese of Sodor and Man;

"the Diocesan Synod" means the Sodor and Man Diocesan Synod;

"inquiry" means an inquiry under section 5 into the pastoral situation in a parish.

["the tribunal" means the tribunal constituted under section 5.]

(2) In this Measure "pastoral breakdown" means, in relation to a parish, a serious breakdown of the relationship between an incumbent and the parishioners, and any reference to such a breakdown shall be construed as a reference to a situation where the relationship between the incumbent and the parishioners of the parish in question is such as to impede the promotion in the parish of the

whole mission of the Church of England, pastoral, evangelistic, social and ecumenical.

(3) Unless the context otherwise requires, references in this Measure to any Measure of the General Synod extending to the Isle of Man, or to any provision of such a Measure, are to that Measure or provision as it has effect in the Isle of Man.

(4) In the case of a parish which includes a district or part of a district assigned to a chapel under the Church Representation Rules —

(a) references in this Measure to the parochial church council of the parish are references to the parochial church council of the parish (excluding that district) and the parochial church council of that district; and

(b) references to a meeting of the parochial church council of the parish are references to a joint meeting of those councils, convened and held in accordance with directions given or rules made for the purpose by the standing committee of the Diocesan Synod.

NOTE S.16: subs.(1): definition omitted, and words in square brackets inserted, by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.4.

17. Amendment and repeal of enactments

(1) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(2) Section 9 of, and Schedule 1 to, the Incumbents (Disability) Measure (Isle of Man) 1995 are repealed.

18. Short title etc.

(1) This Measure may be cited as the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996.

(2) This Measure shall come into operation on such day as the Bishop may by order appoint.

NOTE S.18: subs.(2): see general note above.

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE INCUMBENTS (VACATION OF BENEFICES) MEASURES EXTEND TO THE ISLAND

PART 1

THE INCUMBENTS (VACATION OF BENEFICES) MEASURE 1977

1. Sections 1 to 12, 15 to 20 and 21(2) and (3) and Schedule 1 shall not extend.

2. In section 13(1), for paragraphs (a) and (b) substitute —

- "(a) after obtaining the agreement of the bishop under section 4(1) of the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996, an incumbent resigns his benefice in accordance with section 4(2) of that Measure, or
- (b) after an inquiry under that Measure the bishop has declared the benefice vacant under section 10 of that Measure,".
3. In section 14(1), for the words from the beginning to "that section," substitute —
- "Where —
- (a) after an inquiry under the Incumbents (Disability) Measure (Isle of Man) 1995, or
- (b) after an inquiry under the Incumbents (Pastoral Breakdown) Measure 1996 in which the [tribunal] reported to the bishop in accordance with section 8(2) thereof,
- the incumbent concerned resigns his benefice consequent upon a notification from the bishop under section 7(2)(a) of the said Measure of 1995 or the bishop has declared the benefice of the incumbent vacant under section 7(6) or (7) of that Measure,".
4. In paragraph 7 of Schedule 2, omit the words from "and charged" onwards.

PART 2

THE INCUMBENTS (VACATION OF BENEFICES) (AMENDMENT) MEASURE 1993

5. Sections 1 to 7, 9 to 12, 14, 15 and 16(2) and (3) and Schedules 1, 3 and 4 shall not extend.

NOTE Sch.1: para.3: word in square brackets substituted by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.5.

SCHEDULE 2
AMENDMENT OF ENACTMENTS

The Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 (GC 485/92)

1. In paragraph 21 of Schedule 1 to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992, for sub-paragraph (1) substitute —

"(1) In section 26(1), for paragraph (d) substitute —

"(d) the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996;".

The Legal Aid Measure (Isle of Man) 1995 (SD 546/95)

2. For paragraph 6 of Schedule 1 to the Legal Aid Measure (Isle of Man) 1995 substitute —

"6. In Schedule 1 —

(a) for entry 2 substitute —

2 Proceedings on an inquiry under the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 conducted by the consistory court.

- (b) in entries 3 and 4, for "a pastoral committee" substitute "the Church Commissioners for the Isle of Man".

The Church Representation Rules (Amendment) (Isle of Man) Resolution 1995 (SD 217/95)

3. For paragraph 2(j) of the Church Representation Rules (Amendment) (Isle of Man) Resolution 1995 substitute —

"(j) in paragraph 19, in the new rule 14(3), for the words from "disqualified" to "1977 and 1993," substitute "disqualified for serving on a parochial church council under section 10(6) of the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996;".

NOTE: Schedule 2: para.2: substituted entry 2 amended by Clergy Discipline Measure (Isle of Man) 2005 Sch.2 para.1.

Church (Miscellaneous Provisions) Measure (Isle of Man) 1996

SD 715/96

NOTE: COMMENCEMENT: the Measure was brought into force on 1st April 1997 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 1996 (Appointed Day) Order 1997 (SD 27/97).

1. Extension of the Pastoral (Amendment) Measure 1994

The Pastoral (Amendment) Measure 1994 (a Measure of the General Synod) shall extend to the Island subject to the modifications specified in Schedule 1.

2. Extension of the Church of England (Miscellaneous Provisions) Measure 1995

The following provisions of the Church of England (Miscellaneous Provisions) Measure 1995 (a Measure of the General Synod of the Church of England) —

- section 1 (ministers of Church of Ireland)
- section 3 (designation of archdeacon emeritus)
- section 4 (resignation of certain officials)
- section 7 and the Schedule (amendment of Church Funds Investment Measure 1958)
- section 11 (amendment of Pastoral Measure 1983)
- section 12 (amendment of Church of England (Miscellaneous Provisions) Measure 1983)
- section 14 (miscellaneous amendments)

shall extend to the Island, subject to the modifications specified in Schedule 2.

3. Short title etc.

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 1996 and shall come into operation on such day or days as the Bishop may by order appoint.

SCHEDULE 1

MODIFICATIONS SUBJECT TO WHICH THE PASTORAL (AMENDMENT) MEASURE 1994 EXTENDS TO THE ISLAND

Redundant Churches Funds etc.

1. Omit sections 1 to 6.

Legal effects of consecration

2. In section 7, omit paragraph (a).

Covenants

3. In section 8, for the new section 62(3) substitute —

"(3) Section 1 of the Conveyancing Act 1983 (an Act of Tynwald) (which enables the court to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under subsection (1)."

Financial provisions

4. Omit sections 9 to 14.

Repeal of obsolete provision

5. After section 14 insert —

"14A. Repeal of obsolete provision

Subsection (3) of section 11 of the 1983 Measure (validity etc. of schemes and orders) is repealed."

Citation etc.

6. In section 15 —

- (a) omit subsections (2) and (3);
- (b) in subsection (4), at the end insert "as it has effect in the Isle of Man".

SCHEDULE 2

MODIFICATIONS SUBJECT TO WHICH CERTAIN PROVISIONS OF THE CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 1995 EXTEND TO THE ISLAND

General modification

1. References to any Measure or any provision are to that Measure or provision as it has effect in the Isle of Man.

Section 1 (ministers of Church of Ireland)

2. In section 1 —

- (a) after "England" (in the first place) insert "or the Isle of Man";
- (b) for "England" (in the second place) substitute "the Isle of Man".

Section 4 (resignation of certain officials)

3. In section 4 —

- (a) for "a dean, residentiary canon or archdeacon" substitute "an archdeacon or a canon of the cathedral church of St German";
- (b) for paragraphs (a) to (d) substitute —
 - "(a) in the case of an archdeacon, to Her Majesty;
 - (b) in the case of a canon, to the diocesan bishop."

Section 11 (amendment of Pastoral Measure 1983)

4. In section 11, omit paragraphs (b), (c) and (e).

Section 14 (miscellaneous amendments)

5. In section 14, omit the words from "sections 2(3) and" to "1993;".

Patronage Measure (Isle of Man) 1997

1. Extension of the Patronage (Benefices) Measure 1986

(1) The Patronage (Benefices) Measure 1986 (a Measure of the General Synod of the Church of England) shall extend to the Island in accordance with subsection (2).

(2) The said Measure, incorporating the exceptions and modifications subject to which it extends to the Island, is set out in Schedule 1.

2. Power to refuse to institute to benefice

(1) The Bishop may refuse to institute or admit a presentee to a benefice on any of the following grounds —

- (a) that at the date of presentation not more than 3 years have elapsed since the presentee was ordained deacon;
- (b) that the presentee is unfit to discharge the duties of the benefice by reason of —
 - (i) physical or mental infirmity or incapacity;
 - (ii) pecuniary embarrassment of a serious character;
 - (iii) grave misconduct or neglect of duty in an ecclesiastical office;
 - (iv) evil life; or
 - (v) having by his conduct caused grave scandal concerning his moral character since his ordination;
- (c) that the presentee has, with reference to the presentation, been knowingly party or privy to any transaction or agreement which is invalid under section 3 of the Patronage (Benefices) Measure 1986 (as it has effect in the Island by virtue of section 1); or
- (d) where the presentee has not previously held a benefice or the office of vicar in a team ministry, that he has had no experience, or less than 3 years' experience, as a full-time curate.

(2) Where the Bishop refuses to institute or admit a presentee on any ground specified in subsection (1), he shall notify the refusal and the grounds for it in writing to the person presenting to the benefice and the presentee, and either of those persons may, within one month after such notification, appeal in writing to the Archbishop of York.

(3) On an appeal under subsection (2) the Archbishop, after making or causing to be made such inquiries as he thinks fit, may either

- (a) uphold the Bishop's decision, or
- (b) direct him to institute or admit the presentee; and it shall be the duty of the Bishop to comply with any such direction.

(4) In this section —

"benefice" has the same meaning as in the Pastoral Measure 1983, as it has effect in the Island;

"curate" means an assistant curate, priest in charge or curate in charge licensed to a parish.

(5) References in subsection (1)(d) to a benefice or the office of vicar in a team ministry, and in subsection (4) to a parish, include references respectively to —

- (a) any benefice or any such office, and any parish, in the province of Canterbury or York;
- (b) any benefice or corresponding office, and any parish, in the Church in Wales, the Church of Ireland or the Episcopal Church of Scotland.

(6) This section applies to benefices in the patronage of the Crown.

3. Short title etc.

(1) This Measure may be cited as the Patronage Measure (Isle of Man) 1997.

(2) The modifications of rules 19, 20 and 21 of the Church Representation Rules specified in Part 1 of Schedule 2 shall have effect in place of those applying thereto immediately before the passing of this Measure.

(3) The modifications of —

- (a) sections 18, 32, 69 to 72 and 81(1) of, and
- (b) paragraphs 1(6), 3, 4(3), 6 and 13 of Schedule 3 to, the Pastoral Measure 1983, set out in Part 2 of Schedule 2 shall have effect in place of those applying thereto immediately before the passing of this Measure.

(4) This Measure shall come into operation on such day as the Bishop may by order appoint.

NOTE S.3: subs.(4): see general note above.

SCHEDULE 1

[omitted: see text of 1986 Measure in Part 3 above]

SCHEDULE 2

MODIFICATIONS OF CERTAIN ENACTMENTS

PART 1

MODIFICATIONS OF CHURCH REPRESENTATION RULES

Rule 19: joint parochial church councils

1. (1) In rule 19(1)(c), at the beginning insert "subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(2) In rule 19(2), after "said Measure" insert "and subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(3) In rule 19(4) —

(a) for "bishop's council and standing committee" substitute "standing committee of the diocesan synod"; and

(b) for "bishop's council" (in the second place) substitute "standing committee".

Rule 20: team councils

2. (1) In rule 20(1)(c), at the beginning insert "subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(2) In rule 20(2), after "said Measure" insert "and subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

Rule 21: group councils

3. (1) In rule 21(1)(c), after "1983" insert "and its functions under Part II of the Patronage (Benefices) Measure 1986".

(2) In rule 21(3), at the end insert "except that the functions of a parochial church council under Part II of the Patronage (Benefices) Measure 1986 may not be delegated to a group council".

PART 2

MODIFICATIONS OF PASTORAL MEASURE 1983

Section 18: holding of benefices in plurality

1. In the proviso to section 18(2) —

(a) for "section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931" substitute "section 7 of the Patronage (Benefices) Measure 1986";

(b) in paragraph (b), for "section 1" substitute "section 7".

Section 32: provisions as to patronage

2. (1) In section 32(3), for the words from "the diocesan" onwards substitute "the bishop".

(2) Omit section 32(10).

Section 69: restrictions on presentation pending scheme &c

3. In section 69(2) —

(a) omit the words from "or where" to "dioceses concerned," and

(b) for the words from "and the requirement" onwards substitute "and the provisions of section 7 of the Patronage (Benefices) Measure 1986 shall, subject to the modifications made by section 70 of this Measure, apply".

Section 70: modification of Patronage (Benefices) Measure 1986

4. In section 70 —

(a) in paragraph (a), for "section 1 of the Benefices (Exercise of Rights of Presentation) Measure 1931" substitute "section 7 of the Patronage (Benefices) Measure 1986";

(b) in paragraph (d), for "section 1" substitute "section 7(4)".

Sections 71 & 72: savings

5. Omit sections 71 and 72.

Section 81: application to the Crown

6. In section 81(1), omit "Without prejudice to the application of section 72 to the Crown," "or, as the case may be, of the Duke of Cornwall," and the words from "whether in right" onwards.

Certain provisions of Schedule 3: supplementary

7. (1) In paragraph 1(6) of Schedule 3, for "a suffragan or" substitute "an", and at the end insert "being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986".

(2) For paragraph 3 of Schedule 3 substitute —

"3. Where a group ministry is established by a pastoral scheme for a group of benefices, the patron of a benefice in the group shall consult the other incumbents and any priests in charge in the group before he makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of the parish representatives (as defined in section 11(7) of that Measure), and (unless the patron is the bishop) of the bishop, to the making to a priest of an offer to present him to the benefice.".

