MANX MEASURES

ENACTED UNDER THE CHURCH LEGISLATION PROCEDURE ACT 1993

Text as at 1 January 2026

Legal Aid and Miscellaneous Provisions Measure (Isle of Man) 1990
Church (Miscellaneous Provisions) Measure (Isle of Man) 1990
Church (Miscellaneous Provisions) Measure (Isle of Man) 1993
Statute Law Revision Measure (Isle of Man) 1994
Legal Aid Measure (Isle of Man) 1995
Church (Miscellaneous Provisions) Measure (Isle of Man) 1996
Patronage Measure (Isle of Man) 1997
Church Records Measure (Isle of Man) 2000
Church (Miscellaneous Provisions) Measure (Isle of Man) 2002
Clergy Discipline Measure (Isle of Man) 2005
Church (Miscellaneous Provisions) Measure (Isle of Man) 2009
Parochial Church Councils and Accounts Measure (Isle of Man) 2010
Convocations Measure (Isle of Man) 2010
Church Offices Measure (Isle of Man) 2011
Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012
Mission and Pastoral Measure (Isle of Man) 2012
Churchwardens Measure (Isle of Man) 2013
Clergy Discipline (Amendment) Measure (Isle of Man) 2013
Church Fees Measure (Isle of Man) 2014
Church (Miscellaneous Provisions) Measure (Isle of Man) 2015
Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015
Patronage (Amendment) Measure (Isle of Man) 2015
Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016
Safeguarding and Clergy Discipline Measure (Isle of Man) 2017
Mission and Pastoral (Amendment) Measure (Isle of Man) 2018
Marriage Measure (Isle of Man) 2019
Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019
Church Representation and Ministers Measure (Isle of Man) 2020
Church (Miscellaneous Provisions) Measure (Isle of Man) 2021
Church Property Measure (Isle of Man) 2021
Marriage Measure (Isle of Man) 2022
Safeguarding (Code of Practice) Measure (Isle of Man) 2022
Cathedral Measure (Isle of Man) 2025
Church (Miscellaneous Provisions) Measure (Isle of Man) 2025

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

SM 1 of 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

...

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 Schedule: paragraphs 1, 2, 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

SM 2 of 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.

...

NOTE S.1 repealed by Church Property Measure (Isle of Man) 2021 Sch.2; s.2 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.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.

...

NOTE S.5 repealed by Church Fees Measure (Isle of Man) 2014 Sch.4.

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.

...

NOTE: Sch.1 repealed by Church Property Measure (Isle of Man) 2021 Sch.2; Sch.2 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2.

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 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).

NOTE Sch.4: para.2 repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4

...

NOTE Sch.5 repealed by Church Fees Measure (Isle of Man) 2014 Sch.4.

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

SM 1 of 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).

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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 11 and Schedule 2 (resignation of incumbents)

Section 12 (tenure of office of chancellors and registrars)

...

Section 16 (non-residentiary canons)

Section 17 and Schedules 3 and 4 (amendments and repeals)

Section 19 (short title etc.)

NOTE S.1: first words omitted repealed by Church Property Measure (Isle of Man) 2021 Sch.2; second words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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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);"[,

and in the definition of "minister", omit paragraph (b)]

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 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 [the Cathedral Measure (Isle of Man) 2025] 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 (4).

(3) In section 19(5), omit the words from "and, if" onwards.]

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

Reference	Short title	Extent of repeal
	ACTS OF PARLIAMENT	
30 & 31 Vict. c.133	The Consecration of Churchyards Act 1872.	Section 12.
	ACTS OF TYNWALD	
IV p.158	The Public Notices Act 1872.	Section 3.
		Section 5.
		In section 7, the words from "nor to notice" onwards.
XVIII p.789	The Cremation Act 1957.	Section 10.
	MEASURES	
1959 No.2	The Vacancies in Sees Measure 1959.	Section 2.
1963 No.1	The Ecclesiastical Jurisdiction Measure 1963."	Section 2(3).

NOTE Schedule: para.1(2), words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.5; para.3 repealed by Church Property Measure (Isle of Man) 2021 Sch.2; para.4 repealed by 2012 Measure Sch.10; para.5: words in square brackets substituted by Cathedral Measure (Isle of Man) 2025 Sch.4 para.2; para.7(2) substituted and para.7(3) inserted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.3.

Statute Law Revision Measure (Isle of Man) 1994

SM 1 of 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)

...

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".".

…..

NOTE Schedule 1: para.1 repealed by Cathedral Measure (Isle of Man) 2025 Sch.4; para.2 repealed by PCCs and Accounts Measure (Isle of Man) 2010 s.1(2); para.6 repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4; para.7 repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

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).

Legal Aid Measure (Isle of Man) 1995

SM 1 of 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, omit entries 2, 3 and 4.]

NOTE Sch.1: para.6 substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.4.

SCHEDULE 2
ENACTMENTS REPEALED

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

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

SM 1 of 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).

...

NOTE S.1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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 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.

NOTE S.2: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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.

...

NOTE Schedule 1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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 14 (miscellaneous amendments)

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

NOTE Schedule 2: para.4 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

Patronage Measure (Isle of Man) 1997

SM 1 of 1997 (SD 637/97)

GENERAL NOTE The Measure was brought into force on 1st January 1998 by the Patronage Measure (Isle of Man) 1997 (Appointed Day) Order 1997 (SD 638/97).

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" means the office of rector or vicar of a parish or parishes, with cure of souls, but not including the office of a vicar in a team ministry;]

"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.

NOTE S.2: subs.(4): definition of "benefice" substituted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.13.

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3. Short title etc.

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

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

NOTE S.3: subs.(2) repealed by Church Representation and Ministers Measure (Isle of Man) 2019 Sch.4; subs.(3) repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4; subs.(4): see general note above.

SCHEDULE 1

PATRONAGE (BENEFICES) MEASURE 1986

PART I

TRANSFER OF RIGHTS OF PATRONAGE

3. Transfer of rights of patronage

(1) No right of patronage of a benefice shall be capable of sale and any transfer thereof for valuable consideration shall be void.

(2) Subject to the provisions of this section, a right of patronage vested in an ecclesiastical corporation shall not be transferred to any body or person unless —

(a) the consent of the bishop or, if the bishop is the proposed transferor, the consent of the archbishop has been obtained; or

(b) the transfer is made by a pastoral scheme ….

(3) Where a right of patronage of a benefice is proposed to be transferred otherwise than by a pastoral scheme …, the proposed transferor shall send to the bishop (or, if the bishop is the proposed transferor, to the archbishop) and to the registrar of the diocese a notice stating —

(a) his intention to transfer that right;

(b) the name and address of the proposed transferee; and

(c) particulars of the terms of the proposed transfer.

(4) On receiving a notice under subsection (3) above, the registrar shall send to the secretary of the parochial church council of the parish concerned a notice informing him of the proposed transfer and stating that before the expiration of the period of one month beginning with the date on which the notice is sent to him representations with respect to the proposed transfer may be made to the registrar by the parochial church council; and the registrar shall notify the bishop and the proposed transferor, or, if the bishop is the proposed transferor, the bishop and the archbishop, of any representations made to him within that period.

(5) After the expiration of the period of one month mentioned in subsection (4) above, the bishop or, if the bishop is the proposed transferor, the archbishop shall consider any representations made under that subsection and, whether or not any such representations have been made, the bishop or archbishop may request the proposed transferor (either personally or through some person appointed by the proposed transferor) to confer with him (or with some person appointed by the bishop or, as the case may be, the archbishop) as to the proposed transfer; and the bishop or, as the case may be, the archbishop shall not give any consent required under this section until after any such representations have been considered and any such request has been complied with.

(6) Any transfer of a right of patronage otherwise than by a pastoral scheme … shall be in the prescribed form.

(8) No transfer of a right of patronage of a benefice shall take effect during the period of a vacancy in that benefice [unless the benefice is one to which a suspension period (within the meaning of [section 29 of the 2012 Measure]) applies and a person holds office as priest in charge for the benefice].

(9) In this section "transfer" means a transfer inter vivos including a transfer by way of exchange; but [except in subsection (6)] it does not include a transfer by operation of law, a transfer upon the appointment of a new trustee or a transfer by the personal representatives of a deceased person.

NOTE: S.3: subss.(2)(b), (3) & (6): words omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch.. para.1(a); subs.(8): words in outer square brackets inserted by Church of England (Miscellaneous Provisions) Measure 2000 s.17; words in inner square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.1(b); subs.(9): words in square brackets inserted by Church of England (Miscellaneous Provisions) Measure 2000 s.17.

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5. Rights of patronage exercisable otherwise than by patron

(1) Where an office is a patron of a benefice, the person who is for the time being the holder of that office shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of that benefice.

(2) Where a patron of a benefice dies then, until the right of patronage is transferred to the person entitled thereto, the personal representatives of the deceased patron shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of than benefice.

(3) The patron of a benefice may by an instrument creating a power of attorney confer on the donee of the power authority to discharge on his behalf all the functions of a patron of that benefice, and where such a power is created the donee shall, subject to the provisions of Part II of this Measure, be entitled to discharge those functions until the power is revoked.

6. Registration of advowsons

For the avoidance of doubt, it is hereby declared that the title to an advowson may not be registered pursuant to the Land Registration Act 1982 (an Act of Tynwald).

PART II

EXERCISE OF RIGHTS OF PRESENTATION

General provisions as to filling of vacancies

7. Notification of vacancies

(1) ... where a benefice becomes vacant by reason of the death of the incumbent, the bishop shall, as soon as practicable after he becomes aware of the vacancy, give notice of that fact to the registrar of the diocese.

[(2) Where a benefice becomes vacant by reason of resignation or cession, the bishop shall, no later than the day on which the vacancy occurs, give notice of that fact to the registrar of the diocese.

(2A) Where the bishop is aware that the benefice is shortly to become vacant by reason of resignation or cession, the bishop may give notice of that fact to the

registrar of the diocese; and where the bishop does so before the vacancy occurs, the bishop is to be regarded as having given the notice required under subsection (2).]

(4) [… as] soon as practicable after receiving a notice under subsection (1)[, (2) or (2A)] above the registrar shall send notice of the vacancy to the patron of the benefice and to the secretary of the parochial church council of the parish belonging to the benefice; …

[(4A) A notice under subsection (4) shall specify—

(a) the date on which the benefice became, or is expected to become, vacant,

(b) a date referred to in the notice as "the start date", being either the date on which the notice is sent or, if the bishop so directs having had regard to all the circumstances, a date no later than three months after the date specified under paragraph (a), and

(c) such information about the procedure for filling the vacancy as may be prescribed or, if no such information is prescribed, such information as the registrar considers will assist the patron and parochial church council in carrying out functions in respect of the vacancy.

(4B) In the case of a benefice in respect of which there is more than one patron, the registrar shall also send the notice under subsection (4) to each person who would be entitled to present to the benefice on the next or any subsequent turn; and, when doing so, the registrar must request each of those persons to provide an email address and such other contact details as may be specified in the request.

(4C) Subsections (1) to (2A) are subject to section 32 of the Mission and Pastoral Measure (Isle of Man) 2012 (which modifies this Measure in cases where presentation to a benefice is suspended or restricted).] ...

NOTE S.7: subs.(1): words omitted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) arts.2(2) & 8(2); subs.(2) substituted and subs.(2A) inserted by ib. arts.2(3) & 8(2); subs.(4): first words in square brackets substituted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.7(3); words omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.6; second words in square brackets substituted, and words omitted, by 2019 Order arts.2(5) & 8(2); subss.(4A)-(4C) inserted by ib. arts.2(6)-(8) & 8(2); subs.(5) inserted by 2012 Measure Sch.8 para.7(3) and omitted by 2021 Measure Sch.4 para.6.

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8. Provisions as to declarations of membership

(1) Where the patron of a benefice is an individual and is not a clerk in Holy Orders, he shall on receiving notice of a vacancy in the benefice under section 7(4) of this Measure —

(a) if able to do so, make a written declaration (in this Measure referred to as "the declaration of membership") declaring that he is an actual communicant member of the Church of England or of a Church in communion with that Church; or

(b) if unable to make the declaration himself, appoint some other person, being an individual who is able and willing to make it or is a clerk in Holy Orders or a patronage board constituted by a pastoral scheme, to act as his representative to discharge in his place the functions of a patron.

(2) Where the patron of a benefice is a body of persons corporate or unincorporate then, on receiving notice of a vacancy in the benefice under section 7(4) of this Measure, that body shall appoint an individual who is able and willing to make the declaration of membership or is a clerk in Holy Orders to act as its representative to discharge in its place the functions of a patron.

(3) Notwithstanding anything in subsection (1) above, where the patron of a benefice who is an individual and is not the bishop of a diocese is of the opinion, on receiving notice of a vacancy in the benefice under section 7(4) of this Measure, that he will be unable for any reason to discharge his functions as a patron of that benefice he may, notwithstanding that he is able to make the declaration of membership, appoint such a representative as is mentioned in subsection (1)(b) above to discharge those functions in his place.

(4) Where a benefice the right of presentation to which belongs to an office (other than an ecclesiastical office) becomes a vacant, the person who holds that office on the date on which the benefice becomes vacant shall be entitled to present on that vacancy and shall as soon as practicable after that date —

(a) if able to do so, make the declaration of membership, or

(b) if unable to make the declaration himself, appoint some other person, being a person who may be appointed as a representative under subsection (1)(b) above, to act as his representative to discharge in his place the functions of a patron.

(5) Where the right of presentation to a benefice is exercisable by the donee of a power of attorney, the donee shall as soon as practicable after receiving notice of the vacancy in the benefice (or, if the power is created during the vacancy, as soon as practicable after it is created) —

(a) if able to do so, make the declaration of membership, or

(b) if unable to make the declaration himself, appoint some other person, being a person who may be appointed as a representative under subsection (1)(b) above, to act as his representative to discharge in his place the functions of a patron.

(6) Where under the preceding provisions of this section a patronage board constituted by a pastoral scheme is appointed to discharge the functions of a patron, that body shall as soon as practicable after being so appointed appoint as its representative an individual who is able and willing to make the declaration of membership or is a clerk in Holy Orders.

9. Information to be sent to registrar

(1) Before the expiration of the period of two months beginning with the date on which a benefice becomes vacant, a patron who is an individual shall send to the registrar of the diocese —

(a) the declaration of membership made by him, or

(b) the name and address of his representative and the declaration of membership made by that representative.

(2) Before the expiration of the said period of two months, a patron which is a body of persons corporate or unincorporate shall send to the registrar of the diocese the name and address of the individual who is to act as its representative and the declaration of membership made by that representative.

(3) Where the functions of a patron are to be discharged by the holder of an office, subsection (1) above shall apply to the person who holds that office on the date on which the benefice becomes vacant as it applied to the patron.

(4) Where the functions of a patron are to be discharged by the donee of a power of attorney, subsection (1) above shall apply to the donee as it applies to the patron except that, if the power is created during the vacancy concerned, there shall be substituted for the period of two months mentioned in that subsection the period of two months beginning with the date on which the power is created, and the information required to be sent under that subsection shall include information as to that date.

(5) Where the patron or his representative is a clerk in Holy Orders, the patron shall, before the expiration of the period during which the declaration of membership is required to be sent to the registrar under the preceding provisions of this section, notify the registrar of that fact, and a declaration of membership made by that clerk shall not be required to be sent to the registrar under this section.

(6) As soon as practicable after receiving information under this section as to the appointment of a representative, the registrar shall send to the secretary of the parochial church council the name and address of that representative.

10. Disqualification for presentation

Where the patron of a benefice or the representative of that patron is a clerk in Holy Orders or is the spouse [or civil partner] of such a clerk, that clerk shall be disqualified for presentation to that benefice.

NOTE S.10: words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3.

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11. Requirements as to meetings of parochial church council

(1) [As soon as practicable after the start date specified in the notice under section 7(4) and in any event before the end of the period of six months beginning with that date, one or more meetings of the parochial church council] shall be held for the purposes of —

(a) preparing a statement describing the conditions, needs and traditions of the parish;

(b) appointing two lay members of the council to act as representatives of the council in connection with the selection of an incumbent;

(c) deciding whether to request the patron to consider advertising the vacancy;

(d) deciding whether to request a meeting under section 12 of this Measure;

(e) deciding whether to request a statement in writing from the bishop describing in relation to the benefice the needs of the diocese and the wider interests of the Church; ...

(2) A meeting of the parochial church council for which subsection (1) above provides shall be convened by the secretary thereof, and no member of that council who is —

(a) the outgoing incumbent or the spouse [or civil partner] of the outgoing incumbent, or

(b) the patron, or

(c) the representative of the patron,

shall attend that meeting.

(3) None of the following members of the parochial church council, that is to say —

(a) any person mentioned in subsection (2) above, and

(b) any deaconess or lay worker licensed to the parish,

shall be qualified for appointment under subsection (1)(b) above.

(4) If before the vacancy in the benefice is filled any person appointed under subsection (1)(b) above dies or becomes unable for any reason to act as the representative of, or ceases to be a member of, the council by which he was appointed, then, except where he ceases to be such a member and the council decides that he shall continue to act as its representative, his appointment shall be deemed to have been revoked and the council shall appoint another lay member of the council (not being a member disqualified under subsection (3) above) to act in his place for the remainder of the proceedings under this Part of this Measure.

(5) If a parochial church council holds a meeting under subsection (1) above but does not appoint any representatives at that meeting, then, subject to subsection (6) below, two churchwardens who are members of that council (or, if there are more than two churchwardens who are members of the council, two churchwardens chosen by all the churchwardens who are members) shall act as representatives of the council in connection with the selection of an incumbent.

(6) A churchwarden who is the patron of a benefice shall not be qualified under subsection (5) above to act as a representative of the parochial church council or to choose any other churchwarden so to act, and in any case where there is only one churchwarden qualified to act as such a representative that churchwarden may act as the sole representative of that council in connection with the selection of the incumbent.

(7) Any representative of the parochial church council appointed under subsection (1) or (4) above and any churchwarden acting as such a representative by virtue of subsection (5) or (6) above is in this Part of this Measure referred to as a "parish representative", and where a churchwarden is entitled to act as the sole parish representative any reference in this Part to the parish representatives shall be construed as a reference to that churchwarden.

(8) A copy of the statement prepared under subsection (1)(a) above together with the names and addresses of the parish representatives shall, as soon as practicable after the holding of the meeting under that subsection, be sent by the secretary of the parochial church council to the patron and, unless the bishop is the patron, to the bishop.

NOTE S.11: subs.(1): words in square brackets substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) art.3(1); para.(f) repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.; subs.(2)(a): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3.

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12. Joint meeting of parochial church council with bishop and patron

(1) Where a request for a meeting under this section is made —

(a) by a notice sent by the patron or the bishop to the secretary of the parochial church council, or

(b) by a resolution of the parochial church council, passed at a meeting held under section 11 of this Measure,

a joint meeting of the parochial church council with the patron and (if the bishop is not the patron) the bishop shall be held for the purpose of enabling those present at the meeting to exchange views on the statement prepared under section 11(1)(a) of this Measure (needs of the parish) and the statement presented under subsection (2) below (needs of the diocese).

(2) At any meeting held under this section the bishop shall present either orally or, if a request for a statement in writing has been made by the patron or the parochial church council, in writing a statement describing in relation to the benefice the needs of the diocese and the wider interests of the Church.

(3) Any notice given under subsection (1)(a) above shall be of no effect unless it is sent to the secretary of the parochial church council not later than ten days after a copy of the statement prepared under subsection (1)(a) of section 11 of this Measure is received by the persons mentioned in subsection (8) of that section.

(4) The outgoing incumbent and the spouse [or civil partner] of the outgoing incumbent shall not be entitled to attend a meeting held under this section.

(5) A meeting requested under this section shall be held before the expiration of the period of six weeks [as soon as practicable after the start date specified in the notice under section 7(4) and in any event before the end of the period of six months beginning with that date], and at least fourteen days' notice (unless a shorter period is agreed by all the persons concerned) of the time and place at which the meeting is to be held shall be given by the secretary of the parochial church council to the patron, the bishop (if he is not the patron) and the members of the parochial church council.

(6) If either the patron or the bishop is unable to attend a meeting held under this section, he shall appoint some other person to attend on his behalf.

(7) The chairman of any meeting held under this section shall be such person as the persons who are entitled to attend and are present at the meeting may determine.

(8) No meeting requested under this section shall be treated for the purposes of this Measure as having been held unless there were present at the meeting —

(a) the bishop or the person appointed by the bishop to attend on his behalf, and

(b) the patron or the person appointed by the patron to attend on his behalf, and

(c) at least one third of the members of the parochial church council who were entitled to attend. …

NOTE S.12: subs.(4): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.3; subs.(5): words in square brackets substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) art.3(2); subs.(9) omitted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.5(a).

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13. Provisions with respect to the selection of incumbent

(1) The patron of a vacant benefice shall not make to any priest an offer to present him to a benefice until—

(a) if a request for a meeting under section 12 of this Measure has been made, either —

(i) that meeting has been held, or

(ii) all the parties concerned have agreed that no such meeting should be held, or

(iii) the period of [six months] mentioned in section 12(5) has expired; and

(b) (whether or not such a request has been made) the making of the offer to the priest in question has been approved —

(i) by the parish representatives, and

(ii) if the patron is a person other than the bishop of the diocese in which the benefice is, by that bishop.

(2) If, before the expiration of the period of four weeks beginning with the date on which the patron sent to the bishop a request for him to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, no notice is received from the bishop of his refusal to approve the making of the offer, the bishop shall be deemed to have given his approval under that paragraph.

(3) If, before the expiration of the period of two weeks beginning with the date on which the patron sent to the parish representatives a request for them to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, no notice is received from any representative of his refusal to approve the making of the offer, the representatives shall be deemed to have given their approval under that paragraph.

(4) If —

(a) the bishop refuses to approve under paragraph (b) of subsection (1) above the making of the offer to the priest named in the request, or

(b) any parish representative refuses to approve under that paragraph the making of that offer,

the bishop or the representative, as the case may be, shall notify the patron in writing of the grounds on which the refusal is made.

(5) Where approval of an offer is refused under subsection (4) above, the patron may request the archbishop to review the matter and if, after review, the archbishop authorises the patron to make the offer in question, the patron may make that offer accordingly ...

(6) Where a priest accepts an offer made in accordance with the provisions of this section to present him to a benefice and the patron is a person other than the bishop, the patron shall send the bishop a notice presenting the priest to him for admission to the benefice.

NOTE S.13: subs.(1): words in square brackets substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) art.3(3); subs.(5): proviso repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.

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14. Failure of patron to comply with section 9

(1) Where any declaration of membership or other information required to be sent to the registrar under section 9 of this Measure is not sent to him before the expiration of the period during which it is required to be so sent and the patron is a person other than the bishop then, after the expiration of that period —

(a) no meeting shall be held under section 12 of this Measure by reason of any request made by the patron and subsections (2), (5), (6) and (8) of that section shall not apply in relation to that patron; and

(b) no offer shall be made to any priest under section 13 of this Measure; but the bishop may, subject to subsection (2) below, make to such priest as he thinks fit an offer to collate him to the benefice.

(2) The bishop shall not make an offer under subsection (1) above unless the making of the offer has been approved by the parish representatives, and subsections (3), (4)(b) and (5) of section 13 of this Measure shall apply in relation to a request sent by the bishop to those representatives by virtue of this subsection as if for any reference to the patron there were substituted a reference to the bishop.

(3) Where under subsection (1) above the bishop makes to a priest an offer to collate him to a benefice in respect of which more than one person is patron, the patron whose turn it was to present to the benefice shall be treated for the purposes of this Measure as having exercised that turn.

15. Failure of council to comply with section 11 or 12

If a copy of the statement prepared under section 11(1)(a) of this Measure is not sent under subsection (8) of that section to the persons mentioned in that subsection or if notice is not given under section 12(5) of this Measure of any joint meeting requested under subsection (1)(a) of the said section 12 then —

(a) if the bishop is the patron, he may, without making any request for the approval of the parish representatives, make to such priest as he thinks fit an offer to collate him to the benefice; and

(b) if the bishop is not the patron, that patron shall be entitled to proceed under section 13 of this Measure as if paragraphs (a) and (b)(i) of subsection (1), subsection (3) and paragraph (b) of subsection (4) thereof had not been enacted.

16. Presentation to benefices remaining vacant for 18 months

(1) If at the expiration of the period of eighteen months beginning with [the start date specified in the notice under section 7(4)] —

(a) no notice of presentation under section 13(6) of this Measure has been received by the bishop, or

(b) where the bishop is the patron, he has not received an acceptance of any offer made by him to collate a priest to the benefice,

the right of presentation to that benefice shall be exercisable by the archbishop in accordance with the provisions of this section; and a notice to that effect shall be sent by the bishop to the archbishop.

(2) In calculating the period of eighteen months mentioned in subsection (1) above, no account shall be taken of any of the following periods, that is to say —

(a) a period during which the decision of the bishop to refuse to approve the making to a priest of an offer to present him to a benefice is under review by an archbishop,

(b) a suspension period within the meaning of [section 29 of the 2012 Measure], and

(c) a period during which the exercise of rights of presentation is restricted under section [14 or 31] of that Measure.

(3) As soon as practicable after a right of presentation becomes exercisable by an archbishop under this section, the archbishop shall send to the secretary of the parochial church council of the parish concerned a notice requiring him within three weeks after receiving the notice to send to the archbishop copies of the statement describing the conditions, needs and traditions of the parish prepared in accordance with section 11 of this Measure together with copies of any additional observations which the council wishes the archbishop to consider.

(4) The bishop may, and if the archbishop so requests shall, send to the archbishop a statement describing in relation to the benefice the needs of the diocese and the wider interests of the Church.

(5) Before the archbishop decides on the priest to whom an offer to present him to the benefice is to be made he shall consult the bishop, the parish representatives and such other persons as he thinks fit, including other persons who in his opinion can also represent the views of the parishioners and, if during the period of eighteen months mentioned in subsection (1) above the approval of the bishop or the parish representatives to the making of an offer to a priest by the patron of the vacant benefice has been refused under section 13 of this Measure, the archbishop shall not make any offer to that priest under this section unless the consent of the bishop or, as the case may be, the parish representatives has been obtained.

(6) Where a priest accepts an offer to present him to a benefice made in accordance with the provisions of this section, the archbishop shall send to the bishop a notice presenting the priest to him for admission to the benefice.

NOTE S.16: subs.(1): words in square brackets substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) arts.4 & 8(3); subs.(2)(b) & (c): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.4.

[16A Special procedure for appointment of priest in charge as incumbent

(1) This section applies where —

(a) a benefice is vacant; and

(b) if either —

(i) a suspension period in respect of the benefice has been declared, or

(ii) a restriction in respect of the benefice has come into force,

the bishop is aware that the suspension period has ended or is shortly to come to an end, or that the restriction has ceased or is shortly to cease to be in force, as the case may be; and

(c) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.

(2) The bishop may give notice of his proposal to —

(a) the priest in charge;

(b) the parochial church council of each parish belonging to the benefice; and

(c) the patron (unless the bishop is the patron).

(3) Upon receiving the notice referred to in subsection (2)(a) or (b) —

(a) the priest in charge may give notice to the bishop that he is willing to be admitted to the benefice;

(b) the parochial church council of each parish belonging to the benefice may pass a resolution stating that it approves the proposal that the priest in charge should be so admitted, and give notice to the bishop that it has done so.

(4) No member of a parochial church council who is —

(a) the priest in charge,

(b) the spouse or civil partner of the priest in charge,

(c) the patron, or

(d) the representative of the patron,

shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.

(5) This subsection applies where —

(a) the bishop is not the patron;

(b) the patron has received the notice referred to in subsection (2)(c);

(c) the bishop has received the notices referred to in subsection (3)(a) and (b); and

(d) if either —

(i) a suspension period in respect of the benefice has been declared, or

(ii) a restriction in respect of the benefice has come into force,

the suspension period has ended or the restriction has ceased to be in force, as the case may be.

(6) Where subsection (5) applies —

(a) sections 8 and 9 apply with the substitution for references to a notice under section 7(4) of references to the notice under subsection (2)(c);

(b) the patron may give notice to the bishop presenting the priest in charge to him for admission to the benefice; and

(c) the bishop may (subject to section 19) institute the priest in charge to the benefice.

(7) Where —

(a) the bishop is the patron,

(b) section 2 of the 2010 Measure does not apply, and

(c) the bishop has received the notices referred to in subsection (3)(a) and (b),

the bishop may (subject to section 19) collate the priest in charge to the benefice.

(8) Where —

(a) section 2 of the 2010 Measure applies;

(b) the bishop is the relevant bishop for the purposes of subsection (2) of that section;

(c) Her Majesty has not given notice under subsection (3) of that section; and

(d) the bishop has received the notices referred to in subsection (3)(a) and (b),

the bishop may present the priest in charge on behalf of Her Majesty for admission to the benefice.

(9) Where —

(a) the patron has given notice in accordance with subsection (6)(b),

(b) the bishop collates the priest in charge under subsection (7), or

(c) the bishop presents the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (8),

the following provisions shall not apply —

(i) sections 7 and 11 to 15; and

(ii) section 32(5) of the 2012 Measure.

(10) In this section —

"suspension period" has the same meaning as in section 29 of the 2012 Measure;

"restriction" means a restriction on the right of presentation to a benefice imposed under section 14 or 31 of the 2012 Measure.]

NOTE S.16A inserted by Patronage (Amendment) Measure (Isle of Man) 2015 s.4.

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17. Provisions to have effect where bishop refuses to institute presentee

(1) Nothing in the preceding provisions of this Measure shall be taken as affecting the power of a bishop under any rule of law to refuse to institute or admit a presentee to the benefice.

(2) Where in exercise of any such power a bishop refuses to institute or admit a presentee to a benefice, and either no legal proceedings in respect of the refusal are brought or the refusal of the bishop is upheld in such proceedings, the presentation to the benefice affected shall be made by the patron whose turn it was to present when the vacancy first occurred; and for the purposes of sections 7, 9, 11 and 12 of this Measure a new vacancy shall not be treated as having occurred by virtue of this section.

19. Notice of intention of bishop to institute or collate person to benefice

(1) Subject to subsection (3) below, a bishop shall not on a vacancy in a benefice institute or collate any person to the benefice unless after the occurrence of the vacancy a notice in the prescribed form, signed by or on behalf of the bishop, is served on the secretary of the parochial church council of the parish concerned informing him of the bishop's intention to institute or collate that person to the benefice specified in the notice and a period of three weeks has expired since the date of the service of the notice.