(3) In paragraph 4(3)(c) of Schedule 3, at the beginning insert "subject to paragraph 19 of Schedule 2 to the Patronage (Benefices) Measure 1986,".

(4) Omit paragraph 6.

(5) In paragraph 13 —

(a) at the beginning of sub-paragraph (1)(c) insert "subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,";

(b) omit sub-paragraph (3).

Assistant Curates Measure (Isle of Man) 1999

SD 142/99

1. Tenure of office of assistant curates

(1) An assistant curate may not, without the permission in writing of the Bishop, quit his curacy except after giving not less than 3 months' notice in writing of his intention to do so to the Bishop and to the incumbent of the benefice.

(2) Subject to subsection (3), the incumbent of a benefice may, with the permission in writing of the Bishop, terminate the curacy of his assistant curate by not less than 6 months' notice in writing to the curate.

(3) If the Bishop refuses his permission to such termination, the incumbent may, within one month of such refusal, appeal to the Archbishop of York, who shall either confirm such refusal or himself give such permission, as he thinks just and proper.

(4) Section 111 (appeal procedure) of the Pluralities Act 1838 (an Act of Parliament) applies to an appeal under subsection (3) as it applies to an appeal to an archbishop under that Act.

(5) Nothing in this section affects the powers of the Bishop to revoke the licence of an assistant curate.

(6) This section applies to an assistant curate whose curacy exists at the commencement of this Measure as well as to one whose curacy comes into existence after such commencement.

(7) In this section "assistant curate" means a clerk in holy orders licensed to assist the incumbent of a benefice in his cure of souls.

(8) In its application to the Island section 2(2) of the Church of England (Miscellaneous Provisions) Measure 1976 (licensing of curate for fixed term) is modified as follows —

(a) in paragraph (a), for "section 95 of the Pluralities Act 1838" substitute "section 1(2) and (3) of the Assistant Curates Measure (Isle of Man) 1999";

(b) in paragraph (b), for "section 97 of that Act" substitute "section 1(1) of that Measure".

2. Short title

This Measure may be cited as the Assistant Curates Measure (Isle of Man) 1999.

NOTE The Measure came into operation on 16th March 1999 (the day on which Royal assent was announced to Tynwald).

Sale of Parsonages Measure (Isle of Man) 2000

SD 339/01

1. Amendment of Church Act 1992

- (1) Paragraph 6 of Schedule 2 to the Church Act 1992 (Church land) is amended as follows.
- (2) In sub-paragraph (3), for "sub-paragraph (2)" substitute "sub-paragraphs (2) and (3A)".
- (3) After sub-paragraph (3) insert —
"(3A) The following sum shall be paid by the Board out of the net proceeds of a disposal of land comprising the parsonage house of a benefice to the parochial church council of any parish or part of a parish within the area of the benefice, namely a sum equal to the total of any sums expended by the council in carrying out, or in meeting or contributing to the cost of, any works of improvement of the house carried out with the consent of the Board during the 10 years ending with the completion of the disposal (after deducting the amount of any grant made to the council by the Board for the purpose), reduced by one-tenth for each complete year which has elapsed between the date on which the expenditure was

incurred and the completion of the disposal.

(3B) Any question under sub-paragraph (3A) whether any works carried out to a parsonage house are works of improvement shall be referred to and determined by the Archdeacon, whose decision shall be final."

(4) In sub-paragraph (4), for "sub-paragraphs (1) to (3)" substitute "sub-paragraphs (1) to (3A)".

(5) No expenditure incurred before the passing of this Measure shall be taken into account under sub-paragraph (3A) of the said paragraph 6.

2. Short title

This Measure may be cited as the Sale of Parsonages Measure (Isle of Man) 2000.

NOTE The Measure came into operation on 17th May 2000 (the day on which Royal assent was announced to Tynwald).

Church Records Measure (Isle of Man) 2000

SD 533/00

Diocesan record office

1. Provision of diocesan record office

- (1) There shall be a diocesan record office for the diocese, being such repository in the Island as is for the time being designated by the Bishop as such office by an instrument in writing.
- (2) The Bishop shall not designate a repository as the diocesan record office unless that place is —
 - (a) the Manx Museum;
 - (b) the Public Record Office provided under the Public Records Act 1999;
 - (c) a repository specified in a direction under section 1(6) of that Act; or
 - (d) in the opinion of the Bishop a suitable place to be appointed as a place of deposit under this Measure.
- (3) The Bishop shall not designate a repository as the diocesan record office

without the consent of the authority or other body by whom it is provided or managed.

NOTE: S.1: subs.(1): the Manx Museum was designated as the diocesan record office by the Diocesan Record Office (Designation) Instrument 2000 (SD 685/00)

2. Custody etc. of records held in diocesan record office

The diocesan records officer shall have the custody of any records or registers which are deposited in the diocesan record office in pursuance of this Measure and shall be responsible for their safe-keeping, care and preservation.

Diocesan records

3. Meaning of "diocesan record"

- (1) In this Measure "diocesan record" means a record of —
 - (a) a body specified in Part 1 of Schedule 1;

- (b) a person specified in Part 2 of Schedule 1; or
- (c) any other person or body specified in an order made by the Bishop for the purpose of this section, being a person holding an office in, or a body exercising functions in relation to, the Established Church in the Island (other than an incumbent, priest in charge, churchwarden or parochial church council).

(2) A reference to any person in Part 2 of Schedule 1, or in an order under subsection (1)(c), is to that person in his official capacity and not in any other capacity.

4. Deposit of diocesan records in diocesan record office

(1) Subject to section 0(2), every person who has the custody of any diocesan record, being a record to which this subsection applies, shall as soon as practicable after the end of the year 2005 and each fifth year thereafter deposit that record in the diocesan record office.

(2) Subsection (1) applies to any record which was completed 50 years or more before the end of the year in question.

(3) Without prejudice to subsection (1), any person who has the custody of any diocesan records may deposit any of those records in the diocesan record office.

(4) Any deposit under this section shall be accompanied by —

- (a) a list describing the records which are being deposited; and
- (b) a list describing the records which are being retained by the person making the deposit.

(5) Each of the lists referred to in subsection (4)(b) shall specify the usual place of custody of the records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) shall be sent to the Bishop or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any records in the diocesan record office shall obtain from the diocesan records officer a receipt for the records deposited, and that receipt shall be kept with the records which are being retained by that person.

5. Care etc. of diocesan records

(1) Every person having the custody of any diocesan records shall be responsible for their safe-keeping, care and preservation.

(2) The Bishop may in writing authorise the person having the custody of any diocesan record which —

(a) is required by section 4(1) to be deposited in the diocesan record office, and

(b) is specified in the authorisation, to retain the record in his custody.

(3) An application for an authorisation under subsection (2) shall be made in writing by the person or persons having the custody of the record, and where any relevant directions under subsection (5) are in force, the Bishop shall not issue the authorisation unless he is satisfied that the requirements of those directions are being and will be complied with as respects that record.

(4) If it appears to the Bishop that any such requirements are not being complied with as respects any record to which an authorisation under subsection (2) relates, he shall revoke the authorisation.

(5) The Bishop shall from time to time issue directions with respect to the safekeeping, care and preservation of diocesan records not kept in the diocesan record office; and all persons concerned shall comply with such directions.

(6) Directions under subsection (5) may either —

- (a) relate to diocesan records generally and be addressed to all persons concerned, or
- (b) relate to particular diocesan records or be addressed to a particular person or body.

(7) The expense of complying with directions issued under this section shall be met by the Sodor and Man Diocesan Board of Finance.

6. Order for deposit of records in diocesan record office

If it appears to the Bishop —

(a) that section 4(1) has not been complied with as respects any diocesan records to which that provision applies, or

(b) that directions issued by him under section 5 with respect to any diocesan records have not been complied with, or

(c) that any diocesan records are for any other reason exposed to danger of loss or damage,

the provisions of Schedule 2 shall apply.

7. Return of diocesan records deposited in diocesan record office

(1) Where —

(a) any diocesan records have been deposited in the diocesan record office, and

(b) an application for the purpose is made to the Bishop by any person who would have been entitled to have the custody of them had they not been so deposited,

the Bishop shall order that those records or such of them as may be specified in the order

shall be returned to and placed in the custody of that person.

(2) The Bishop shall not make an order under this section unless he is satisfied that any relevant directions issued by him under section 5(5) will be complied with by the applicant for the order.

(3) At least one month before making an order under this section the Bishop shall give to the diocesan records officer notice of his intention, containing particulars of such records and stating the name and address of the person into whose custody they are to be returned.

(4) The making of an order under this section with respect to any records shall not be taken as —

(a) preventing the subsequent deposit of those records in the diocesan record office under section 4, or

(b) affecting the power to make an order under Schedule 2 with respect to them.

Parochial registers and records

8. Custody of registers in parochial custody

(1) The incumbent of the benefice to which a parish belongs shall have the custody of the registers of baptisms, confirmations, banns of marriage, marriages, burials or services which in accordance with any statutory provision or Canon are provided for any parish church or other place of public worship in the parish.

(2) During a vacancy in the benefice the churchwardens of the parish shall, subject to subsection (3), have the custody of the registers mentioned in subsection (1).

(3) Where the bishop appoints a priest in charge for any benefice to which a suspension period (within the meaning of the Pastoral Measure 1983) applies, the priest in charge shall during that period have the custody of the said registers.

(4) Subsections (1) to (3) do not apply to any registers which are for the time being deposited in the diocesan record office.

9. Inspection of registers and records in parochial custody

(1) The Archdeacon shall cause the registers and records in parochial custody, including registers in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.

(2) Before making an appointment under subsection (1) the Archdeacon shall consult the diocesan records officer.

(3) The Archdeacon —

(a) shall cause the first inspection under this section affecting every parish to be begun not later than the end of 2005; and

(b) shall cause an inspection under this section affecting any parish to be begun not more than 5 years after the date on which the immediately preceding inspection affecting that parish was completed.

(4) A report under this section shall be made to the Archdeacon or to such person as he may designate for the purpose.

(5) Any person carrying out an inspection under this section shall compile a list of the registers, and a list describing the records, which have been inspected by him under this section.

(6) Any person carrying out an inspection under this section affecting any parish may comply with subsection (5) by certifying in writing that any such list previously compiled on a inspection affecting the same parish, with such additions or omissions, if any, as are specified in the certificate is a list of the registers or a list describing the records, as the case may be, which have been inspected by him under this section.

(7) The person in whose custody such registers or records are shall allow any person carrying out an inspection under this section to have access to those registers and records at any reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.

(8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to —

(a) the Archdeacon,

(b) the diocesan records officer,

(c) the incumbent or priest in charge of the parish affected, and

(d) the parochial church council of that parish.

(9) A copy or a list or certificate sent to a parochial church council under subsection (8) shall be accompanied by an instruction that —

(a) it be inserted in or annexed to the inventory of articles appertaining to the parish church, and

(b) the date or dates on which the inspection was carried out be inserted in the log book relating to the church.

(10) Any expenses incurred by a person carrying out an inspection under this section in complying with the provisions thereof shall be paid by the parochial church council of the parish affected.

10. Closure of old registers

(1) Any register to which this section for the time being applies shall be closed and no further entries shall be made therein.

(2) This section applies to any register in which the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for 100 years or more, other than a register of marriages in which the earliest entry was made on or after 27th September 1910.

11. Deposit of registers, etc. in diocesan record office

- (1) Subject to section 11(3), every person —
- (a) who by virtue of section 8 has the custody of any register belonging to a parish, being a register to which this subsection applies, or
 - (b) who has the custody of any record in parochial custody in such a parish, being a record to which this subsection applies,

shall as soon as practicable after the first and each subsequent inspection under section 9 affecting that parish is begun deposit that register or record in the diocesan record office.

- (2) Subsection (1) applies to —
- (a) any register in which the date of the latest entry is 100 years or more earlier than the relevant date, other than a register in use for the purpose of making entries therein,
 - (b) any register to which section 10 applies, and
 - (c) any record which was completed 100 years or more before the relevant date.

In this subsection "the relevant date" means the date on which each of the inspections referred to in subsection (1) is begun.

- (3) Without prejudice to subsection (1), any person —
- (a) who by virtue of section 8 has the custody of any registers belonging to a parish, or
 - (b) who has the custody of any records in parochial custody in a parish,

may, with the consent of the parochial church council of the parish, deposit any of those registers or records, except a register in use for the purpose of making entries therein, in the diocesan record office.

- (4) Any deposit under this section shall be accompanied by —
- (a) a list of the registers, and a list describing the records, which are being deposited; and
 - (b) a list of the registers, and a list describing the records, which are being retained in parochial custody, other than registers in

use for the purpose of making entries therein.

(5) Each of the lists referred to in subsection (4)(b) shall specify the usual place of custody of the registers or records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) shall be sent to the Bishop or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any registers or records in the diocesan record office shall obtain from the diocesan records officer a receipt for the registers or records deposited, and that receipt shall be inserted in or annexed to the inventory of articles appertaining to the parish church concerned.

12. Care, etc. of registers and records in parochial custody

(1) Every person having the custody of any registers or records in parochial custody —

- (a) shall be responsible for their safe-keeping, care and preservation; and
- (b) as respects any register or record which is retained in parochial custody under an authorisation issued under subsection (2), shall comply with such requirements as are prescribed with respect to their safe-keeping, care and preservation.

(2) The Bishop may in writing authorise any register or record which is required by section 11(1) to be deposited in the diocesan record office and is specified in the authorisation to be retained in parochial custody.

(3) An application for an authorisation under subsection (2) shall be made in writing by the person or persons having the custody of the register or record in question, and the Bishop shall issue the authorisation if he is satisfied that the requirements of any relevant directions under subsection (5) are being and will be complied with as respects that register or record.

(4) If it appears to the Bishop that those requirements are not being complied with as respects any register or record to which an authorisation under subsection (2) relates, he shall revoke the authorisation.

(5) The Bishop shall from time to time issue directions with respect to the safekeeping, care and preservation of the other registers and records in parochial custody; and all persons concerned shall comply with such directions.

(6) Directions under subsection (5) may either —

- (a) relate to registers and records in parochial custody generally and be addressed to all persons concerned, or
 - (b) relate to particular registers or records in parochial custody or be addressed to a particular incumbent, priest in charge or parochial church council or to particular churchwardens.
- (7) Subject to any particular requirements imposed under subsection (6)(b), directions under subsection (5) shall —
- (a) require the registers and records to which the directions apply to be kept in the appropriate parish church or other place of public worship; and
 - (b) include directions with respect to the type of container in which those registers and records are to be kept.
- (8) The expense of complying with directions under subsection (5) shall be met by the parochial church council.

NOTE: S.12: subs.(1)(b): requirements are prescribed by the Parochial Registers and Records Regulations 2000 (SD 683/00).

13. Order for deposit of registers etc. in diocesan record office

If it appears to the Bishop —

- (a) that section 11(1) has not been complied with as respects any registers or records in parochial custody to which that provision applies,
- (b) that any relevant directions issued by him under section 12(5) as respects any such registers or records have not been complied with, or
- (c) that any such registers or records are for any other reason exposed to danger of loss or damage,

the provisions of Schedule 2 shall apply.

14. Faculty not required for deposit of registers, etc. in diocesan record office

A register or record may be deposited in the diocesan record office in pursuance of this Measure without a faculty.

15. Return to parochial custody of registers, etc. deposited in diocesan record office

- (1) Where —
 - (a) any registers or records formerly in parochial custody have been deposited in the diocesan record office, and
 - (b) an application for the purpose is made to the Bishop by any person who would have been entitled to have the custody of them had they not been so deposited,

the Bishop shall order that those registers or records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.

(2) A Bishop shall not make an order under this section unless he is satisfied that any relevant directions issued by him under section 12(5) will be complied with by the applicant for the order.

(3) At least one month before making an order under this section the Bishop shall give to the diocesan records officer notice of his intention, containing particulars of such registers or records and stating the name and address of the person into whose custody they are to be returned.

(4) The making of an order under this section with respect to any registers or records shall not be taken as —

- (a) preventing the subsequent deposit of those registers or records in the diocesan record office under section 11, or
- (b) affecting the power to make an order under Schedule 2 with respect to them.

Registration of baptisms and burials

16. Provision of registers of baptisms and burials

(1) The parochial church council of every parish shall provide a register book of public and private baptisms for the parish or, in the case of a parish which has more than one parish church, for each such church.

(2) The churchwardens of every parish shall provide a register book of burials for every parish burial ground in the parish; and expenses incurred under this subsection shall be treated for the purposes of the Burials Act 1986 as expenses of maintaining the parish burial ground in question.

(3) The registers referred to in subsections (1) and (2) shall be deemed to belong to the parochial church council or the churchwardens, as the case may be.

(4) Such registers shall be of durable material and the prescribed heads of information to be entered therein shall, in the case of every such register provided after the commencement of this Measure, be printed on every leaf thereof.

(5) Every place of entry in every such register shall be numbered progressively from the beginning to the end of the register, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

17. Registration of baptisms

(1) Where the ceremony of baptism according to the rites of the Established Church is performed —

- (a) in a parish church of a parish, or
- (b) in any other place in a parish by a minister of the parish,

the person by whom the ceremony was performed shall as soon as possible thereafter enter the prescribed particulars in the appropriate register of baptisms and shall sign the register in the place provided.

(2) Where the ceremony of baptism according to the said rites is performed in any place in a parish other than a parish church by a person who is not a minister of the parish, the person by whom the ceremony was performed shall as soon as possible thereafter send to the incumbent or priest in charge of the parish a certificate signed by him certifying when and where the ceremony was performed and containing such other particulars as are prescribed.

(3) Where the ceremony of baptism according to the said rites is performed in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then, unless the ceremony is performed in an institution for which a register of baptisms has been provided by virtue of section 0, the person by whom the ceremony was performed shall as soon as possible thereafter send a certificate —

- (a) signed by him,
- (b) certifying when and where the ceremony was performed, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(4) On receiving a certificate under subsection (2) or (3) the incumbent or priest in charge shall enter the prescribed particulars of the baptism to which the certificate relates in the appropriate register of baptisms.

(5) In this section "minister", in relation to a parish, means —

- (a) the incumbent of the benefice to which the parish belongs,
- (b) a vicar in a team ministry for the area of that benefice,
- (c) the priest in charge of the parish, or
- (d) any curate licensed to officiate in the parish.

18. Registration of burials

(1) Subject to subsection (4), the minister officiating at a burial according to the rites of the Established Church shall as soon as possible after the burial has taken place enter the prescribed particulars in the appropriate register of burials and shall sign the register in the place provided.

(2) Subject to subsection (4), where a burial according to the said rites takes place in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then unless the burial takes place in the burial ground of an institution for which a register of burials has been provided by virtue of section 0, the minister officiating at the burial shall as soon as possible after the burial has taken place send a certificate —

- (a) signed by him,
- (b) certifying when and where the burial took place, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(3) On receiving such certificate the incumbent or priest in charge shall enter the prescribed particulars of the burial to which the certificate relates in the appropriate register of burials.

(4) This section does not apply in relation to a burial which takes place in the cemetery provided under the Douglas Cemetery Act 1895.

(5) In this section "minister" means any person who is authorised to bury the dead according to the rites of the Established Church.

19. Corrections of errors in register of baptisms or burials

(1) A person required to register a baptism or a burial under this Measure who discovers an error in the form or substance of an entry made in the register of baptisms or burials, as the case may be, shall not be liable to any penalty under the Forgery Act 1952 by reason only that within one month after the discovery of the error he corrects the erroneous entry in the presence of the persons specified in subsection (2) by entry in the margin of the register, without any alteration of the original entry.

(2) The persons referred to in subsection (1) are —

- (a) in the case of an erroneous entry in a register of baptisms, either or both of the

parents of the child to whom the entry relates or, in the case of the death or absence of both of them, the churchwardens of the parish to which the register belongs; and

- (b) in the case of an erroneous entry in a register of burials, 2 persons who were present at the burial to which the entry relates or the churchwardens of the parish to which the register belongs.
- (3) Any such marginal entry as is referred to in subsection (1) shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made, and the person by whom the entry is made shall add the date when it is made.

20. Application of ss.16-19 to certain institutions

Sections 16 to 19, so far as applicable and with the necessary modifications, apply in relation to —

- (a) the provision of registers of baptisms or burials for any institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services;
- (b) the registration of baptisms performed in any such institution; and
- (c) the registration of burials which take place in any burial ground belonging to any such institution.

Exhibitions, research etc.

21. Making certain registers etc. in record office available for exhibition or research

(1) Subject to the provisions of this section and section 22(1), where a request in that behalf is made to the diocesan records officer, he may authorise —

- (a) such of the diocesan records in his custody by virtue of section 4 or 6, or
- (b) such of the registers or records in his custody by virtue of section 11 or 13,

as may be specified in the authorisation to be transferred to, and deposited for such period as may be so specified in, a suitable and safe place for the purpose of exhibition or research.

(2) Subsections (3) and (4) apply to a request under this section relating to registers or records falling within subsection (1)(b).

(3) Where such a request is made by the parochial church council of the parish to which the registers or records in question belong, the diocesan records officer shall issue the authorisation requested if he is satisfied that

the place of a deposit specified in the request is a suitable and safe place.

(4) Where such a request is made by any person other than that parochial church council, the diocesan records officer may issue the authorisation requested only with the consent of that council.

22. Making registers etc. in parochial custody available for certain purposes

(1) Subject to subsection (2), any person having the custody of any registers or records in parochial custody may deposit any of them for a limited period —

- (a) in the diocesan record office, or
- (b) in some other suitable and safe place approved by the Bishop,

for the purpose of exhibition or research or for the purpose of enabling copies or lists to be made of them or copies of any part thereof.

(2) The power conferred by subsection (1) on a person having the custody of such registers or records may be exercised at the request of any other person, but, whether or not any such request is made, the first mentioned person, if not the parochial church council concerned, may exercise that power only with the consent of that council.

(3) Where a request for the deposit in accordance with subsection (1) of any such registers or records is made to the person having the custody of them, then —

- (a) if that person refuses or fails to comply with the request, or
- (b) where subsection (2) applies, the parochial church council refuses to consent to the deposit being made,

the Bishop, on the application of the person who made the request and after giving the parochial church council concerned and any other person who has the custody of them an opportunity to make representations to him, may order them to be deposited for a period specified in the order in the diocesan record office or other suitable and safe place approved by him for any of the purposes mentioned in subsection (1).

(4) Before approving a place as suitable and safe place for the purposes of this section the Bishop shall consult the diocesan records officer.

23. Provisions supplemental to ss.22 and 22

(1) The period during which any registers or records formerly or for the time being in parochial custody may be deposited in any place by virtue of any provision of section 21 or 22 shall not exceed one year; but the person by whom that period was fixed may, with the

consent of the parochial church council concerned, extend that period for a further period, not exceeding one year; and that said power may be exercised from time to time before or after the expiration of an extension of a period of deposit.

(2) The expenses arising out of the transfer, deposit and return of registers and records in pursuance of any provision of section 21 or 22 shall be paid by the person at whose request the deposit is made.

(3) Before —

- (a) the Bishop makes an order under section 22(3) on the application of the person who made such request, or
- (b) the diocesan records officer issues an authorisation under section 21 at the request of any person other than the parochial church council of the parish to which the registers and records described in the request belong, or
- (c) any person agrees to comply with a request for the deposit in accordance with section 22(1) of any such registers or records as are referred to therein,

he may require the person who made the request to effect insurance with such insurer as may be agreed between that person and that council or, in default of agreement, as the Bishop may direct.

(4) Insurance under subsection (3) must cover risks of loss of, or damage to, the registers and records —

- (a) while in transit to or from the place in which they are to be deposited in accordance with the request, order or authorisation, as the case may be, and
- (b) while so deposited in that place,

for such sum as may be agreed or directed as mentioned in that subsection.

Miscellaneous and supplemental

24. Access to registers and records

(1) Subject to the following provisions of this section, it shall be the duty of the diocesan records officer to arrange that reasonable facilities are available to the public for inspecting and obtaining registers and records deposited in the diocesan record office under this Measure.

(2) If it appears to the Bishop that any records deposited in the diocesan record office under this Measure that they contain information of such a kind, or obtained in such circumstances, that the opening of those records to the public would or might constitute a breach of confidence or good faith on the part of the Church or of the persons who

obtained the information, he shall notify the diocesan records officer accordingly.

(3) Where a notification is given under subsection (2), the records in question shall not be available in the diocesan record office for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Bishop may approve, or, if the Bishop thinks fit, after the expiration of such period as he may direct.

(4) Nothing in this section shall be construed as granting any right to inspect public records or any part of them which appear to the diocesan records officer to be in danger of damage through inspection by the public; but where any records are withheld from inspection by the public by virtue of this subsection the diocesan records officer shall, if possible, make copies of them available for inspection by the public.

(5) The foregoing provisions of this section are subject to any statutory provision, whenever made, which prohibits or restricts the disclosure of information.

25. Disposal of registers etc. on dissolution of parish, etc.

(1) Where a parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, then, subject to the provisions of that scheme, the registers belonging to that parish and any records in parochial custody therein shall be dealt with in such manner as the Bishop may direct.

(2) Subject to section 47 of the Marriage Act 1984 (disposal of registers of marriage on church ceasing to be used for marriages), where a church (within the meaning of the Pastoral Measure 1983) ceases to be used as such, whether by reason of a declaration of redundancy, demolition or otherwise, then, unless the Bishop otherwise directs or any pastoral scheme otherwise provides, the registers and records kept in or relating to that church shall be deposited in the diocesan record office.

(3) Subsections (1) and (2) are without prejudice to the power of the Bishop to make an order under section 0 with respect to such registers or records; and section 0, with the omission of subsection (3), shall apply in relation to any such registers or records which in compliance with the direction of the Bishop have been deposited in a place which is not the diocesan record office.

26. Searches of certain registers

(1) Every person having the custody of any register of baptisms or burials, being an

incumbent, priest in charge or churchwarden, shall at all reasonable hours allow searches to be made in that register on payment of such fee, if any, as may be prescribed and shall, if requested to do so, give a copy certified under his hand of any entry in that register on payment of such fee, if any, as may be prescribed under section 1 of the Ecclesiastical Fees Measure 1986.

(2) Where any registers of baptisms or burials are deposited in the diocesan record office —

- (a) the diocesan records officer shall at all reasonable hours allow searches to be made in any such register and shall, if requested to do so, give a copy, certified under the hand of an officer of the record office, of any entry therein; and
- (b) the authority or body under whose control that office is may charge such fees, if any, for allowing a search to be made in any such register or for providing a copy of an entry therein as is payable to an incumbent for the same service by virtue of any order for the time being in force made under the Ecclesiastical Fees Measure 1986.

(3) Where any registers of marriages are deposited in the diocesan record office, section 48 of the Marriage Act 1984 (searches in marriage registers) shall have effect as if for references therein to an incumbent there were substituted references to the diocesan records officer.