(2) As soon as practicable after receiving a notice under subsection (1) above the secretary shall cause the notice or a copy thereof to be fixed on or near the principal door of every church in the parish and every building licensed for public worship in the parish and to remain affixed thereon for two weeks.

(3) Subsection (1) above shall not apply in relation to a person designated by or selected under a pastoral scheme … as the incumbent of any benefice.

NOTE S.19: subs.(3): words omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.5.

20. Bishop to act in place of incumbent patron in certain cases

Where a benefice ("the ancillary benefice") becomes vacant and it is the turn of the incumbent of another benefice ("the principal benefice"), being the patron of the ancillary benefice, to present to that benefice, then if, when the ancillary benefice becomes vacant or at any time during the vacancy thereof and before a notice of presentation under section 13(6) of this Measure is sent to the bishop by the incumbent of the principal benefice —

(a) the principal benefice is or becomes vacant, or ...

(c) the incumbent of the principal benefice is suspended or inhibited from discharging all or any of the duties attached to his preferment, the bishop shall discharge in his place the functions of a patron.

NOTE S.20: para.(b) repealed by Church (Miscellaneous Provisions) Measure 2025 Sch.2 Pt 2.

21. Exercise of patronage by personal representatives

Where a benefice becomes vacant and the patron dies during the vacancy, then, notwithstanding anything in section 3(8) of this Measure the right of presentation to that benefice upon that vacancy shall be exercisable by that patron's personal representatives; but, before they exercise that right, they shall comply with the requirements of sections 8 and 9 of this Measure as if they were the patron.

22. Exchange of benefices

(1) Two incumbents may by instrument in writing agree to exchange their benefices if the agreement of the following persons has been obtained —

(a) the bishop of the diocese in which each benefice is,

(b) any patron whose turn it is to present to either of the benefices, and

(c) the parochial church council of the parish of each benefice, the agreement having in each case been given by resolution of the council.

(2) Where a patron whose turn it is to present to a benefice has given his agreement under subsection (1) above to an exchange by the incumbent of that benefice, he shall be treated for the purposes of this Measure as having exercised that turn.

23. Special provisions applicable to certain benefices

(1) The provisions of this Part of this Measure shall in their application to —

(a) a benefice which comprises two or more parishes,

(b) a benefice of which the parochial church council of the parish belonging to the benefice is the patron, and

(c) benefices held in plurality,

have effect subject to the provisions of Schedule 2 to this Measure. …

NOTE S.23: subs.(2) omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.6.

24. Interpretation of Part II

(1) Subject to subsections (2) and (3) below, in this Part of this Measure, except in sections 7(4) and 10, any reference to a patron, in relation to any vacancy in a benefice in respect of which there is more than one patron, shall be construed as a reference to the patron whose turn it is to present on that vacancy.

(2) In a case where the functions of the patron of a benefice in relation to a vacancy in the benefice are to be discharged by the holder of an office or the donee of a power of attorney, any reference in this Part of this Measure (except in sections 8, 9(1) to (4) and 21) to the patron shall (subject to subsection (3) below) be construed as a reference to that office-holder or donee as the case may be.

(3) In sections 11 and 12 of this Measure any reference to the patron of a benefice (except the reference in section 11(2)(b)) shall in a case where the functions of the patron in relation to a vacancy in the benefice are to be discharged by a representative be construed as a reference to that representative, and in section 13 of this Measure any reference to the patron of a benefice shall, in a case where the patron, being an individual, has appointed a body mentioned in section 8(7) of this Measure or another individual to discharge those functions, be construed as a reference to that body or that other individual, as the case may be.

(4) In this Part of this Measure, except in section 8, "representative", in relation to a patron, means —

(a) in the case of a patron who is an individual, the individual appointed under section 8(1)(b), (3) or (6);

(b) in the case of a patron which is a body of persons, the individual appointed under section 8(2);

(c) in the case of a patron which is an office, the individual appointed under section 8(4);

(d) in a case where the functions of a patron are to be discharged by the donee of a power of attorney, the individual appointed under section 8(5).

(5) In this Part of this Measure "parish representative" has the meaning assigned to it by section 11(7) of this Measure.

PART III

MISCELLANEOUS PROVISIONS AS TO PATRONAGE

Benefices affected by pastoral reorganisation

29. Provisions as to patronage affected by pastoral schemes

(3) Subject to any provision for the designation or selection of the first incumbent of a new benefice created by a pastoral scheme, sections 7 to 16 of this Measure shall apply to the making of the first presentation to the benefice as if the coming into operation of the scheme were the occurrence of a vacancy in the benefice.

31. Abrogation of rules as to lapse

(1) Without prejudice to the provisions of section 16 of this Measure, any rule of law whereby the right of patronage of a benefice lapses to a bishop or archbishop or to Her Majesty in right of Her Crown shall cease to have effect.

(2) Nothing in this section shall affect any right of presentation which on a vacancy in a benefice is exercisable by Her Majesty —

(a) by reason of the appointment to a diocesan bishopric of the incumbent of the benefice concerned, or

(b) by reason of a vacancy in the see of a diocesan bishop who is a patron of the benefice concerned.

33. Transfer of advowson held on trust for sale or comprised in settled land

(1) The tenant for life of settled land may, with the consent of the trustees of the settlement or with the approval of the Court, convey an advowson comprised in the settled land gratuitously to any person who has agreed to accept it and —

(a) being an individual —

(i) is an ecclesiastical corporation sole, or

(ii) is an actual communicant member of the Church of England, or

(b) being a body of persons, corporate or unincorporate, has the furtherance of the work of the Church of England as one of its objects.

(2) Subsection (1) above shall be construed as one with the Settled Land Act 1893 (an Act of Tynwald), and that Act shall apply as if the power conferred by subsection (3) had been conferred by that Act.

(3) For the purposes of this section and of section 53 of the said Act of 1893 as applied by subsection (2), an advowson held by any trustee on a trust which would be a trust for sale if the advowson were capable of sale shall be deemed to subject to a trust for sale.

(4) Nothing in any trust deed shall prevent the transfer inter vivos by trustees of an advowson which is the subject of a trust.

...

NOTE: S.34 omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.7.

PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

Benefices in the patronage of the Crown

35. Provisions with respect to benefices in the patronage of the Crown

(1) Without prejudice to the application of section 31 of this Measure to the Crown and except as provided by this section, nothing in this Measure shall apply in relation to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty, (in this Measure referred to as a "Crown benefice").

[(1A) [Subject to subsection (9),] the following provisions of this Measure shall apply in relation to the selection of an incumbent to fill a vacancy in a benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty... .

(a) section 11(1) (b), (4), (5), (6) and (7);

(b) section 11(2) (a) and, so far as it relates thereto, section 11(3)(a), and section 11(3) (b);

(c) section 11(8), so far only as it relates to parish representatives; …

(d) section 13(l)(b)(i), (3) and, so far only as they relate to parish representatives, (4) and (5); [and

(e) section 16A (except subsection (6)(a))].

(1B) Where —

(a) Her Majesty has the right of presentation to a benefice which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop, and

(b) either —

(i) Her Majesty has given notice under section 2(3) of the 2010 Measure, or

(ii) that right of presentation is exercisable on behalf of Her Majesty by the relevant bishop under section 2(2) of the 2010 Measure,

any reference to the patron in any provision of this Measure listed in subsection (1C) shall be construed as a reference to Her Majesty or to the relevant bishop, as the case may be.

(1C) The provisions referred to in subsection (1B) are —

(a) section 7(4),

(b) section 11(8), so far only as it relates to parish representatives,

(c) section 13(1)(b)(i), (3) and (so far only as they relate to parish representatives) (4) and (5), and

(d) section 22.]

(3) Where in the case of a Crown benefice a share only in the patronage is vested in Her Majesty (in this section referred to as a "shared benefice") sections 5 and 21 of this Measure shall apply in relation to a patron of the benefice other than Her Majesty.

(5) Where a right of patronage of a benefice is proposed to be transferred to Her Majesty sections 3(2) to (7) of this Measure shall not apply but the transferor shall send a notice to the registrar to inform him of the transfer.

(6) Section 3(1) of this Measure shall apply to the transfer of a right of patronage of a Crown benefice.

(7) Section 7 of this Measure shall apply in relation to a Crown benefice, and where the registrar of a diocese receives a notice under that section in respect of a Crown benefice then[, subject to subsection (9),] —

(a) if the patronage is vested wholly in Her Majesty or … if the right of presentation upon the vacancy in question is exercisable by Her Majesty, any parochial church council to which notice is given under section 7(4) of this Measure may send to Her Majesty a statement describing the conditions, needs and traditions of the parish ... , and a copy of any such statement shall be sent to the bishop;

(b) if the benefice is a shared benefice and the right of presentation upon the vacancy in question is exercisable by a person other than Her Majesty, sections 8 to 21 of this Measure shall apply in relation to the benefice.

[(7A) Where section 2 of the 2010 Measure applies —

(a) if Her Majesty has not given notice under subsection (3) of that section, subsection (7)(a) has effect as if the second and third references to Her Majesty were to the relevant bishop, and

(b) subsection (7)(b) has effect as if the reference to a person other than Her Majesty did not include the relevant bishop.]

(8) Section 22 of this Measure shall apply in relation to a Crown benefice and where the consent of Her Majesty is required by that section that consent may be given in accordance with the provisions of [section 40(4) of the 2012 Measure] and those provisions shall have effect accordingly with the necessary modifications.

[(9) If Her Majesty's right of presentation to a Crown benefice stands for the time being delegated to the bishop, Part II of this Measure shall apply in all respects as if the patronage or share in the patronage which is vested in Her Majesty were vested in the bishop, subject only to the following modifications —

(a) in section 15(a), for "collate" substitute "present";

(b) omit section 16.

(10) A statement in an instrument purporting to admit a person to a Crown benefice that Her Majesty's right of presentation to the benefice stands delegated to the bishop shall be conclusive evidence of that fact.

(11) Subsections (9) and (10) do not apply to a right of presentation referred to in subsection (1B)(a).]

NOTE S.35: subs.(1A) inserted by Crown Benefices (Parish Representatives) Measure 2010 s.1 (modified); words in square brackets inserted, and word omitted, by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(a); subs.(1B) inserted by Crown Benefices (Parish Representatives) Measure 2010 s.1, substituted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(b); subs.(1C) inserted by ib. Sch. para.8(b); subs.(7): words in square brackets inserted, and first words in para.(a) omitted, by ib. Sch. para.8(c) & (d); second words in para.(a) repealed by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 Sch.; subs.(7A) inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.8(e); subs.(8): words in square brackets substituted by ib. Sch. para.8(f); subss.(9)-(11) inserted by ib. s.3. Delegation of Crown patronage to Bishop: see Crown Patronage (Isle of Man) Order 2015 at p.Error: Reference source not found post.

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37. Provisions as to notices and other documents

(1) All notices, agreements, approvals, consents and requests required or authorised by this Measure to be served, sent, given or made shall be in writing, and all such notices shall[, where the form of the notice is prescribed by rules under section 38,] be in the prescribed form.

(2) Any notice or other document required or authorised by this Measure to be served on or sent or given to any person may be served, sent or given by delivering it to him, or by leaving it at his proper address, [by post or by sending it to an email address which the person has provided and not withdrawn or by such other electronic means as may be prescribed].

(3) Any notice or other document required or authorised to be served, sent or given to a corporation or to an unincorporated body having a secretary or clerk or to a firm, shall be duly served, sent or given if it is served on or sent or given to, as the case may be, the secretary or clerk of the corporation or body or a partner of the firm.

(4) Subject to subsection (5) below, for the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of the person on or to whom any such notice or other document is required or authorised to be served, sent or given shall be his last known address, except that in the case of the secretary or clerk of a corporation, it shall be that of the registered or principal office of the corporation, and in the case of the secretary or clerk of an unincorporated body or a partner of a firm, it shall be that of the principal office of the body or firm.

(5) If the person on or to whom any such notice or other document is to be served, sent or given has specified an address within the Isle of Man or the United Kingdom serving, sending or giving of the notice or other document, his proper address for the said purposes shall be that address.

NOTE S.37: subs.(1): words in square brackets inserted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.9; subs.(2): words in square brackets substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) art.6.

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38. Procedure

(2) The [Legislative Committee of the Sodor and Man Diocesan Synod] shall have power to make rules with regard to any matter of procedure arising under this Measure and in particular with regard to any matter to be prescribed thereunder.

(4) Any rules made under this section shall be laid before the Sodor and Man Diocesan Synod and shall not come into force until approved by the Diocesan Synod.

NOTE S.38: subs.(2): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.5. Rules under s.38: the Patronage Rules 1997 (SD 639/97).

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39. Interpretation

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

["the 2010 Measure" means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010;

"the 2012 Measure" means the Mission and Pastoral Measure (Isle of Man) 2012;]

"actual communicant member of the Church of England" means a member of the Church of England who is confirmed or ready and desirous of being confirmed and has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date on which he makes the declaration of membership;

"actual communicant member of a Church in communion with the Church of England" means a communicant member of a Church in communion with the Church of England who has received Communion according to the use of the

Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date on which he makes the declaration of membership;

"archbishop" means the archbishop of the province in which the benefice is or, where the benefice is in the diocese of the archbishop of that province or the archbishopric of that province is vacant or the archbishop is the patron of that benefice, the archbishop of the other province;

"benefice" means the office of rector or vicar of a parish or parishes with cure of souls, but not including the office of vicar in a team ministry or any office of canon in the cathedral church of St German;

"the bishop" means the bishop of the diocese concerned;

"clerk in Holy Orders" means a priest or deacon of the Church of England and "priest" includes a bishop;

"the declaration of membership" has the meaning assigned to it by section 8(1);

"parish" means a parish constituted for ecclesiastical purposes;

["pastoral scheme" has the same meaning as in the 2012 Measure;]

"patron", in relation to any benefice, means the person or persons entitled, otherwise than by virtue of section 16, 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;

(2) Where a pastoral scheme … provides for the holding of benefices in plurality any reference in this Measure to a benefice shall be construed as including a reference to benefices held in plurality.

(3) If any question arises whether a Church is a Church in communion with the Church of England, it shall be conclusively determined for the purposes of this Measure by the Archbishops of Canterbury and York.

(4) 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.

NOTE S.39: subs.(1): definitions of "the 2010 Measure" and "the 2012 Measure" inserted, and definition of "pastoral scheme" substituted, by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.10(a); subs.(2): words omitted by ib. Sch. para.10(b).

...

NOTE S.41 omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.11.

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42. Short title

(1) This Measure may be cited as the Patronage (Benefices) Measure 1986.

SCHEDULE 2

MODIFICATION OF PART II IN ITS APPLICATION TO CERTAIN BENEFICES

Benefice comprising two or more parishes

1. Where a benefice comprises two or more parishes then, except in a case in which paragraph 19 or 20 below applies, the provisions of Part II of this Measure shall have effect subject to the modifications for which paragraphs 2 to 18 below provide.

2. In section 7(4), for the words "the parish" there shall be substituted the words "each of the parishes".

3. In section 9(6) for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils".

4. For section 11(1) there shall be substituted:—

"(1) [As soon as practicable after the start date specified in the notice under section 7(4) and in any event before the end of the period of six months beginning with that date,one or more joint meetings of the parochial church councils concerned] shall be held for the purposes of —

(a) discharging the duties imposed on them by subsection (1A) below;

(b) appointing such number of persons, but not less than four, as will enable each of those councils to have at least one representative, but not more than two representatives, to act as representatives of those councils in connection with the selection of an incumbent;

(c) deciding whether to request the patron to consider advertising the vacancy;

(d) deciding whether to request a meeting under section 12 of this Measure;

(e) deciding whether to request a statement in writing from the bishop describing in relation to the benefice the needs of the diocese and the wider interests of the church;

and each person appointed under paragraph (b) shall be a member of one of the parochial church councils concerned.

(1A) At the meeting, or the first meeting, convened under this section, the parochial church councils shall decide whether they will join in preparing a statement describing the conditions, needs and traditions of the parishes belonging to the benefice or whether the parochial church council of each parish will prepare such a statement in relation to that parish, and that decision having been made, the parochial church councils of those parishes or the parochial church council of each parish, as the circumstances require, shall prepare such a statement."

5. In section 11(2), for the words from the beginning to "council", in the second place where it occurs; there shall be substituted the words "A joint meeting of the parochial church councils for which subsection (1) above provides shall be convened by the secretaries of those councils, and no member of any of those councils".

6. In section 11(3), for the words "the parochial church council" there shall be substituted the words "any of the parochial church councils" and for the words "the parish" there shall be substituted the words "any of the parishes".

7. In section 11(4), for the words from "the council by which he was appointed" to the end there shall be substituted the words "any of the councils by which he was appointed then, except where he ceases to be such a member and those councils decide that he shall continue to act as their representative, his appointment shall be deemed to have been revoked and those councils shall appoint another lay member of any of those councils in his place".

8. For section 11(5) there shall be substituted —

"(5) If the parochial church councils concerned hold a joint meeting under subsection (1) above but do not appoint representatives under paragraph (b) of that subsection, all the churchwardens who are members of any of the councils concerned shall appoint not more than five of those churchwardens to act as representatives of those councils in connection with the selection of an incumbent."

9. In section 11(8) for "1(a)" there shall be substituted "(1A)", and for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils".

10. For section 12(1) there shall be substituted —

"(1) Where a request for a meeting under the section is made —

(a) by a notice sent by the patron or the bishop to the secretaries of the parochial church councils concerned or

(b) by a resolution of those councils passed at a joint meeting held under section 11 of this Measure,

a joint meeting of those councils with the patron and (if the bishop is not the patron) the bishop shall be held for the purpose of enabling those present at the meeting to exchange views on the statement or statements prepared under section 11(1A) of this Measure (needs of the parish) and the statement presented under subsection (2) below (needs of the diocese)."

11. In section 12(2) for the word "council" there shall be substituted the word "councils".

12. In section 12(3) for the words "the parochial church council" there shall be substituted the words "each of the parochial church councils concerned" and for "(1)(a)" there shall be substituted "(1A)".

13. In section 12(5) for the words "secretary of the parochial church council" there shall be substituted the words "secretaries of the parochial church councils" and for the words "parochial church council" in the second place where those words occur there shall be substituted the words "parochial church councils concerned".

14. In section 12(8)(c) for the word "council" there shall be substituted the words "councils concerned". …

16. In section 16(3) for the words "of the parish", in the first place where those words occur, there shall be substituted the words "of each of the parishes belonging to the benefice".

17. In section 19(1) for the words "of the parish" there shall be substituted the words "of each of the parishes".

18. In section 22(1) for the words "the parish of each benefice" there shall be substituted the words "every parish belonging to each benefice". …

Benefice of which parochial church council is the patron

21. Where the parochial church council of the parish belonging to a benefice is the patron of the benefice, Part II of this Measure shall have effect in relation to that benefice as if the provisions thereof requiring the appointment of parish representatives and the approval of such representatives to the making of an offer to present a priest to the benefice, and any other provisions thereof referring to such representatives, were omitted.

Benefices held in plurality

22. Where two or more benefices are held in plurality, the provision of Part II of this Measure shall have effect in relation to them as if they were a single benefice comprising two or more parishes.

NOTE Sch.2: para.4: words in square brackets in s.11(1) substituted by Legislative Reform (Patronage of Benefices) Measure 2019 (SI 2019/1183) art.3(4); para.15 omitted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.5(b); paras.19 & 20 omitted by Church Representation and Ministers Measure (Isle of Man) 2019 Sch.3 para.3.

[End of text of Patronage (Benefices) Measure 1986]

...

NOTE Schedule 2: Part 1 repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4; Part 2 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

Church Records Measure (Isle of Man) 2000

SM 1 of 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 5(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.

[6A Access to electronic register book of services

(1) This section applies where there is an online facility provided by one or more of the National Institutions of the Church of England for enabling any person who has the custody of an electronic register book of services to allow any of the National Institutions and certain other persons to have access to the information contained in that register book.

(2) Every person who has the custody of an electronic register book of services must follow the procedure provided for by the online facility so as to allow any of the

National Institutions of the Church of England, and such other persons as the Institution or Institutions concerned may authorise, to have access to the information contained in that register book.

(3) Where a person is given access under subsection (2) to the information contained in an electronic register book of services, the person shall be responsible for the safe-keeping, care and preservation of the information which the person obtains as a result.]

NOTE S.6A inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.7(1).

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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 [Mission and Pastoral Measure (Isle of Man) 2012]) 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.

NOTE S.8: subs.(3): words in square brackets inserted by Mission and Pastoral Measure [Isle of Man} 2012 Sch.8 para.8.

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); subs.(5): for directions see the Parochial Registers and Records Directions 2013 in Part 5, post.

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.

NOTE: S.16: "prescribed": see Parochial Registers (Forms) Regulations 2017 (SD 2017/33).

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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 20, 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.

NOTE: S.17: "prescribed": see Parochial Registers (Forms) Regulations 2017 (SD 2017/33).

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 20, 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.

NOTE: S.18: "prescribed": see Parochial Registers (Forms) Regulations 2017 (SD 2017/33).

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.

[23A Making electronic register book of services available for certain purposes

(1) Any person who has the custody of an electronic register book of services may, for a limited period and in the manner approved by the Bishop, make the register book available for the purpose of exhibition or research or for the purpose of enabling a copy to be made of the register book or any part of it.

(2) The power conferred by subsection (1) may be exercised at the request of any person; but, whether or not such a request is made, the power may be exercised only with the consent of the parochial church council concerned.

(3) Where such a request is refused or the parochial church council refuses to give its consent, the Bishop may, on the application of the person who made the request, order the register book to be made available for the period and in the manner specified in the order.

(4) Before exercising the power under subsection (3), the Bishop must give the person who has the custody of the register book and the parochial church council concerned an opportunity to make representations.]

NOTE S.23A inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.7(2).

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 [Mission and Pastoral Measure (Isle of Man) 2012]) ceases to be used as such, whether by reason of a declaration of [closure for regular public worship], 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 13 with respect to such registers or records; and section 15, 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.

NOTE S.25: subs.(2): first words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) 2012 Sch.8 para.8; second words in square brackets substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.6.

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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 [the Church Fees Measure (Isle of Man) 2014].

(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 [Church Fees Measure (Isle of Man) 2014].

(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. ...

NOTE: S.26: subss.(1) & (2)(b) amended by Church Fees Measure (Isle of Man) 2014 Sch.3 para.3; subs.(9) repealed by ib. Sch.4.

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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; but a reference to a record does not include a reference to—

(a) a register,

(b) anything which is or has been fixed to the fabric of a parish church or other place of public worship in a parish, or

(c) a photograph or picture which is or has been displayed in a parish church or other place of public worship in a parish;

"registers" means the registers mentioned in section 8(1); and where a register of services is, by virtue of Canon F 12, kept in electronic form or a form approved by the General Synod, a reference to the registers is to be read as including a reference to that register in that form.]

[(1A) In the case of a register book of services which is, by virtue of Canon F 12, kept in an electronic or other form approved by the General Synod—

(a) a reference in this Measure to the register book of services includes (where the context allows) a reference to that register book in that form, and

(b) a reference in this Measure to an electronic register book of services is to be construed in accordance with this subsection.

(1B) In subsection (1), the reference in each of paragraphs (b) and (c) of the definition of "records" to a parish church or other place of public worship in a parish includes a reference to—

(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.

NOTE S.31: subs.(1): definitions of "records" and registers" substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.7(3); subss.(3A) & (3B) inserted by ibid. para.7(4); "electronic form": see GS 2291.

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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. …

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

NOTE: S.32: subs.(2) repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

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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 [Mission and Pastoral Measure (Isle of Man) 2012] 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

NOTE Schedule 1: Part 1: words in square brackets inserted by Mission and Pastoral Measure (Isle of Man} 2012 Sch.8 para.8.

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 by 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

Reference	*Short title*	*Extent of repeal*
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

SM 1 of 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 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.

NOTE S.1: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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

SM 1 of 2005 (SD 538/05)

GENERAL 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).

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. …

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

NOTE S.2: subs.(2) repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4.

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 83(2)] 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

...

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".

Application of 1963 Measure

[13A. (1) In section 35(1), omit "Section 63 (fees payable)".

(2) After section 35(2) insert —

"(3)In relation to disciplinary proceedings instituted under section 10 in the Isle of Man against a priest or deacon —

(a) there shall be paid to the chairman of a disciplinary tribunal and the registrar of tribunals the fees for the time being specified in that behalf in an order under section 6 of the Ecclesiastical Fees Measure 1986 in relation to the like proceedings in England; and

(b) the costs and expenses of the disciplinary tribunal referred to in section 62(1) of the 1963 Measure, as applied by this section, shall include the fees payable under paragraph (a) above.".

Compensation

13B. In section 41 —

(a) for "Schedule 4 to the Pastoral Measure 1983" substitute "Schedule 6 to the Mission and Pastoral Measure (Isle of Man) 2012", and

(b) for "section 25" substitute "section 15".]

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.

[(2A) In the application of this Measure to the diocese of Sodor and Man references to the bishop's council shall be construed as references to the standing committee of the diocesan synod.]".

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) Omit section 45(1).

(2) In section 45(2), [for "that Measure" substitute "the Care of Churches and Ecclesiastical Jurisdiction Measure 1991", and in paragraph (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.".

NOTE: Schedule 1: para.7(1): words in square brackets in s.20A(3) substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.4; para.8 omitted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.4 para.2; para.13A inserted by Church Fees Measure (Isle of Man) 2014 Sch.3 para.4 and substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.7; para.13B substituted by 2018 Measure Sch.3 para.7; para.15: in sub-para.(2), new subs.(2A) inserted by 2017 Measure Sch.4 para.2; para.17: sub-paras.(1) & (2) substituted by ib. para.2.

...

NOTE Sch.2 repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4.

SCHEDULE 3
ENACTMENTS REPEALED

Reference	*Short title*	*Extent of repeal*
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

SM 1 of 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 ... —

section 2 (amendment of Church Commissioners Measure 1947)

...

NOTE S.1: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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)

...

NOTE S.2: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

…

NOTE S.3 repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

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: S.5: 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).

...

NOTE Schedule 1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

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".

...

NOTE Schedule 2: para.2 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10.

SCHEDULE 3

TRANSFER OF RULE-MAKING FUNCTIONS

...

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).

NOTE Schedule 3: para.1 repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10; paras.2 & 3 repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

Parochial Church Councils and Accounts Measure (Isle of Man) 2010

SM 1 of 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 — ...

(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) .";

[(ca) in section 5 —

(i) in the heading, omit ": educational schemes";

(ii) omit subsections (1)(b) and (3);

(iii) in subsection (2), after "this Measure" insert "and Schedule 2 to the Church Act 1992 (an Act of Tynwald)";]

[(d) for section 6 substitute —

"**6. Notice to diocesan authority**

(1) Where a council holds, acquires or administers —

(a) an interest in land, or

(b) a fund held on trust for any ecclesiastical purpose which exceeds the prescribed amount in value,

the council must inform the diocesan authority in writing of that interest or fund and, in the case of an interest or fund held on trust, of the terms of the trust.

(2) In subsection (1)(b) "the prescribed amount" has the same meaning as in section 5 of the Church Property Measure (Isle of Man) 2021.".]

(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 [2015] (an Act of Tynwald));

(b) holds a qualification prescribed by regulations under [section 46 of the Charities Registration and Regulation Act 2019] (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.";

[(ea) omit section 9(4);]

(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.

NOTE S.1: subs.(1): para.(a) omitted by Church Property Measure (Isle of Man 2021 s.8(1)(a); para.(c): words in square brackets in new s.8(2)(a) & (b) substituted by Charities Registration and Regulation Act 2019 s.65; para.(ca) inserted, and para.(d) substituted, by 2021 Measure s.8(1)(b) & (c); para.(ea) inserted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.3 para.8.

...

NOTE S.2 repealed by Church Property Measure (Isle of Man) 2021 Sch.2; s.3 repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

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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

SM 2 of 2010 (SD 959/10)

NOTE COMMENCEMENT: the Measure came into force on 19th October 2010, the date on which Royal Assent was announced to Tynwald.

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

SM 1 of 2011 (SD 624/11)

GENERAL 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). S.7 was brought into force on 1st December 2017 by the Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No.2) Order 2017 (SD 2017/320).

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);

...

(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.

NOTE S.1: subs.(2)(b) omitted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017Sch.4 para.4(1).

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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"; …

(3) Omit section 5(2).

NOTE S.2: subs.(2): para.(c) repealed by Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016 Sch.2.

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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 assistant bishop, if any, of the diocese to whom the right of collation or institution to the vacant ecclesiastical office has been delegated by an instrument in force under section 13 of the Dioceses, Pastoral and Mission Measure 2007;

(ii) if sub-paragraph (i) does not apply, the bishop to whom the right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of that Measure; or

(iii) if neither sub-paragraph (i) nor sub-paragraph (ii) applies and a new bishop has been appointed to fill the vacancy in the see, that bishop;"].

[(3) In section 2(5), omit the words from "or, in the case" onwards.]

NOTE S.3: subs.(2): s.2(4)(a) substituted by Safeguarding and Pastoral Measure (Isle of Man) 2017 Sch.4 para.4(2); subs.(3) substituted by ib. para.4(3).

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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).

...

NOTE S.5 repealed by Cathedral Measure (Isle of Man) 2025 Sch.5.

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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.

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), Church Offices Measure (Isle of Man) 2011 (Appointed Day) (No.2) Order 2017 (SD 2017/320); see general note above.

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) This paragraph applies to the following officers —

(a) the Registrar;

(b) a duly appointed deputy Registrar.

(2) The Board shall pay to an officer to whom this paragraph applies —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

(3) The Board may by order prescribe fees to be payable to an officer to whom this paragraph applies in respect of any duties specified in the order which are performed or to be performed by that officer.

(4) An order under sub-paragraph (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.

[(4A) An order under sub-paragraph (3) may contain provision as to —

(a) exemptions from or reductions in fees;

(b) remission of fees in whole or in part.]

(5) Before making an order under sub-paragraph (3) the Board shall consult the Registrar.

(6) An order under sub-paragraph (3) —

(a) shall not have effect unless it is approved by the Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made.]

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.

NOTE: Schedule: para.8 substituted by Church Fees Measure (Isle of Man) 2014 Sch.3 para.5; sub-para.(4A) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.9.

Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012

SM 1 of 2012 (SD 192/12)

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

...

(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.".

NOTE S.2: subs.(1) repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 Sch.2.

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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.

NOTE: S.3: the Measure was brought into force by the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012 (Appointed Day) Order 2012 (SD 220/12) on 1st May 2012 for the purposes of making regulations and schemes and giving directions, and on 1st January 2013 for all other purposes,

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 [and Equality] 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 [and Equality] 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), after "(1975 No. 2)" insert "or section 8 of the Church Act 1992 (an Act of Tynwald)", and after "that Measure" insert "or section 9 of that Act";

(b) in paragraph (c), for the words from "Pastoral Measure" onwards substitute "Mission and Pastoral Measure (Isle of Man) 2012".]

(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) omit "Subject to section 6(4) above,";

(aa) 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 …; 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), … 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... .".

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"... .

[(5) Omit section 11(5) to (11).]

... .

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 ...

(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 ... 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 or her] possession, or under [his or her] 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 —

"7AIn 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 20 to 22.]

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 —

"1983 No.1, The Pastoral Measure 1983	Section 20(6). Section 22(1)(c). In Schedule 4, paragraphs 2 and 3."

NOTE Schedule: para.2: words in square brackets in sub-paras.(2)(b) & (4)(a) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.10(2); para.3: sub-para.(3) substituted by ibid. para.10(3); para.7: sub-paras.(2)(a) & (aa) substituted by ibid. para.10(4); words omitted in sub-paras.(3)(c) & (7)(c) repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4; para.11: words omitted repealed by Mission and Pastoral Measure (Isle of Man) 2012 Sch.10; para.12: sub-paras.(4) and (6)-(8) repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 Sch.2; sub-para.(5) substituted by ib. s.5(2); para.16: sub-para.(10) substituted, and sub-para.(11) omitted, by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.4 para.5; para.15: in new Schedule 1A, para.2: words omitted repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2025 Sch.2 Part 2; para.3: words omitted repealed by ibid. Sch.2 Part 2; words in square brackets substituted by ibid. Part 1 para.2.

Mission and Pastoral Measure (Isle of Man) 2012

SM 2 of 2012 (SD 654/12)

PART 1

INTRODUCTORY

Introductory

1. Short title

The short title of this Measure is the Mission and Pastoral Measure (Isle of Man) 2012.

2. Commencement

This Measure, except sections 1 to 4 and 47(2), shall come into operation on such day or days as the Bishop may by order appoint.

NOTE S.2: the Measure was brought into force by the Mission and Pastoral Measure (Isle of Man) 2012 (Appointed Day) Order 2012 (SD 672/12) as follows:

(a) s.46 and Sch.8 para.4 (amendment of GC 3/91) on 18 October 2012 for the purpose of making and approving schemes, and on 1 January 2013 for all other purposes;

(b) rest of Measure (except ss.1-4 and 47) on 1 January 2013.

3. Interpretation

(1) In this Measure —

"admission" includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice, and "admit" shall be construed accordingly;

"the advisory committee" means the diocesan advisory committee for the care of churches;

"area", in relation to a benefice, means the parish or parishes belonging to the benefice;

"benefice" means the office of rector or vicar of a parish or parishes, with cure of souls, but not including (except in section 44) the office of a vicar in a team ministry;

"the Board" means the Sodor and Man Diocesan Board of Finance;

"building closed for regular public worship" means a church, or part of a church, to which a declaration of closure for regular public worship relates;

"church" means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part of it as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the consecration of the part of the building used or intended to be used for the purpose of such public worship;

"the Commissioners" means the Church Commissioners for the Isle of Man;

"conservation area" means an area for the time being designated under section 18(1) of the Town and Country Planning Act 1999;

"demolition", in relation to a building, includes the demolition of part of the building;

"diocesan pastoral account" means the account referred to in section 35;

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

"disposal scheme" means a scheme made by the Commissioners under Part 2 of Schedule 3;

"endowments" in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, and the income of the endowments of a benefice includes money payable to the incumbent under Schedule 2 to the Tithe Act 1985, but otherwise any question as to what constitutes the endowments of a

benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

"functions" includes powers and duties;

"the High Court" means the High Court of Justice of the Isle of Man;

"interested parties" has the meaning given by paragraph 1 of Schedule 2;

"local authority" has the same meaning as in the Local Government Act 1985;

"local newspaper" means a newspaper published and circulating in the Island;

"Manx National Heritage" means the Manx Museum and National Trust;

"mission", in relation to the Church of England, means the whole mission of the Church, pastoral, evangelistic, social and ecumenical;

"parish" means a parish constituted for ecclesiastical purposes;

"parsonage house" means the house or other dwelling being the official residence of the incumbent of a benefice (when the benefice is full), and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

"pastoral scheme" means a scheme made by the Commissioners under Schedule 2;

"patron", in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, 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 is for the time being the person who would be entitled to present on the next or any subsequent turn,

and "right of patronage" shall be construed accordingly, but in the application of these definitions the fact that any person is a Roman Catholic shall be disregarded;

"provision" in relation to a building, includes, in addition to construction or erection, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and "provided" shall be construed accordingly;

"registered building" has the meaning given by section 45(1) of the Town and Country Planning Act 1999;

"registered building consent" means the consent of the [Department of Environment, Food and Agriculture] under section 15(2) or 19(3) of that Act;

"restoration" includes rebuilding or partial rebuilding;

"sharing agreement" has the same meaning as in the Sharing of Church Buildings Act 1969 ;

"suspension period" has the meaning given by section 29.

(2) In this Measure references to —

(a) the Sharing of Church Buildings Act 1969,

(b) any Measure (including this Measure), or

(c) any provision of that Act or any Measure (including the Church Representation Rules),

are to that Act, Measure or provision as it has effect in the Island.

(3) In determining the net proceeds of the sale or exchange of any property by Board, or the net premium or net rent of any property let by the Board, the deductions to be made include the deduction of any money expended by the Board on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.

(4) If any question arises under this Measure as to whether —

(a) an ecclesiastical office is a benefice, or

(b) any area or place is or is within a parish or the area of a benefice [or an extra-parochial place],

it shall be determined by the Commissioners after consultation with the Bishop, and that determination shall be conclusive for the purposes of this Measure.

(5) If any question arises whether any benefice or parish is to be treated, for the purposes of any pastoral scheme or any provisions of this Measure relating to it, as a new benefice or parish or as an existing benefice or parish with altered area or boundaries, any provision of the scheme expressly stating or necessarily implying (whether by a change of name or retention of an existing name or otherwise) that the benefice or parish is to be treated as new or existing shall be conclusive of that question.

(6) Nothing in this Measure or in any scheme made under it applies to or in any way affects any parish or other district constituted otherwise than for ecclesiastical purposes.

NOTE S.3: subs.(1): words in square brackets in definition of "registered building consent" substituted by Statute Law Revision Act 2017 s.50; subs.(4)(b): words in square brackets inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(2).

General duty

4. General duty

Any person or body carrying out functions under this Measure must have due regard to the furtherance of the mission of the Church of England.

Functions of Church Commissioners

5. General functions of Commissioners

(1) In carrying out any of their functions the Commissioners must, without prejudice to section 4, have regard to worship, mission and community as central to the life and work of the Church of England.

(2) In carrying out any of its functions the Commissioners must also have regard to—

(a) the financial implications for the diocese and the Church of England as a whole;

(b) subject to subsection (5), the need to allocate appropriate spheres of work and to ensure that appropriate conditions of service are enjoyed by those employed or holding office in the diocese and, where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls;

(c) the traditions, needs and characteristics of particular parishes; and

(d) any other aspects of the policies of the Diocesan Synod to which the Synod has requested the Commissioners to have regard in discharging its responsibilities.

(3) The Commissioners must —

(a) make or assist in making better provision for the cure of souls in the diocese as a whole and, to the extent that the Commissioners think appropriate, in particular parts of the diocese or in particular parishes;

(b) from time to time, as the Bishop may direct, or as the Commissioners think fit, review arrangements for pastoral supervision and care —

(i) in the diocese as a whole, and

(ii) to the extent that the Commissioners think appropriate, in particular parts of the diocese or in particular parishes,

including sharing agreements in respect of a church or parsonage house and any proposals for sharing agreements;

(c) from time to time, as the Bishop may direct, or as the Commissioners think fit, prepare strategies or proposals for carrying out the Commissioners' functions under paragraphs (a) and (b) for submission to the Bishop and the Diocesan Synod for their approval;

(d) to maintain an overview of matters relating to church buildings in the diocese and their use, other than matters which are within the jurisdiction of the consistory court or within the functions of the advisory committee;

[(e) where they consider it desirable —

(i) make recommendations to the Bishop in accordance with paragraph 2 of Schedule 2, or

(ii) formulate a plan for pastoral reorganisation in accordance with paragraph 2A of that Schedule,

for any of the matters for which provision may be made under this Measure by a pastoral scheme;]

(f) carry out any other functions conferred upon the Commissioners by any statutory provision.

(4) The Commissioners must, in carrying out any of their functions, to the extent that they think appropriate, consult any other persons or bodies, whether within the Church of England or not, which exercise functions or carry out activities relevant to the functions of the Commissioners.

(5) Nothing in this section enables the Commissioners—

(a) to exercise functions conferred on any other person or body by or under any statutory provision, or

(b) to fix or alter the terms of service of any person employed or holding office in the diocese.

NOTE S.5: subs.(3): para.(e) substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.1(1).

6. Functions of Commissioners in respect of closed churches

(1) The Commissioners must, in respect of each church proposed to be closed or building closed for regular public worship (except where it is proposed to close a church and make provision for the future of the building under paragraph 1 of Schedule 3) —

(a) in the case of a registered building or a building situated in a conservation area, make every endeavour to find a suitable alternative use or suitable alternative uses for the building, and

(b) in the case of any other building, develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and disposal of its site.

(2) In carrying out its functions under this section the Commissioners must obtain advice from persons having expertise in the management, development and disposal of property and such :other professional advisers as it thinks fit.

PART 2

CONTENTS AND EFFECT OF PASTORAL SCHEMES

Changes in benefices and parishes

7. Creation, alteration or dissolution of benefices and parishes

(1) A pastoral scheme may provide for —

(a) the creation, whether by union or otherwise, of new benefices or parishes;

(b) the dissolution of existing benefices or parishes;

(c) the alteration of the areas of existing benefices or parishes (including the transfer of a parish from one benefice to another) or the definition of their boundaries;

[(d) the incorporation in parishes of extra-parochial places.]

(2) A pastoral scheme must name every new benefice and new parish created by the scheme, and may alter the name of any benefice or parish.

(3) A pastoral scheme providing for the union of 2 or more benefices may provide for uniting all the parishes within a new benefice, or for uniting some but not all those parishes, or may leave them as separate parishes.

(4) A pastoral scheme may provide for the creation of a new parish with full parochial status, even though the parish will have no parish church when the provision comes into operation.

[(4A) A pastoral scheme providing for the creation of a new parish may include provision for securing representation of the new parish on the diocesan synod during the period which—

(a) begins with the creation of the new parish, and

(b) ends on 1 September in a year in which parochial representatives of the laity are elected to the synod in accordance with the Church Representation Rules.]

(5) A pastoral scheme may also authorise the making of sharing agreements on behalf of the Church of England in respect of a church or parsonage house which under the agreement will be in the joint ownership of that Church and any other Church.

(6) A pastoral scheme authorising the making of any sharing agreement must specify the church or parsonage house to which it relates, and may specify terms and conditions subject to which the authorisation is given.

NOTE S.7: subs.(1): para.(d) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(3); subs.(4A) inserted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.5.

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8. Holding of benefices in plurality

(1) A pastoral scheme may provide for the holding in plurality of any 2 or more benefices subject to such conditions, if any, as may be specified in the scheme.

(2) Subject to subsection (3), the provisions of a pastoral scheme for the holding of benefices in plurality shall, unless the scheme otherwise provides, continue in force even after a vacancy occurs.

(3) When the Bishop gives notice of any vacancy or impending vacancy under section 7 of the Patronage (Benefices) Measure 1986, those provisions may be terminated either by the Bishop or by one of the interested parochial church councils, in accordance with subsection (4) or (5).

(4) The Bishop may state in the notice that the provisions are to be terminated and in that case —

(a) he must serve the notice on all the persons who are or, on the termination, become the patrons of the benefices concerned and on the Commissioners; and

(b) those provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later.

(5) Any interested parochial church council may, within 28 days after the service of the notice, pass a resolution that the provisions are to be terminated, and in that case —

(a) it must forthwith notify the Bishop of the resolution;

(b) the Bishop must notify —

(i) the other interested parochial church councils,

(ii) the Commissioners, and

(iii) all the persons who are, or on the termination become, the patrons of the benefices concerned;

(c) the provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later, and

(d) the Bishop shall serve a fresh notice under section 7 of that Measure on all the councils and patrons concerned, which shall have effect in substitution for the previous notice.

(6) The termination of the provisions under subsection (3) shall be without prejudice to any provisions relating to the future exercise of the rights of patronage of the benefices concerned in the event of a renewal of the plurality.

(7) Except with the permission of the Bishop, an incumbent of 2 or more benefices held in plurality may not resign any of those benefices without resigning the other or others.

(8) If permission under subsection (7) is granted for the resignation and there are at least 2 other benefices —

(a) the resignation shall not affect the holding in plurality of those other benefices, but

(b) the Commissioners may by instrument make such consequential amendments of the pastoral scheme which provided for the holding of the benefices in plurality as they think necessary.

Team and group ministries

9. Establishment of team ministries

(1) A pastoral scheme may make provision for the establishment of a team ministry for the area of any benefice, and in that case shall provide—

(a) for the sharing of the cure of souls in that area by —

(i) the incumbent of the benefice, and

(ii) one or more other ministers, who shall have the title of vicar and a status equal to that of an incumbent of a benefice; and

(b) for the pastoral care of persons in that area by —

(i) those who are to share the cure of souls there under paragraph (a), and

(ii) all other persons who are from time to time authorised by a licence or permission of the Bishop to serve in that area as members of the team.

(2) The team shall consist of —

(a) the persons who are to share the cure of souls in the area under subsection (1)(a), who shall constitute the team chapter, and

(b) the other persons referred to in subsection (1)(b)(ii).

(3) The benefice to which the scheme relates, if it is not or would not otherwise be a rectory, shall be a rectory. …

[(4A) A person ordained to the office of deacon may be authorised under subsection (1) (b) by licence of the Bishop —

(a) to serve in a team ministry as a member of the team; and

(b) for the purposes of the team ministry to perform, so far as consistent with the office of deacon, all such offices and services as may be performed by an incumbent.]

(5) Subject to subsection (6), no person may be authorised under subsection (1)(b) by licence of the Bishop to serve in a team ministry as a member of the team unless he or she has been nominated for that purpose by the rector with the consent of —

(a) a majority of the other members of the team, and

(b) each parochial church council concerned.

(6) It is not necessary for a person referred to in subsection (5) to be nominated by the rector where that person is authorised to serve in a team ministry for a period immediately following a period of service in the team ministry.

(7) A pastoral scheme establishing a team ministry may provide for the designation or selection of the first rector (who may be the existing incumbent) or the first holder of any office of vicar.

(8) Subject to any provision under subsection (7) —

(a) the rector shall be presented or collated to the benefice in accordance with paragraph 1 of Schedule 1 and the provisions of the scheme made under that paragraph;

(b) the vicar or vicars shall be —

(i) chosen in accordance with paragraph 2 of that Schedule,

(ii) appointed to the office by licence of the Bishop under seal, and

(iii) unless the Bishop otherwise directs, shall be publicly admitted in a church in the area.

(9) Where a pastoral scheme designates a person as the first holder of the office of vicar in a team ministry —

(a) the Bishop must offer to issue a licence appointing him or her to the office, and

(b) if that person does not accept the offer within one month after it is made to him or her, the designation shall cease to have effect.

(10) Where —

(a) 2 or more benefices are, or are to be, held in plurality, and

(b) a team ministry is established or is to be established for the area of one of those benefices,

a pastoral scheme may provide for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held.

(11) In this section "specified term of years", in relation to a team ministry, means —

(a) the term of years specified for the team ministry for the purposes of subsection (4) by a pastoral scheme; or

(b) where no such term of years is so specified, 7 years.

NOTE: S.9: subs.(4) repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4; subs.(4A) inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(2).

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10. Status and functions of members of team ministry

(1) The rector in a team ministry —

(a) has a general responsibility for the cure of souls in the area of the benefice, which may be subject to any special cure or special responsibility given to a vicar as provided in this section, and

(b) is responsible for the leadership of the team; ...

(2) A vicar in a team ministry by virtue of his office, but subject to his licence, has authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent.

(3) The ... Bishop's licence may—

(a) assign to a vicar a special cure of souls in respect of a part of the area of the benefice and, if appropriate, the name of vicar of a church in that part;

(b) assign to a vicar a special responsibility for a particular pastoral function;

(c) provide that any such special cure or responsibility shall be independent of the rector's general responsibility;

(d) assign to a vicar a general responsibility to be shared with the rector for a cure of souls in the area as a whole.

(4) ... any provision mentioned in subsection (3) made by the Bishop's licence may ... be varied or revoked, with the consent of the rector and the vicar concerned, by a subsequent licence under seal... .

(6) [The Bishop's licence may assign to any member of the team ministry] who is not a member of the team chapter a special responsibility for pastoral care in respect of a part of the area of the benefice, so far as consistent with that member's office.

(7) Any provision mentioned in subsection (6) made by the Bishop's licence may (subject to the scheme) be varied or revoked by a subsequent licence under seal.

(8) The Ecclesiastical Jurisdiction Measures 1963 and 1974 apply to vicars in a team ministry and deacons in a team ministry [to whom section 9(4A) applies] as if they were incumbents of the benefice for the area of which the team ministry is established.

(9) Sections 8 and 9 (age limit) of the Church Act 1992 apply to deacons in a team ministry [to whom section 9(4A) applies] as if they were vicars in the team ministry, and accordingly [(subject to regulation 29A of the Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012)] no person shall be capable of being authorised by licence of the Bishop to serve in a team ministry as such a deacon if at the time of the issue of the licence he has attained the age of 70 years... .

(11) Where a pastoral scheme makes provision under section 9(11), [subsections (1) to (4)] have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

(12) Where a benefice for which a team ministry is established becomes vacant the Bishop may appoint a person holding the office of vicar in the team ministry to act as rector in the team ministry for the purposes of section 9(6) [and subsection (1)], and while the benefice remains vacant, any person so appointed shall be treated as holding the office of rector in the team ministry for the purposes of those provisions.

NOTE S.10: subss.(1) &(3): words omitted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.6(1) & (2); subs.(4): first words omitted by Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015 s.3(1)(a); second words omitted by 2018 Measure Sch.2 para.6(3); subs.(5) repealed by 2015 Measure s.3(1)(b); subs.(6): words in square brackets substituted by 2018 Measure Sch.2 para.6(4); subs.(7): words omitted by ib. para.6(3); subs.(8): words in square brackets inserted by Mission and Pastoral Measure (Isle of Man)

(Amendment) Order 2013 (SD 89/13) art.3(3); subs.(9): first words in square brackets inserted by ib. art.3(3), second words in square brackets inserted by Ecclesiastical Offices (Terms of Service) (Isle of Man) (Amendment) Regulations 2017 (SD 2017/214) reg.5(5); subs.(10) omitted by 2018 Measure Sch.2 para.6(5); subs.(11): words in square brackets substituted by 2015 Measure s.3(2); subs.(12): words in square brackets substituted by 2018 Measure Sch.2 para..6(7).

11. Establishment of group ministries

(1) A pastoral scheme may provide for establishing a group ministry for a group of benefices specified in the scheme.

(2) The following provisions apply to a group ministry —

(a) ... each of the incumbents of the benefices in the group has authority to perform in the area of every such benefice all such offices and services as may be performed by the incumbent of that benefice;

(b) the incumbent of any such benefice must, in performing such offices and services in the area of another benefice, act in accordance with the directions of the incumbent of that other benefice;

(c) all the incumbents must assist one another so far as to make the best possible provision for the cure of souls throughout the area of the group ministry... .

(4) Where a group ministry is established, the rights and duties aforesaid of each incumbent attach to his or her office, and accordingly, so long as the group ministry continues and the benefice is included in it, —

(a) the incumbent is not entitled to resign or withdraw from those rights and duties, except by resigning the benefice; and

(b) on a vacancy the new incumbent shall be admitted to the benefice as an office in the group ministry, with the rights and subject to the duties of the office.

(5) A pastoral scheme establishing a group ministry may provide for the designation or selection of the first person (who may be the existing incumbent) to hold any benefice as a benefice in the group.

(6) Where subsection (5) does not apply, the incumbent of any benefice in the group shall be presented or collated to the benefice by the patron of it, with the approval of the Bishop (in the case of presentation) given in accordance with paragraph 4 of Schedule 1.

(7) The incumbents in a group ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the group ministry.

(8) A pastoral scheme may provide for the chairmanship of the chapter and, in default of such provision —

(a) the members shall elect a chairman, normally for a term of 3 years;

(b) the chairman shall convene meetings of the chapter at regular intervals and shall preside when present, and

(c) in his absence a deputy chairman appointed by the meeting shall preside.

(9) A pastoral scheme may include in a group ministry a benefice for which a team ministry is established, and in that case this section applies to all the vicars in the team ministry, as well as to the rector, in like manner as it applies to the incumbents of the other benefices in the group, except that directions to those incumbents in respect of their ministry in the area of the benefice for which the team ministry is established may only be given by the rector.

(10) In this section, except subsections (4) to (6), "incumbent" includes a priest in charge.

NOTE S.11: subs.(2): words omitted repealed by Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015 s.3(1)(c); subs.(3) repealed by ib. s.3(1)(d).

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12. Termination and alteration of team ministries and group ministries

(1) Without prejudice to the generality of the powers of revocation and amendment of pastoral schemes, a pastoral scheme may—

(a) terminate a team ministry by abolishing the offices of the vicars;

(b) alter a team ministry by abolishing one or more of the offices of the vicars or increasing the number of such offices;

(c) alter a team ministry by providing for the right of presentation of the rector to be transferred to a patronage board constituted by the scheme;

(d) alter a team ministry by providing for the vicars of the team to be chosen by the body entitled to present the rector, in accordance with paragraph 2(1) of Schedule 1;

(e) terminate a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 11;

(f) alter a group ministry by reducing or increasing or changing the benefices in the group;

(g) provide for such supplementary, consequential or transitional provisions as the Commissioners think necessary or expedient, including in particular the provision relating to patronage required by paragraph 1(4) of Schedule 1 and provisions relating to the matters mentioned in paragraph 6 of that Schedule.

(2) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, the offices of the vicars in the team ministry (as well as the office of rector) cease to exist, without prejudice to the creation of such offices for any benefice created or altered by the scheme.

Other provisions as to clergy and ministry

13. Status and duties of new benefices

(1) Where a pastoral scheme provides for the union of 2 or more benefices one of which is a rectory, the new benefice created by the union is a rectory.

(2) Where a pastoral scheme provides for the dissolution of a rectory, otherwise than as a result of a union of benefices, any new benefice created in consequence of the dissolution is, if the scheme so provides, a rectory.

(3) Subject to subsections (1) and (2), and except in the case of a benefice for which a team ministry is established, every new benefice created by a pastoral scheme is a vicarage.

(4) The rector or vicar of a new benefice created by a pastoral scheme has the exclusive cure of souls in the area of the benefice, subject to —

(a) the rights of the Bishop, and

(b) if there is a team or group ministry established for the benefice, to the rights and duties of the other members of the team or group,

and accordingly has all the rights and duties appertaining to a benefice with cure of souls, and is a corporation sole.

(5) Where any office attaches to a benefice which is united with any other benefice or benefices by a pastoral scheme, that office attaches to the new benefice created by the union unless the scheme otherwise provides.

14. Designation, selection and admission of certain incumbents

(1) A pastoral scheme providing for the creation of a new benefice may provide for —

(a) the designation or selection of the first incumbent of the new benefice,

(b) the designation or selection of the incumbent of any benefice concerned which falls vacant before the new benefice comes into being, and

(c) restricting rights of presentation on any such vacancy.

(2) A pastoral scheme providing for the transfer under section 7(1)(c) of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for —

(a) the designation or selection of the incumbent of that benefice, and

(b) restricting rights of presentation on the vacancy.

(3) A pastoral scheme providing for the holding of 2 or more benefices in plurality may provide for —

(a) the designation or selection of the incumbent who is to hold all the benefices concerned,

(b) the designation or selection of the incumbent of any such benefice falling vacant before all the said benefices come to be held in plurality, and

(c) restricting rights of presentation on any such vacancy.

(4) Subsections (1), (2) and (3) do not apply to —

(a) the first rector of a team ministry to whom section 9(8) applies, or

(b) the first incumbent of a benefice in a group ministry to whom section 11(5) applies.

15. Operation of schemes dispossessing clergy

(1) A provision of a pastoral scheme which dissolves any benefice or abolishes or results in the abolition of any office of vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] may be brought into operation

without the assent of the incumbent or vicar [or other office holder] and without waiting for a vacancy in the benefice or office.

(2) If —

(a) on the date of the coming into operation of any provision of a pastoral scheme for —

(i) the holding of benefices in plurality, or

(ii) the establishment of a team ministry for the area of a benefice, or

(iii) the establishment of a group ministry for a group of benefices,

any of the benefices concerned, or the benefice concerned, is not vacant, and

(b) the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or any appointment under the scheme or this Measure,

the benefice shall be vacated on that date.

(3) A pastoral scheme to which this subsection applies must provide that the provision is not to come into operation until —

(a) a date at least 6 months after the date on which the scheme is made, or

(b) if its operation is dependent on the happening of any event or contingency (other than a vacancy in the office concerned), until a date at least 6 months after that happens.

(4) Subject to subsection (5), subsection (3) applies to a pastoral scheme any provision of which will or may have the effect of —

(a) vacating a benefice under subsection (2),

(b) dissolving a benefice which is not already vacant, or

(c) abolishing the office of a vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] which is not already vacant[, where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation].

(5) Subsection (3) does not apply to —

(a) a benefice which is dissolved, if the incumbent of that benefice is designated by the scheme as —

(i) the first incumbent of any benefice created or affected by the scheme, or

(ii) the first holder of any office of vicar in a team ministry established by the scheme,

(b) an office of vicar in a team ministry [or any other ecclesiastical office held under Common Tenure] which is abolished, if the holder of that office is designated as mentioned in paragraph (a)(i) or (ii).

(6) A pastoral scheme to which subsection (3) applies may provide that if, owing to a subsequent vacancy, any such provision will not have the effect mentioned in subsection (4), it shall come into operation on the happening of the event or contingency referred to in subsection (4)(b) or on the vacancy, whichever last occurs.

(7) If, on the coming into operation of any provision referred to in subsection (4), the official residence of the incumbent or vicar [or other office holder] concerned, being the parsonage house or the house held on trust for use as such a residence, is not

vested in the Board, the Board has a right to take proceedings to recover possession of the residence.

NOTE S.15: subs.(1): words in square brackets inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(4); subs.(4)(c): first words in square brackets inserted by 2013 Order art.3(5); second words in square brackets inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(2); subss.(5)(c) & (7): words in square brackets inserted by 2013 Order art.3(5) & (6).

Designation etc. of parish churches and places of worship

16. Provisions as to parish churches

(1) A pastoral scheme may, in relation to any parish, including a new parish to be created by the scheme or a parish the area of which is to be altered by the scheme —

(a) designate as the parish church or as an additional parish church, or as parish churches or additional parish churches, any church or churches in the parish;

(b) provide for a church in the parish which immediately before the scheme comes into operation is a parish church to cease to be a parish church;

(c) provide for a new church and for it to become, after its approval by the Bishop, after consultation with the advisory committee and the Commissioners as suitable to be a parish church and its consecration, the parish church, or an additional parish church, of the parish either in substitution for an existing parish church or otherwise;

(d) require the Bishop to notify the Commissioners of his approval of a building or church as suitable to be a parish church and of its consecration.

(2) The designation by a pastoral scheme as a parish church of a building which immediately before the scheme comes into operation is not a parish church does not take effect unless and until it has been approved by the Bishop, after consultation with the advisory committee and the Commissioners, as suitable to be a parish church and, if necessary, the building has been consecrated.

(3) If the area of a parish is altered by a pastoral scheme but no provision with respect to the churches in that area is made by the scheme, every church in that area has the same status on and after the date on which the scheme comes into operation as it had immediately before that date.

(4) Where, in a parish which has no parish church, a church is approved by the Bishop, after consultation with the advisory committee and the Commissioners as suitable to be a parish church and is consecrated, it shall become the parish church of that parish.

(5) Where by virtue of a designation made by a pastoral scheme or otherwise a parish has more than one parish church, the following provisions apply—

(a) the parishioners of the parish have the same rights of worship in each of the parish churches;

(b) marriages may be solemnized in any of the parish churches, and the Bishop may give directions under paragraph 15(4) of Schedule 1, with respect to the publication of banns and solemnization of marriages in the parish churches;

(c) burial rights shall not be affected by the designation, but shall be governed by paragraph 16 of Schedule 1;

(d) the powers, duties and liabilities of the parochial church council of the parish shall extend to each of the parish churches;

and the pastoral scheme may make such other adaptations or modifications of statutory provisions relating to parish churches or churchwardens (including this section) as the Commissioners think necessary or expedient.

(6) It is lawful, in any church designated by a pastoral scheme as a parish church or becoming a parish church under this section, to publish banns of matrimony, solemnize marriages and perform all other such ecclesiastical offices as may be performed in a parish church.

(7) A pastoral scheme may provide for determining claims to sittings and other claims in respect of a church designated by a pastoral scheme as a parish church or becoming a parish church under this section.

(8) A pastoral scheme may provide for —

(a) transferring to a church designated by such a scheme as a parish church or becoming a parish church under this section register books or records from any other church ceasing to be a parish church or otherwise affected by or in pursuance of that or any other pastoral scheme, or

(b) those books or records to be dealt with as the Bishop may direct under section 25 of the Church Records Measure (Isle of Man) 2000.

In this subsection "register books" and "records" have the same meanings as in that Measure.

17. Places of worship

(1) Where a parish has no church, the Bishop shall make provision for public worship according to the rites and ceremonies of the Church of England by licensing one or more buildings or parts of buildings for public worship.

(2) The Bishop may designate as a parish centre of worship —

(a) any church in a parish, other than a parish church, or

(b) any building or part of a building licensed for public worship in a parish.

(3) Subject to subsections (4) and (5), a church, building or part of a building designated under subsection (2) shall be treated, while the designation is in force, to be a parish church for the purposes of —

(a) the Marriage Act 1984,

(b) paragraph 15 of Schedule 1, and

(c) any other statutory provision (including this Measure) or rule of law requiring or authorising any service or ceremony to be held or notices to be affixed or other thing done in or at the parish church or a parish church.