(4) Where a search is made —

- (a) under subsection (1) or (2), or
- (b) in the case of a register of marriages in which the first entry was made before 27th September 1910, under the said section 48,

the person having the custody of the register or the diocesan records officer may require the search to be made in an authenticated photographic copy of the register.

For the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register or the person who was the diocesan records officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register.

(5) Where a search is required under subsection (4) to be made in an authenticated photographic copy of a register, the person making the search may request the person having custody of the register (the "custodian") or diocesan records officer to allow the search to be made in the register on the grounds that the copy is not accurate or that the quality of

reproduction of the copy is not adequate for the purpose of the search.

(6) Where a request is made under subsection (5), the custodian or diocesan records officer, if —

- (a) he is satisfied that the grounds for the request are reasonable, or
- (b) he is directed to do so by the Archdeacon under subsection (7),

shall allow the search to be made in the register, but only under the supervision of the custodian or diocesan records officer or other person designated by the custodian or diocesan records officer for the purposes of this subsection.

(7) Where a request made under subsection (5) is refused, the person making the search may refer the matter to the Archdeacon; and thereupon the Archdeacon, if satisfied that the grounds for the request are reasonable, may direct the custodian or diocesan records officer to allow the search to be made in the register.

(8) No part of any fee paid to the diocesan records officer by virtue of this section shall be payable by him to any person who would have had the custody of any register had it not been deposited in the diocesan record office.

(9) Nothing in subsection (1) affects section 3 of the Ecclesiastical Fees Measure 1986 (payment of fees during vacancy in benefice).

27. Recovery of registers from unauthorised persons

(1) Where any registers which belong to a parish or were originally in parochial custody are in the possession of any other person who has no title to or right to the possession of them, the Bishop may apply to the High Court for an order that that person do deliver those registers to him, and the court, if satisfied that that person has no title to or right to the possession of them, may order him to deliver them to the Bishop.

(2) Registers delivered to a Bishop in accordance with an order of the court under subsection (1) may, as he thinks fit, be —

- (a) placed by him in the custody of the person who would have had the custody of them had they remained in parochial custody, or
- (b) deposited by him in the diocesan record office.

(3) For the removal of doubt it is declared that, subject to the provisions of this Measure and of the Marriage Act 1984, the title to or right to the possession of registers in the custody of any person by virtue of this Measure is incapable of assignment, whether for value or otherwise.

28. Special provisions as to marriage registers

(1) Where the diocesan records officer has in his custody any register of marriages solemnised on or after the 27th September 1910, he shall —

- (a) furnish the Chief Registrar with particulars of such registers; and
- (b) if any such register is required for the purpose of correcting any erroneous entry therein in accordance with section 46 of the Marriage Act 1984, deliver that register to the minister concerned and permit him to retain it for such period as may be necessary for that purpose.

(2) Nothing in this Measure authorises the deposit in the diocesan record office of any duplicate register or marriages which, when filled, is to be delivered to the Chief Registrar in accordance with section 45 of the Marriage Act 1984.

29. Service of notices and orders

(1) Any notice or order required or authorised by this Measure to be served on or sent or given to a parochial church council shall be duly served, sent or given if it is served on or sent or given to the secretary of that council.

(2) For the purposes of this section and of section 41 of the Interpretation Act 1976 in its application to this section, the proper address of the person on or to whom any such notice or order is required or authorised to be served, sent or given shall be the last known address of that person.

30. Orders, regulations etc.

(1) The Bishop may make regulations prescribing any matter which by virtue of any provision of this Measure may be prescribed.

(2) The Bishop may make regulations modifying this Measure in its application to registers or records kept otherwise than in documentary form.

(3) The Bishop may by order vary any of the periods specified in section 4(2), 10(2) or 11(2)(a) or (c) (or those periods as varied by a previous order under this subsection).

(4) Regulations under subsection (1) or (2), and orders under section 3(1)(c) and subsection (3), shall not have effect unless they are approved by the Diocesan Synod.

(5) Where the Bishop makes an instrument under section 1, or gives any general directions under section 5(5) or 12(5), he shall notify the Diocesan Synod that he has done so and of the effect of the instrument or directions.

31. Interpretation

(1) In this Measure —

"burial" includes the disposal of cremated remains;

"churchwarden" includes a chapel warden;

"diocesan record" has the meaning given by section 3;

"diocesan record office" means the repository designated under section 1(1);

"diocesan records officer" means the chief officer of the diocesan record office;

"Diocesan Synod" means the Sodor and Man Diocesan Synod;

"the diocese" means the Diocese of Sodor and Man;

"directions" means directions in writing;

"notice" means a notice in writing;

"in parochial custody" —

(a) in the case of records, means in the custody of an incumbent or priest in charge or of churchwardens or of a parochial church council or in the joint custody of any of them, and

(b) in the case of registers, means in the custody of an incumbent or priest in charge or of churchwardens;

"prescribed" means prescribed by regulations under section 30(1);

"records" means materials in written or other form setting out facts or events or otherwise recording information, other than registers;

"registers" means the registers mentioned in section 8(1).

(2) In this Measure references to any Measure of the General Synod or to any provision of such a Measure shall be construed as references to that Measure or provision as it has effect in the Island.

(3) In the case of parish in which there are 2 or more parochial church councils, a reference to the parochial church council of the parish shall be construed —

(a) in relation to registers or records relating to a church, as a reference to the parochial church council of that part of the parish in which the church is;

(b) otherwise, as a reference to all of those councils.

(4) Where records created at different dates are —

(a) entered in one book, or

(b) for administrative purposes kept together in one file or other assembly,

all the records in that book, file or assembly shall be treated for the purposes of this Act as

having been completed when the latest of them was completed.

32. Transitional provision, amendments and repeals

- (1) Any registers or records, being —
 - (a) diocesan records, or
 - (b) registers and records formerly in parochial custody,

which were deposited in a repository before its designation as the diocesan record office shall, after it is so designated, be treated as if they had been deposited there pursuant to this Measure.

- (2) The Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 is amended as follows —

- (a) in paragraph 16, for section 21(7) substitute —

"(7) In this section "article" does not include any register or record to which the Church Records Measure (Isle of Man) 2000 applies."

- (3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

NOTE: S.32: subs.(2): para.(b) omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.6.

33. Short title and commencement

- (1) This Measure may be cited as the Church Records Measure (Isle of Man) 2000.
- (2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

NOTE: The Measure was brought into force on 13th October 2000 for the purpose of making orders, rules and regulations, and on 1st January 2001 for all other purposes, by the Church Records Measure (Isle of Man) 2000 (Appointed Day) Order 2000 (SD 682/00).

SCHEDULE 1

BODIES AND PERSONS WHOSE RECORDS ARE DIOCESAN RECORDS

PART 1

- The Diocesan Synod
- The diocesan conference of the diocese
- The Church Commissioners for the Isle of Man
- The Sodor and Man Diocesan Board of Finance
- The chapter of the cathedral church of St German
- The standing committee of the Diocesan Synod

The legislative committee of the Diocesan Synod

The Diocesan Advisory Committee

The Vacancy in See Committee

Any committee or council established by resolution or standing order of the Diocesan Synod

Any ecclesiastical court

Any tribunal established under the Pastoral Measure 1983 or the Incumbents (Disability) Measure (Isle of Man) 1995

Any deanery synod

Any committee of a deanery synod

PART 2

The Bishop

The Archdeacon

The Vicar General

The Diocesan Registrar

Any officer of a body mentioned in Part 1

SCHEDULE 2

ORDER FOR DEPOSIT OF RECORDS IN RECORD OFFICE

Interpretation

1. In this Schedule "the records" means the diocesan records referred to in section 6, or the registers or records in parochial custody referred to in section 13, as the case may be.

Invitation to make representations

2. In the circumstances mentioned in section 6 or 13, the Bishop shall notify the person or body who has the custody of the records, and any other person or body appearing to him to be concerned, of the facts as they appear to the Bishop and inform them that he will consider any written representations made to him by any of them before a date specified in the notice, being a date not less than 28 days after service of the notice.

Emergency order

3. If after considering any representations duly made to him under paragraph 2 the Bishop is of opinion that the matter is urgent and the circumstances are such that delay must be avoided, then he may order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

Notice by Bishop in ordinary cases

4. If after considering any such representations the Bishop is of opinion that action by him under paragraph 3 is unnecessary but that he should proceed under this paragraph, he shall serve a further notice on the persons referred to in paragraph 2 informing them that he will make an order

under paragraph 5 unless, within such period as may be specified in the notice, they satisfy him —

- (a) that section 4(1) or section 11(1) has been complied with as respects any record in their custody to which that provision applies, or
- (b) that any relevant directions issued by him under section 5(5) or section 12(5) are being and will be complied with, so far as they are applicable, or
- (c) that adequate steps have been taken to remove the danger of loss of, or damage to, the records,

as the circumstances of the case require.

Order requiring deposit in record office

5. If, at the expiration of the period specified in a notice served by him under paragraph 4, the Bishop is not satisfied as to the matters so specified, he shall order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

Service of order

6. An order under this Schedule shall be directed to, and served on, the person or

persons having the custody of the records specified in the order.

Application to High Court

7. If any person on whom an order made by the Bishop under this Schedule is served refuses or fails to comply with the order, the Bishop may apply to the High Court for an order that that person deliver the records specified in the first-mentioned order to the diocesan record office, and the court, if satisfied that that order was made in accordance with the provisions of this Schedule, may make an order accordingly.

SCHEDULE 3

ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
II p.223	The Parish Registers Act 1849.	The whole Act.
IV p.298	The Parochial Registers Act 1873.	The whole Act.
IX p.90	The Civil Registration (Marriages) Act 1910.	The whole Act.
X p.384	The Civil Registration (Marriages) (Amendment) Act 1919.	The whole Act.

Church (Miscellaneous Provisions) Measure (Isle of Man) 2002

SD 155/02

1. Application of Church of England (Miscellaneous Provisions) Measure 2000

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2000 (a Measure of the General Synod) shall extend to the Isle of Man —

- section 9 (amendment of Incumbents (Vacation of Benefices) Measure 1977)
- section 12 (provisions relating to rural deans)
- section 15 (amendment of Ecclesiastical Jurisdiction Measure 1963)

section 17 (amendment of Patronage (Benefices) Measure 1986)

section 19 and Schedule 7 (transitional provisions)

subject to the modification that, in section 9, paragraph (b) is omitted.

2. Short title

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 2002.

NOTE The Measure came into force on 19th February 2002 (the day on which Royal assent was announced to Tynwald).

Clergy Discipline Measure (Isle of Man) 2005

SD 538/05

1. Extension of Measure to the Isle of Man

The Clergy Discipline Measure 2003 (a Measure of the General Synod) shall extend to the Isle of Man subject to the modifications specified in Schedule 1.

2. Short title, commencement etc.

(1) This Measure may be cited as the Clergy Discipline Measure (Isle of Man) 2005 and shall come into operation on such day or days as the Bishop may by order appoint.

(2) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

NOTE The Measure was brought into force on 1st January 2006 by the Clergy Discipline Measure (Isle of Man) 2005 (Appointed Day) Order 2005 (SD 854/05).

SCHEDULE 1

MODIFICATIONS SUBJECT TO WHICH THE MEASURE EXTENDS TO THE ISLE OF MAN

Preliminary scrutiny of complaint

1. Omit section 11(4).

Courses available to bishop

2. In section 12(1), omit "or the president of tribunals' direction under section 11(4), as the case may be".

No further action

3. Omit section 13(3).

Formal investigation

4. (1) For section 17(1) and (2) substitute —

"(1) Where the bishop directs that the complaint is to be formally investigated, he shall refer the matter to —

(a) such person as he may appoint for the purpose (hereinafter referred to as "the appointed person"), in the case of a complaint appearing to him to fall within the jurisdiction of a disciplinary tribunal; or

(b) the designated officer, in the case of a complaint appearing to him

to fall within the jurisdiction of the Vicar-General's court;

and it shall then be the duty of the appointed person or the designated officer, as the case may be, to cause inquiries to be made into the complaint.

(1A) If, as a result of such inquiries —

(a) it appears to the appointed person that the complaint falls within the jurisdiction of the Vicar-General's court, or

(b) it appears to the designated officer that the complaint falls within the jurisdiction of a disciplinary tribunal,

the appointed person or the designated officer, as the case may be, shall notify the bishop accordingly.

(1B) Subject to subsection (1A) above, after the appointed person has made due inquiries, he shall —

(a) determine whether there is a case to answer in respect of which a disciplinary tribunal should be requested to adjudicate;

(b) if he decides that there is a case for the respondent to answer, declare that as his decision and refer the complaint to a disciplinary tribunal for adjudication;

(c) if he decides that there is no case for the respondent to answer, declare that as his decision (and thereafter no further steps shall be taken in regard thereto); and

(d) reduce his decision to writing and give a copy of it to the complainant, the respondent and the bishop.

(2) Subject to subsection (1A) above, after the designated officer has made due inquiries, he shall refer the matter to the president of tribunals for the purpose of deciding whether there is a case to answer in respect of which the Vicar-General's court should be requested to adjudicate."

(2) In section 17(3), for "a disciplinary tribunal or the Vicar-General's

court, as the case may be," substitute "the Vicar-General's court".

Conduct of proceedings

5. (1) In section 18(1), for "the designated officer" substitute "the appointed person or the designated officer, as the case may be,".

(2) In section 18(2), for "the president of tribunals" substitute "the chancellor of the diocese or the president of tribunals, as the case may be,".