(4) A building or part of a building designated under subsection (2) shall not by virtue only of the designation be subject to the faculty jurisdiction, but without prejudice to the power of the Bishop under [section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] to direct that it shall be so subject.

(5) A designation under subsection (2) may be revoked by the Bishop, but without prejudice to the continuation in force of any licence under subsection (1), if the Bishop thinks fit.

(6) Any such designation or revocation shall be under seal and shall be registered in the diocesan registry, and the diocesan registrar shall give public notice of the designation or revocation in one or more local newspapers.

NOTE S.17: subs.(4): words in square brackets substituted by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.2 para.1(1).

Closure of churches for regular public worship

18. Closure of churches for regular public worship

(1) A pastoral scheme may make a declaration of closure for regular public worship in respect of—

(a) a church which is not required as a parish church or chapel of ease or will cease to be so required as a result of any provision of the scheme; or

(b) any part of a church (being a parish church or chapel of ease) which is no longer required for use as a part of the church or will cease to be so required as a result of any provision of the scheme.

(2) Where a pastoral scheme makes such a declaration, provision may be made in accordance with Schedule 3, either by the scheme in the circumstances specified in Part 1 of that Schedule or by a disposal scheme under Part 2 of that Schedule, for —

(a) the use, the care and maintenance, the vesting in the Board or the demolition of the church or part of the church to which the declaration relates (the "building closed for regular public worship"), and

(b) for dealing with a churchyard or other land annexed or belonging to the church.

(2) A declaration of closure for regular public worship may be made in respect of a parish church even though the parish will have no parish church when the declaration takes effect, and the status of the parish shall not be affected by the lack of a parish church.

(3) As from the date when a declaration of closure for regular public worship takes effect in respect of the whole of a church, the church is closed for public worship except as may be provided under Schedule 3.

(4) Except in the cases specified in paragraphs 1 and 2 of Schedule 3, and without prejudice to paragraph 9 (restoration) of that Schedule, no further provision beyond the declaration of closure for regular public worship itself shall be made by a pastoral scheme with respect to a building closed for regular public worship.

(5) Any such provision shall be made by a disposal scheme under Part 2 of Schedule 3.

19. Churches not to be closed or disposed of otherwise than under this Measure

(1) It is not lawful to make any order or give any direction for closing a church on the ground that it is no longer required for use as a church, and the only procedure for closing a church on that ground shall be by way of a declaration of closure for regular public worship.

(2) It is not lawful to sell, lease or otherwise dispose of —

(a) any church or part of a church,

(b) the site or part of the site of any church, or

(c) any consecrated land belonging or annexed to a church,

except in pursuance of powers under section 20 or Schedule 3.

(3) Subsections (1) and (2) do not —

(a) prevent the grant of a faculty authorising a suitable use of part of a church or the grant of any faculty in respect of any consecrated land belonging or annexed to a church; or

(b) affect any powers under any Act of Tynwald (except as provided by paragraph 8 of Schedule 2 to the Church Act 1992);

(c) affect the power of the Bishop under [section 92 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] to make an order directing that a building or land shall not be subject to the legal effects of consecration.

NOTE S.19: subs.(3): words in square brackets in para.(c) substituted by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.2 para.1(2).

Churchyards and burial grounds

20. Use of certain churchyards and burial grounds

(1) Subject to the following provisions of this section, a pastoral scheme may provide for —

(a) the appropriation of the whole or any part of a churchyard or other land annexed or belonging to a church to such use or uses as may be specified or generally described in the scheme, and

(b) the disposal of any such property for any such use or uses or without limitation of use.

(2) Subsection (1) does not apply to a churchyard or other land annexed or belonging to a church to which a declaration of closure for regular public worship relates unless the scheme by which provision was made for the use, the care and maintenance, the vesting in the Board or the demolition of the church contained no provision for dealing with the land which is to be the subject of the proposed scheme.

(3) In the case of a churchyard or other land annexed or belonging to a church or a burial ground adjacent to a church, the pastoral scheme must make such provision as appears to the Bishop and the Commissioners to be —

(a) desirable for safeguarding the use and amenities of the church, or

(b) necessary for preserving a right of access to any grave in that land or burial ground.

(4) Any scheme providing for the matters referred to in this section may also make provision for —

(a) the vesting of the property, and

(b) applying in relation to it, with such modifications as may be specified in the scheme, any of the provisions of Schedule 3 relating to —

(i) the appropriation, disposal and vesting of property, rights of way and other easements,

(ii) the removal of the legal effects of consecration, and

(iii) the imposing of covenants,

and where the scheme makes any such provision, section 21 and Schedule 4 apply to the property.

(5) In this section "burial ground" means any land set apart and consecrated for the purpose of burials, whether or not burials have taken place in the land.

21. Disposal of human remains

(1) Where any human remains are believed to be buried in or beneath a building closed for regular public worship or in any land to which a disposal scheme applies, the body or person in whom the property is vested or to whom it is leased or licensed shall not, subject to this section, demolish, sell, lease or otherwise dispose of it or any part of it, or use it or any part of it, or carry out any development of it or any part of it, unless—

(a) as respects the human remains, either —

(i) the Department of Environment, Food and Agriculture has made an order under subsection (4) in relation to such demolition, use or development, or

(ii) the remains have been removed and reinterred or cremated in accordance with Schedule 4; and

(b) any tombstones, monuments or memorials commemorating the deceased persons have been disposed of in accordance with those provisions,

and (in either case) the other requirements of that Schedule have been complied with.

(2) The requirements of subsection (1) and Schedule 4 do not apply—

(a) to a building closed for regular public worship the whole of which is to be used, without any structural alteration, —

(i) as a place of religious worship for a university, college, school or other institution,

(ii) as a private chapel or monument, or for religious worship by a Church other than the Church of England,

so long as the whole of it continues to be so used without any structural alteration involving the disturbance of human remains or the removal of any tombstones, monuments or memorials commemorating deceased persons;

(b) to any land which remains annexed or belonging to a building closed for regular public worship used as mentioned in paragraph (a);

(c) to any land which is to be used as part of a churchyard or burial ground and is vested under paragraph 10 of Schedule 3 in the person in whom the churchyard or burial ground is vested;

(d) to any land which is to be used as part of a burial ground and has been conveyed to a burial authority constituted by or under an enactment.

(3) Subsection (4) applies where it appears to the Department of Environment, Food and Agriculture that —

(a) the demolition of a building closed for regular public worship or part of it, or

(b) the intended use or development of any property to which a disposal scheme applies or any part of such property,

will not involve the disturbance of human remains.

(4) That Department may, after consultation with the Bishop and the Commonwealth War Graves Commission, by order provide for dispensing with the requirements (so far as they concern human remains) of subsection (1) and Schedule 4 in relation to —

(a) the demolition of the building or part of it, or

(b) such use or development of the property or part, as may be prescribed by or under the order, subject to such conditions, restrictions, and requirements as may be so prescribed, and

(c) in relation to any sale, lease or other disposal of the property for the purpose of such use or development.

(5) Any order under sub-paragraph (4) may be amended or revoked by a subsequent order made in like manner and subject to the like conditions, and, if at any time the requirements of subsection (1) and Schedule 4 are complied with in respect of the property, the order shall cease to have effect.

(6) Where, by virtue of any such order, human remains are not removed and reinterred or cremated, the requirements of subsection (1) and Schedule 4, so far as they relate to the disposal of tombstones, monuments and memorials, shall nonetheless apply.

(7) Where there is situated in any building or part of a building closed for regular public worship or any land to which a disposal scheme applies any monument or memorial commemorating a deceased person whose remains are not buried in the building or part of it or land, the body or person in whom the building or part or land is vested or to whom it is leased or licensed shall not demolish, sell, lease or otherwise dispose of it or use it for any use or carry out any development of it, unless —

(a) the monument or memorial has been disposed of in such manner as the Bishop after consultation with the advisory committee has directed, or

(b) the Bishop has after such consultation dispensed with this requirement.

(8) No faculty shall be required for anything done in pursuance of this section or Schedule 4.

(9) In this section any reference to a disposal scheme includes a reference to the provisions of a pastoral scheme providing for the matters referred to in section 20 or paragraph 1 or 2 of Schedule 3.

Parsonage houses

22. Parsonage houses

(1) A pastoral scheme may provide for any of the following matters—

(a) the designation of any house … as the place of residence of —

(i) the incumbent of any benefice created or affected by the scheme, or

(ii) the incumbent of any benefices to be held in plurality, by or by virtue of the scheme;

(b) the designation of any house as the place of residence of any vicar in a team ministry established for the area of any benefice by or by virtue of the scheme; …

(d) the transfer of a parsonage house, part of a parsonage house or any parsonage land to the Board to be held by the Board for disposal in accordance with paragraph 12 of Schedule 1 or for use for parochial or diocesan purposes.

[(e) the transfer of a parsonage house, part of a parsonage house or any parsonage land to the Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009.]

(2) The power under subsection (1)(a) or (b) to designate a house as the place of residence of an incumbent or a vicar in a team ministry is without prejudice to —

(a) the subsequent exercise of any power to dispose of the house, or

(b) the subsequent exercise by the Bishop of any power he may have to give directions as to the place where the incumbent or vicar is to reside.

NOTE S.22: subs.(1): para.(a): words omitted repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4; para.(c) repealed by ib.; para.(e) inserted by Mission and Pastoral Measure (Isle of Man) (Amendment) Order 2013 (SD 89/13) art.3(7).

Patronage

23. Patronage

(1) A pastoral scheme may, with the consent of —

(a) the patron or patrons concerned, and

(b) the person to whom the rights of patronage are to be transferred,

provide for the exchange or transfer of rights of patronage of any benefice or church, whether or not that benefice or church is otherwise affected by the scheme.

(2) A pastoral scheme creating any new benefice may provide for vesting the patronage of the benefice in a patron or patrons and, where necessary, for determining the manner in which the rights of patronage are to be exercised.

(3) Without prejudice to the generality of subsections (1) and (2), a pastoral scheme (whether it relates only to an existing benefice or provides for the creation of a new benefice) may, with the consent of the patron or patrons of any benefice affected by the scheme, provide for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a patronage board constituted by the scheme.

(4) A pastoral scheme providing for the holding of 2 or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including their exercise on a renewal of the provision for plurality.

(5) Where any benefice is dissolved by a pastoral scheme, or a chapel of ease becomes a parish church by virtue of a pastoral scheme, the rights of patronage of the benefice and any rights of patronage of the chapel of ease shall cease to exist.

(6) In the exercise of the powers conferred by this section and paragraph 5 of Schedule 1, regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme and to the interests of patrons of benefices to be held in plurality, but it shall not be necessary for the scheme to provide, in cases where there are pastoral or practical objections, for conferring new patronage rights on all or any of those persons or sharing the exercise of the

patronage rights of the benefices to be held in plurality among the patrons of those benefices or all of them.

(7) Any provision with respect to rights of patronage made by or by virtue of this section shall have effect subject to any provisions made by virtue of section 14 with respect to the incumbents and vacancies mentioned in it.

(8) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or (5) may also, in appropriate cases, provide for applying to those rights any trusts formerly applicable to rights extinguished or altered by or by virtue of the scheme.

(9) Nothing in the provisions of this section affects the provisions of sections 9(8) and 11(5) and paragraphs 1, 4 and 5 of Schedule 1, and accordingly any rights of patronage exchanged or transferred or created by or under this section shall, on the establishment of a team or group ministry for the benefices concerned, have effect subject to those provisions.

Endowments, income etc,

24. Endowments, income, etc.

(1) A pastoral scheme may provide, on such terms and conditions as may be specified, that the whole of the income of the endowments of a benefice, or a specified annual amount of it, or the excess over a specified amount of it, shall be paid to the income account of the diocesan stipends fund.

For the purposes of this subsection, 2 or more benefices which are held in plurality or are to be held in plurality by virtue of the scheme may be treated as if —

(a) they constituted one benefice, and

(b) the aggregate of the income of their endowments were the income of the endowments of that one benefice.

(2) The powers conferred by subsection (1) shall only be exercised with respect to the income of the endowments of any benefice (not being a benefice which ceases to exist by virtue of the scheme) in the following cases—

(a) where the provision is to take effect during a vacancy or on the occurrence of a vacancy in the benefice;

(b) where the incumbent of the benefice consents; or

(c) where the benefice is to be held in plurality and the provision will only operate during the continuance of the plurality.

(3) Any provision made under subsection (1) may be revoked, or may be varied so as to reduce the amount of the income payable under that subsection, by the Commissioners with the consent of the Bishop and the Board.

(4) Subsection (5) applies where —

(a) a benefice is dissolved by a pastoral scheme in consequence of a union of benefices, and

(b) the Board holds —

(i) money for expenditure on capital purposes in connection with a parsonage house for the benefice or

(ii) money arising from or in connection with the disposal of a parsonage house of the benefice.

(5) Paragraph 1 of Schedule 1 to the Ecclesiastical Offices (Terms of Service) Measure 2009 applies to all such money as it applies to money arising from the sale of a house of residence under that Schedule, with the modification that references to the benefice for which the money was held or to which the property belonged shall be construed as references to the new benefice created by the union.

(6) Despite anything in that Schedule, a pastoral scheme may provide that any money arising from any sale or exchange of any part of the property of a benefice specified in the scheme, or so much of that money as may be so specified, shall be—

(a) held by the Board for the benefit of any other benefice so specified; or

(b) applied towards the payment of stipends of the clergy of the diocese; or

(c) paid into the diocesan pastoral account; or

(d) applied towards the provision, restoration, improvement or repair of —

(i) a church,

(ii) a place of worship within the meaning of paragraph 1 of Schedule 3,

(iii) a parsonage house, or

(iv) a house for a vicar in a team ministry, assistant curate or other person holding office under Common Tenure.

Supplementary

25. Supplementary provisions of pastoral schemes

(1) A pastoral scheme may contain such supplementary or consequential provisions as the Commissioners, with the agreement of the Bishop, think necessary or expedient for giving effect to the purposes of the scheme.

(2) A pastoral scheme shall, where the Commissioners consider it appropriate, have annexed to it a map or plan showing the changes made by the scheme.

(3) A pastoral scheme may provide that the scheme, or any provisions of it, comes into operation on a specified date, or on the happening of a specified event or contingency, and different dates, events or contingencies may be specified for different provisions.

26. Amendment and revocation of pastoral schemes

(1) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme.

(2) An amending pastoral scheme may provide for any matters for which provision could have been made by the scheme to be amended.

(3) A pastoral scheme, or any provision of it, may be revoked or amended under this section before it comes into operation.

27. Further provisions as to contents and effect of pastoral schemes

Schedule 1 shall have effect, but without prejudice to the powers conferred by section 25(1).

28. Procedure for making pastoral schemes

Schedule 2 shall have effect with respect to the procedure for making pastoral schemes.

PART 3

MISCELLANEOUS AND GENERAL

Vacancies in benefices

29. Suspension of presentation for up to 5 years

(1) Where a benefice is vacant or is shortly to become vacant, the Bishop may, subject to the following provisions of this Measure, with the consent of the Commissioners, and after consultation with—

(a) the patron of the benefice, and

(b) the parochial church council of the parish or each of the parishes concerned,

give notice that during such period not exceeding 5 years as may be specified in the notice (the "suspension period"), the patron shall not exercise his right of presentation without the consent of the Commissioners and (if he is not the … patron) of the Bishop; and thereupon that right shall only be exercised in accordance with the notice during the suspension period.

(2) When consulting any person or body in accordance with subsection (1) the Bishop shall inform him or her or it of the reasons why he is considering whether he should exercise the power conferred by this subsection.

(3) The power conferred by subsection (1) may be exercised in relation to a benefice at any time within 3 months before the benefice is due to become vacant or at any time during the vacancy.

(4) Except where any consultation required by subsection (1) takes place at a meeting between the Bishop or his representative and the person or body to be consulted or his or its representative, that person must be advised that he may, within 28 days after receiving a request from the Bishop for his views about the giving of the notice under that subsection, request a meeting with the Bishop or his representative.

(5) Where such a request is made, the Bishop shall convene a meeting which all the persons whom he is required by that subsection to consult shall be invited to attend, either in person or by representatives, for the purposes of enabling those present to consult with the Bishop or his representative about the giving of the notice.

(6) The suspension period shall come to an end before the date on which it would otherwise expire —

(a) if notice is given by the Bishop that the necessary consent or consents have been given to the exercise of the patron's right of presentation;

(b) if notice is given by the Bishop with the consent of the Commissioners, terminating the suspension period; or

(c) if a pastoral scheme provides for the holding of the benefice in plurality with another benefice or other benefices, or

(d) if a pastoral scheme otherwise affecting the benefice expressly provides for the termination of the period.

(7) The termination shall take effect —

(a) in the cases mentioned in subsection (6)(a) and (b), on such day, not being less than 14 days after the date of the notice, as may be specified in the notice, and

(b) in the cases mentioned in subsection (6)(c) and (d), when the relevant provisions of the pastoral scheme come into operation.

(8) The Bishop may, before the expiration of a suspension period, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), extend the period for a further period not exceeding 5 years; and that power may be exercised from time to time before the expiration of any extension of a suspension period.

(9) After the expiration of a suspension period, the Bishop may, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy.

(10) If the Bishop gives a notice under subsection (9), subsections (1), (2), and (4) to (8) apply in relation to any notice given and any suspension period declared under subsection (9) as they apply to a notice given and a suspension period declared under subsection (1).

(11) A notice given by the Bishop under this section must be given to—

(a) the diocesan registrar,

(b) the Commissioners,

(c) the patron of the benefice, unless the only patron is the Bishop, [and]

(d) the parochial church council of the parish or each of the parishes concerned, …

and a copy of the notice shall be filed in the diocesan registry.

(12) The diocesan registrar must, not earlier than 6 months and not later than 3 months before any suspension period declared under this section is due to expire, other than a suspension period which comes to an end before the date on which it would otherwise expire under subsection (7), give notice to the Bishop and to Commissioners of the date on which the suspension period is due to expire.

(13) The secretary of the parochial church council to which any such notice is given must forthwith cause a copy of it to be affixed at or near to the door of a parish church or, if there is no parish church, of the principal place of worship in the parish.

NOTE S.29: subs.(1): word omitted by Patronage (Amendment) Measure (Isle of Man) 2015 Sch. para.14; subs.(11): word in square brackets inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2025 Sch.2 Pt.1 para.3(1); words omitted repealed by ibid. Pt.2.

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30. Sequestration of profits, appointment of priest in charge and management of property

...

(3) Where the Bishop proposes to appoint a priest in charge for any benefice to which a suspension period applies, he shall before making the appointment consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice.

(4) Where the Bishop appoints a priest in charge for any benefice to which a suspension period applies, the Bishop may require the priest to reside in the parsonage house of the benefice.

...

NOTE S.30: subss.(1), (2) & (5) repealed by Church (Miscellaneous Provisions) Measure 2025 Sch.2 Pt 2.

31. Restrictions on presentation pending the making of pastoral schemes

(1) Where —

(a) any proposals are approved under section 3(1),

(b) the proposals contain recommendations for any of the matters specified in sections 7 to 12, and

(c) any benefice which would be affected if the recommendations were implemented —

(i) is vacant on the date on which the patron of it is sent a copy of the proposals under section 3(3), or

(ii) becomes vacant thereafter,

the patron is not entitled after that date or after the occurrence of the vacancy, as the case may be, to exercise his right of presentation to the benefice without the consent of the Commissioners and (if he is not the patron) of the Bishop, until the first of the events mentioned in subsection (5) occurs.

(2) Where the Bishop has given directions to the Commissioners under section 5(3) to consider in relation to any benefices any of the matters specified in sections 7 to 12, he may, upon a vacancy or impending vacancy in any of those benefices, notify—

(a) the patron, unless the only patron is the Bishop, and

(b) the parochial church council,

that those matters are being considered, and thereupon the patron shall not be entitled to exercise his right of presentation to that benefice without such consent or consents as are specified in subsection (1); and section 7 of the Patronage (Benefices) Measure 1986 applies subject to the modifications made by section 32.

(3) Subject to subsection (4), a restriction imposed by subsection (2) shall cease to operate at the expiration of one year from the date of the notice.

(4) If within that period proposals are approved under paragraph 3(1) of Schedule 2 containing recommendations for any of the matters specified in subsection (1) or (3) which would affect the benefice concerned, the restriction shall continue until the first of the events mentioned in subsection (5) occurs.

(5) The events referred to in subsections (1) and (4) are —

(a) the relevant recommendations are implemented by a pastoral scheme and come into operation, in which case the right of presentation shall be subject to the provisions of the scheme;

(b) the proposals are withdrawn or the draft scheme prepared in pursuance of them is withdrawn, or the scheme made in pursuance of them is withdrawn or quashed;

(c) the relevant recommendations are omitted from the proposals, draft scheme or scheme; or

(d) the expiry of the period of 3 years from the date referred to in subsection (1)(c)(i) or subsection (3), as the case may be.

(6) Where —

(a) an application is made under paragraph 7(2) of Schedule 2 with respect to a scheme which implements the relevant recommendations, and

(b) the application has not been determined or withdrawn within the period referred to in paragraph (d) of subsection (5),

that paragraph shall have effect as if that period had been extended to the date on which the application is determined or withdrawn.

(7) The fact that restrictions are in force under this section with respect to any benefice shall not be taken as preventing the Bishop from exercising his powers under sections 29 and 30 with respect to the benefice, and, if he does so, those sections and Schedule 5 shall apply to the benefice instead of this section.

32. Modification of 1986 Measure where presentation is suspended or restricted

(1) The following provisions of this section apply where, in respect of any benefice —

(a) the Bishop declares a suspension period, or

(b) any restriction imposed by or under any provision of section 14 or 31 comes into force.

(2) Except as provided in this section, no notice under section 7 of the Patronage (Benefices) Measure 1986 of a vacancy or impending vacancy in that benefice shall be given during the suspension period or while the restriction is in force, as the case may be.

(3) Any such notice relating to that benefice given before the suspension period began or the restriction came into force, as the case may be, shall be treated as having been revoked and any act done under that Measure consequent upon that notice shall be of no effect.

(4) That benefice shall be treated for the purposes of that Measure as becoming vacant immediately after the day on which the suspension period comes to an end or the restriction ceases to be in force, as the case may be, but if a further suspension period is declared, the benefice shall no longer be treated as vacant.

(5) As soon as practicable after he becomes aware of the vacancy, the Bishop shall give notice of that fact to the diocesan registrar, and section 7(4) [and (4A)] of that Measure shall apply as it applies to a notice under section 7(1)[, (2) or (2A)], except that —

(a) if the suspension period will come to an end as a result of a notice given by the Bishop under section 29(6), the notice referred to in this section may be given by the Bishop at the same time as the notice under section 29(6); and

(b) in any other case the notice may be given not more than 14 days before the suspension period will end or the restriction will cease to be in force, as the case may be.

NOTE S.32: subs.(5): words in square brackets inserted or substituted by Legislative Reform (Patronage of Benefices) Order 2019 (SI 2019/1183) arts.2(9) & 8(2)(h).

33. Suspension of new rights of patronage

Where —

(a) any proposals approved under section 3(1) contain recommendations for the creation of a new benefice for a new parish, and

(b) any church in the area which is to form the new parish is consecrated after the proposals are so approved but before any of the events mentioned in section 31(5) have occurred in relation to those recommendations,

no person shall become the patron of that church by virtue of any rule of law or any provision of or instrument under any Act or Measure other than this Measure during the period between the approval of the recommendations and such one of those events as first occurs.

34. Trusteeship of certain charities during vacancy or suspension

(1) Where —

(a) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and

(b) the benefice becomes vacant or the Bishop declares a suspension period in respect of the benefice,

during the period of the vacancy or the suspension period, as the case may be, the trusts of the charity or the constitution of the corporation has effect with the substitution for the incumbent of that benefice of the priest in charge of that benefice.

(2) Subsection (1) does not apply to any fund or property for which provision is made under paragraph 17 of Schedule 3.

Financial provisions

35. Pastoral account

(1) The Board shall hold an account to be called the diocesan pastoral account and shall transfer to the account—

(a) any money which is payable to the account under any provisions of this Measure or any scheme made under it;

(b) such other money as the Board determine should be credited to the account, not being money for the application or disposal of which provision is made by or under any other statutory provision.

(2) The Board must —

(a) as soon as practicable after the end of each financial year of the Board prepare an account of the money paid into or out of the diocesan pastoral account during that year;

(b) include in it a statement of the amount by which the diocesan pastoral account was in debit or credit, as the case may be, at the beginning and end of that year; and

(c) lay a copy of the account before the Diocesan Synod.

36. Payment of expenses from diocesan pastoral account and application of money

(1) Expenses incurred by or on behalf of, or under the authority or direction of, the Bishop or the Commissioners for the purposes of this Measure or any scheme made must be paid out of the money standing to the credit of the diocesan pastoral account so far as that money suffices, but any such expenses may not include the salaries or wages of persons in the regular employment of the Bishop, any board or committee of the diocese, or the Commissioners, or any part of any such salaries or wages.

(2) The Board shall be entitled to be repaid out of the diocesan pastoral account any money expended by the Board on any property vested by or under this Measure in the Board for the purpose of furthering the disposal or use of the property.

(3) Where the Board is satisfied that any money standing to the credit of the diocesan pastoral account is not required or likely to be required for meeting the expenses or expenditure referred to in this section, it may—

(a) apply that money by way of grant or loan to the provision, restoration, improvement or repair of churches and parsonage houses in the diocese, including the repair of any building closed for regular public worship vested in the Board pending the coming into operation of arrangements under a disposal scheme, or to other purposes of the diocese or any benefice or parish in the diocese;

(b) apply that money towards the payment of stipends of the clergy of the diocese; or

(c) transfer that money to one or more other accounts or funds held by the Board, or apply or transfer it partly to such other accounts or funds and partly as provided in paragraphs (a) and (b).

[**37 Compensation of office-holders**

Schedule 6 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure) has effect.]

NOTE S.37 substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.9(1).

General

38. Vesting of property

Where any land or other property becomes vested by or by virtue of this Measure in the Board or any other person, alone or jointly with any other person, it shall so vest —

(a) without any conveyance or other assurance, and

(b) unless otherwise provided by or under this Measure, free of any trust or burial rights.

39. Power of Commissioners to determine boundaries

(1) Where by virtue of this Measure or any scheme made under it any land is vested in the Board, Manx National Heritage or an incumbent of a benefice (with or without the churchwardens of a parish), the Commissioners may determine the boundaries of the land by an instrument under their seal.

(2) The determination shall for all purposes be binding on any of the bodies and any incumbent or incumbent and churchwardens, whether as the body or person in whom the land is vested or the body or person from whom it is transferred, but shall bind no other person.

(3) Any such instrument shall be registered in the General Registry under the Registration of Deeds Act 1961.

(4) A copy of any such instrument purporting to be certified by an officer of the Commissioners as a true copy shall be sufficient evidence in any proceedings of the contents of the instrument.

40. Application to benefices in the patronage of the Crown

(1) This section applies to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty.

(2) Nothing in this Measure or in any scheme made under this Measure shall apply in relation to a benefice to which this section applies without the consent of Her Majesty, which may be given either generally or in respect of a particular benefice.

(3) Any notice required by this Measure to be given to the patron of a benefice may, in the case of a benefice to which this section applies, be given to the Chief Secretary.

(4) Without prejudice to subsection (3), any of the following may, in the case of a benefice to which this section applies, be given or done by or to the Governor —

(a) any consent under subsection (2);

(b) any other consent, approval or other thing required by any provision of this Measure or any scheme made under it to be given or done by or to the patron of a benefice.

41. Notices and other documents

(1) All notices, consents, directions, determinations and requests required or authorised by this Measure shall be in writing.

(2) Where any document is required to be sent to the Commissioners it shall be addressed to the secretary of the Commissioners.

(3) If any question arises as to the person on or to whom, or the manner in which, any notice or other document is to be served, sent or given, the Commissioners may decide the question and their decision shall be conclusive.

[(4) Any reference in this section to serving, sending or giving a notice includes a reference to sending it by electronic means.]

NOTE: S.41: subs.(4) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(5).

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42. Churches etc. affected by Acts of Tynwald

(1) Subject to subsection (3), the provisions of this Measure, and in particular those relating to churches closed for regular public worship, shall apply to—

(a) churches affected by any Act of Tynwald passed before 1st January 1991;

(b) land comprising the sites of any such churches or annexed or belonging to any such churches; and

(c) any burial ground which is affected by any such Act and is vested in the incumbent of a benefice or is subject to the jurisdiction of the Bishop;

and a scheme made under this Measure may amend or revoke any provision of such an Act, if it appears to the Commissioners that the provision of the Act is inconsistent with or rendered unnecessary by the provisions of the scheme or the provisions of this Measure applicable to it.

(2) If it appears to the Commissioners that a proposed pastoral scheme or disposal scheme will affect the rights (other than the patronage rights) of any person under an Act of Tynwald passed before 1st January 1991 —

(a) in the case of a pastoral scheme, they must serve a copy of the draft scheme on that person together with such a notice as is mentioned in paragraph 4(1) of Schedule 2, and he or she shall thereafter be treated as an interested party in relation to that scheme;

(b) in the case of a disposal scheme, they must serve a copy of the draft scheme on that person under paragraph 5(4) of Schedule 3.

(3) A scheme containing any provision made by virtue of this section shall be laid before Tynwald as soon as may be after it is made.

43. Provisions where there is no … incumbent, etc.

…

(2) Where at the material time a benefice has no incumbent, or the office of vicar in a team ministry is vacant, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to incumbents or vicars in team ministries shall have no effect with respect to that benefice or office.

(3) For the purposes of this section a certificate signed by the Bishop stating that at any time specified in it a particular benefice or office of vicar in a team ministry, had no incumbent or vicar, as the case may be, … shall be conclusive.

NOTE S.43: words in heading omitted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.6; subs.(1), and words omitted in subs.(3), repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4.

[43A Parochial church council with insufficient members

(1) This section applies where a parochial church council has no members or not enough members to be able to form the quorum for a meeting (see Rule M27 of the Church Representation Rules).

(2) The provisions of this Measure, so far as they apply to the council, are (subject to subsection (3)) to have effect—

(a) as if the minister and churchwardens of the parish acting jointly were the council, or

(b) if there is no minister, as if the churchwardens of the parish acting jointly were the council.

(3) If there are no churchwardens, the provisions of this Measure, so far as they apply to the council, are to have no effect.