Right of appeal

6. In section 20(1), for "designated officer" substitute "appointed person or designated officer".

Composition of tribunal

7. (1) After section 20 (and the cross-heading following it) insert —

"20A Diocesan panel

(1) It shall be the duty of the standing committee of the diocesan synod to compile and maintain for the diocese, in accordance with subsection (2) below, a list (hereinafter referred to as "the diocesan panel") of persons available for appointment under the following provisions of this Measure as members of a disciplinary tribunal.

(2) The diocesan panel shall consist of —

(a) 6 lay persons appointed by the standing committee, being persons who are resident in the diocese and on the electoral roll of a parish in the diocese; and

(b) 6 persons in Holy Orders appointed by the standing committee, being persons who have served in Holy Orders for at least 7 years and are resident in the diocese.

(3) No person who is not an actual communicant, within the meaning of rule 54(1) of the Church Representation Rules, shall be appointed to serve on the diocesan panel.

(4) Subject to subsections (5) to (7), unless he sooner resigns by notice in writing to the bishop, a person appointed to serve on the diocesan panel shall so serve for a period of 6 years, and on the expiry of that term shall, if otherwise qualified, be eligible to be re-appointed.

(5) Of the persons appointed to serve on the diocesan panel on the first occasion after the extension of

this Measure to the Isle of Man, half of those appointed under subsection (2)(a) and half of those appointed under subsection (2)(b) shall serve for a period of 3 years, those so to serve being determined by lot.

(6) A person appointed to fill a casual vacancy on the diocesan panel shall serve for the unexpired term of service of the person in whose place he was appointed.

(7) Where the period of service of a person appointed to serve on the diocesan panel expires while he is a member of a disciplinary tribunal to which proceedings under this Measure are referred, he shall continue to be a member of the tribunal until the completion of the proceedings."

Provincial panels

8. In section 21, at the end insert —

"(9) In its application to the diocese of Sodor and Man the reference in subsection (2)(a) and (b) above to the bishop's council shall be construed as a reference to the standing committee of the diocesan synod."

Disciplinary tribunals

9. (1) For section 22(1) substitute —

"(1) Subject to subsection (1A), a disciplinary tribunal shall consist of —

(a) the chairman, who shall be the chancellor of the diocese;

(b) one lay person appointed by the chancellor from those nominated under section 20A(2)(a) above;

(c) one lay person appointed by the chancellor from those nominated under section 21(2)(a) or (3)(a) above;

(d) one person in Holy Orders appointed by the chancellor from those nominated under section 20A(2)(b) above;

(e) one person in Holy Orders appointed by the chancellor from those nominated under section 21(2)(b) or (3)(b) above.

(1A) If it appears to the chancellor that there is no person nominated under section 20A(2)(a) or (b) above, as the case may be, who is suitable to be appointed a member of the tribunal under subsection (1)(b) or (d) above, he may instead appoint a member from those nominated under section

21(2)(a) or (3)(a) above, or section 21(2)(b) or (3)(b) above, as the case may be, to serve on the relevant provincial panel."

(2) In section 22(2), for "president of tribunals" substitute "chancellor".

Sentences of imprisonment etc.

10. (1) In section 30(1) —

(a) in paragraph (a), for "England" substitute "the Isle of Man", and after "sentence of" insert "custody or";

(b) in paragraph (b), after "has a" insert "divorce order,", and after "in the case of divorce," insert "the order has been made final or".

(2) In section 30(2), for "president of tribunals" substitute "chancellor".

11. In section 31(1) —

(a) in paragraph (a), for "England" substitute "the Isle of Man";

(b) in paragraph (b), for "decree of divorce" substitute "divorce order, decree of divorce", and after "in the case of divorce," insert "the order has been made final or".

Duty to disclose convictions etc.

12. In section 33(1), for "England" substitute "the Isle of Man".

Duty to disclose divorce etc.

13. In section 34, after "whose marriage" insert "a divorce order has been made final or".

Special cases

14. (1) In section 42(2), for "council" substitute "chapter".

(2) Omit section 42(6).

Interpretation

15. (1) In section 43(1), after the definition of "the 1963 Measure" insert —

"the appointed person", in relation to any complaint or proceedings arising from a complaint, means the person appointed under section 17(1) above for the purpose of the complaint;".

(2) For section 43(2) substitute —

"(2) References in this Measure to any Measure (including this Measure) or to any provision of such a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man."

Amendments

16. (1) Omit section 44(1), (3) and (4).

(2) In section 44(5)(b), for "'committee'" substitute "'Isle of Man'".

Rules

17. (1) In section 45(1) for "paragraph (e)" substitute "paragraph (d)".

(2) In section 45(2)(a), omit ", the Care of Cathedrals Measures 1990 and 1994".

(3) Omit section 45(3).

Transitional provisions

18. (1) In section 47(1) and (2), for "comes into operation" substitute "is extended to the Isle of Man".

(2) In section 47(4) —

(a) after "sentences of" insert "custody or"; and

(b) for "come into operation" substitute "are extended to the Isle of Man".

Citation etc.

19. Omit section 48(2) and (3).

Amendments of 1963 Measure

20. In Schedule 1, after paragraph 10 insert —

"10A. In section 66, at the end insert —

"(5) References in this Measure to any Measure (including this Measure) or to any provision of such a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man."

SCHEDULE 2

AMENDMENTS RELATING TO
PASTORAL BREAKDOWN

The Legal Aid Measure (Isle of Man) 1995
(SD 546/95)

1. In paragraph 6 of Schedule 1, in the substituted entry 2 in Schedule 1 to the Church of England (Legal Aid) Measure 1994, for "the consistory court" substitute "a tribunal constituted under that Measure".

The Incumbents (Pastoral Breakdown)
Measure (Isle of Man) 1996 (SD 714/96)

2. For section 5 substitute —

"5. Inquiry to be conducted by tribunal

(1) An inquiry into the pastoral situation in a parish shall be conducted by a tribunal constituted in accordance with this section ("the tribunal").

(2) Subject to subsection (3), the tribunal shall consist of —

(a) the chairman, who shall be the chancellor of the diocese;

- (b) 2 lay persons appointed by the chancellor from those nominated under section 20A(2)(a) of the Clergy Discipline Measure 2003;
- (c) 2 persons in Holy Orders appointed by the chancellor from those nominated under section 20A(2)(b) of that Measure.
- (3) If it appears to the chancellor that there is no person nominated under the said section 20A(2)(a) or (b), as the case may be, who is suitable to be appointed a member of the tribunal under subsection (2)(a) or (b), he may instead appoint a member from those nominated under section 21(2)(a) or (3)(a), or section 21(2)(b) or (3)(b), as the case may be, of that Measure to serve on the relevant provincial panel.
- (4) Without prejudice to subsection (5), at any sitting of the tribunal to which the incumbent concerned is invited, or at which he is entitled to be present, he may, if he so desires, be assisted, or in his absence represented, by some other person whether having professional qualifications or not.
- (5) At an inquiry under this Measure any of the following may be represented by an advocate, barrister or solicitor —
- (a) the incumbent concerned;
- (b) the Archdeacon;
- (c) the parochial church council of the parish concerned or, in the case of an inquiry requested by the persons mentioned in section 1(1)(c), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons;
- (d) in the case of an inquiry requested by the persons mentioned in section 1(1)(d), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons."
3. In sections 6 to 10 and 14, for "court" (in each place) substitute "tribunal".
4. In section 16(1) —
- (a) omit the definition of "the court";
- (b) at the end insert —
- ""the tribunal" means the tribunal constituted under section 5."
5. In paragraph 3 of Schedule 1, in the words substituted in section 14(1) of the Incumbents (Vacation of Benefices) Measure 1977, for "court" substitute "tribunal".

SCHEDULE 3

ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
XXI p.94	The Church Act 1969.	In Schedule 1, paragraphs 3A and 7.
SD 254/94	The Statute Law Revision Measure (Isle of Man) 1994.	In Schedule 1, paragraph 3(3).

Church (Miscellaneous Provisions) Measure (Isle of Man) 2009

SD 809/09

1. Extension of Church of England (Miscellaneous Provisions) Measure 2005

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2005 (a Measure of the General Synod) shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in Schedule 1 —

section 2 (amendment of Church Commissioners Measure 1947)

section 8 and Schedule 4 (amendment of Pastoral Measure 1983)

2. Extension of Church of England (Miscellaneous Provisions) Measure 2006

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2006 (a Measure of the General Synod) shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in Schedule 2 —

section 4 (amendment of Church Funds Investment Measure 1958)

section 7 (amendment of Ecclesiastical Jurisdiction Measure 1963)

section 8 (amendment of Synodical Government Measure 1969)

section 12 and Schedule 4 (amendment of Pastoral Measure 1983)

3. Amendment of Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992

The Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 is amended as follows —

- (a) for paragraph 11 substitute —
"11. Omit section 14(6)."
- (b) omit paragraph 12.

4. Transfer of rule-making functions

Schedule 3 shall have effect for the purpose of transferring certain rule-making functions to the Legislative Committee of the Sodor and Man Diocesan Synod.

5. Short title and commencement

This Measure may be cited as the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 and shall come into operation on such day or days as the Bishop may by order appoint.

NOTE: The Measure (except s.3) was brought into force on 1st January 2010 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 (Appointed Day) (No. 1) Order 2009 (SD 810/09); s.3 was brought into force on 1st July 2010 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 (Appointed Day) (No. 2) Order 2010 (SD 329/10).

SCHEDULE 1

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE 2005 MEASURE EXTEND TO THE ISLE OF MAN

In Schedule 4 —

- (a) omit paragraphs 2 to 8;
- (b) omit paragraphs 10 to 17;
- (c) in paragraph 18, in the inserted section 59(2A), for "a redundancy scheme or pastoral scheme to which section 46 or 47 applies" substitute "such a scheme";
- (d) omit paragraphs 19 to 25.

SCHEDULE 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE 2006

MEASURE EXTEND TO THE ISLE OF MAN

- 1. (1) Omit section 7(2) and (3).
(2) In section 7(5), in the inserted section 4(1C), for "three months" (in each place) substitute "six months".
- 2. In Schedule 4 —
 - (a) omit paragraphs 2 and 3;
 - (b) in paragraph 5, in the inserted section 59(2B), for "a redundancy scheme or pastoral scheme to which section 46 or 47 applies" substitute "such a scheme";
 - (c) omit paragraph 6.

SCHEDULE 3

TRANSFER OF RULE-MAKING FUNCTIONS

- 1. In Schedule 1 to the Pastoral Measure (Isle of Man) 1990, in paragraph 68(9)(a), for "standing committee" substitute "Legislative Committee".
- 2. In the Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 —
 - (a) for paragraph 20 substitute —
"20. Omit section 25.";
 - (b) for paragraph 21(1) substitute —
"(1) In section 26(1), for "Rule Committee" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".";
 - (c) for paragraph 21(3) substitute —
"(3) In section 26(3) —
 - (a) for "Rule Committee" substitute "Legislative Committee";
 - (b) omit paragraph (b); and
 - (c) in paragraph (c), for "section 25 of the Parochial Registers and Records Measure 1978" substitute "the Church Records Measure (Isle of Man) 2000".";
 - (d) in paragraph 24(1)(a), after ""national amenity society"" insert ", "Rule Committee"".
- 3. In section 11(1) of the Incumbents (Disability) Measure (Isle of Man) 1995 , for "Rule Committee established under section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".
- 4. In Schedule 1 to the Legal Aid Measure (Isle of Man) 1995 , in paragraph 2(3), in section 4(4) of the Church of England (Legal Aid) Measure 1994, for "Rule Committee established under

section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".

5. In Schedule 1 to the Patronage Measure (Isle of Man) 1997, in section 38 of the Patronage (Benefices) Measure 1986, for "Rule Committee established by

section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "Legislative Committee of the Sodor and Man Diocesan Synod".

6. In section 32(2) of the Church Records Measure (Isle of Man) 2000, omit paragraph (b).

Parochial Church Councils and Accounts Measure (Isle of Man) 2010

SD 958/10

1. Modifications of Parochial Church Councils (Powers) Measure 1956

(1) The Parochial Church Councils (Powers) Measure 1956 shall extend to the Isle of Man subject to the following exceptions and modifications —

- (a) in section 1 —
 - (i) for "Rules for the Representation of the Laity" substitute "Church Representation Rules, as they have effect in the Isle of Man";
 - (ii) at the end insert —
"permanent trusts" means any trust of property which is held subject to a restriction on its being expended without distinction between capital and income.";
- (b) omit the following provisions —
 - (i) in section 2, the words "or the deanery synod", "and the deanery synod" and "or deanery synod";
 - (ii) section 4(1)(iii) and (4);
 - (iii) section 5(4) and (5);
 - (iv) section 6(5);
 - (v) in section 7(iii), the words "and sexton" and "or sexton";
- (c) for section 4(1)(ii)(c) substitute —
"(c) The care and maintenance of any churchyard, not being a parish burial ground within the meaning of the Burials Act 1986 (an Act of Tynwald).";
- (d) after section 6(2) insert —
"(2A) Where a council holds, acquires or administers —
 - (a) any interest mentioned in subsection (2), or
 - (b) any fund held on trust for any ecclesiastical purpose, which does not fall within paragraph

(a) but which exceeds the prescribed amount in value,

the council shall inform the diocesan authority in writing of that interest or fund and, in the case of an interest of fund held on trust, of the terms of the trust.

(2B) In subsection (2A)(b) "the prescribed amount" means £5,000 or such higher amount as may be prescribed by order made by the diocesan authority and approved by the Diocesan Synod.";

(e) for section 8 substitute —

"8. Accounts of the council

- (1) Every council shall cause —
 - (a) its accounts, including the accounts of all trusts administered by it, for each year ending on 31st December, and
 - (b) a statement of the funds and property, if any, remaining in the hands of the council at that date,

to be made up and examined in accordance with subsection (2).

(2) The accounts and statement referred to in subsection (1) shall be examined by an independent person who —

- (a) is an accountant (within the meaning of the Interpretation Act 1976 (an Act of Tynwald));
 - (b) holds a qualification prescribed by regulations under section 11(1)(c) of the Charities Registration Act 1989 (an Act of Tynwald); or
 - (c) is for the time being approved by the bishop for the purpose of examining the accounts and statement in question.
- (3) The council shall —

- (a) present to the annual parochial church meeting of the parish —
 - (i) its accounts, including the accounts of all trusts administered by it, for the year ending on the 31st December immediately preceding the meeting, and
 - (ii) a statement of the funds and property, if any, remaining in the hands of the council at that date; and
 - (b) not later than 7 days before the annual parochial church meeting cause a copy of the examined accounts and statement to be published and affixed for a period of at least 14 days on or near the principal door of every church and other building licensed for public worship in the parish, and
 - (c) not later than 14 days after the annual parochial church meeting send a copy of the examined accounts and statement to the diocesan authority.";
 - (f) omit section 10(2), (3) and (4).
- (2) The following provisions are repealed —
- (a) the Church Act 1960;
 - (b) in the Church Act 1987, section 1(4);
 - (c) in the Statute Law Revision Measure (Isle of Man) 1994, paragraph 2 of Schedule 1.

2. Accounts of incumbents and churchwardens

(1) In Schedule 1 to the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990 (modifications of Incumbents and Churchwardens (Trusts) Measure 1964) —

- (a) for paragraph 3(1) substitute —

"(1) In section 3(1), for "commencement of this Measure" substitute "extension of this Measure to the Isle of Man", and at the end insert "and of the trusts to which the interest is subject".
- (b) after paragraph 5 insert —

"Notification and accounts of trusts

5A. After section 5 insert —

"5A. Notification of certain trusts

(1) Where an incumbent or churchwardens hold, acquire or administer any fund held on trust for ecclesiastical purposes of the Church

of England, which exceeds the prescribed amount in value but is not an interest to which this Measure applies, it shall be their duty to inform the diocesan authority of the fund and of the trusts to which it is subject.

(2) In subsection (1) "the prescribed amount" has the meaning given by section 6(2B) of the Parochial Church Councils (Powers) Measure 1956.

5B. Trust accounts

(1) Every incumbent or churchwardens shall cause —

- (a) the accounts of every charity administered by them to which this subsection applies, for each year ending on 31st December, and
- (b) a statement of the funds and property of the charity at that date,

to be made up and examined in accordance with subsection (2).

(2) Subsection (1) applies to an ecclesiastical charity whose gross income in the year in question exceeds £5,000 or such higher amount as may for the time being substituted for that amount in section 5(5) of the Charities Registration Act 1989 (an Act of Tynwald).

(3) The accounts and statement referred to in subsection (1) shall be examined by an independent person who —

- (a) is an accountant (within the meaning of the Interpretation Act 1976 (an Act of Tynwald));
- (b) holds a qualification prescribed by regulations under section 11(1)(c) of the Charities Registration Act 1989 (an Act of Tynwald); or
- (c) is for the time being approved by the Bishop for the purpose of examining the accounts and statement in question.

(4) The incumbent or churchwardens shall —

- (a) present to the annual parochial church meeting of the parish —
 - (i) the examined accounts of every ecclesiastical charity administered by them for the year ending on the 31st

- December immediately preceding the meeting, and
- (ii) the examined statement of the funds and property of the charity at that date, and
 - (b) not later than 7 days before the annual parochial church meeting cause a copy of the examined accounts and statement to be published and affixed for a period of at least 14 days on or near the principal door of every church and other building licensed for public worship in the parish, and
 - (c) not later than 14 days after the annual parochial church meeting send a copy of the examined accounts and statement to the diocesan authority.
- (5) In relation to a charity to which subsection (1) applies, the references in subsection (4) to the accounts and statement of funds and property of the charity are to the accounts and statement examined in accordance with subsection (3).
- (6) In this section "ecclesiastical charity" has the same meaning as in Schedule 3 to the Church Act 1992 (an Act of Tynwald).
- (7) Nothing in this section applies to accounts to which section 17 of the Burials Act 1986 (an Act of Tynwald) applies."
- (2) In Schedule 2 to that Measure (modifications of Churchwardens (Appointment and Resignation) Measure 1964), in paragraph 5, at the end of the substituted section 7 insert —
- "(3) Churchwardens shall not on being admitted be required to present accounts to the Chapter Court."
- 3. Amendments of Church Representation Rules**
- (1) In their application to the Island the Church Representation Rules set out in Schedule 3 to the Synodical Government Measure 1969 are further modified as follows.
- (2) In rule 9 (business of annual parochial church meeting) —
- (a) for paragraph (1)(d) and (e) substitute —
 - "(d) the examined accounts of the parochial church council, including the accounts of all trusts administered by it, for the year ending on the 31st December immediately preceding the meeting;
 - (e) an examined statement of the funds and property, if any, remaining in the hands of the parochial church council at the said date;
 - (ea) the accounts and statements referred to in section 5B(4) of the Incumbents and Churchwardens (Trusts) Measure 1964;"
 - (b) for paragraphs (2) and (3) substitute —
 - "(2) The council shall cause a copy of the said roll to be available for inspection at the meeting.
 - (3) The council shall cause the examined accounts and statement referred to in paragraph (1)(d) and (e) to be published and a copy to be sent to the diocesan board of finance in accordance with section 8(3) of the Parochial Church Councils (Powers) Measure 1956;"
 - (c) in paragraph (4), for "auditor to the council" substitute "examiner of the accounts of the council".
 - (3) In Appendix 1, in section 4 (notice of annual meeting) for paragraphs (d) to (g) substitute —
 - "(d) the examined accounts of the council for the year ending on the 31st December immediately preceding the meeting;
 - (e) an examined statement of the funds and property of the Council;
 - (f) the accounts and statement of funds and property of any ecclesiastical charity administered by the incumbent or churchwardens;
 - (g) a report on the fabric, goods and ornaments of the church or churches of the parish; and
 - (h) a report on the proceedings of the diocesan synod; "
- (4) In Appendix II, in paragraph 1 (officers of council) for sub-paragraph (g) substitute —
- "(g) If an examiner of the accounts of the council is not appointed by the annual meeting, or if an examiner appointed by the annual meeting is unable or unwilling to act, an examiner

(who shall not be a member of the council) shall be appointed by the council. The remuneration (if any) of the examiner shall be paid by the council."

4. Short title etc.

(1) This Measure may be cited as the Parochial Church Councils and Accounts Measure (Isle of Man) 2010.

(2) Subject to subsection (3), this Measure shall come into operation on 1st January 2011.

(3) Nothing in this Measure applies to accounts in respect of any period ending before 31st December 2010.

(4) In relation to an interest or fund held or administered by a parochial church council immediately before 1st January 2011, the council shall comply with the obligation imposed by section 6(2A) of the Parochial Church Councils (Powers) Measure 1956, as modified by section 1(1), before 1st January 2012.

(5) In relation to an interest or fund held or administered by an incumbent or churchwardens immediately before 1st January 2011, the incumbent or churchwardens shall comply with any obligation imposed by section 3(1) or 5A of the Incumbents and Churchwardens (Trusts) Measure 1964, as modified by section 2(1), before 1st January 2012.

Convocations Measure (Isle of Man) 2010

SD 959/10

NOTE Commencement: the Measure came into force on 19th October 2010.

1. Repeal

The following enactments are repealed —

- (a) the Convocations Ordinance 1703;
- (b) in the Statute Law Revision Act 1986, paragraph 1 of Schedule 1.

NOTE The 'Ordinance' comprised constitutions made at a Convocation held on 3rd February 1703 (Statutes vol.1 p.155)

and confirmed by Act of Tynwald (ib. p.160). Section 14 alone was continued in force by the Pre-Revestment Written Laws (Ascertainment) Act 1978 Sch., and was given its short title by ib. s.1.

2. Short title

This Measure may be cited as the Convocations Measure (Isle of Man) 2010.

Church Offices Measure (Isle of Man) 2011

(SD 624/11)

NOTE COMMENCEMENT Ss.1-4, 6 & 8 and the Schedule were brought into force on 1st August 2011, and s.5 on 15th October 2011, by the Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No.1) Order 2011 (SD 625/11).

1. Dioceses, Pastoral and Mission Measure 2007

(1) The following provisions of the Dioceses, Pastoral and Mission Measure 2007 ("the 2007 Measure") shall extend to the Isle of Man subject to the modifications specified in subsection (2) —

- (a) section 14 (discharge of certain functions of bishop);
- (b) section 61 (assistant curates);
- (c) section 65 and Schedule 7 (repeals) so far as they relate to —

- (i) section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 ("the 1983 Measure");
 - (ii) the Bishops (Retirement) Measure 1986;
 - (iii) the Clergy (Ordination) Measure 1990;
 - (d) section 66(1) (citation).
- (2) Section 14 is modified as follows —
- (a) in subsections (1) and (3), omit "bishop's council and" (in each place);
 - (b) in subsection (2), omit "Subject to section 15 below,";
 - (c) in subsection (9), for "the Commissioners, the Commission" substitute "the Church Commissioners for England";
- (3) Any instrument made under section 8 of the 1983 Measure which is in force immediately before the coming into operation

of this section shall have effect as if it had been made under section 14 of the 2007 Measure.

2. Church of England (Miscellaneous Provisions) Measure 2010

(1) Section 5 (amendment of Ecclesiastical Jurisdiction Measure 1963) of the Church of England (Miscellaneous Provisions) Measure 2010 shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).

(2) Section 5(1) is modified as follows —

- (a) omit paragraph (a);
- (b) for paragraph (b) substitute —
" (b) in subsection (4), for the words "72 years", in both places where they occur, there shall be substituted the words "70 years"; and";
- (c) in paragraph (c), in the substituted section 2(4A), for the words from "not exceeding" onwards substitute "not exceeding one year at a time, as he may specify, but so that the chancellor shall not continue in office after attaining the age of 75 years."
- (3) Omit section 5(2).

3. Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010

(1) Section 2 (appointments by Crown during certain vacancies) of the Vacancies in Suffragan Sees and other Ecclesiastical Offices Measure 2010 shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).

(2) In section 2(4), for paragraph (a) substitute —

- "(a) "the relevant bishop" means —
 - (i) the bishop to whom the right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of the Dioceses, Pastoral and Mission Measure 2007; or
 - (ii) where sub-paragraph (i) does not apply and a new bishop has been appointed to fill the vacancy in the see, that bishop;"

(3) Omit section 2(5).

4. Crown Benefices (Parish Representatives) Measure 2010

(1) The Crown Benefices (Parish Representatives) Measure 2010 shall extend to the Isle of Man subject to the modifications specified in subsections (2) and (3).

(2) In section 1 —

- (a) in subsection (1) —

- (i) in the inserted section 35(1A), omit the words from ", whether" to "Duke of Cornwall";

- (iii) in the inserted section 35(1B), omit "registered";

- (b) in subsection (2), for "coming into force of this Measure" substitute "extension of this Measure to the Isle of Man".

- (3) In section 2, omit subsections (2) and (3).

5. Amendment of constitution of Cathedral Chapter

(1) In section 4 of the Church Act 1895 , for subsection (2) substitute —

“(2) The Vicar shall be ex-officio the dean of the cathedral church.”

(2) In the Schedule to that Act, paragraph 8 is repealed.

(3) If on the coming into operation of this section the incumbent of the parish of German is a canon of the cathedral church of St German, the canonry held by him shall thereupon be vacated..

6. Diocesan registrar

(1) There shall continue to be an office of registrar of the diocese of Sodor and Man.

(2) The Schedule shall have effect with respect to that office.

7. Relinquishment of Holy Orders

(1) The recording of the enrolment of a deed of relinquishment in accordance with the Clerical Disabilities Act 1870 (an Act of Parliament) , whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in section 4 of that Act.

(2) The recording of the vacation of the enrolment of such a deed in accordance with the Clerical Disabilities Act 1870 (Amendment) Measure 1934 , whether before or after the coming into operation of this section, shall have, and be deemed always to have had, in the Island the consequences specified in sections 1(5) and 2 of that Measure.

(3) For the avoidance of doubt, the enrolment and the vacation of the enrolment of such a deed may be recorded in the registry of the diocese of Sodor and Man; and the references in subsections (1) and (2) to the recording of such enrolment or vacation include references to the recording of such enrolment or vacation by virtue of this subsection.

NOTE S.7 is not yet in force.

8. Short title and commencement

(1) This Measure may be cited as the Church Offices Measure (Isle of Man) 2011.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

NOTE Orders under subs.(2): Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No. 1) Order 2011 (SD 625/11) bringing ss.1-4, 6 & 8 and the Schedule into force on 1st August 2011, and s.5 on 15th October 2011..

SCHEDULE DIOCESAN REGISTRAR

1. Interpretation

In this Schedule —

"the Board" means the Sodor and Man Diocesan Board of Finance;

"the diocese" means the diocese of Sodor and Man

"the Registrar" means the holder for the time being of the office of registrar of the diocese;

"the Synod" means the Sodor and Man Diocesan Synod.

2. Appointment

(1) The Registrar shall be appointed by the Bishop after consulting the standing committee of the Synod.

(2) The office of registrar of the diocese may be held by 2 persons jointly, but either of those persons may perform any of the functions mentioned in paragraph 6.

3. Qualification

(1) A person is not qualified to be appointed or to be Registrar unless he is an advocate, barrister or solicitor learned in the ecclesiastical laws and the laws of the Island.

(2) Before appointing a person as Registrar the Bishop must satisfy himself that the said person is a communicant.