(4) Each of the functions of an officer of the council under this Measure is to be exercised by such person as the bishop may appoint.]

NOTE S.43A inserted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.7.

44. Pluralities not to be authorised except under this Measure

(1) Subject to the provisions of this Measure, no person shall hold benefices in plurality except in pursuance of a pastoral scheme.

(2) If —

(a) any person accepts any benefice, and

(b) the acceptance would, but for this subsection, result in him or her holding offices in contravention of subsection (1),

he or she shall, on his or her admission to the benefice, vacate the office or offices previously held by him or her.

(3) In this section "benefice" includes the office of a vicar in a team ministry.

[44A. Mission initiatives

Schedule 6A has effect to enable the Bishop by order to endorse and make provision for mission initiatives.]

NOTE S.44A inserted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 s.3.

45. Saving for planning legislation

Even though the development of any land or the demolition of any building is or may be authorised or regulated by or under this Measure, the provisions of the enactments relating to town and country planning, and any restrictions or powers imposed or conferred by them in relation to land and buildings, shall apply to, and may be exercised in relation to, any such development or demolition.

Mission partnerships, deaneries and chapelries

46. Mission partnerships and deaneries

(1) The Commissioners shall make one or more schemes —

(a) establishing districts, each comprising 2 or more parishes, to be known as "mission partnerships";

(b) constituting a mission council for each such district;

(c) making provision with respect to the officers, meetings and proceedings of mission councils; and

(d) making provision for the exercise in each such district of the functions of a rural dean.

(2) A scheme under subsection (1) shall not have effect unless it is approved by the Diocesan Synod.

(3) A mission council shall consist of —

(a) every clerk in Holy Orders beneficed or licensed to officiate in the district of the council;

(b) such, if any, of the readers who are licensed to that district, and whose names are on the roll of the parish, as the annual parochial church meeting of the parish may determine;

(c) such number of parochial representatives of the laity as are specified in the scheme by which the district is established.

(4) Subject to subsection (5), representatives of the laity on a mission council shall —

(a) be elected to the council in accordance with the Church Representation Rules; and

(b) hold office from the conclusion of the annual meeting at which they were elected until the conclusion of the annual meeting next following their election.

(5) A casual vacancy in the representatives of the laity elected to a mission council shall be filled in like manner, and for the like term, as a casual vacancy in the representatives of the laity elected to a parochial church council.

(6) The functions of a mission council shall be —

(a) to promote in its district the mission of the Church;

(b) to bring together the views of the parishes in the district on common problems;

(c) to discuss and formulate common policies on those problems; and

(d) to promote community and co-operation among those parishes.

(7) The office of rural dean is abolished, and the rural deaneries shall cease to exist.

NOTE: S.46: scheme under subs.(1): Mission Partnerships Scheme 2012 (SD 699/12) q.v.

…..

NOTE S.47 repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4.

Supplemental

48. Transitional provisions, amendments and repeals

(1) The transitional provisions in Schedule 7 have effect.

(2) The enactments specified in Schedule 8 are amended in accordance with that Schedule. …

(4) Subject to the provisions of Schedule 8, the enactments specified in Schedule 10 are repealed to the extent specified in column 2 of that Schedule.

(5) The following provisions of the Mission and Pastoral Measure 2011 shall extend to the Island —

(a) section 111 (with the omission of the words "Subject to the provisions of Schedule 8,"), so far as it relates to provisions which extend to the Island,

(b) Schedule 9 (repeals), so far as aforesaid (but not so as to affect section 61 of the Dioceses, Pastoral and Mission Measure 2007), and

(c) section 112(4) (short title).

NOTE S.48: subs.(3) repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

SCHEDULE 1
FURTHER PROVISIONS AS TO CONTENT AND EFFECT OF PASTORAL SCHEMES

1. Team ministries: patronage

(1) A pastoral scheme establishing a team ministry must provide for the presentation of the rector of the team ministry, other than the first rector if designated by the scheme, by a patronage board constituted by the scheme.

(2) Sub-paragraph (1) shall not apply in relation to a benefice of which the Bishop is the sole patron, but in that case —

(a) the scheme may provide as mentioned in sub-paragraph (1), and

(b) if the scheme does not so provide, the Bishop shall choose the rector, other than the first rector if designated by the scheme, and shall collate him to the benefice.

(3) Any enactment (including this Measure) or rule of law relating to the presentation or collation of incumbents shall apply to any presentation or collation under this paragraph, and before the patronage board exercise their right of presentation or the Bishop exercises his right of collation under it they or he, as the case may be, must consult the other members of the team.

(4) Where a pastoral scheme terminates a team ministry, the scheme shall —

(a) so far as practicable and having regard to pastoral considerations and to sub-paragraph (3), provide for restoring rights of patronage in respect of the benefice concerned to the persons who would have possessed them if the team ministry had never been established, and

(b) if and so far as it is not practicable to make such provision, shall make other provision for the vesting and exercise of rights of patronage in respect of the benefice.

(5) Sub-paragraph (3) shall apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as it applies in relation to a pastoral scheme establishing a team ministry.

2. Team ministries: appointment of vicars

(1) A pastoral scheme establishing a team ministry which provides for the presentation of the rector by a patronage board constituted by the scheme may provide for the vicars in that ministry, other than the first holder of any office of vicar, if designated by the scheme, to be chosen by that board.

(2) Where the scheme makes such a provision, the rector of the team ministry shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that ministry is considered and chosen.

(3) Every vicar in a team ministry, any deacon authorised to serve in a team ministry and any person having a special responsibility for pastoral care under section 10(6) shall be entitled between them to one vote, which shall be exercised by such one of them or such 2 or more of them (acting unanimously or by majority) as may be present at the meeting in question.

(4) Where the scheme does not provide as mentioned in sub-paragraph (1), the vicar or vicars in the team ministry, other than the first holder of any office of vicar in it, if designated by the scheme, shall be chosen by the Bishop and the rector jointly.

(5) Before the body or other persons who are entitled to choose a person to be a vicar in a team ministry make their choice, they shall consult—

(a) the other members of the team; and

(b) the parochial church council of every parish belonging to the benefice for the area of which the team ministry was established.

(6) The following rules apply to the making of an offer of appointment as vicar in a team ministry —

(a) The body or other persons who are entitled to choose a person to be a vicar in a team ministry shall not make any person an offer of appointment as such until the making of the offer to the person in question has been approved by the parish representatives.

(b) If, before the expiration of the period of 2 weeks beginning with the date on which the body or other persons sent to the parish representatives a request for them to approve under this sub-paragraph the making of the offer to the person named in the request, no notice is received from any representative of his or her refusal to approve the making of the offer, the representatives shall be treated as having to have given their approval under this sub-paragraph.

(c) If any parish representative refuses to approve under this sub-paragraph the making of the offer to the person named in the request, the representative shall notify in writing the body or other persons of the grounds on which the refusal is made.

(d) Where approval of an offer is refused under (c) above, the body or other persons may request the archbishop of York to review the matter and if, after review, the archbishop authorises the body or other persons to make the offer in question, that offer may be made accordingly.

(7) In sub-paragraph (6) "parish representatives" means —

(a) 2 lay members of the parochial church council concerned, …

appointed by that council to act as representatives of the council in connection with the selection of vicars in the team ministry.

(8) Sub-paragraphs (2), (3) and (5) to (7) shall apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as they apply in relation to a pastoral scheme establishing a team ministry.

NOTE Para.2: sub-para.(7): words omitted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.8(1).

3. Team meetings

(1) The rector in a team ministry shall convene meetings of the team at regular intervals for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the team ministry.

(2) Unless the scheme otherwise provides, the rector shall preside at any meeting under this paragraph, except that if he requests otherwise or is absent another member of the team appointed by the meeting shall preside.

(3) Any member of the team may, by notice in writing, request the rector to convene a team meeting under this paragraph to be held within the period of 28 days following the service of the notice; and, if the rector fails to comply with such a request, that member may himself convene the meeting.

4. Group ministries: patronage

(1) This paragraph applies where a group ministry is established by a pastoral scheme for a group of benefices.

(2) Before the patron of a benefice in the group makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of —

(a) the parish representatives (as defined in section 11(7) of that Measure), and

(b) unless the registered patron is the Bishop, the Bishop,

to the making to a priest of an offer to present him to the benefice, the patron must consult the other incumbents and any priest in charge in the group.

5. Patronage boards

(1) This paragraph applies to a patronage board constituted under section 23(3) or by a pastoral scheme establishing a team ministry.

(2) A patronage board constituted under section 23(3) shall consist of such members as the scheme may provide, and the scheme may designate the member who is to be chairman of the board.

(3) A patronage board constituted by a pastoral scheme establishing a team ministry shall consist of —

(a) the Bishop, who shall be chairman of the board,

(b) subject to paragraph 2(2), the rector,

(c) every vicar in the team ministry;

(d) any deacon authorised to serve in the team ministry,

(e) any person having special responsibility for pastoral care under section 10(6), and

(f) such other member or members as the scheme may provide.

(4) Regard shall be had in making provision under sub-paragraph (3)(f) to the interests of persons who previously had —

(a) patronage rights in the benefice for which the team ministry is established, or

(b) if it is a new benefice created by the union of 2 or more benefices, patronage rights in any of the constituent benefices;

but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be members of the patronage board.

(5) Without prejudice to the generality of sub-paragraph (4), the scheme by which a patronage board is established may provide for empowering the Bishop to appoint one or more persons, but not exceeding the number specified in the scheme, to be a member or members of the board for such period as the Bishop may specify when making the appointment.

(6) If Her Majesty is a member of a patronage board —

(a) her functions as such a member may be exercised on her behalf by the Governor; and

(b) the Governor may be represented by a person authorised to act and vote on his behalf, being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986.

(7) The Bishop may authorise the Archdeacon to act for him at any meeting of a patronage board and to exercise his voting rights.

(8) Any other member of a patronage board (including any body corporate or unincorporated body of persons) may be represented by a person authorised to act and vote on his or her or their behalf being a person who has made the declaration referred to in sub-paragraph (6)(b).

(9) Subject to sub-paragraph (10) and paragraph 2(3), a scheme by which a patronage board is constituted may provide that —

(a) any members of the board specified in the scheme shall be entitled to such number of votes as may be so specified, and

(b) where there is an equal division of votes the Bishop, as chairman, shall have a casting vote;

but except in so far as the scheme so provides, each member of the board shall be entitled to one vote.

(10) In the case of a patronage board constituted by a pastoral scheme establishing a team ministry —

(a) every vicar in the team ministry,

(b) any deacon authorised to serve in the team ministry, and

(c) any person having a special responsibility for pastoral care under section 10(6),

shall be entitled between them to one vote which shall be exercised by such one of them or such 2 or more of them (acting unanimously or by majority) as may be present at the meeting in question.

(11) A patronage board shall be a body corporate for the purpose of holding the rights of patronage conferred upon it, and shall have a seal, and shall have power to regulate its own procedure.

(12) The rights to be members of a patronage board shall, except where such rights are vested in a person in right of his office or only for life or a term of years, be transferable inter vivos and on death, but in no case shall such rights be saleable and they shall not be treated as rights in land.

(13) Persons having the rights mentioned in sub-paragraph (12) must furnish to the diocesan registrar particulars of their rights, including particulars of any transfer or devolution of the rights, and if they fail to do so their rights may be disregarded for the purposes of this paragraph (including sub-paragraph (13)).

(14) Sub-paragraphs (3) to (13) apply in relation to a pastoral scheme altering a team ministry under section 12(1)(e) as they apply in relation to a pastoral scheme establishing a team ministry.

6. PCCs …

(1) Where a pastoral scheme establishes a team ministry, the scheme, or the Bishop's licence of any vicar in the team ministry, may assign to any such vicar —

(a) the duties or a share in the duties of the chairmanship of the annual parochial church meeting and the parochial church council of the parish or any of the parishes in the area of the benefice for which the team ministry is established, and

(b) other duties of the minister of the parish under the Church Representation Rules or a share in such other duties,

and those Rules shall have effect accordingly.

(2) If the duties of chairmanship are to be shared under the scheme or licence, the arrangements shall be such that the chairman on any occasion is determined in advance so that, in his absence, the vice-chairman of the parochial church council shall take the chair in accordance with the Rules. …

[(6) Where a pastoral scheme makes provision under section 9(10), sub-paragraphs (1) and (2) have effect as if the reference in sub-paragraph (1) to the area of the benefice were a reference to the combined area of the benefices concerned.]

NOTE Para. 6: words in heading omitted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.8(3)(a); sub-paras.(3), (4) & (5) omitted by ib. para.8(3)(b) (& Sch.4); sub-para.(6) substituted by ib. para.8(3)(c).

…

NOTE Para.7 omitted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.8(4) (& Sch.4).

8. Admission and induction to benefices

(1) Where, in a case not falling within sub-paragraph (4)(a), any person is appointed an incumbent of a benefice in the area of which 2 or more parish churches are situated —

(a) the Bishop may direct in which parish church the incumbent is to be inducted;

(b) after the induction he shall be treated as having been inducted in both or all of the parish churches situated in the area of that benefice and as having been admitted to that benefice; and

(c) no further fees in respect of the induction shall be payable.

(2) Where, in a case not falling within sub-paragraph (5)(a), any person is appointed an incumbent of benefices which are to be held in plurality —

(a) the Bishop may direct that the incumbent shall be inducted in such one of the parish churches in the areas of those benefices as he may specify;

(b) after the induction the incumbent shall be treated as having been inducted in all of the parish churches in those areas and as having been admitted to each of those benefices; and

(c) no further fees in respect of the induction shall be payable.

(3) Any person who is designated by or selected under a pastoral scheme as the incumbent of a benefice shall not be required to be presented to that benefice nor shall the Bishop be required to nominate that person as the person to whom he collates the benefice.

(4) Where a pastoral scheme creates a new benefice, transfers a parish from one benefice to another or establishes a team ministry for the area of a benefice, then—

(a) if the first incumbent of that new benefice or the first rector of that ministry is designated or selected as aforesaid, he or she shall, unless the Bishop otherwise directs, be treated as having been admitted to that new benefice or to the benefice for the area of which the team ministry is established, as the case may be, and no fees in respect of the admission shall be payable;

(b) in any other case sub-paragraph (1) applies.

(5) Where a pastoral scheme provides for the holding in plurality of 2 or more benefices, then—

(a) if the first incumbent who is to hold all the benefices concerned was immediately before the scheme comes into operation the incumbent of any of those benefices, he or she shall, unless the Bishop otherwise directs, be treated as having been admitted to the other benefice or benefices, and no fees in respect of the admission shall be payable;

(b) in any other case sub-paragraph (2) shall apply.

(6) It shall not be necessary, by reason only of the substitution of another church for a parish church by the scheme, for the incumbent of the benefice to be inducted in the new parish church or comply with any other process or form of law.

9. Churchwardens

(1) Where a pastoral scheme creates a new parish, the churchwardens of the parish shall be a body corporate with perpetual succession.

(2) Where a pastoral scheme provides for —

(a) the creation, whether by union or otherwise, of a new parish, or

(b) the dissolution of an existing parish,

the scheme may make such adaptations or modifications of any statutory provisions relating to churchwardens as the Commissioners think necessary or expedient

10. Vesting of property: general

(1) Where a pastoral scheme creates a new benefice by a union of benefices —

(a) any church, churchyard or burial ground which was previously vested in right of his or her benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice;…

(2) Where by virtue of a pastoral scheme (other than a scheme to which sub-paragraph (1) applies) any church or churchyard or burial ground previously vested in

the incumbent of a benefice becomes situated in a parish belonging to another benefice —

(a) the church, churchyard or burial ground, and

(b) any movable property used for the purposes of it and so vested,

shall vest in the incumbent of that other benefice.

(3) 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.

(4) If a pastoral scheme contains a statement that any property 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.

(5) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.

(6) Sub-paragraphs (1) to (5) shall have effect subject to any express provision of a pastoral scheme and, where applicable, to the provisions of paragraph 13 relating to property held on charitable trusts.

(7) Where a pastoral scheme provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person free and discharged from all previously existing trusts and charges in favour of any benefice, but subject—

(a) to paragraph 11, where applicable,

(b) to all other previously existing trusts and charges and any previously existing tenancies, and

(c) in the case of an endowment, to any provision made under section 24(1) for applying towards the payment of stipends of the clergy of the diocese the income or any part of the income of the endowment, unless the scheme otherwise provides.

(8) A pastoral scheme may with the consent of the incumbrancer provide for the apportionment of any sum charged on property of which only part is transferred by the scheme and for securing the sums so apportioned on the respective parts of the property

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NOTE Para.10: sub-para.(1): words omitted repealed by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.4.

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11. Loans

(1) This paragraph applies to loans made under any Act or Measure, being in each case loans in respect of which principal money or interest is owing to the Board.

(2) Where a loan has been made in respect of property which is transferred by a pastoral scheme to the Board then, unless the scheme otherwise provides, the Board may —

(a) cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of any disposal of the property;

(b) postpone that discharge, with or without payment of interest on the loan during the period of postponement, for such period and on such reasonable conditions as the Board may from time to time determine.

(3) The Commissioners may, where necessary, determine whether a loan and what part of the loan was made in respect of any particular property, and apportion a loan to parts of the property in respect of which it was made.

12. Disposal of parsonage house etc.

(1) Where any property is transferred under section 22 by a pastoral scheme to the Board for disposal, the Board may dispose of it either as a whole or in parts and at such time or times as they think fit.

(2) The powers of the Board under sub-paragraph (1) include —

(a) power to let, sell or exchange any land so transferred, and

(b) power to demolish any building or part of a building so transferred.

(3) Where a pastoral scheme provides for the transfer under section 22 of any property to the Board for disposal, the scheme may provide for the application of the net proceeds of disposal (including net premiums and rents) or any part of them towards the provision, restoration, improvement or repair of —

(a) a church,

(b) a place of worship within the meaning of section 1,

(c) a parsonage house, or

(d) a house for any person declared by the Bishop to be engaged in the cure of souls within the diocese,

(4) Except in so far as the scheme may so provide and subject to sub-paragraph (7), the net proceeds shall be paid into the capital account of the diocesan stipends fund or into the diocesan pastoral account, or partly into the one and partly into the other, as the Board may determine or as the scheme may provide.

(5) Despite sub-paragraphs (1) to (4), the Board may elect to take over and hold as part of their corporate property any property transferred to them for disposal, for such consideration as the Board may determine as representing the fair value of the property, and the amount of the consideration shall be applied, paid or credited as if it were the net proceeds of the disposal of the property.

(6) Where a pastoral scheme provides for the transfer of any property to the Board for use for diocesan or parochial purposes —

(a) the transfer shall, unless the scheme otherwise provides, be without consideration, and in that case no consideration shall be payable by a parochial church council in respect of the use of it for parochial purposes;

(b) the Board may appoint the parochial church council as managers or managing trustee of any property to be used for parochial purposes.

(6) On a disposal of land comprising the parsonage house of a benefice, the Board shall pay to the parochial church council of any parish or part of a parish within the area of the benefice out of the net proceeds of the disposal 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.

(7) Any question under sub-paragraph (6) 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.

13. Church and parochial trusts

(1) Where —

(a) any benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and

(b) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice (with or without other persons) or a corporation of which he or she is a member,

the trusts of the charity or the constitution of the corporation shall have effect with the substitution for that incumbent of —

(i) the incumbent of the new benefice created by the union, or

(ii) in a case arising otherwise than in consequence of a union, the incumbent of such benefice as may be specified by order of the Board, being a benefice the area of which incorporates part of the area of the dissolved benefice.

(2) Where —

(a) any parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, and

(b) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the churchwardens or parochial church council of that parish (with or without other persons),

the trusts of the charity shall have effect with the substitution for those churchwardens or that council of the churchwardens or parochial church council of —

(i) the parish created by the union, or

(ii) in a case arising otherwise than in consequence of a union, such parish as may be specified by order of the Board, being a parish which incorporates part of the dissolved parish.

(3) Sub-paragraph (4) applies where —

(a) any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member,

(b) a team ministry is established by a pastoral scheme for an area comprising the whole or major part of the area of that benefice, and

(c) either —

(i) a special cure of souls in respect of a part of the area for which that ministry is established, being a part which consists of the first mentioned benefice or a major part of the area of it, is assigned by the scheme or the Bishop's licence to a vicar in the team ministry, or

(ii) where a special cure of souls is not so assigned, a special responsibility for pastoral care in respect of such a part of that area is assigned to a member of the team under section 10(6).

(4) Where this sub-paragraph applies —

(a) the trusts of the charity or the constitution of the corporation shall have effect with the substitution for the incumbent of the benefice of that vicar or that member, as the case may be, but

(b) otherwise those trusts and that constitution shall (where necessary) have effect with the substitution for that incumbent of any such member of the team as may be nominated for the purposes of this sub-paragraph by the Bishop.

(5) Where —

(a) a union of benefices or parishes is effected by a pastoral scheme, or the area of a benefice or parish is altered by a pastoral scheme, and

(b) the purposes of a charity established for ecclesiastical purposes of the Church of England are defined by reference to one of the constituent benefices or parishes or, as the case may be, to the benefice or parish affected by the alteration,

the trusts of the charity shall (subject to any scheme mentioned in sub-paragraph (6)) have effect with the substitution for that benefice or parish of the benefice or parish created by the union or, as the case may be, of the benefice or parish as altered.

(6) Any scheme made by the Board under Schedule 3 to the Church Act 1992 for purposes arising in connection with a pastoral scheme may be made before the date on which the pastoral scheme comes into operation, but not so as to take effect before that date.

(7) Where —

(a) by reason of the dissolution of a parish by a pastoral scheme, the parochial church council of that parish ceases to exist, and

(b) any property vested in, or held on behalf of, that council is not dealt with under the foregoing provisions of this paragraph,

the property shall vest in or be held on behalf of the parochial church council of the parish in which the parish church of the dissolved parish, or the site of that church, is situated, for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the first mentioned council.

Any question arising as to the application of any such property or the income of it shall be referred to the Bishop, whose decision shall be final and conclusive.

(8) Where —

(a) as a condition of any benefaction, attendance at or the performance of Divine Service or any other act is required at any church, and

(b) that church ceases in consequence of a declaration of [closure for regular public worship] made by a pastoral scheme to be used for Divine Service, and

(c) the case is not provided for under the foregoing provisions of this paragraph,

the parish church of the parish in which the first mentioned church or the site of it is situated shall be substituted for the first-mentioned church for the purpose of the performance of the required act.

(9) The provisions of this paragraph shall not apply to any fund or property for which provision is made under paragraph 17 of Schedule 3.

NOTE Para.13: sub-para.(8): words in square brackets substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.11; para.16 substituted (with retrospective effect) by ib. Sch.2 para.9.

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14. Liability of PCC as respects chapel

Without prejudice to any general rule of law relating to parochial church councils, the powers, duties and liabilities set out in section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 shall continue to apply to any church which was formerly a parish church and becomes a chapel of ease as the result of a pastoral scheme, and to the churchyard of any such church, except so far as the scheme otherwise provides.

15. Marriages and banns of matrimony

(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 taken the place 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 the completion of the publication of the banns in any church, another church has by virtue of any provision of this Measure or anything done under it 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 closure for regular public worship is made has been made in respect of a chapel, any licence relating to that chapel granted under section 14(1) of the Marriage Act 1984 shall be treated as having been revoked under that section.

(4) Where —

(a) 2 or more benefices are held in plurality under this Measure, or

(b) by virtue of any provision of this Measure or anything done under it there are 2 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 or her right to be married in any church 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 or she would have been so entitled, even though banns of matrimony have by virtue of that sub-paragraph been published only in some other church.

(6) Where after the issue of a common licence for the solemnisation of the marriage in any church, another church has, by virtue of any provision of this Measure or anything done under it, taken the place of that church as a church in which the marriage of the parties concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church.

[***16. Burial rights in new or altered parishes***

The creation or dissolution, or the alteration of the area, of a parish by virtue of a pastoral scheme shall not affect the rights and privileges (if any) of parishioners in respect of burials in any burial ground in that or any other parish.]

NOTE Para.16 substituted (with retrospective effect) by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.9.

SCHEDULE 2
PROCEDURE FOR MAKING PASTORAL SCHEMES

1. Interested parties

(1) Subject to sub-paragraphs (2) to (4), in this Measure the "interested parties", in relation to any recommendations, proposals, draft scheme or scheme, are —

(a) incumbents of any benefices which would be or are affected by the implementation of them or it, including vicars in a team ministry established for the area of any such benefice;

(b) the patrons of any such benefices;

(c) the parochial church councils of any parishes which would be or are so affected.

(2) Where —

(a) any recommendations, proposals, draft scheme or scheme relate or relates to any person holding office under Common Tenure whose office would or might be abolished if they or it took effect, ...

the interested parties include that person.

(3) In the case of a [recommendation, plan] or proposal for the closure of a building for regular public worship, or a draft scheme or scheme containing a declaration of closure for regular public worship, the interested parties include —

(a) the [Department of Environment, Food and Agriculture],

(b) Manx National Heritage, and

(c) the local authority for the district in which the building to which the recommendation, proposal or declaration relates is situated.

(4) For the purposes of this paragraph —

(a) "incumbent", in relation to a benefice in respect of which a suspension period has been declared and is for the time being in force, means the priest in charge of it;

(b) a change in the patronage of a benefice shall be treated as affecting that benefice and the parish or parishes of the benefice.

2. Formulation and submission to Bishop of draft proposals

(1) Before deciding to make any recommendations to the Bishop, the Commissioners shall so far as may be practicable ascertain the views of the interested parties or invite them to express their views [—

(a) on the recommendations the Commissioners propose to make, or

(b) if the Commissioners have yet to formulate recommendations, on the issues which the Commissioners consider need to be addressed.]

(2) Before deciding to make a recommendation for the closure of a church for regular public worship the Commissioners shall consult the [Department of Environment, Food and Agriculture] and Manx National Heritage.

(3) Before reaching their decision, the Commissioners shall afford to each interested party mentioned in paragraph 1(1) or (2), if the party so requests, an opportunity of meeting the Commissioners (in the case of a parochial church council, as a council or by their representative).

[(3A) If it appears to the Commissioners that any other person might be affected by the matters in question, they may treat that person as an interested party for the purposes of this Schedule; and the references to the interested parties in the following provisions of this Schedule and in Schedule 3 are to be read accordingly.]

(4) When the Commissioners have decided to make recommendations, they shall formulate them in proposals and submit them to the Bishop for approval, with a statement of the views of the interested parties.

(5) The Bishop may, with the consent of the Commissioners, make such amendments to the proposals as appear to him desirable.

**[*2A. Plan for pastoral reorganisation*

(1) The Commissioners may formulate a plan for pastoral reorganisation in the diocese or any part of it.

(2) Before formulating such a plan, the Commissioners shall so far as may be practicable ascertain the views of the interested parties or invite them to express their views —

(a) on the proposals which the Commissioners intend to include in the plan, or

(b) if the Commissioners have yet to determine what proposals to include in the plan, on the issues which the Commissioners consider need to be addressed.

(3) The Commissioners may, with the consent of the Bishop, submit such a plan to the Diocesan Synod for approval.]

3. Preparation of draft scheme

(1) If the Bishop approves, either with or without amendments, proposals submitted to him under paragraph 2(4), he shall notify the Commissioners, who shall prepare a draft scheme giving effect to the proposals, with any amendments.

[(1A) If the Diocesan Synod approves a plan under paragraph 2A(3), the Commissioners shall prepare a draft scheme or schemes giving effect to the proposals contained in the plan.]

(2) The Commissioners may, with the consent of the Bishop, decide to proceed with some but not all of [the proposals referred to in sub-paragraph (1), and in that case

sub-paragraph (1)] and the following provisions of this Schedule shall apply as if they were the only proposals.

(3) Where the Commissioners proceed with proposals for any of the matters contained in sections 7 to 12, they shall —

(a) send a copy of the proposals to the patrons of any of the benefices concerned, and

(b) inform them that if the benefice is or becomes vacant section 31(1) will apply in relation to the benefice[, unless notice has already been given by the Bishop under section 29(1) of the suspension of the right of presentation to the benefice].

4. Notice and publication of draft schemes

[(1) The Commissioners shall serve on each of the interested parties —

(a) a copy of the draft scheme prepared under paragraph 3, and

(b) a notice under sub-paragraph (4).

(1A) The Commissioners shall publish the draft scheme online together with a notice under sub-paragraph (4).]

(2) The Commissioners shall —

(a) send copies of a notice under sub-paragraph (5) to the secretary of the parochial church council of every parish affected by the draft scheme, and

(b) require him to affix a copy on or near the principal door of —

(i) every church in the parish, and

(ii) every building licensed by the Bishop for public worship in the parish[, and

(c) require him or her to ensure that, at every service (other than an occasional office) held at each of those churches or buildings during the period within which written representations may be made in accordance with the notice, the person conducting the service informs the congregation of the contents of the notice.]

(3) If the draft scheme contains —

(a) any provision mentioned in section 20(1), or

(b) a declaration of closure for regular public worship,

the Commissioners shall—

(i) also serve a copy of it on the Commonwealth War Graves Commission; and

(ii) publish in one or more local newspapers a notice under sub-paragraph (4).

(4) A notice referred to in sub-paragraph [(1)(b), (1A), (2)(a)] or (3)(ii) shall —

(a) state the objects of the draft scheme,

[(aa) specify the address online at which the draft scheme is published under sub-paragraph (1A),]

(b) name a place or places in the Island where a copy of it may be inspected, and

(c) state that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, [being —

(i) in the case of a notice served under sub-paragraph (1)(b), a date not less than 28 days after service;

(ii) in every other case, a date not less than 28 days after the publication of the notice under sub-paragraph (1A).]

(5) The Commissioners shall consider any written representations duly made with respect to any draft scheme and may, if they think fit, afford an opportunity to any person, whether he or she has made written representations or not, to make oral representations with respect to the draft scheme.

(6) The Commissioners may, before or after the end of the period within which written representations may be made under this paragraph, extend that period, and any representations made within the period so extended shall be treated as duly made.

5. Amendment of draft schemes

(1) The Commissioners—

(a) at the request of the Bishop, or

(b) as a result of any representations,

may, with the consent of the Bishop, at any time amend any draft scheme prepared under this Schedule.

(2) If any such amendments (other than amendments described in paragraph 9(1)) are made after a copy of the draft scheme has been served under paragraph 4(1), the amended draft scheme shall be treated in the same manner as an original draft scheme, and paragraph 4 shall apply accordingly.