4. Oaths of office

The Registrar, before entering on the execution of his office, must in the presence of the bishop take the oaths and make the declaration prescribed by Canon for the purpose.

5. Tenure of office

(1) The Registrar shall vacate his office on the date on which he attains the age of 70 years.

(2) The Registrar may resign his office by notice in writing addressed to and served on the Bishop.

(3) The Registrar may be removed from office by the Bishop, with the consent of the Archbishop of York, by notice in writing addressed to and served on the Registrar.

(4) A notice under sub-paragraph (2) or (3) must specify the date, being not less than 3 months after the date of service of the notice, on which the resignation or removal is to take effect.

6. Functions

(1) The Registrar shall perform the functions conferred or imposed by or under any statutory provision or Canon or by custom on the registrar of the diocese or the registrar of the consistory court of the diocese.

(2) The Registrar shall also be the legal adviser to the Bishop.

7. Deputy or acting registrar

(1) The Registrar may, with the consent of the Bishop, appoint a fit and proper person to act as deputy registrar of the diocese for such period and for such purpose as may be specified in the instrument of appointment; and during that period and for that purpose a person so appointed shall have all the powers and duties of the Registrar.

(2) Where the Registrar ceases to hold office as such, a person appointed to act as deputy registrar under sub-paragraph (1) shall cease to hold that office when a new Registrar is appointed.

(3) If —

(a) in the opinion of the Bishop, the Registrar is for any reason unable or unlikely to perform a function of his office or it would be inappropriate for him to perform that function, and

(b) there is no person appointed to act as deputy registrar under sub-paragraph (1) able to perform that function,

the Bishop may request the Vicar General to appoint a fit and proper person to perform that function for such period or in such circumstances as the instrument of appointment may specify; and during that period, or in those circumstances, a person so appointed shall have all the powers and duties of the Registrar in relation to that function.

8. Remuneration

(1) The Board shall pay to the Registrar —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the Registrar on travel, subsistence, accommodation and the holding of court hearings,

as may be agreed between the Board and the Registrar.

(2) Any other fees payable to the Registrar shall be fixed by order made by the Board after consultation with the Registrar.

(3) An order under sub-paragraph (2) shall not have effect unless it is approved by the Synod.

9. *Transitional provision*

This Schedule applies to the person holding the office of registrar of the diocese on the coming into operation of this Schedule as if he had been appointed under paragraph 2.

**Ecclesiastical Offices (Terms of Service) Measure (Isle of Man)
2012**

(SD 192/12)

NOTE: COMMENCEMENT: The Measure was brought into force on 1st May 2012 for the purposes of making regulations under the Ecclesiastical Offices (Terms of Service) Measure 2009, and making schemes and giving directions under any such regulations, and on 1st January 2013 for all other purposes, by the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012 (Appointed Day) Order 2012 (SD 220/12).

1. Extension of the Measure to the Isle of Man

The Ecclesiastical Offices (Terms of Service) Measure 2009 shall extend to the Isle of Man subject to the modifications specified in the Schedule.

2. Consequential amendments

(1) The Clergy Residence Act 1897 is amended as follows —

- (a) in section 4 —
 - (i) after "holding any benefice" insert "other than a person who is subject to Common Tenure";
 - (ii) after "for that purpose" insert "or without the permission of the Bishop under any Canon of the Church of England";

(b) in section 9, at the end insert —
"This section does not apply to any person who is subject to Common Tenure."

(2) In section 8(1) of the Church Act 1992, at the end insert —

"(f) any other ecclesiastical office the holder of which is subject to Common Tenure."

3. Short title and commencement

(1) This Measure may be cited as the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.

(2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

SCHEDULE
MODIFICATIONS

1. Common tenure

- (1) In section 1(1) —
 - (a) omit paragraphs (a), (c), (d) and (ii);
 - (b) in paragraphs (g) and (h), omit "of the diocese in which the office is exercised";
 - (c) in paragraph (i), omit "(a)".

(2) For section 1(4) substitute —
"(4) As soon as practicable after the coming into force of this section —

- (a) the bishop shall notify the archbishop of York whether or not he agrees to the application of this Measure to him and, if so, make a declaration in writing to that effect;
- (b) the bishop shall notify, in writing, every person referred to in subsection (1)(e) and (f) above holding office on that date, requesting him or her to indicate whether or not he or she agrees to the application of this Measure to him or her and, if so, to make a declaration in writing to that effect."

2. Regulations

(1) In section 2(1), for "The Archbishops' Council" substitute "The Sodor and Man Diocesan Board of Finance (in this Measure referred to as "the Board")".

- (2) In section 2(2) —
 - (a) in paragraph (c), for "providers of housing to them" substitute "Board";
 - (b) in paragraph (e), for "employment tribunals" substitute "the Employment Tribunal".

(3) After section 2(2) insert —

"(2A) Regulations may provide that regulations made under this section as it has effect in England shall have effect in the Isle of Man subject to such exceptions and modifications as may be prescribed by the Regulations."

- (4) In section 2(4)—
- (a) for "employment tribunals, the tribunals" substitute "the Employment Tribunal, that Tribunal";
- (b) omit the words from "and section 2" onwards."
- (5) For section 2(5) substitute —
- "(5) Regulations —
- (a) shall not be made unless they have been approved in draft by the diocesan synod; and
- (b) shall be laid before Tynwald as soon as may be after they are made; and if Tynwald, at the sitting at which they are laid or the next following sitting, resolves that they be annulled, they shall cease to have effect."
- (6) Omit section 2(6) to (8).

3. Duration of appointments

- (1) In section 3(1), omit "an archbishop or" and "of the diocese in which the post is held".
- (2) In section 3(2), omit "diocesan".
- (3) In section 3(3) —
- (a) in paragraph (b), for "section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2)" substitute "section 8 of the Church Act 1992 (an Act of Tynwald)", and for "section 2 or 3 of that Measure" substitute "section 9 of that Act";
- (b) in paragraph (c), omit the words from "or reorganisation" onwards.
- (4) In section 3(4) —
- (a) for "of the diocese in which" substitute "may revoke the licence of";
- (b) omit "holds office may revoke the office holder's licence to exercise the office".
- (5) In section 3(5), for "a diocesan bishop" substitute "the bishop".
- (6) In section 3(6), for the words from "the bishop" to "other province," substitute "the bishop or, in the case of the bishop, the archbishop of York".
- (7) Omit section 3(7).
- (8) For section 3(8) substitute —
- "(8) Section 3, and so far as it relates thereto, section 7 of the Bishops (Retirement) Measure 1986 ("the 1986 Measure") shall not have effect in relation to the bishop if he is subject to Common

Tenure, but, where the appointment of the bishop is terminated under subsection (6) above, the archbishop of York shall, by written notice, declare the bishopric vacant as from a date specified in the notice."

- (9) In section 3(9), omit "(7) or".

- (10) Omit section 3(10).

4. Provision of housing for office holders

- (1) In section 4(1) —
- (a) for "the incumbent of a benefice" substitute "an office designated under subsection (2) below";
- (b) for "relevant housing provider" substitute "Board".
- (2) For section 4(2) substitute —
- "(2) The Board may —
- (a) designate a full-time office as one to which subsection (1) above does not apply; and
- (b) revoke a designation made under paragraph (a) above.
- (2A) A designation relating to an office may not be made or revoked under subsection (2) above without the agreement of the bishop and (unless the office is vacant) the office holder."

- (3) In section 4(4), for "relevant housing provider" substitute "Board".

- (4) Omit section 4(7) and (8).

5. Provision of housing by Board

- (1) In the heading to section 5, omit "and other relevant housing providers".

- (2) For section 5(1) substitute —
- "(1) It shall be the duty of the Board —
- (a) to designate a house of residence as the parsonage house for every benefice in the diocese (other than a benefice designated under section 4(2) above);
- (b) to oversee the provision of housing for all members of the clergy holding office in the diocese (other than an office so designated); and
- (c) to ensure that suitable housing is provided for each such member who occupies a full-time office for which he or she is entitled to receive a stipend (other than an office so designated).

(1A) Where a benefice is designated under section 4(2) above, any designation of a house of residence for the benefice under subsection (1)(a) above shall cease to have effect."

(3) In section 5(2), omit "and any other relevant housing provider" and "for whom it is the relevant housing provider".

6. Powers to acquire and dispose of houses of residence and carrying out of works

(1) For section 6(1) substitute —

"(1) The Board may —

- (a) acquire (including by way of gift) any land, or any interest in or over land, or any building, which it considers necessary or appropriate for the provision of a house of residence for an office holder; or
- (b) dispose of any land, or any interest in or over land, or any building which it considers is no longer required for the provision of such a house of residence.

(1A) The Board may raise money by deed of bond and security or, in the case of registered land, a charge on any land, interest or building referred to in subsection (1)(a) above for the purpose of —

- (a) acquiring the land or building or any interest in the land or building, or
- (b) defraying the cost of any works to be carried out under subsection (2) in relation to the land or building.

(1B) Schedule 2 to the Church Act 1992 (an Act of Tynwald) shall not apply to a transaction made pursuant to subsection (1)(b) or (1A) above; and a statement in a document giving effect to a transaction that it is made pursuant to subsection (1) or (1A) above shall, if the document is sealed with the seal of the Board or is signed on behalf of the Board by a person duly authorised, be conclusive evidence of that fact."

(2) In section 6(2), for "Any relevant housing provider" substitute "The Board".

(3) In section 6(3), for "relevant housing provider" substitute "Board".

(4) Omit section 6(4).

7. Transactions by Board relating to houses of residence

(1) In the heading to section 7, for "relevant housing providers" substitute "Board".

(2) In section 7(1) —

- (a) at the end of paragraph (b) omit "and";
- (b) in paragraph (c), for "an archbishop or a diocesan bishop" substitute "the bishop", and for "relevant housing provider" substitute "Board; and";

(c) after paragraph (c) insert —

"(d) in the case of a parsonage house of a benefice, any change in the designation of a house for that purpose under section 5(1)(a) above."

(3) In section 7(2) —

(a) for "a relevant housing provider" substitute "the Board";

(b) in paragraph (b), omit "of the diocese in which the house of residence or other land is situated" and "and";

(c) after paragraph (b) insert —

"(ba) in the case of a parsonage house, the patron (except where the patron is the bishop) and the parochial church council of each parish in the area of the benefice or, where there is no parochial church council in existence, the churchwardens of the parish; and";

(d) in paragraph (c), for "a diocesan bishop, the bishop's council and standing committee" substitute "the bishop, the Governor and the standing committee of the diocesan synod".

(4) For section 7(4) substitute —

"(4) Before carrying out a regulated transaction to which subsection (5) below applies, the Board must obtain the consent of the Commissioners."

(5) In section 7(5)(b), for "a qualified surveyor" substitute "the diocesan surveyor", and for "relevant housing provider" substitute "Board".

(6) In section 7(6)(a) —

(a) in sub-paragraph (ii), for "relevant housing provider" substitute "Board", and omit "and";

(b) after sub-paragraph (ii) insert —

"(iia) in the case of the parsonage house of a benefice, the parochial church council or any member, officer, agent or employee thereof or, as the case may be, the churchwardens of the parish; and";

(c) in sub-paragraph (iii), omit "civil partner," and for "(i) or (ii) above; and" substitute "(i), (ii) or (iia) above".

(7) Omit section 7(6)(b), (7) and (8).

(8) After section 7(9) insert —

"(10) Where a regulated transaction is proposed to be carried out in relation to a parsonage house in any benefice the patronage or any share of the patronage of which is vested in or exercisable by Her Majesty, the notice required to be served

on the patron under subsection (2)(c) above shall be served on the Governor."

8. Codes of practice

For section 8 substitute —

"Any person or body carrying out functions under this Measure or Regulations shall have regard to any Code of Practice issued under this section as it has effect in England and for the time being in force, so far as it is applicable to the Isle of Man."

9. Parsonage houses

After section 8 insert —

"8A Vesting of parsonage houses and glebe land etc.

Schedule 1A has effect with respect to the vesting of parsonage houses and glebe land in the Board, and other matters relating to parsonage houses and glebe land.

10. Supplementary provisions

Omit section 9(4), (7), (8) and (9).

11. Interpretation

In section 10 —

- (a) at the beginning insert "(1)";
- (b) omit the definitions of "the 1972 Measure" and "relevant housing provider";
- (c) for the definition of "the Board" substitute —
""the Board" means the Sodor and Man Diocesan Board of Finance;";
- (d) for the definition of "the Commissioners" substitute —
""the Commissioners" means the Church Commissioners for the Isle of Man;";
- (e) at the appropriate places in alphabetical order insert —
""the bishop" means the bishop of Sodor and Man;";
""diocesan surveyor" means a person appointed by the Board to be a diocesan surveyor, being —
 - (a) a person registered in the Isle of Man Register of Architects, or
 - (b) a corporate member of the Chartered Institute of Building or the Royal Institution of Chartered Surveyors;";
""the diocesan synod" means the Sodor and Man Diocesan Synod;";
""the diocese" means the diocese of Sodor and Man;";
""the Governor" means the Lieutenant Governor of the Isle of Man, and includes

a deputy Governor and an Acting Governor;";

""patron", in relation to any benefice, means the person or persons entitled, otherwise than by virtue of section 16 of the Patronage (Benefices) Measure 1986, to present to that benefice upon a vacancy, including —

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who would be entitled to present on the next or any subsequent turn.";
- (e) at the end insert —
"(2) References in this Measure to any Measure (including this Measure) or to any provision of a Measure shall be construed as references to the Measure or provision as it has effect in the Isle of Man.
(3) References in this Measure to the coming into force of any provision of this Measure shall be construed as references to the extension of that provision to the Isle of Man.
(4) In relation to a parish which includes a district or part of a district assigned to a chapel under the Church Representation Rules, references in this Measure to the parochial church council of the parish concerned are to —
 - (a) the parochial church council of the parish (excluding that district or part thereof), and
 - (b) the parochial church council of that district."