[(3) The power under sub-paragraph (1) to amend a draft scheme includes power to amend it so as to give effect instead to proposals included in representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind—

(a) sub-paragraph (2) does not apply, and

(b) the Commissioners shall instead carry out such consultation on the amended draft scheme as they think appropriate.]

6. Making of schemes

(1) Where —

(a) no representations with respect to any such draft scheme have been duly made and the Commissioners are of the opinion that the draft scheme should be made, and do not propose to amend or further amend it under paragraph 5, or

(b) representations with respect to any such draft scheme have been duly made and the Commissioners, having considered those representations, are of the opinion that the draft scheme should be made, and do not propose to amend or further amend it under paragraph 5, [or

(c) the proposals contained in any such draft scheme are to the same effect, or substantially the same effect, as proposals included in a plan approved under paragraph 2A(3), and the Commissioners do not consider that there are material considerations which indicate it should not be made,]

they shall, with the Bishop's consent, make the scheme under their common seal.

(2) As soon as may be after making the scheme the Commissioners must —

(a) publish in one or more local newspapers a notice under sub-paragraph (3);

(b) so far as practicable, send to the persons who duly made written representations with respect to the draft scheme —

(i) a notice under sub-paragraph (3), and

(ii) a statement in writing of the Commissioners' decision with respect to the representations and the reasons for it[, or of their decision under sub-paragraph (1)(c), as the case may be];

(c) send to any other persons, being interested parties —

(i) a copy of the scheme, and

(ii) a notice under sub-paragraph (3); and

[(d) file a copy of the scheme in the Public Record Office.]

(3) A notice referred to in sub-paragraph (2) shall —

(a) state the effect of the scheme,

(b) name a place or places in the Island where a copy of the scheme may be inspected, and

(c) include a statement of the effect of paragraph 7(2) and (3).

(4) The Commissioners shall send the scheme to the diocesan registrar, who shall file it in the diocesan registry.

7. Validity and operation of schemes

(1) Except as provided by this paragraph, the validity of a scheme made by the Commissioners under this Schedule shall not be questioned in any legal proceedings.

(2) If any person aggrieved by the scheme desires to question the validity of the scheme on the ground —

(a) that it is not within the powers conferred by this Measure, or

(b) that any requirement of this Schedule has not been complied with in relation to the preparation, making or publication of the scheme,

that person may, within 6 weeks of the first publication of the notice referred to in paragraph 6(2)(a), apply to the High Court.

(3) On an application under sub-paragraph (2) the High Court —

(a) may by interim order wholly or in part suspend the operation of the scheme, either generally or in so far as it affects the applicant, until the final determination of the proceedings; and

(b) if satisfied —

(i) that the scheme is wholly or to any extent outside the powers conferred by this Measure, or

(ii) that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this Schedule,

may wholly or in part quash the scheme either generally or in so far as it affects the applicant.

(4) Except in so far as any such scheme or any provision of it is expressed to come into operation on a date, event or contingency specified in it, the scheme comes into operation on the date on which it is made by the Commissioners.

8. Withdrawal of scheme at request of Bishop

If the Bishop considers that any proposals or draft scheme should not be proceeded with, he may, after consulting the Commissioners, direct the Commissioners not to

proceed with the proposals or draft scheme, as the case may be, but without prejudice to the making of fresh proposals.

9. Supplementary powers of Commissioners

(1) The Commissioners may at any time make such amendments to proposals or a draft scheme as appear to them to be necessary for the purpose of correcting any drafting mistake or omission.

(2) Nothing in this Schedule limits in any way the powers of the Commissioners to consider any representations made to them by any person and to hold such consultations and interviews and make such inquiries as they think fit.

NOTE Schedule 2: para.1(1) & (2): words inserted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.1(2); para.1(2): words omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(6); para.1(3): first words in square brackets inserted by 2018 Measure Sch.2 para.1(3); words in square brackets in (a) substituted by Statute Law Revision Act 2017 s.50; para.1(3A) inserted by 2018 Measure Sch.2 para.1(4); para.2(1): words inserted by ib. para.1(5); para.2(2): words in square brackets substituted by Statute Law Revision Act 2017 s.50; para.2A inserted by 2018 Measure Sch.2 para.1(6); para.3(1A) inserted by ib. para.1(7); para.3(2): words in square brackets substituted by ib. para.1(8); para.3(3): words in square brackets inserted by 2015 Measure s.4(7); para.4(1) substituted and para.4(1A) inserted by 2018 Measure para.2(a); para.4(2): words in square brackets inserted by ib. para.2(b); para.4(4): words inserted or substituted by ib. para.2(c); para.5(3) inserted by ib. para.3; para.6(1): words in square brackets inserted by ib. para.4(1); para.6(2): first words in square brackets inserted by ib. para.4(2); para.(d) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.11(1).

SCHEDULE 3

BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

PART 1

PROVISIONS WHICH MAY BE MADE BY PASTORAL SCHEME

1. Appropriation or demolition of church to be closed for regular public worship

(1) This paragraph applies where the Commissioners —

(a) are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a church building or church buildings in that area which should thereupon be declared closed for regular public worship, and

(b) are satisfied with the proposals made for the future of the church building or any of the church buildings to be closed.

(2) A pastoral scheme may further provide—

(a) for the appropriation of the building to be closed in accordance with paragraph 4(1)(a) or for its demolition, and for any of the matters mentioned in paragraph 4(2), (3) or (4);

(b) for the payment to the Board of —

(i) the proceeds of any sale or exchange of the building or the site of it, or any part of the building or site, with or without any land annexed or belonging to it, and

(ii) the premium on any lease or licence of the building or site or any part of the building or site with or without any such land; and

(c) subject to sub-paragraph (6), for the application of the net proceeds and net premiums to defray the cost of providing the new church or place of worship and, if the whole amount of them is not required for that purpose, for the payment of the balance to the diocesan pastoral account.

(3) A pastoral scheme which provides for the demolition of a building closed for regular public worship may provide for its demolition by the Board.

(4) Where a pastoral scheme makes such provision as is mentioned in sub-paragraph (2), the declaration of closure for regular public worship shall not take effect until the new church or place of worship is provided.

(5) Sub-paragraph (4) does not apply where the Commissioners are satisfied that, if the church or any of the churches to be replaced is disposed of or demolished before the new church or place of worship is provided, a suitable building will be available in the meantime (not necessarily in the same parish) for use in place of that church.

(6) Where before a declaration of closure for regular public worship is made by a pastoral scheme under this paragraph in respect of a church which —

(a) was the subject of a sharing agreement, and

(b) on the termination of the agreement was vested in an incumbent and churchwardens by section 9(3) of the Sharing of Church Buildings Act 1969,

any contribution in the nature of capital made in accordance with the agreement by any party to it, other than a party acting on behalf of the Church of England, or so much of it as the Commissioners may determine, may be repaid to that party by the Board out of the proceeds of any sale or exchange, or the premiums on any lease or licence, of that church, any part of that church, or the site of it before the net proceeds or net premiums, as the case may be, are applied in accordance with sub-paragraph (2)(c).

(5) References in this paragraph to the provision of a new place of worship include references to the provision of such a place by adapting, improving or repairing an existing building.

(6) In this paragraph "place of worship" —

(a) 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 or purposes ancillary thereto, and

(b) 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 to be jointly owned by that Church and any other Church.

2. Other provision by pastoral scheme for church to be closed for regular public worship

(1) This paragraph applies where a pastoral scheme makes a declaration of closure of a church for regular public worship in respect of any church or part of a church, not being a case to which paragraph 1 applies.

(2) Where the Commissioners are satisfied that a suitable use or uses will be available for the building to be closed for regular public worship when the declaration takes effect, the pastoral scheme may —

(a) provide for the appropriation of the building to that use or those uses, and

(b) may make further provision for any of the matters mentioned in paragraph 4(2),

and paragraph 4(5) to (7) shall apply accordingly.

(3) Where the Commissioners are satisfied that no suitable or appropriate alternative use will be available for the building to be closed for regular public worship when the declaration takes effect, the pastoral scheme may, with the consent of Manx National Heritage, provide —

(a) for its care and maintenance by Manx National Heritage, and

(b) also for the care and maintenance by Manx National Heritage of the whole or any part of the land annexed or belonging to the building or the church of which the building is part (including land which is or has been used for burials).

(4) Where —

(a) the church is neither a registered building nor situated in a conservation area, and

(b) the Commissioners are satisfied with the proposals for the future of the building,

the pastoral scheme may provide for the demolition of the building to be closed for regular public worship and for any of the matters for which paragraph 4(4) makes provision, and paragraph 4(5) to (7) shall apply accordingly.

PART 2

DISPOSAL OF BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

3. Period for seeking alternative use

(1) Where a declaration of closure for regular public worship is made in a case to which neither paragraph 1 nor paragraph 2 applies, the building closed for regular public worship, together with its contents, when the declaration takes effect, shall vest in the Board.

(2) During the period between the taking effect of a declaration of closure for regular public worship and the coming into operation of a disposal scheme with respect to the building closed for regular public worship—

(a) the Board is responsible for the care and maintenance of the building closed for regular public worship, so far as is reasonable in all the circumstances, and the safe keeping of its contents, whether in the building or elsewhere, and must insure the building and contents;

(b) the Board may without obtaining a faculty, but after consulting the advisory committee and the Vicar General (unless the Board considers that, having regard to the urgency of the need to safeguard the contents, it is not practicable to do so),

transfer the contents of the building or any of them to some other place for safe keeping until the scheme comes into operation;

(c) the Board may with the consent of the Bishop and of the incumbent or priest in charge of the benefice in the area of which the building is situated, permit the building to be used occasionally for worship, including worship by persons belonging to other Christian Churches;

(d) while incurring no financial obligation, the incumbent or priest in charge and churchwardens of the parish in which the building is situated shall give the Board every assistance in providing for reasonable supervision of the building against damage.

(3) On a declaration of closure for regular public worship taking effect, any liability of a parochial church council or rector (including a lay rector) for the repair and maintenance of the building closed for regular public worship and the safe keeping of its contents ceases, and [sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 cease] to apply to the building.

(4) Where the Board transfers any of the contents of the building closed for regular public worship to some other place, the Board must —

(a) serve a notice on the Commissioners, Manx National Heritage and the diocesan registrar informing them of the transfer and giving particulars of the contents transferred and the address of the place in question, and

(b) serve a similar notice on any incumbent, priest in charge [or parochial church council] concerned.

4. Contents of disposal schemes

(1) A disposal scheme must make the following provision for the building closed for regular public worship —

(a) if a use or uses appearing to the Commissioners to be suitable have been found for the building or any part of it, the scheme may provide for appropriating the building or part to such use or uses, which must be specified or generally described in the scheme;

(b) if such use or uses cannot be found for the building or a part of it, the scheme may, with the consent of Manx National Heritage, provide for its care and maintenance by Manx National Heritage.

(c) if the building or any part of it is not appropriated or provided for under paragraph (a) or (b), the scheme may, with the consent of the Board, provide for the building or any part of it to remain vested in the Board and to be held by it on such terms as may be specified in the scheme;

(d) if the building or any part of it is not appropriated or provided for under (a) to (c) above, the scheme must provide for its demolition by the Board.

(2) Where a disposal scheme provides for the appropriation of the building closed for regular public worship or any part of it to a use or uses specified or described in the scheme, the scheme may also—

(a) provide for appropriating the whole or any part of the land annexed or belonging to the building or the church of which it forms part, to a use or uses so specified or described;

(b) empower the Board itself —

(i) to use or hold the property concerned for the use or uses so specified or described;

(ii) to let or license the property for such use or uses, or

(iii) partly the one and partly the other;

(c) empower the Board, subject to any conditions prescribed by the scheme, to sell, give or exchange the property concerned or any part of it for such use or uses.

(3) Where a disposal scheme provides for the building closed for regular public worship or any part of it to remain vested in the Board, the scheme may also —

(a) provide for appropriating the whole or any part of the land annexed or belonging to the building, or the church of which it forms part, to a use or uses specified or described in the scheme;

(b) empower the Board itself —

(i) to use or hold the property concerned for the use or uses so specified or described;

(ii) to let or license the property for such use or uses, or

(iii) partly the one and partly the other;

(c) empower the Board, subject to any conditions prescribed by the scheme, to sell, give or exchange that land or any part of it for such use or uses;

(d) transfer to the Board responsibility for the care and maintenance of that land or any part of it (including land which is or has been used for burials).

(4) Where a disposal scheme provides for the demolition of the building closed for regular public worship or any part of it, it may also provide—

(a) for the sale, gift, exchange or lease by the Board, as the case may be, of the site or part of the site of the demolished building or part of the building, with or without the whole or any part of the land annexed or belonging to the building or to the church of which it forms part;

(b) for the disposal of the materials arising from the demolition;

(c) for specifying the use or uses for which any land sold, given, exchanged or let by the Board is to be used or allowing it to be used without limitation;

(d) for appropriating the site or any part of it for use as part of the churchyard or burial ground or for other ecclesiastical purposes of the parish.

(5) Subject to [sub-paragraphs (7) and (7A)], the proceeds of any sale or exchange under sub-paragraph (2), (3) or (4) and the premiums on any lease or licence under those sub-paragraphs shall be paid to the Board who shall pay them to the diocesan pastoral account, and the net rent payable under any such lease or licence shall be paid into the said account.

(6) Sub-paragraph (7) applies where —

(a) before a declaration of closure for regular public worship was made in respect of a church or part of a church that church or part was the subject of a sharing agreement under the Sharing of Church Buildings Act 1969,

(b) on the termination of the agreement it was vested in an incumbent and churchwardens by section 9(3) of that Act, and

(c) a contribution in the nature of capital was made in accordance with the agreement by any party to it, other than a party acting on behalf of the Church of England.

(7) Where this sub-paragraph applies, the Board shall repay to that party out of the proceeds of any sale or exchange, or the premiums of any lease or licence, of that church or part or the site if it under sub-paragraph (2), (3) or (4) —

(a) that contribution, or

(b) so much of it as the Commissioners may determine,

before the net proceeds or net premiums, as the case may be, are paid or applied in accordance with sub-paragraph (5).

[(7A) The Board shall pay to the parochial church council of the parish in which the building is situated one-tenth of the net proceeds or premiums, as the case may be, after deducting —

(a) any sum to be repaid under sub-paragraph (7), and

(b) any expenses incurred by the Board in insuring and maintaining the building between its closure for regular public worship and its disposal,

before the net proceeds or premiums are paid or applied in accordance with sub-paragraph (5).]

(8) Where —

(a) a pastoral scheme makes a declaration of closure for regular public worship in respect of a church,

(b) the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which the first-mentioned church is situated to take the place of that church, and

(c) a subsequent disposal scheme which makes provision, within the period of 3 years from the declaration of closure or such longer period as the Commissioners may allow, for the building closed for regular public worship also provides for any of the matters authorised to be included in the scheme by sub-paragraph (2)(b) or (c), (3)(b) or (c) or (4)(a) or (b)—

the proceeds of any sale or exchange made, and the premiums of any lease or licence granted, by virtue of those provisions shall be paid to the Board in accordance with sub-paragraph (5), but the net proceeds and net premiums shall be applied in accordance with paragraph 1(2)(c) and not in accordance with sub-paragraph (5).

(9) Where a disposal scheme provides for the care and maintenance of the building closed for regular public worship or any part of it by Manx National Heritage, the scheme may also, with the consent of Manx National Heritage, provide for the care and maintenance by Manx National Heritage of the whole or any part of the land annexed or belonging to the building or the church of which the building is part (including any land which is or has been used for burials).

(10) For the purposes of this paragraph and of paragraphs 1 and 2, and without prejudice to the generality of those provisions —

(a) the use of a building or part of a building for such special or occasional religious worship as may be authorised by the Bishop,

(b) its use as a place of religious worship for a university, college, school or other institution, or

(c) its use for religious worship by any Church other than the Church of England,

shall be a use to which a building closed for regular public worship or a part of it may be appropriated by a pastoral scheme or disposal scheme, and the consent of the incumbent or priest in charge of the benefice in the area of which the building is situated shall not be required for any such use.

(11) Section 25 applies to disposal schemes as it applies to pastoral schemes, with the omission of the reference to the agreement of the Bishop.

5. Procedure for making disposal schemes

(1) The Commissioners may at any time, and shall in any case not later than 2 years after the declaration of closure for regular public worship takes effect, prepare a draft scheme with respect to the building closed for regular public worship providing for any of the matters mentioned in paragraph 4.

(2) If before the end of the period of 2 years it is found to be impracticable to prepare the draft scheme before that period expires, and it seems to the Commissioners, after consulting the Board, reasonable to do so, they may, with the consent of the Bishop, postpone the preparation of the draft scheme for such minimum further period or periods as they find to be necessary.

(3) Before preparing any such draft scheme which provides for the demolition or the care and maintenance by Manx National Heritage of the building closed for regular public worship or any part of it the Commissioners shall consult Manx National Heritage.

[(4) If they decide to proceed with the draft scheme, the Commissioners shall serve a copy of the draft scheme —

(a) on the Board, and

(b) if sub-paragraph (4A) applies, on —

(i) the Department of Environment, Food and Agriculture;

(ii) the local authority for the district in which the building is situated;

(iii) the Commonwealth War Graves Commission; and

(iv) Manx National Heritage.

(4A) This sub-paragraph applies if —

(a) there are burials in the building closed for regular public worship or in any churchyard or burial ground annexed to it, or

(b) the scheme provides for the demolition of the building, or

(c) the scheme provides for the building to vest in Manx National Heritage.]

(5) [If sub-paragraph (4A) applies,] the Commissioners shall also publish in one or more local newspapers a notice —

(a) stating the effect of the draft scheme,

(b) naming a place or places in the Island where a copy of it may be inspected, and

(c) stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than 28 days after the first publication of the notice.

(6) The Commissioners shall consider any representations duly made with respect to the draft scheme and any unforeseen change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form.

(7) The Commissioners may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations with respect to the draft scheme.

(8) The Commissioners may, before or after the period within which written representations may be made under this paragraph, extend that period, and any representations made within the period so extended shall be treated as duly made.

(9) The Commissioners may at any time make such amendments to the draft scheme as may appear to them to be necessary for the purposes of correcting any drafting mistake or omission.

(10) If the Commissioners decide to proceed with the draft scheme, they shall make the scheme under their common seal, with such amendments (if any) as they may have made in it.

(11) If the Commissioners decide in accordance with sub-paragraph (6) not to proceed with a draft scheme, they shall as soon as possible prepare a new draft scheme, and sub-paragraphs (2) to (10) apply.

(12) Paragraphs [6 and 7] of Schedule 2 apply, with the necessary modifications, to schemes under this paragraph as they apply to pastoral schemes.

6. Disposal schemes in respect of churches closed or demolished otherwise than under this Measure

(1) Where any church or part of a church has at any time been demolished otherwise than under this Part, a disposal scheme providing for all or any of the matters mentioned in paragraph 4(4) may, at any time after the demolition, be prepared and made in accordance with paragraph 5(3) to (10), and paragraph 5(12) applies.

(2) Subject to sub-paragraph (4), where by virtue of sub-paragraph (1) a disposal scheme provides for any of the matters mentioned in paragraph 4(4)(a), paragraph 4(5) applies in relation to —

(a) the proceeds and net proceeds of any sale or exchange, and

(b) the premiums and net premiums on any lease,

of the site or part of the site of the church or part of the church to which the scheme applies as it applies where a disposal scheme which provides for the demolition of a building closed for regular public worship also provides for any of those matters.

(3) Where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of the benefice in which a demolished church was situated, to take the place of the demolished church, the net proceeds and the net premiums shall be applied in accordance with paragraph 1(2)(c).

7. Compulsory purchase of church

(1) This paragraph applies where a church, other than a church which has been declared closed for regular public worship, is purchased compulsorily or is purchased by agreement under an enactment conferring powers of compulsory purchase.

(2) For the purpose of any enactment applying to the disposal of sums paid to the Board in respect of —

(a) the purchase of the church or any land annexed or belonging to it, or

(b) compensation for damage to other ecclesiastical property arising in connection with the purchase,

the provisions of this Part relating to the disposal of the proceeds of sale of a building closed for regular public worship or any land annexed or belonging to a building closed for regular public worship shall not be applicable.

8. Amendment of disposal schemes etc.

(1) A disposal scheme, and any provisions of a pastoral scheme made under paragraph 1 or 2, may be amended by a subsequent disposal scheme prepared and made in accordance with paragraph 5(3) to (10), and paragraph 5(12) shall apply.

(2) An amending disposal scheme may —

(a) revoke all or any provisions of the previous disposal scheme or any such provisions of a pastoral scheme, as the case may be,

(b) substitute or add other provisions providing for any of the matters mentioned in paragraph 4, so far as applicable, and

(c) contain such transitional provisions as the Commissioners think necessary or expedient in consequence of the changes made by the amending scheme.

(3) A disposal scheme or any provision of it, and any provision of a pastoral scheme made under paragraph 1 or 2, may be amended or revoked under this paragraph before it comes into operation.

9. Restoration of building closed for regular public worship to use as church building

(1) A pastoral scheme may provide that a building closed for regular public worship or part of such a building which is vested in the Board shall be restored to use as a church or part of a church.

(2) Such a scheme may further provide—

(a) for designating the church as a parish church or chapel of ease;

(b) for vesting the building or part, with or without any land vested with the building or part, in the incumbent of the benefice in the area of which, and the churchwardens of the parish in which, it is situated, or in such other person as may be specified in the scheme;

(c) for such transitional, supplementary or consequential matters as the Commissioners think necessary or expedient;

(d) for revoking the declaration of closure for regular public worship and revoking or amending any provisions, whether in a pastoral scheme or disposal scheme, made under this Schedule in relation to the building or part of the building closed for regular public worship.

10. Vesting of property

(1) Where a pastoral scheme or disposal scheme contains a provision described in column 1 of the following table relating to any property, the corresponding provision in column 2 shall have effect in relation to that property.

Provision contained in scheme	*Provision having effect in relation to property*
(1) Provision under paragraph 1 or 4 for the demolition of the building closed for regular public worship or any part of it	The building or part and any land which under the scheme is to be sold, given, exchanged or let with the site of the demolished building or part shall vest in the Board on the relevant date.
(2) Provision under paragraph 1, 2 or 4 empowering the Board to sell, give or exchange — (a) the building closed for regular public worship, or (b) any part of it or any land annexed or belonging to the building or the church of which it forms part, for a use or uses specified or described in the scheme	The building or part or land shall vest in the Board on the relevant date.
(3) Provision under paragraph 1, 2 or 4 for land annexed or belonging to a building closed for regular public worship to be appropriated to use as the site for a parsonage house or part of the house or as parsonage land	[The land shall on the relevant date vest in the Board.]
(4) Provision under paragraph 1, 2 or 4 for land annexed or belonging to a building closed for regular public worship or the whole or part of the site of a demolished building or land annexed or belonging to it to be appropriated for any ecclesiastical purposes of the parish	The land or site shall on the relevant date vest in the Board to be held on trust for the parochial church council for that parish to be used for those purposes
(5) Provision under paragraph 1, 2 or 4 for the use, holding, letting or licensing by the Board of — (a) the building closed for regular public worship or any part of it, or (b) any land annexed or belonging to the building or the church of which it forms part, for a use or uses specified or described in the scheme	Where the building or part or land is not on the relevant date vested in the Board, it shall vest in the Board on that date.
(6) Provision under paragraph 1, 2 or 4 for appropriating any land to use as part of a churchyard or burial ground	The land shall on the relevant date vest in the person in whom the churchyard or burial ground is vested
(7) Provision under paragraph 2 or 4 for the care and maintenance by Manx National Heritage of — (a) a building closed for regular public worship or any part of it, or (b) any land annexed or belonging to the building or the church of which it forms part	The building or part or land shall on the relevant date vest in Manx National Heritage.

(8) Provision under paragraph 4 for transferring to the Board responsibility for the care and maintenance of any land annexed or belonging to a building closed for regular public worship or the church of which it forms part	The land shall on the relevant date vest in the Board.

(2) In the table in sub-paragraph (1) "the relevant date" means the date when the relevant provisions of the scheme come into operation.

(3) The body in whom any property vests under this paragraph or paragraph 3(1) shall be treated as having an interest, for the purposes of faculty proceedings, in any other property so vested or any property formerly annexed or belonging to or held with property so vested.

(4) Any property vested in Manx National Heritage under this paragraph shall be treated as trust property for the purposes of the Manx Museum and National Trust Act 1959 .

(5) This paragraph is without prejudice to any other power of Manx National Heritage to acquire land.

11. Compensation for loss of burial rights

(1) Any person entitled to burial rights in property vesting in any person under paragraph 3(1) or 10 may claim compensation in respect of the loss of the rights, and in default of agreement any such claim shall be referred to and determined by the consistory court of the diocese.

(2) The amount of any compensation so awarded shall be paid by the Board, and the payment shall be treated as money expended on the property for the purpose of furthering its disposal or use.

12. Rights of way and other easements

(1) Where any land annexed or belonging to a church the whole or part of which is a building closed for regular public worship does not vest by virtue of this Measure in the Board or Manx National Heritage, the disposal scheme or (in a case to which paragraph 1 or 2 applies) the pastoral scheme may provide for conferring on any of the bodies in whom the building or the site of the building or any part of the building or site or any other land annexed or belonging to the church vests, such rights of way or other easements over or in the land not so vesting as appear to the Commissioners to be necessary—

(a) to enable any property so vesting to be used for a use or uses specified or described in the disposal scheme, or to facilitate such use;

(b) to enable any property so vesting which is to be sold, given, exchanged or let by the Board (otherwise than for any such use), to be used for such purposes as appear to the Commissioners to be reasonable, or to facilitate such use; or

(c) to enable Manx National Heritage to perform its functions with respect to any property so vesting in it, including the giving of reasonable access to members of the public.

(2) Where —

(a) rights of way over land adjoining or adjacent to a church to which or to a part of which a declaration of closure for regular public worship relates were, before the declaration took effect, enjoyed by persons attending the church, and

(b) the church or part vests, by virtue of this Measure, in the Board or Manx National Heritage,

the said rights of way shall be enjoyed by the Board or Manx National Heritage, as the case may be, so far as is necessary for the performance of its functions and by members of the public for the purpose of visiting the church.

(3) Where rights of way or other easements have been acquired by the Commissioners under paragraph 13 and land for the benefit of which the rights were acquired vests in Manx National Heritage by virtue of this Measure, those rights shall also vest in Manx National Heritage.

13. Acquisition of rights of way and other easements

Where the Commissioners consider that it is necessary or appropriate that any right of way or other easement be acquired for the benefit of land which —

(a) is to be disposed of by the Board under this Measure, or

(b) has vested or is to vest in Manx National Heritage by virtue of this Measure,

the Board or Manx National Heritage, as the case may be, may acquire the right of way or easement in question.

14. Removal of legal effects of consecration of buildings and land

(1) Sub-paragraph (2) applies where any consecrated building or part of a building or land is—

(a) vested in the Board under paragraph 10,

(b) appropriated to a use or uses specified or described in a disposal scheme or a pastoral scheme to which paragraph 1 or 2 applies, or

(c) vested in the Board in pursuance of a disposal scheme.

(2) Unless the scheme otherwise provides—

(a) the building or part of a building or land shall not be subject to the legal effects of consecration; and

(b) in particular, the jurisdiction of any court or person with respect to the granting of faculties shall cease to extend to the building or part of a building or land.

(3) Where any consecrated building or part of a building or land is vested in Manx National Heritage under paragraph 10, the jurisdiction under referred to in sub-paragraph (2)(b) shall cease to extend to it, and accordingly any works or alterations may be carried out in or in relation to the building or part of a building or land without the need for a faculty, but subject to that it shall continue to be subject to the legal effects of consecration..

(4) If any building or part of a building or land to which sub-paragraph (2) or (3) applies is subsequently restored to its former use or is appropriated to another use for which consecration would be required, that sub-paragraph shall cease to apply.

15. Power to impose and enforce covenants

(1) Without prejudice to any restriction or requirement in a disposal scheme or a pastoral scheme to which paragraph 1 or 2 applies, the Board may, in exercising its powers under this Schedule to sell, give, exchange, let or license any building or land, include in the conveyance, lease or other instrument such covenants imposing conditions and requirements as to the use of the building or land concerned as the Board think necessary or expedient to give effect to the provisions of the scheme or otherwise to secure the suitable use of the building or land.

(2) In a case where the land is sold, given or exchanged, any such covenants shall be enforceable as if the Board were the owners of adjacent land and the covenants were expressed to be entered into for the benefit of that adjacent land, and in the case of covenants of a positive character as if they were negative.

(3) Where any such covenant is subsequently varied or released by agreement, paragraph 4(5) shall apply in relation to any sum of money received by the Board in consideration of the variation or release of the covenant.

(4) Section 1 of the Conveyancing Act 1983 (which enables the High Court to discharge or modify restrictions affecting land) shall not apply in relation to conditions and requirements imposed under sub-paragraph (1).

16. Disposal of font, communion table and plate, and other contents

(1) Where a pastoral scheme or disposal scheme makes provision for a church or part of a church to be demolished or appropriated to any use specified or described in the scheme, the Bishop shall, unless the scheme makes other provision, give directions as to how the font, communion table and plate used for the purpose of Holy Communion shall be dealt with.

(2) If the church or part is so demolished or appropriated before any such directions are given or fully implemented, the Board shall, subject to any provision of the scheme, be responsible for the care, maintenance and safeguarding of any such items.

(3) In a case to which sub-paragraph (1) applies, the scheme may also make provision with respect to the disposal of any other contents of the church, not being tombstones, monuments or memorials commemorating deceased persons buried in the church or in any land belonging or annexed to the church.

(4) Where any items are disposed of in accordance with sub-paragraph (1) or (3) the Bishop shall, subject to any provision of the scheme, give directions as to how any proceeds of their sale are to be applied.

(5) Where —

(a) a disposal scheme or a pastoral scheme to which paragraph 2 applies provides for the care and maintenance of a church or part of a church by Manx National Heritage, or

(b) a disposal scheme provides for a church or part of a church to remain vested in the Board,

the scheme may also provide for —

(i) the vesting in and the care and maintenance by Manx National Heritage or the Board, as the case may be, of any of the contents of the church, or

(ii) the disposal of any of the contents other than any tombstones, monuments or memorials as are referred to in sub-paragraph (3).

[(5A) Manx National Heritage may, with the consent of the Commissioners, dispose of any fixtures, fittings or other contents of a church vested in it under this Schedule.]

(6) No faculty shall be required for anything done in pursuance of this paragraph.

17. Trusts for the repair etc. of buildings closed for regular public worship and contents

(1) If and so long as a building closed for regular public worship or part of it is vested in —

(a) the Board pending the making or in pursuance of a disposal scheme;

(b) Manx National Heritage in pursuance of a disposal scheme or a pastoral scheme to which paragraph 2 applies; or

(c) the Board for use or uses specified or described in a pastoral scheme or disposal scheme;

any property of a charity the purposes of which include the repair and maintenance of the building or the provision or maintenance of ornaments or other contents of the building shall, subject to sub-paragraph (2), continue to be applicable for that purpose.

(2) Any such property —

(a) in the case mentioned in sub-paragraph (1)(c), it shall only be so applicable if the scheme so provides; and

(b) if the building closed for regular public worship consists of part of a church or only part of the building is vested, it shall only be so applicable if and to the extent that the scheme so provides.

(3) If and so long as —

(a) any land annexed or belonging to a building closed for regular public worship is vested in —

(i) the Board in pursuance of a disposal scheme, or

(ii) Manx National Heritage in pursuance of a disposal scheme or a pastoral scheme to which paragraph 2 applies, and

(b) that land comprises a churchyard,

any property of a charity the purposes of which include the maintenance of the churchyard shall, subject to sub-paragraph (4), continue to be applicable for that purpose.

(4) If part only of the churchyard is so vested, the property shall only be so applicable if and to the extent that the scheme so provides.

(5) Nothing in sub-paragraphs (1) and (2) affects the powers of the Board under Schedule 3 to the Church Act 1992 to make schemes in respect of any such charity..

(6) Where —

(a) the purposes of a charity include the giving of sermons or lectures in any church, and

(b) by reason of a declaration of closure for regular public worship relating to the church or a part of it, the sermons or lectures cannot be given in that church,

they shall be given in the parish church of the parish in which the church is situated, or in such other church as the Bishop may direct in an instrument under seal with the approval of the Attorney General.

18. Transfer of churches closed for regular public worship

(1) Despite anything in this Schedule, where a building closed for regular public worship or any part of such a building is vested in the Board, whether in pursuance of a pastoral scheme or a disposal scheme or pending the making of a disposal scheme, the Board may, with the approval of the Bishop and the Commissioners, enter into and carry out an agreement with Manx National Heritage for the acquisition and preservation by Manx National Heritage of the building or part, with or without other land so vested in the Board.

(2) On any such acquisition this Part, except so far as it is applied by sub-paragraphs (3) and (4), and any disposal scheme made with respect to the building, or any provisions of a pastoral scheme so made by virtue of paragraph 1 or 2, shall cease to apply to the property acquired.

(3) Where a building closed for regular public worship or part of such a building is acquired under sub-paragraph (1)—

(a) any rights of way or other easements conferred under paragraph 12(1) and any rights of way enjoyed under paragraph 12(2) shall vest in Manx National Heritage or be enjoyed by it for the performance of its functions in relation to the property or for giving reasonable access to the public;

(b) section 38(b) and paragraphs 11, 14(2) and 16(1) to (3) shall apply as they apply to buildings or parts of buildings and land vested in Manx National Heritage;

(c) section 21(1) shall not apply to a disposal to Manx National Heritage.

(4) A pastoral scheme may make provision under paragraph 9, with the consent of Manx National Heritage, for —

(a) restoring to use as a church or part of a church any building closed for regular public worship or part of such a building acquired by Manx National Heritage under this paragraph, and

(b) any of the other matters specified in paragraph 9.

(6) Where —

(a) either —

(i) a building closed for regular public worship or any part of such a building is acquired by Manx National Heritage under this paragraph, or

(ii) an agreement for such an acquisition has been made, and

(b) any land previously annexed or belonging to the building is vested in the incumbent of the benefice in the area in which the building is situated, whether alone or jointly with churchwardens,

the incumbent or incumbent and churchwardens may, with the approval of the Bishop and the Commissioners, enter into and carry out an agreement with Manx National

Heritage for the acquisition of the land by Manx National Heritage and for its maintenance with the building or part of the building.

(7) Sub-paragraph (3) shall apply in relation to any land acquired under sub-paragraph (6) as it applies in relation to a building closed for regular public worship or part of such a building acquired under sub-paragraph (1).

(8) An agreement under this paragraph may provide for the acquisition and preservation by Manx National Heritage of any of the contents of the building closed for regular public worship or a part of such a building, and on such an acquisition —

(a) paragraph 17(1) shall apply to the contents as they apply to the contents of a building or part vested in Manx National Heritage as mentioned in paragraph 17(1)(c), but

(b) otherwise this Schedule and any disposal scheme or pastoral scheme relating to the contents shall cease to apply to the contents so acquired.

NOTE Schedule 3: para.3(3): words in square brackets substituted by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.2 para.1(3); para.3(4): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2025 Sch.2 para.3(2); para.4(5): words in square brackets substituted by Church Property Measure (Isle of Man) 2021 s.9(2); para.4(7A) inserted by ibid. s.9(3); para.5(4) substituted and para.5(4A) inserted by Mission and Pastoral Measure (Isle of Man) 2018 Sch.2 para.5(1); para.5(5): words in square brackets inserted by ib. para.5(2); para.5(12): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.11(2); para.10(1): words in square brackets substituted by ib. para.7; para.16(5A) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(8).

SCHEDULE 4
DISPOSAL OF HUMAN REMAINS

1. Interpretation

In this Schedule —

"the Commission" means the Commonwealth War Graves Commission;

"commonwealth war burial" means a burial of any member of the forces of His Majesty fallen in the war of 1914-1921 or in the war of 1939-1947;

"the Department" means the Department of Environment, Food and Agriculture;

"the landowner" means the body or person in whom the building, part of a building or land in question is vested or to whom it is leased or licensed.

2. Notice of proposed removal

The landowner shall, before removing any human remains or any tombstones, monuments or memorials commemorating the deceased persons—

(a) publish in a local newspaper a notice of intention to do so at least once during each of 2 successive weeks; and

(b) display a like notice in a conspicuous place where the remains are interred; and

(c) serve a like notice on the Bishop and on the Commission; and

(d) if the remains were interred within twenty-five years before the date of the first publication of the notice, serve a like notice on the personal representatives or next of kin (or, in the event of their being untraceable, any known relative) of the deceased person.

3. Contents of notice

Any notice required to be published and served under paragraph 2 shall contain—

(a) the address at which particulars of the deceased persons and of any tombstones, monuments or other memorials commemorating them may be inspected;

(b) the name of the burial ground or crematorium where it is proposed to reinter or cremate such remains and the manner in which it is proposed to dispose of such tombstones, monuments or other memorials;

(c) a statement as to the right of the personal representatives or relatives of any deceased person or, in relation to any commonwealth war burial, the Commission on notice in writing given within a specified time themselves to undertake the removal and reinterment or cremation of the remains of the deceased, and the disposal of any tombstones, monument or other memorial commemorating the deceased within 2 months from the date of the notice;

(d) a statement of —

(i) any directions given by the Department with respect to the removal and reinterment or cremation of human remains, and

(ii) any requirements imposed by the Bishop with respect to the manner of removal, the place and manner of reinterment or cremation, and the disposal of tombstones, monuments and other memorials;

(e) a statement as to the extent to which the landowner is required by this Schedule to defray the expenses of such removal and reinterment or cremation or disposal.

4. Removal of remains and memorials by relatives etc.

(1) The personal representatives or relatives of any deceased person whose remains are interred in the land or, in the case of any commonwealth war burial, the Commission may —

(a) on giving the required notice, themselves remove and reinter any such remains or cremate them in any crematorium, and

(b) dispose of any tombstone, monument or other memorial commemorating the deceased,

and the landowner shall defray the reasonable cost of the removal and reinterment or cremation or disposal; and if any question arises as to what is a reasonable sum for that purpose the decision of the Commissioners shall be conclusive.

(2) If the removal and reinterment or cremation or disposal, as the case may be, has not been carried out by the personal representatives or relatives or the Commission in accordance with the provisions of this Schedule within 2 months from the date of the required notice, the landowner may carry out the removal and reinterment or cremation or disposal as if the required notice had not been given.

5. Removal of remains by landowner

If any human remains interred in the building or land which have not been removed and reinterred or cremated by the personal representatives or relatives of the deceased person or the Commission within the 2 month period mentioned in paragraph 4(2) —

(a) the remains shall, on removal by the landowner, be reinterred in such land as may be indicated as being reasonably available for the purpose by the Bishop, and

(b) failing any such land being so indicated, they shall be reinterred in any cemetery or burial ground or cremated in any crematorium.

6. Removal and re-erection of memorials

Any tombstone, monument or other memorial commemorating any deceased person whose remains are reinterred or cremated in accordance with paragraph 5 may, where reasonably practicable, be removed and re-erected by the landowner over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

7. Reinstatement of memorials

Any tombstone, monument or other memorial not disposed of in accordance with paragraph 4 or 6 may, with the agreement of the Bishop given after consultation with the advisory committee, be allowed to remain where it is or be removed and re-erected in such place in the building or land as the Bishop may direct.

8. Directions of Department as to removal and disposal of remains

The removal of all human remains shall be effected, and the remains reinterred or cremated, in accordance with the directions of the Department.

9. Record of removal of remains

Upon any removal of remains a certificate of removal and reinterment or cremation shall be sent to the [Registrar General] by the landowner —

(a) giving the dates of removal and reinterment or cremation respectively, and

(b) identifying the place from which the remains were removed and the place in which they were reinterred or cremated,

showing the particulars of each removal separately, and every such certificate shall be deposited at the [Central Registry] with the registers of deaths in the custody of the [Registrar General].

10. Disposal of memorials

Any tombstone, monument or other memorial not disposed of in accordance with this Schedule shall be offered by the landowner to the Bishop for disposal as he thinks fit, and the Bishop shall consult the advisory committee with respect to the disposal and if the tombstone, monument or other memorial is not accepted by the Bishop for preservation it shall be broken and defaced before being otherwise disposed of.

11. Record of removal of memorials

Where any tombstone, monument or other memorial is removed from the land, the landowner shall within 2 months from the date of removal—

(a) deposit in the Manx Museum a record of the removal with sufficient particulars to identify the memorial (including a copy of any inscription on it) and showing

the date and manner of its removal and disposal and the place (if any) to which it is transferred;

(b) send to the [Registrar General] a copy of the record for deposit with the registers of deaths in the custody of the [Registrar General].

12. Conditions imposed by Bishop

The requirements of this Schedule shall be in addition to such reasonable conditions if any as may be imposed in the case of consecrated ground by the Bishop with respect to —

(a) the manner of removal and the place and manner of reinterment or cremation of any human remains, and

(b) the disposal of any tombstones, monuments or other memorials,

and any such conditions shall be complied with as if they formed part of this Schedule.

NOTE Sch.4: paras.9 & 11: words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.11(3).

SCHEDULE 5

…

NOTE Schedule 5 repealed by Church (Miscellaneous Provisions) Measure 2025 Sch.2 Pt 2.

[SCHEDULE 6

COMPENSATION OF OFFICE-HOLDERS

1. Persons entitled to compensation

(1) Subject to sub-paragraph (2), the holder of an ecclesiastical office who is subject to Common Tenure ("the claimant") is entitled to compensation under this Schedule —

(a) if his or her office is abolished by or as the result of a pastoral scheme; or

(b) if he or she —

(i) agrees with the Commissioners that compensation will be payable if he or she resigns from the office in question to enable a pastoral scheme to come into operation or to facilitate its coming into operation, and

(ii) resigns following the making of the scheme.

(2) Sub-paragraph (1) does not apply if the pastoral scheme also provides for the appointment of the claimant to another ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

2. Amount of compensation

(1) The amount of compensation payable to the claimant under this Schedule is —

(a) 12 months' stipend, and

(b) the amount that would be required by way of contribution under [section 9(2) of the Church of England Pensions Measure 2018] for 12 months' service by the claimant in the office in question on that stipend.

(2) In sub-paragraph (1), the references to a stipend are to the stipend that the claimant was receiving immediately before ceasing to hold the office in question.

3. Housing

(1) This paragraph applies where the claimant was, immediately before ceasing to hold the office in question, occupying a parsonage house or other official residence provided for the purposes of the office.

(2) The Board must provide the claimant with accommodation which is suitable for him or her, and the family members with whom he or she lives, for a period of 12 months beginning with the date on which the claimant ceases to hold the office in question.

(3) In sub-paragraph (2) the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation.

(4) The Board may, instead of acting as mentioned in sub-paragraph (2), make a payment to the person concerned of an amount agreed by the Board and the person; and where the Board does so, it is to be treated as having discharged the duty under sub-paragraph (2).

4. Additional payment

Where a person is entitled to compensation under this Schedule, the Bishop may authorise an additional payment to be made to the person of such amount as the Bishop with the consent of the Board may determine.

5. Payments of compensation etc.

(1) Each of the following payments —

(a) a payment of compensation under this Schedule,

(b) a payment under paragraph 3(4), and

(c) an additional payment under paragraph 4,

is to be made as a lump sum by the Board.

(2) The payment is to be charged on the capital account or the income account of the diocesan stipends fund, as the Board may decide on a case by case basis.

6. Power to amend

(1) This paragraph applies where the Board considers, in the light of experience, that it is necessary or appropriate to make adjustments to the way in which the scheme under this Schedule operates.

(2) Where this paragraph applies, the Board may by order amend the preceding provisions of this Schedule so as to give effect to those adjustments, and —

(a) make consequential modifications to any Measure of the General Synod which extends to the Island, or

(b) make consequential amendments to —

(i) this Measure, or

(ii) any other Measure under the Church Legislation Procedure Act 1993, or

(iii) any instrument made under any Measure referred to in (a) or (i) or (ii) above.

(2) An order under this paragraph may not vary—

(a) the requirements for entitlement to compensation, or

(b) the amount of compensation payable.

(3) An order under this paragraph may not be made unless a draft of the order has been approved by the Diocesan Synod.

(4) An order under this paragraph shall be laid before Tynwald as soon as may be after it is made, and if Tynwald, at the sitting at which it is laid or the next following sitting, resolves that it be annulled, it shall cease to have effect.]

NOTE Sch.6 substituted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 Sch.2 para.9(2); para.2: words in square brackets in sub-para.(1)(b) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man 2021 Sch.4 para.11(4).

[SCHEDULE 6A
MISSION INITIATIVES

1. Interpretation

In this Schedule —

"bishop's mission order" means an order under paragraph 2;

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

"leader", in relation to a mission initiative, means the person or one of the persons or group of persons, specified under paragraph 2(3)(c) in the relevant bishop's mission order;

"mission initiative" means an initiative to promote or further the mission of the Church or any aspect of it;

"visitor", in relation to a mission initiative, means the person designated under paragraph 4 in the relevant bishop's mission order.

2. Mission initiatives

(1) This paragraph applies where —

(a) a person or group of persons is carrying out or is proposing or wishes to carry out a mission initiative in the diocese; and

(b) either —

(i) that person or group or any other person or body exercising ecclesiastical functions in the diocese requests the Bishop to make an order under this paragraph, or

(ii) the Bishop, without any such request being made, considers that it would be appropriate to make an order under this paragraph.

(2) If the Bishop is satisfied that the mission initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it, he or she may make an order (a "bishop's mission order") endorsing the initiative and making provision for it in accordance with this Schedule.

(3) A mission order shall specify —

(a) the objectives of the mission initiative;

(b) the area or areas in which it is being or is to be carried out;

(c) a person or persons or a group of persons who or which is or are to lead the mission initiative and be responsible to the Bishop for the conduct of it (the "leader" or "leaders"); and

(d) the role of the leader or leaders.

(4) The Bishop shall make such provision in the order as he or she thinks fit for the administration of the Sacraments in accordance with the statutory provisions and other laws relating thereto.

(5) Before making a mission order the Bishop shall—

(a) consult such other Churches and religious organisations as he or she thinks fit,

(b) consult any person or group of persons who or which appears to him or her to have a significant interest in or to be likely to be significantly affected by the order, including any body which he or she considers would adequately represent the interests of any such person or group,

(c) consult the Commissioners, and

(d) obtain the consent of the proposed leader or leaders.

(6) For the purposes of sub-paragraph (5)(b), the following shall be deemed to have an interest in the order—

(a) any person having or sharing the cure of souls in the area of any benefice affected by the order, and

(b) any other person or body, including a parochial church council or patron, who may have an interest in the cure of souls in any such area;

and in considering whether a person or body has a significant interest in or would be likely to be significantly affected by the order, the Bishop shall have regard to the objectives of the initiative endorsed by the order and any other circumstances which he thinks relevant.

(7) The Bishop may authorise a person or body to carry out the consultation referred to in sub-paragraph (5) on his or her behalf.

3. Exercise of ministry

(1) No person may officiate in any place in accordance with a mission order unless—

(a) if that person is ordained as a priest or deacon, he or she —

(i) has received authority from the Bishop by virtue of being instituted to a benefice or licensed by the Bishop to serve or having written permission to officiate in the diocese, or

(ii) may otherwise under any Canon of the Church of England officiate in that place without the authority of the Bishop, or

(b) if that person is a deaconess, reader or lay worker, he or she is authorised under any Canon to do so.

(2) Subject to sub-paragraphs (1) and (3), a bishop's mission order may include provision authorising a minister to exercise his or her ministry in any place for the purposes of or in connection with the mission initiative in any manner specified in the order and, where he or she is not the minister who has the cure of souls in that place, without obtaining the permission of the minister who has that cure.

(3) Before including any provision under sub-paragraph (2), the Bishop shall consult —

(a) if the order affects one parish only, the incumbent or priest in charge of that parish,

(b) subject to paragraph (c), if the order affects more than one parish, either the incumbents or priests in charge of those parishes or the house of clergy of the Diocesan Synod, as the Bishop thinks fit,

(c) if the order affects all the parishes in the diocese, the house of clergy of the Diocesan Synod.

(4) Any alms collected in the course of or in connection with an office or service performed in accordance with the order shall be disposed of in such manner as the minister performing the office or service may, subject to the direction of the Bishop, determine.

(5) Subject to sub-paragraph (1), a bishop's mission order may include provision authorising the performance of divine service, including Holy Communion, if so specified, —

(a) in a parish church, parish centre of worship or place licensed for public worship in accordance with section 17(1), with the consent of any minister having the cure of souls in that church, parish centre of worship or place;

(b) in any other building, with the consent of the person who has the general management and control of the building.

4. Visitor

(1) A bishop's mission order shall designate a person (the "visitor") who shall —

(a) on behalf of the Bishop exercise oversight of the mission initiative and advise and encourage and, so far as practicable, provide support for it; and

(b) make regularly a report in writing to the Bishop on the discharge of his or her duties and the progress of the mission initiative and send copies of the report to the leader or leaders.

(2) The visitor may take such other steps as the visitor thinks fit for ensuring the proper governance of the mission initiative.

(3) The leader or leaders shall—

(a) consult the visitor regularly about the general direction and development of the mission initiative, and

(b) supply the visitor with a copy of the annual accounts and any other information which the visitor requires in order to carry out his or her functions.

5. Supplementary provisions

(1) Such supplementary provisions as the Bishop thinks fit, being provisions which, in his or her opinion, would further the objectives of the mission initiative, may be included in —

(a) the bishop's mission order, or

(b) a supplementary instrument.

(2) Without prejudice to the generality of sub-paragraph (1) the bishop's mission order or supplementary instrument may make provision—

(a) for the stipends, remuneration, pensions or housing and other expenses of any persons exercising functions under the bishop's mission order;

(b) for any other offices or functions which such persons may hold or perform in conjunction with their functions under the order;

(c) for the replacement, where necessary, of any persons or bodies exercising functions under the order by other persons or bodies;

(d) for the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order;

(e) for any measures required for —

(i) the protection of children, young persons and other vulnerable persons,

(ii) health and safety, or

(iii) insurance;

(f) for relationships —

(i) between persons involved with the mission initiative and persons who have the cure of souls within any area to which the bishop's mission order relates, and

(ii) with other Churches, institutions and religious organisations; and

(g) after consulting the visitor and such other persons or body as the Bishop thinks fit, for representation on the Diocesan Synod of persons to whom the order relates in accordance with a scheme under [rule 33C] of the Church Representation Rules.

(3) The Bishop may amend a bishop's mission order or a supplementary instrument by a further order or instrument but, in the case of an order, shall not do so except after consulting —

(a) the Commissioners,

(b) the leader or leaders,

(c) the visitor,

(d) any relevant person having the cure of souls, and

(e) any other person or body which he or she thinks fit;

and paragraph 3(3) or 7(2) or (4) shall apply if any amendment relates to a provision referred to in any of those sub-paragraphs.

(4) The Bishop may revoke a bishop's mission order and a supplementary instrument by a further order or instrument but, in the case of an order, shall not do so without carrying out the like consultation as is referred to in sub-paragraph (3).

(5) Any leader shall have the right to make written or oral representations (or both) to the Bishop in respect of an order amending or revoking a bishop's mission order.

(6) An order amending or revoking a bishop's mission order may include provision in respect of the management or disposal of property and of any other matters for which it is, in the opinion of the Bishop, expedient to make provision.

(7) A bishop's mission order or supplementary instrument shall specify its duration (which may be defined or indefinite).

(8) A bishop's mission order, a supplementary instrument and an order or instrument under sub-paragraph (3) or (4) —

(a) shall be signed by the Bishop, and

(b) except in the case of an order or instrument under sub-paragraph (4), shall be signed by the leader or leaders and contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.

6. Review of duration of mission initiatives and further provisions

(1) In the case of a bishop's mission order of defined duration, the visitor shall conduct a review of the mission initiative not less than 6 months before the expiry of the order, in consultation with —

(a) the leader or leaders,

(b) the Commissioners,

(c) such other persons or organisations referred to in paragraph 2(5)(a) and (b) as the visitor thinks fit, and

(d) where relevant, any authority referred to in paragraph 7(4).

(2) The visitor shall make a report in writing to the Bishop on the outcome of the review conducted under sub-paragraph (1), and the report shall contain the visitor's recommendations on whether the mission initiative should continue, and —

(a) if so, whether the bishop's mission order should be renewed and, if it should, on the duration of the renewal (which may be defined or indefinite), or

(b) if not, whether (and if so how) the objectives of the mission initiative should be continued.

(3) The visitor's report may contain such other recommendations or comments as the visitor may think fit and copies of the report shall be sent to such other persons or bodies as the Bishop may direct.

(4) The Bishop, after considering the report, may, if he or she considers that the mission initiative should continue, after consulting the Commissioners and after carrying out such further consultation as he or she thinks fit, make a further bishop's mission order continuing the mission initiative and, if he or she thinks fit, a further supplementary instrument.

(5) The further order and supplementary instrument, if any, shall specify the duration of the order and instrument (which may be defined or indefinite) and the order shall continue in force accordingly.

(6) If the Bishop makes a further order under sub-paragraph (4) which is of defined duration, the visitor shall be under the like duty to review and report on the mission initiative as is imposed on the visitor by sub-paragraphs (1), (2) and (3).

(7) The Bishop, after considering the report referred to in sub-paragraph (6), may, if he or she considers—

(a) that the mission initiative should continue, and

(b) that there are no other suitable means by which the mission initiative or its objectives can be achieved,

and after consulting the Commissioners, make a further bishop's mission order and, if he of she thinks fit, a further supplementary instrument.

(8) Any order or supplementary instrument made under sub-paragraph (7) shall continue without limit of time, unless revoked or amended by a further order or instrument.

(9) Any order or supplementary instrument made under this paragraph shall, so far as appropriate, make provision for any of the matters mentioned in paragraphs 2 to 5 and those paragraphs shall apply accordingly.

(10) Any order or supplementary instrument made under this paragraph may be amended or revoked by a further order or instrument and paragraph 5(3), (4) and (5) shall apply in relation to any such order or instrument as it applies to orders and instruments made under that paragraph.

(12) Any order or instrument made under this paragraph shall be signed in like manner as is provided by paragraph 5(8) and shall include the like declaration of acceptance by the leader or leaders.

7. Ecumenical co-operation

(1) In this paragraph —

"co-operation provision" means a provision made under sub-paragraph (2) by a bishop's mission order;

["ecumenical co-operation" means co-operation in matters affecting the mission of, or worship in, the Churches concerned or their ministry, congregational life or buildings, and

"local ecumenical co-operative scheme" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.]

(2) A bishop's mission order may include provision —

[(a) for participation in a local ecumenical co-operative scheme,]

(b) for other ecumenical co-operation with other Churches, and

(c) for collaboration with any religious organisations.

(3) Without prejudice to paragraph 2(5), where it is proposed to include a co-operation provision in a bishop's mission order, the Bishop shall, as well as carrying out such consultation as is referred to in that sub-paragraph, consult the appropriate authority of each Church or religious organisation which is to participate in the [local ecumenical co-operative scheme], or which is otherwise concerned.

(4) The Bishop may authorise a person or body to carry out the consultation referred to in sub-paragraph (3) on his or her behalf.

(5) Where a co-operation provision is included or is to be included in a bishop's mission order, and without prejudice to paragraph 2(5), the Bishop and the visitor shall discharge all their functions under this Schedule after consultation with the appropriate authority of each Church or religious organisation which is to participate in the [local ecumenical co-operative scheme], or which is otherwise concerned.

(6) Where a bishop's mission order of defined duration contains or is to contain a provision for participation in a [local ecumenical co-operative scheme], the order or supplementary instrument may, with the agreement of the appropriate authority of each Church which is to participate in [the scheme], provide that —

(a) the reports referred to in paragraph 6(2) and (6) shall be made to a body of persons designated or constituted by the order or instrument, and

(b) the functions of the Bishop under paragraph 6(3) to (5) and (7) to (11) shall be performed by or on behalf of that body.

(7) A body referred to in sub-paragraph (6) —

(a) shall include the Bishop and one or more representatives of the appropriate authorities mentioned above, and

(b) may include persons otherwise representing the Church of England;

and any functions of the visitor which, under paragraph 4 or 6, are performed on behalf of the Bishop shall be performed instead on behalf of that body.

8. Code of practice

In exercising any functions under this Schedule the Bishop, the Commissioners, any leader and any visitor shall have regard to any code of practice issued, or having effect as if issued, by the House of Bishops under section 84 of the Mission and Pastoral Measure 2011 and for the time being in force, so far as it is applicable to the Isle of Man.]

NOTE Sch.6A inserted by Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 s.3(2) & Sch.1; para.5(2)(g): words substituted by Church Representation and Ministers Measure (Isle of Man) Sch.3 para.9; para.7(1), (2), (3), (5) & (6): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.11(5).

SCHEDULE 7
TRANSITIONAL PROVISIONS

1. In this Schedule "the 1983 Measure" means the Pastoral Measure 1983.

2. Where, on the coming into operation of this Measure —

(a) any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or

(b) any such proposals have been formulated, or

(c) any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or

(d) any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,

but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made, the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been made, but thereafter, any such scheme or order shall have effect as if it were a pastoral scheme or disposal scheme, as the case may be, made under this Measure.

3. Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into operation of this Measure shall have effect as if it were a pastoral scheme or disposal scheme, as the case may be, made under this Measure.

4. Without prejudice to paragraph 3, where this Measure —

(a) re-enacts, with or without modification, a provision of the 1983 Measure, or

(b) substitutes an enactment for such a provision by way of amendment, revision or consolidation,

section 16 of the Interpretation Act 1976 has effect as if this Measure had repealed that provision.

5. Section 9(4) does not affect the freehold tenure or term of office or service of any person who —

(a) is a member of a team in a team ministry immediately before the coming into operation of that provision; or

(b) has been designated as the rector in a team ministry by a pastoral scheme before the coming into operation of that provision;

but otherwise section 9 has effect despite any provision to the contrary in a pastoral scheme or order.

NOTE: Schedule 7: the Pastoral Measure 1983 was extended to the Isle of Man by the Pastoral Measure (Isle of Man) 1990 (GC 131/90), repealed by Sch.10 below.

SCHEDULE 8

AMENDMENT OF ENACTMENTS

...

2. Church Act 1987 (c.12)

In section 1 —

(a) for subsection (3) substitute —

"(3) Section 5 shall be omitted."; …

3. Church Act 1992 (c.5)

(1) In section 8(1)(e), for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".

(2) In paragraph 8 of Schedule 2 —

(a) in the heading and sub-paragraph (1), for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012";

(b) in sub-paragraph (2), for "section 56(2)" substitute "section 19(2)".

(3) In paragraph 2(1)(c) of Schedule 3, at the end insert "(including the appointment of a new or additional trustee)".

...

5. Church (Miscellaneous Provisions) Measure (Isle of Man) 1993 (SD 496/93)

In the Schedule, in paragraph 1(2), at the end insert "; and in the definition of "minister", omit paragraph (b)".

...

7. Patronage Measure (Isle of Man) 1997 (SD 637/97)

(1) The Patronage (Benefices) Measure 1986, as set out in Schedule 1, is amended as follows.

(2) In section 2(4), in the definition of "benefice", for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".

(3) In section 7 —

(a) in subsection (4), for "As" substitute "Subject to subsection (5), as";

(b) at the end insert —

"(5) Where the Bishop gives notice to the registrar under subsection (1) or (2), he may include in it —

(a) a statement that he is considering whether or not to suspend the presentation to the benefice under section 29 of the Mission and Pastoral Measure (Isle of Man) 2012, and

(b) a direction to the registrar not to send a notice of the vacancy or impending vacancy under subsection (4) until the expiration of such period as is specified in the notice under subsection (1) or (2), not exceeding 3 months beginning with the giving of that notice;

and the registrar shall comply with the direction unless it is withdrawn before the expiration of that period.".

8. Church Records Measure (Isle of Man) 2000 (SD 533/00)

In sections 8(3) and 25(2) and Part 1 of Schedule 1, for "Pastoral Measure 1983" substitute "Mission and Pastoral Measure (Isle of Man) 2012".

NOTE Sch.8: para.1 omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 s.4(9); para.2(b) repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4; para.4 repealed by Churchwardens Measure (Isle of Man) 2013 Sch.2; para.6 omitted by 2015 Measure s.4(9).

…

NOTE Sch.9 repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

SCHEDULE 10

ENACTMENTS REPEALED

Reference	*Short title*	*Extent of repeal*
V p.14	Ecclesiastical Residences and Dilapidations Act 1879	In section 2, the definition of "Rural Dean", and in the definition of "Inspectors", the words "or Rural Dean". In section 19, the words "in his deanery". In sections 52 and 53, the words "or rural dean" (in each place).
VII p.179	Clergy Residence Act 1897	In section 9, the words "or Rural Dean".
V p.58	Church Act 1880	The whole Act.
1976 c.20	Interpretation Act 1976	In section 3, the definition of "Rural Dean".
1984 c.14	Marriage Act 1984	In section 18(4), the words from "and, where" onwards.
1987 c.12	Church Act 1987	In Schedule 1, paragraphs 18, 19, 30(1)(a) and (2) and 31.
GC 3/91	Pastoral Measure (Isle of Man) 1990	The whole Measure.