12. Amendment of enactments

- (1) In section 11(1), for "Archbishops' Council" and "Council" substitute "Board".
- (2) For section 11(2) substitute —
"(2) Section 2(5) above applies to an Order made under subsection (1) above as it applies to Regulations."
- (3) In section 11(3), for the words from the beginning to "General Synod" substitute "No Order shall be made under subsection (1) above".
- (4) After section 11(4) insert —
"(4A) The Ecclesiastical Residences and Dilapidations Acts 1879 and 1897 (Acts of Tynwald) shall have effect only in relation to benefices of which the

- incumbent is not subject to Common Tenure."
- (5) Omit section 11(5).
- (6) In section 11(6) —
- (a) for the words from the beginning to "1997 Measure")" substitute "The Incumbents (Disability) Measure (Isle of Man) 1995 ("the 1995 Measure") and the Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996 ("the 1996 Measure");
- (b) for paragraph (b) substitute —
- "(b) at the time when the declaration is received by the bishop —
- (i) the bishop has required the Vicar General to institute an inquiry under section 1 of the 1995 Measure, or
- (ii) a request for an inquiry has been made under section 1 of the 1996 Measure, or
- (iii) any proceedings under the Measure in question in respect of the inquiry have not been concluded,".
- (7) In section 11(7), for "an enquiry or an enquiry under the provisions of the 1977 Measure" substitute "an inquiry or a request for an inquiry under the provisions".
- (8) For section 11(8) substitute —
- "(8) Subject to subsection (9), the holder of any freehold ecclesiastical office who —
- (a) is appointed after the coming into force of section 1 by virtue of a pastoral scheme or order to a new office which would, but for this Measure, have been a freehold office, and
- (b) who is not subject to Common Tenure,
- shall not thereby be subject to Common Tenure unless he or she agrees to the application of this Measure to him or her.
- (9) Any person who —
- (a) holds the office of rector in a team ministry for a term of years on the coming into force of section 1,
- (b) is not subject to Common Tenure, and
- (c) is appointed after the coming into force of section 1 by virtue of a pastoral scheme or order to a new office which would, but for this Measure, have been a freehold office,
- shall hold the new office for the unexpired portion of his or her term of

office on the date on which the appointment takes effect, and at the expiry of that term (unless he or she has previously agreed to the application of this Measure to him or her) shall become subject to Common Tenure.

(10) The holder of any freehold ecclesiastical office whose office has been terminated by notice given before and taking effect after the coming into force of section 1 shall not be subject to Common Tenure.

(11) Despite its repeal by Schedule 3, section 4 of the Church of England (Miscellaneous Provisions) Measure 1995 shall continue to have effect in relation to the holder of an office referred to in that section who is not subject to Common Tenure."

13. Citation etc.

Omit section 13(2) and (3).

14. Matters relating to regulated transactions

(1) Schedule 1 is modified as follows.

(2) In paragraph 1(1) —

(a) after paragraph (d) insert —

"(da) in the case of the parsonage house of a benefice, in or towards the reimbursement to the parochial church council of any parish or part of a parish within the area of the benefice of any expenses incurred by the council in carrying out, or in meeting or contributing to the cost of, any works of improvement of the house carried out with the consent of the Board during the 10 years ending with the completion of the sale or exchange (after deducting the amount of any grant made to the council by the Board for the purpose), reduced by one-tenth for each complete year which has elapsed between the date on which the expenses were incurred and the completion of the sale or exchange;"

(b) omit paragraph (e);

(c) in paragraph (g), for "the capital account of the diocesan stipends fund of the diocese in which the house of residence was situated" substitute "the Diocesan Trust established by the Church Act 1934 (an Act of Tynwald)", and for "Diocesan Board of Finance" substitute "Board".

(3) After paragraph 1(1) insert —

"(1A) Any question under sub-paragraph (1)(da) above whether any works carried

- out to a parsonage house are works of improvement shall be referred to and determined by the Commissioners, whose decision shall be final."
- (4) For paragraph 2(1) and (2) substitute —
- "(1) In relation to a transaction purporting to be a regulated transaction, anyone dealing with the Board, or with a person claiming under the Board, —
- (a) shall not be concerned to inquire into the purpose or the propriety of the transaction, or the sufficiency of the consideration for it; and
- (b) shall be entitled to assume —
- (i) that the transaction is within the powers of the Board,
- (ii) that any consent to the transaction required by this Measure or Regulations has been given;
- (iii) either that no objection to the transaction has been made in accordance with Regulations, or that any objection so made has been withdrawn or otherwise disposed of; and
- (iv) that any other requirements of this Measure or Regulations have been complied with.
- (2) A statement in a document purporting to give effect to any regulated transaction —
- (a) that the transaction is a regulated transaction; and
- (b) that either —
- (i) any consent to the transaction required by this Measure or Regulations has been given, or
- (ii) no such consent is required;
- shall, if the document is sealed with the seal of the Board, or signed on behalf of the Board by a person duly authorised, be conclusive evidence of those facts."
- (5) Omit paragraph 2(3), (4) and (5).
- (6) In paragraph 2(6), for "registry of the diocese concerned" substitute "diocesan registry".
- (7) In paragraph 2(7), for "Commissioners" substitute "Board".

15. *Parsonage houses and glebe land*

After Schedule 1 insert —

"SCHEDULE 1A
PARSONAGE HOUSES AND GLEBE
LAND

1 *Vesting of parsonage houses and glebe land etc.*

- (1) Any parsonage house or glebe land vested in an incumbent of a benefice in right of that benefice on the coming into force of this Schedule shall, in accordance with sub-paragraph (2) below, without any conveyance or further assurance, and freed and discharged from all previously existing trusts in favour of the benefice or of the incumbent, vest in the Board on the vesting date.
- (2) The vesting date for the purposes of sub-paragraph (1) above shall be —
- (a) in the case of a benefice which is vacant on the date of the coming into force of this Schedule, that date,
- (b) in the case of a benefice which is not vacant on that date, the earlier of the following dates —
- (i) the date on which the benefice first becomes vacant after the coming into force of this section or is deemed to become vacant on the ending of a suspension period declared under section 67 of the Pastoral Measure 1983 or on the date when a restriction imposed by or under section 24 or 69 of that Measure ceases to be in force, or
- (ii) the date on which this Measure applies to the incumbent by virtue of section 1(1) or 1(5) above.
- (3) Subject to paragraph 6, in this Schedule —
- (a) "glebe land" means land vested in the incumbent of a benefice (when the benefice is full) as part of the endowments of the benefice, other than a parsonage house;
- (b) "parsonage house" means the house or other dwelling which is the official residence of the incumbent of a benefice, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto; and
- (c) "the vesting date" means the date specified in sub-paragraph (2) above.
- (4) Any rule of law whereby a parsonage house or glebe land vests or is required to be vested in the incumbent of a benefice shall not apply to an incumbent who holds office under Common Tenure.

2 *Rights and obligations attaching to parsonage houses and glebe land*

(1) Any parsonage house or glebe land which vests in the Board under paragraph 1 above shall so vest, without any conveyance or other assurance, —

- (a) subject to, and with the benefit of, any other previously existing leases, tenancies or rights of occupation, and any covenants, conditions, agreements, easements and rights to which that parsonage house or glebe land is subject and of which it has the benefit immediately before the vesting date, and
 - (b) subject to any trust or charge to which the parsonage house or glebe land is subject immediately before that date other than any trust in favour of the benefice or of the incumbent.
- (2) If there is any dispute between the Board and an incumbent or sequestrators
- (a) as to the parsonage house or glebe land or any right which vests in the Board by virtue of paragraph 1 above or this paragraph, or
 - (b) as to any covenant, condition, agreement, easement or right or trust or charge to which the parsonage house or glebe land was subject or of which it had the benefit immediately before the vesting date,

it shall be decided by the Commissioners, whose decision shall be final and bind both parties to the dispute and any future incumbent of the benefice.

3 *Providing information to Board*

(1) The Board may from time to time require the incumbent or the sequestrators of any benefice —

- (a) to provide the Board with such information relating to any parsonage house or glebe land which vests in the Board under paragraph 1 above as the Board requires to enable it to discharge its functions under this or any other Measure; and
- (b) to produce to the Board such documents in his, her or their possession, or under his, her or their control, concerning the parsonage house or glebe land as the Board may specify or describe;

and any person to whom a requirement under this sub-paragraph is directed shall comply with the requirement..

(2) The Board shall, as respects any parsonage house or glebe land which vests in the Board under paragraph 1 above and which is subject to a lease or tenancy, have the same right to require the lessee of that land to provide the Board with any information which it needs relating to that lease as the Board would have if it were the person to whom the rent payable under the lease is for the time being payable.

4 *Parsonage houses and glebe land vested in Board*

(1) Where any parsonage house has vested in the Board under paragraph 1 above, it shall (subject to sections 6 and 7 above) be held for the purpose of providing a house of residence for the benefice in question or such other benefice for which it is for the time being designated under section 5(1)(a) above.

(2) Where any glebe land has vested in the Board under paragraph 1 above, it shall (subject to Schedule 2 to the Church Act 1992 (an Act of Tynwald)) be held for the purpose of applying the income of it towards the payment of stipends of the clergy of the diocese.

(3) Where any parsonage house or glebe land has vested in the Board under paragraph 1 above, the parsonage house or glebe land shall not form part of the corporate property of the Board and shall be excluded from any property of the Board which may, in the event of any insolvency proceedings against the Board, form part of the Board's assets for the purpose of those proceedings.

5 *Land left or given for certain purposes to be transferred to Board*

(1) Where on or after the vesting date any land or building —

- (a) is acquired by the incumbent of a benefice in his capacity as such (whether alone or jointly with any other person) by way of devise, bequest or gift, and
- (b) is by the terms of the devise, bequest or gift to be —
 - (i) held on permanent trusts for the provision or augmentation of the stipend of the incumbent; or
 - (ii) used for, or for the extension of, a house of residence for the incumbent,

the incumbent, or the incumbent and that other person, as the case may be, shall transfer or convey the property to the

Board to be held by the Board as if it had vested in the Board under paragraph 1 above.

(2) Where a benefice becomes vacant after the incumbent has acquired any property to which sub-paragraph (1) above applies and before he has complied with that sub-paragraph, the bishop shall during the vacancy have power and be under a duty to deal with the property in accordance with that sub-paragraph.

(3) Where sub-paragraph (1) above would apply in relation to any property devised, bequeathed or given to an incumbent of a benefice but for the fact that at the relevant date the benefice is vacant, the Board shall during the vacancy have power to acquire the property in place of the incumbent.

6. Application to house of residence of bishop

This Schedule applies with any necessary modifications to the house of residence of the bishop as it applies to a parsonage house; and references to a parsonage house and an incumbent shall be construed accordingly."

16. Amendment of enactments

- (1) Schedule 2 is modified as follows.
- (2) In paragraph 3 —
 - (a) omit "as it has effect by virtue of section 25 of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1)";
 - (b) for sub-paragraph (a) substitute —

"(a) in subsection (2) for "(3) and (4)" there shall be substituted "(3) and (3A)";"
- (3) In paragraph 4, omit sub-paragraphs (c) and (d).
- (4) In paragraph 5 —
 - (a) in sub-paragraph (1), for "and paragraphs (c) and (cc)" substitute ", and paragraph (c),";
 - (b) omit sub-paragraph (2).
- (5) In paragraph 6, omit "and archdeacons" and "archdeacons and".
- (6) After paragraph (6) insert —

"6A. For section 31(1)(c) there shall be substituted the following paragraph —

"(c) the transfer of a parsonage house or part of a parsonage house —

 - (i) in the case of a benefice the incumbent of which is not subject to Common Tenure, to the incumbent as his official residence, or a site thereof, and

(ii) in the case of a benefice the incumbent of which is subject to Common Tenure or which is vacant, to the diocesan board of finance;".

(7) In paragraph 7, omit "paragraph (e)(iii) and" and "(iv)".

(8) After paragraph 7 insert —

"7A In section 59(2A), for the words from "vest" to the end there shall be substituted the words "vest without any conveyance or further assurance —

- (a) where the land is situated in a benefice the incumbent of which is not subject to Common Tenure, in the incumbent of that benefice; or
- (b) where the land is situated in a benefice the incumbent of which is subject to Common Tenure or which is vacant, in the diocesan board of finance."

7B In section 87(1), in the definition of "parsonage house", for the words from the word "vested" to the words "official residence" there shall be substituted the words "being the official residence of the incumbent".

(9) In paragraph 8, for the words from "in Proviso (b)" onwards substitute "after the words "new benefice" there shall be added the words "or, in the case of a parsonage house of a benefice the incumbent of which is subject to Common Tenure or which is vacant, in the diocesan board of finance"."

(10) Omit paragraphs 16 to 18 and 21.

(11) In paragraph 22, for "(f)" substitute "(g)".

17. Repeals

In Schedule 3 —

- (a) omit the entries relating to the Pluralities Act 1838, the Lecturers and Parish Clerks Act 1844, the New Parishes Measure 1943, the Church of England (Miscellaneous Provisions) Measure 1988 and the Church of England (Miscellaneous Provisions) Measure 1995;
- (b) for the entry relating to the Pastoral Measure 1983 substitute —

<p>"1983 No.1, The Pastoral Measure 1983</p>	<p>Section 20(6). Section 22(1)(c). In Schedule 4, paragraphs 2 and 3."</p>
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