1992 c.5	Church Act 1992	Section 7(3). In Schedule 1, paragraph 1(3)(b)(i). In Part 1 of Schedule 4, in paragraph 1(3), the words from "and (b)" onwards. Part 2 of Schedule 4.
SD 496/93	Church (Miscellaneous Provisions) Measure (Isle of Man) 1993	In section 1, the words "Section 14 (rural deans)".. In the Schedule, paragraph 4.
SD 260/95	Incumbents (Disability) Measure (Isle of Man) 1995	Section 12(3). Section 16(4).
SD 715/96	Church (Miscellaneous Provisions) Measure (Isle of Man) 1996	Section 1. In section 2, the words "section 11 (amendment of Pastoral Measure 1983)". Schedule 1. In Schedule 2, paragraph 4.
SD 637/97	Patronage Measure (Isle of Man) 1997	In section 3(2), the words from "and (b)" to "1983,". In Schedule 1 — (a) section 12(9); (b) section 23(2); (c) paragraph 15 of Schedule 2. In Schedule 2, Part 2.
SD 155/02	Church (Miscellaneous Provision) Measure (Isle of Man) 2002	In section 1, the words "section 12 (provisions relating to rural deans)".
SD 809/09	Church (Miscellaneous Provisions) Measure (Isle of Man) 2009	In section 1, the words from "subject" to "Schedule 1", and the words from "section 8" onwards. In section 2, the words from "section 12" onwards. Schedule 1. In Schedule 2, paragraph 2. In Schedule 3, paragraph 1.
SD 192/12	Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.	In the Schedule, in paragraph 11(e), the inserted section 10(4).

Churchwardens Measure (Isle of Man) 2013

SM 1 of 2013 (SD 435/13)

1. Short title

The short title of this Measure is the Churchwardens Measure (Isle of Man) 2013.

2. Commencement

Except for the purpose of making or approving a scheme under section 4, this Measure comes into operation on such day as the Bishop may by order appoint.

NOTE S.2: the Measure was brought into force on 1 January 2015 by the Churchwardens Measure (Isle of Man) 2013 (Appointed Day) Order 2014 (SD 2014/371).

3. Interpretation

[(1)) In this Measure —

"actual communicant" has the same meaning as in the Church Representation Rules;

"annual meeting of the parishioners" means a meeting of the parishioners held pursuant to section 7(3);

"casual vacancy" includes a case where no or insufficient candidates have been nominated to fill the places available;

references to the Church Representation Rules are to those Rules as they have effect in the Island;

"commencement" means the date on which this Measure comes into operation;

["diocesan safeguarding advisor" means the person appointed as such for the diocese of Sodor and Man in accordance with provision made by Canon;]

"meeting of the parishioners" has the meaning given by section 7(2);

"minister", in relation to a parish, means —

(a) the incumbent of the benefice the area of which comprises or includes the parish;

(b) if that benefice is vacant, a priest licensed to the charge of, or acting as priest-in-charge of, the parish; or

(c) if the duties of a minister are assigned to a vicar in a team ministry by a pastoral scheme or his or her licence from the Bishop, that vicar;

"parish" means an ecclesiastical parish;

"pastoral scheme" has the same meaning as in the Mission and Pastoral Measure (Isle of Man) 2012;

"register of electors" means a register of electors in force under the Registration of Electors Act 2006;

"year" means a year ending on 31st December.

[(2) A reference in this Measure to a meeting of parishioners includes a reference to a meeting which persons may attend, speak at, vote in or otherwise participate in without any, or without all, of the persons being together in the same place.

(3) A reference in this Measure to the place where a meeting of parishioners is to be held includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.

(4) A person is to be regarded for the purposes of this Measure as present at a meeting of parishioners at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.

(5) A reference in this Measure to being present at a meeting of parishioners includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.]

NOTE S.3: subs.(1) numbered by Church (Miscellaneous Provisions) Measure (Isle of Man) 2025 s.4(a); definition of "diocesan safeguarding adviser" inserted by Safe-

guarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.1; subss.(2)-(5) inserted by 2025 Measure s.4(b).

4. Number of churchwardens

(1) For each parish there shall be such number of churchwardens (being not less than 2) as is specified in a scheme made by the Church Commissioners.

(2) A scheme under subsection (1) shall designate a parish in relation to each ancient ecclesiastical parish for the purposes of section 14 of the Burials Act 1986.

(3) A scheme under subsection (1) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod.

NOTE Scheme under s.4: the Churchwardens Scheme 2014 (SD 2014/370) q.v.

5. Qualifications and disqualifications

(1) Subject to subsections (2) to (6), the churchwardens of every parish shall be elected from persons —

(a) who have been baptised;

(b) whose names are on the church electoral roll of the parish;

(c) who are actual communicants; …

(e) who are not disqualified under subsection (2).

(2) A person is disqualified for being a churchwarden if he or she —

(a) has been convicted of —

(i) any offence involving dishonesty or deception, or

(ii) any offence mentioned in Schedule 1 to the Children and Young Persons Act 1966;

(b) has been adjudged bankrupt and has not been discharged;

(c) has made a composition or arrangement with his or her creditors and has not been discharged in respect of it; …

(e) is subject to a disqualification order or disqualification undertaking under the Company Officers (Disqualification) Act 2009.

(3) In subsection (2) —

(a) paragraph (a) applies wherever the conviction occurred, and whether before or after commencement, but does not apply in relation to any conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 2001;

(b) paragraph (b) applies wherever the adjudication occurred, and whether before or after commencement;

(c) paragraph (c) applies wherever the composition or arrangement was made, and whether before or after commencement; and

(d) paragraphs (d) and (e) apply in relation to orders made, removals effected and undertakings given before or after commencement.

[(3A) A person is disqualified for being chosen for the office of churchwarden if he or she is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 (an Act of Parliament)).]

[(3B) A person is disqualified for being a churchwarden if he or she is disqualified for being the trustee of a charity under section 25 of the Charities Registration and Regulation Act 2019, unless the disqualification is subject to a waiver which permits him or her to be a trustee of an ecclesiastical charity (within the meaning of Schedule 3 to the Church Act 1992).]

(4) Subject to subsection (6), a person is disqualified for being a churchwarden when he or she has served as a churchwarden of the same parish for 6 successive periods of office.

(5) A disqualification under subsection (4) lasts for one year beginning with the date on which the churchwarden vacated office at the end of the last such period.

(6) A meeting of the parishioners may by resolution —

(a) decide that subsection (4) shall not apply in relation to the parish concerned; or

(b) revoke a previous resolution under paragraph (a).

(7) Any custom or rule of common law whereby certain persons are disqualified for being a churchwarden shall cease to have effect.

NOTE S.5: subs.(2): para.(d) omitted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(1)(a); subs.(3A) inserted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.2; subs.(3B) inserted by 2020 Measure Sch.3 para.10(1)(b).

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6. Removal or waiver of disqualification

(1) This section applies if it appears to the Bishop, in the case of any particular person who, apart from this section, —

(a) would not be qualified by virtue of paragraph (b), (c) or (d) of section 5(1), or

[(b) would be disqualified under section 5(2) or (4),]

that there are exceptional circumstances which justify a dispensation from the provision in question.

(2) In a case falling within subsection (1)(a), the Bishop may in writing permit that person to hold the office of churchwarden even though the requirement in question is not met.

[(3) In a case falling within subsection (1)(b), the Bishop may waive the disqualification in question by giving written notice to the person concerned; and the notice must specify the Bishop's reasons for giving the waiver.

(4) Before [deciding whether to give a waiver] under subsection (3) in respect of a disqualification imposed by section 5(2)(a)(ii), the Bishop must consult —

(a) the diocesan safeguarding advisor, and

(b) such other persons as the Bishop considers appropriate.

(5) On giving a notice under subsection (3), the Bishop shall give a copy of the notice to the Diocesan Registrar; and the Registrar shall file the copy in the diocesan registry.

(6) A permission under subsection (2) applies only to the period of office next following the date on which it is given.

(7) A waiver under subsection (3) is of unlimited duration.]

NOTE S.6: subs.(1): para.(b) substituted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.3(1); subss.(3) & (4) substituted and subss. (5)-(7) inserted by ib. para.3(2); subs.(4): words in square brackets substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(2).

7. Election of churchwardens

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

(2) A meeting of the parishioners for the purposes of this Measure is a joint meeting of —

(a) the persons whose names are entered on the church electoral roll of the parish;

(b) the persons resident in the parish whose names are entered on a register of electors by reason of such residence; and

(c) in the case of a parish designated under section 4(2), the persons resident in the ancient ecclesiastical parish in question whose names are entered on a register of electors by reason of such residence.

(3) An annual meeting of the parishioners must be held in every parish not later than [31st May] in each year.

(4) Subject to subsection (5), a casual vacancy among the churchwardens must be filled at a special meeting of the parishioners as soon as practicable after the vacancy has arisen.

(5) A special meeting to fill a casual vacancy arising on or after 1st January need not be held if —

(a) at least 2 churchwardens remain in office, or

(b) the annual meeting of the parishioners is to be held before the expiration of one month after the vacancy arises.

(6) Schedule 1 has effect with respect to meetings of the parishioners and elections of churchwardens.

NOTE S.7: subs.(3): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.13(1).

[7A Election appeal

(1) An appeal may be made against the allowance or disallowance of a vote in an election under section 7.

(2) An appeal may be made against the result of an election under section 7.

(3) An error in the church electoral roll of the parish or a register of electors is not a ground of appeal against the result of an election unless—

(a) it has been determined on an appeal under rule 57 of the Church Representation Rules, or on a claim or objection under section 9 of the Registration of Electors Act 2006, as the case may be, that an error was made in the roll or register, or the question is awaiting determination under those Rules or that Act, and

(b) the error would or might be material to the result.

(4) The allowance or disallowance of a vote is not a ground of appeal under this section against the result of an election unless the allowance or disallowance would or might be material to the result of the election.

(5) An appeal under this section may be brought by—

(a) a person entitled to take part in the meeting of the parishioners for making the election, or

(b) a candidate in the election.

(6) Notice of an appeal under this section must —

(a) be in writing,

(b) give brief particulars of the ground of appeal; and

(c) be given to the secretary of the Sodor and Man Diocesan Synod.

(7) Notice of an appeal under subsection (1) must be given no later than 14 days after the vote in question was allowed or disallowed.

(8) Notice of an appeal under subsection (2) must be given no later than 14 days after the result of the election is declared by the person presiding at the meeting.

(9) Rules 60 and 61 of the Church Representation Rules apply to an appeal under this section as they apply to an appeal under rule 58 of those Rules which relates to the laity.

NOTE S.7A inserted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(3).

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8. Term of office

Subject to sections 9 and 11, a churchwarden holds office from the end of the meeting of the parishioners at which he or she was elected until the end of the next annual meeting of the parishioners.

9. Admission to office

(1) A person elected to the office of churchwarden must appear before the Chapter Court and take the oath of office at a time and place appointed by the Vicar General.

(2) If a person elected to the office of churchwarden fails to comply with the requirement of subsection (1) before the relevant date, his or her office shall become vacant on that date.

(3) In subsection (2) "the relevant date" means —

(a) in the case of a churchwarden elected at an annual meeting of the parishioners, [1st September] following the meeting;

(b) in any other case, the expiration of 3 months beginning with the date of the meeting at which the churchwarden was elected.

NOTE S.9: subs.(3): words in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.13(1).

[9A Suspension

(1) This section applies where —

(a) a churchwarden is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1966 or is charged with such an offence without being arrested, or

(b) the Bishop is satisfied, on the basis of information provided by a Department or the Chief Constable, that a churchwarden presents a significant risk of harm[, or

(c) the Bishop is satisfied that a churchwarden has failed to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016.]

(2) The Bishop may suspend the person from the office of churchwarden by giving written notice to him or her; and the notice must specify the Bishop's reasons for imposing the suspension.

(3) The Bishop may at any time revoke a suspension under this section by giving written notice to the person.

(4) For the purposes of subsection (1)(b), a person presents a significant risk of harm if there is a significant risk that he or she may —

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another person to harm a child or vulnerable adult.

(5) Before [deciding whether to suspend a person in reliance on subsection (1)(b) [or (c)] or whether to revoke] a suspension made in reliance on subsection (1)(b) [or (c)], the Bishop must consult —

(a) the diocesan safeguarding advisor, and

(b) such other persons as the Bishop considers appropriate.

(6) Having given a notice of suspension or revocation under this section, the Bishop shall give each of the following written notification —

(a) the Archdeacon,

(b) the clergy who hold office in the parish,

(c) the other churchwarden or churchwardens of the parish,

(d) the Diocesan Registrar,

(e) the diocesan safeguarding advisor, and

(f) such other persons as the Bishop considers appropriate.

(7) The Registrar shall file the notification given under subsection (6)(d) in the diocesan registry.

(8) In this section —

"child" means a person aged under 18;

"vulnerable adult" means a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.]

NOTE S.9A inserted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.4; subs.(1): para.(c) inserted by Safeguarding (Code of Practice) Measure (Isle of Man) 2022 s.4(2); subs.(5): first words in square brackets substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(4); words "or (c)" inserted by Safeguarding (Code of Practice) Measure (Isle of Man) 2022 s.4(3).

[9B Duration of suspension

(1) Where, in reliance on section 9A(1)(a), a notice of suspension is given under section 9A(2) and the suspension has not been revoked under section 9A(3) or 9C(2), the suspension continues until the earlier of —

(a) the expiry of 3 months beginning with the day on which the notice is given, and

(b) the conclusion of the matter.

(2) lf, in the case of a suspension made in reliance on section 9A(1)(a), the matter is not concluded before the expiry of the period referred to in subsection (1)(a), a further notice of suspension under section 9A(2) may be given to the person; and subsection (1) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.

(3) Where, in reliance on section 9A(1)(b) [or (c)], a notice of suspension is given under section 9A(2) and the suspension has not been revoked under section 9A(3) or 9C(2), the suspension continues until the expiry of 3 months beginning with the day on which the notice is given.

(4) In the case of a suspension made in reliance on section 9A(1)(b) [or (c)], a further notice of suspension under section 9A(2) may be given to the person; and subsection (3) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.

(5) For the purposes of this section, a matter is concluded when —

(a) a decision is taken not to charge the person with the offence in question, or

(b) where he or she is charged with the offence, the proceedings for the offence are concluded.]

NOTE S.9B inserted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.4; subss.(3) & (4): words "or (c)" inserted by Safeguarding (Code of Practice) Measure (Isle of Man) 2022 s.4(4).

[9C Appeal against suspension

(1) A person to whom a notice of suspension is given under section 9A(2) may appeal against the suspension to the Vicar General.

(2) On an appeal under this section, the Vicar General may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.]

NOTE S.9C inserted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.4. Procedure for appeals: see Suspension Appeals (Churchwardens etc.) Rules 2016 (SI 2016/816) as modified by Suspension Appeal Rules (Isle of Man) 2017, post.

10. Exercise of functions

(1) If a parish has more than 2 churchwardens, the churchwardens may arrange for the exercise by some of their number, designated by name, of any functions of theirs which are specified in the arrangement (other than functions under this section) in relation to —

(a) if the parish has more than one parish church, any of the parish churches;

(b) any parish burial ground in the parish;

(c) any parish trust; or

(d) with the consent of the Bishop, any other matter.

(2) An arrangement under subsection (1) —

(a) must be made by the churchwardens of the parish acting unanimously;

(b) must be in writing, in a form approved by the Bishop; and

(c) must designate at least 2 churchwardens in respect of any function to which it relates; and

(d) may authorise a specified number, not less than 2, of the churchwardens so designated to exercise that function on behalf of them all.

(3) While an arrangement under subsection (1) is in force in relation to any function, the churchwardens designated under subsection (2)(c) are to be treated, in respect of that function, as being the churchwardens of the parish to the exclusion of the other churchwardens.

(4) An arrangement under subsection (1) —

(a) may be varied or cancelled by a subsequent arrangement under that subsection;

(b) may be cancelled by a resolution passed by a majority of the churchwardens; and

(c) ceases to have effect in relation to the exercise of any function if at any time the churchwardens of the parish cease to include at least 2 persons designated under subsection (2)(c) in respect of that function.

(5) The churchwardens must —

(a) send to the Diocesan Registrar a copy of any arrangement under subsection (1) and of any resolution under subsection (4)(b); and

(b) notify the Diocesan Registrar in writing that such an arrangement has ceased to have effect under subsection (4)(c).

(6) If such an arrangement relates to a matter falling within subsection (1)(b) ... , the churchwardens must also send such a copy, and give a like notification, to the Department of Infrastructure … .

(7) In this section —

"ecclesiastical charity" has the same meaning as in Schedule 3 to the Church Act 1992;

"parish burial ground" has the same meaning as in the Burials Act 1986;

"parish trust" means an ecclesiastical charity of which the churchwardens of a parish are trustees, whether alone or jointly with the incumbent of the parish or any other person.

NOTE S.10: subs.(6): words omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.13(3).

11. Resignation etc.

(1) A person may resign the office of churchwarden by sending to the Bishop by post written notice of his or her intention to resign, and not otherwise.

(2) The resignation shall have effect and the office shall be vacated—

(a) at the end of the period of 2 months following the date when the notice is sent to the Bishop; or

(b) on such earlier date as may be determined by the Bishop after consultation with the minister and any other churchwarden of the parish.

(3) The office of a churchwarden of a parish is vacated if —

(a) his or her name is removed from the church electoral roll of the parish under rule 1 of the Church Representation Rules;

(b) his or her name is not on a new church electoral roll of the parish prepared under [rule 6] of those Rules;

(c) he or she ceases to be qualified under section 5(1) or becomes disqualified under section 5(2) [or (3A)];

(d) he or she fails to attend any meeting of the parochial church council of the parish for a continuous period of 6 months beginning with the date of the first meeting he or she failed to attend; or

(e) he or she is absent from the Island for a continuous period of 3 months without the written agreement of the other churchwarden or churchwardens of the parish.

[(4) Where the office of churchwarden is vacated under subsection (3)(c) on a person becoming disqualified under section 5(2), he or she may resume the office if the disqualification is waived under section 6(3) and the office has remained vacant.]

NOTE S.11: subs.(3): words in square brackets in para.(b) substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(5); words in square brackets in para.(c) inserted by Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 Sch.2 para.5(1); subs.(4) inserted by ib. para.5(2).

12. Special provisions

(1) In the carrying out of the provisions of this Measure the Bishop may —

(a) make provision for any matter not provided for in this Measure;

(b) appoint a person to do any act in respect of which there has been any neglect or default on the part of any person or body charged with any duty under this Measure;

(c) so far as may be necessary for the purpose of giving effect to the intentions of this Measure, extend or alter the time for holding any meeting or election or to modify the procedure laid down by this Measure in connection with it;

(d) in any case in which there has been no valid election, direct a fresh election to be made, and to give such directions in connection with it as he may think necessary; and

(e) in any case in which any difficulty arises, give any directions which he may consider expedient for the purpose of removing the difficulty.

(2) The powers of the Bishop under this section do not enable him to validate anything that was invalid at the time it was done.

13. Transitional provision

Subject to section 11 (except subsection (3)(c)), a churchwarden holding office immediately before commencement shall continue to hold office until the end of the next annual meeting of the parishioners.

14. Minor and consequential amendments etc.

(1) Section 14 of the Burials Act 1986 is amended as follows —

(a) in subsections (3) and (7), for "churchwardens of" substitute "relevant churchwardens in relation to";

(b) in subsection (8) —

(i) in the definition of "parish", after "ancient" insert "ecclesiastical";

(ii) at the end insert —

""the relevant churchwardens" means the churchwardens of the ecclesiastical parish which is designated for the purpose of this section in relation to the parish in question by a scheme under section 4 of the Churchwardens Measure (Isle of Man) 2013.". …

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

NOTE S.14: subs.(2) repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

SCHEDULE 1

RULES FOR ELECTION OF CHURCHWARDENS

Convening of meeting of the parishioners

1. (1) The meeting of the parishioners must be convened by —

(a) the minister, or

(b) during any period when there is no minister or when the minister is unable or unwilling to do so, the churchwardens of the parish,

by a notice signed by the minister or a churchwarden, as the case may be.

(2) The notice must state the day, time and place at which the meeting is to be held.

[(3) The notice must, for a period including the last two Sundays before the meeting, be displayed—

(a) on or near the principal door of each parish church in the parish, and

(b) at each building in the parish licensed for public worship, in a location readily visible to members of the congregation.]

NOTE Para.1: sub-para.(3) substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(6).

Proceedings of meeting

2. (1) The minister, if present, or, if he or she is not present, a chairman chosen by the meeting of the parishioners shall preside at the meeting of the parishioners.

(2) All persons entitled to attend the meeting, other than the minister, are entitled to vote at the election of churchwardens.

(3) In case of an equal division of votes on any question, the chairman of the meeting shall not have a second or casting vote and the motion on that question shall be treated as lost.

(3) The meeting may adjourn, and may determine its own rules of procedure.

(4) A person appointed by the meeting shall act as clerk of the meeting and shall record the minutes of the meeting.

Nominations

3. (1) Candidates for election at the meeting of the parishioners must be nominated and seconded in writing by persons entitled to attend the meeting.

(2) Each nomination paper must include a statement, signed by the person nominated, to the effect that he or she —

(a) is willing to serve as a churchwarden, and

(b) is not disqualified under section 5.

(3) A nomination is not valid unless —

(a) it is received before the beginning of the meeting by —

(i) the minister of the parish; or

(ii) during any period when there is no minister, the churchwarden by whom the notice convening the meeting was signed; and

(b) where section 6 applies, the Bishop's permission or waiver was given under section 6(2) or (3) before the nomination paper is received by the minister or churchwarden, as the case may be.

Conduct of elections

4. Subject to paragraphs 2 and 3, elections of churchwardens by the meeting of the parishioners must be conducted and announced in the same manner as elections under [rule M7] of the Church Representation Rules.

NOTE Para.4: words in square brackets substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.10(7).

Return of elections

5. The person presiding at the meeting of the parishioners must, within 7 days after the meeting, notify the Diocesan Registrar in writing of the full name and address of each churchwarden elected by the meeting.

Section 14(3).

SCHEDULE 2

REPEALS

Reference	*Short title*	*Extent of repeal*
II p.124	St Jude's Chapel Act 1839	Section 3.

GC 3/91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990	Section 2. Schedule 2.
SD 714/96	Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996	In section 10(6), the words "churchwarden or".
SD 958/10	Parochial Church Councils and Accounts Measure (Isle of Man) 2010	In section 2(1)(b), in the inserted section 5B(4)(a)(i) and (ii), the word "examined". Section 2(2).
SD 654/12	Mission and Pastoral Measure (Isle of Man) 2012	In Schedule 8, paragraph 4.

Clergy Discipline (Amendment) Measure (Isle of Man) 2013

SM 2 of 2013 (SD 436/13)

1. Short title

The short title of this Measure is the Clergy Discipline (Amendment) Measure (Isle of Man) 2013.

2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

NOTE S.2: the Measure was brought into force on 1 August 2014 by the Clergy Discipline (Amendment) Measure (Isle of Man) 2013 (Appointed Day) Order 2014 (SD 2014/199).

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3. Extension of 2013 Measure to the Isle of Man

The Clergy Discipline (Amendment) Measure 2013 shall extend to the Isle of Man subject to the modifications specified in the Schedule.

SCHEDULE
MODIFICATIONS OF 2013 MEASURE

1. Misconduct

In section 1(4), for "coming into force of this section" substitute "extension of this section to the Isle of Man".

2. Penalty by consent

In section 2(2), in the new section 16(3A), for "president of tribunals" substitute "appointed person".

3. Right of appeal

(1) In section 3(3), in the new section 20(1A), for "designated officer" substitute "appointed person or designated officer".

(2) In section 3(5), for "coming into force of those subsections" substitute "extension of those subsections to the Isle of Man".

(3) In section 3(6), for "coming into force of subsection (4) above" substitute "extension of subsection (4) above to the Isle of Man".

4. Convictions and matrimonial orders

(1) In section 4(2) —

(a) in paragraph (a), in the new section 30(1)(a) —

(i) in sub-paragraph (i), for "England" substitute "the Isle of Man", and after "sentence of" insert "custody or";

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

"(ii)of an indictable offence committed in England and Wales, or

(iii) of an offence triable on information committed in the Isle of Man;";

(b) for paragraph (b) substitute —

"(b)in paragraph (b), for "divorce order, decree of divorce or an order of separation" substitute "divorce order, separation order, decree of divorce or order of judicial separation";".

(2) In section 4(5), in the new section 30(3A) —

(a) for "president of tribunals" substitute "chancellor";

(b) for "decree absolute or order" substitute "final divorce order, decree absolute, separation order or order of separation".

(3) In section 4(6), for "decree absolute of divorce or the date of the order of judicial separation" substitute "final divorce order, decree absolute of divorce, separation order or order of judicial separation".

(4) In section 4(8) —

(a) after "30(1)(a)(ii)" insert "or (iii)";

(b) for "coming into force of that provision " substitute "extension of that provision to the Isle of Man".

(5) In section 5(2) —

(a) in paragraph (a), for "30(1)(a)(i) or (ii)" substitute "30(1)(a)(i), (ii) or (iii)";

(b) for paragraph (b) substitute —

"(b) in paragraph (b), for "divorce order, decree of divorce or an order of separation" substitute "divorce order, separation order, decree of divorce or order of judicial separation";".

(6) In section 5(6) —

(a) after "30(1)(a)(ii)" insert "or (iii)";

(b) for "coming into force of subsection (2)(a)" substitute "extension of subsection (2)(a) to the Isle of Man".

5. Amendments and repeals

Omit section 9(8).

6. Citation etc.

Omit section 10(2) and (3).

7. Amendments of 2003 Measure

(1) The Schedule is modified as follows.

(2) Omit paragraphs 2 and 3.

(3) In paragraph 6, in the new section 34(1), for "a decree nisi of divorce has been made absolute or an order of judicial separation has been made" substitute "a final divorce order has been made, a decree nisi of divorce has been made absolute or a separation order or order of judicial separation has been made".

(4) In paragraphs 8 and 9, for "England" substitute "the Isle of Man".

(6) After paragraph 10 insert —

"10A. In section 42(1), omit the words from "Ministers" (in the second place) to "England".".

(7) Omit paragraphs 12 and 13.

Church Fees Measure (Isle of Man) 2014

SM 1 of 2014 (SD 2014/108)

1. Short title

The short title of this Measure is the Church Fees Measure (Isle of Man) 2014.

2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

NOTE S.2: the Measure (except s.7, Sch.2 para.2 and Sch.3 para.5, and s.10(1) and (2) so far as relating thereto) was brought into force on 1 July 2014, and the rest of the Measure on 1 January 2015, by the Church Fees Measure (Isle of Man) 2014 (Appointed Day) Order 2014 (SD 2014/198).

3. Interpretation

In this Measure "the Board" means the Sodor and Man Diocesan Board of Finance.

4. Parochial fees

(1) The Board may by order prescribe fees in respect of all or any of the following —

(a) duties carried out by —

(i) a clerk in holy orders,

(ii) a duly [authorised] deaconess, reader or lay worker, or

(iii) a sexton or parish clerk,

in relation to any matter specified in Schedule 1;

(b) the publication of banns of matrimony by a lay person under section 9(2) of the Marriage Act 1984;

(c) a search allowed to be made in a register book of baptisms or burials, or the giving of a certified copy of an entry in such a book, by a churchwarden under section 26(1) of the Church Records Measure (Isle of Man) 2000.

[(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution.]

(2) An order under subsection (1) may include provision —

(a) that a fee prescribed by the order shall be payable to —
  (i) the person by whom any duties are carried out,
  (ii) a parochial church council, or
  (iii) the Board;
(b) that no fee shall be payable in respect of a matter specified in the order;
(c) specifying costs and expenses which are to be included in a fee, or to be payable in addition to a fee, in respect of a matter so specified;
(d) prescribing an increase in fees —
  (i) by specifying that increase,
  (ii) by means of an arithmetical formula,
  (iii) by means of a formula related to a published index of price or earnings increases which is of general application, or
  (iv) by means of a combination of both such formulae;
(e) for such incidental or supplemental matters as the Board consider necessary or desirable for the purposes of the order.

NOTE: S.4: subs.(1): word in square brackets substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.14(1); subs.(1A) inserted by ibid. Orders under s.4: annual Parochial Fees Orders (not printed in this work).

5. Amendment of Schedule 1

The Board may by order amend Schedule 1 by altering, omitting or adding to any of the matters mentioned in it, including any note in Part 2 of that Schedule.

6. Waiver of fees

(1) The incumbent or priest in charge of a benefice in the area of which a service or other event takes place may —

(a) with the consent of the Board, waive any fee payable to the Board in respect of that service or event; or

(b) with the consent of the council, waive any fee payable to a parochial church council in respect of that service or event.

(2) A consent under subsection (1)(a) or (b) may be given either generally in respect of any description of fees, services or events, or in respect of a particular fee, service or event.

7. Remuneration of Vicar General

(1) This section applies to the following officers —

(a) the Vicar General;

(b) a duly appointed deputy of the Vicar General.

(2) The Board shall pay to an officer to whom this section applies —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

(3) The Board may by order prescribe fees to be payable to an officer to whom this section applies in respect of any duties specified in the order which are performed or to be performed by that officer.

(4) An order under subsection (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.

[(4A) An order under subsection (3) may contain provision as to—

(a) exemptions from or reductions in fees;

(b) remission of fees in whole or in part.]

(5) Before making an order under subsection (3) the Board shall consult the Vicar General.

NOTE: S.7: subs.(4A) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch.4 para.14(2).

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8. Procedure for orders

(1) An order under section 4, 5 or 7(3) —

(a) shall not have effect unless it is approved by the Sodor and Man Diocesan Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made.

(2) If Tynwald, at the sitting at which an order under section 5 is laid or the next following sitting, resolves that the order be annulled, it shall cease to have effect.

9. Recovery of fees.

A fee prescribed under this Measure shall be recoverable as a debt.

10. Transitional and consequential provisions

(1) The transitional provisions in Schedule 2 have effect.

(2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

(3) The enactments specified in Schedule 4 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

PART 1

TABLE OF MATTERS TO WHICH FEES MAY RELATE

Vacant benefices

1. The performance of occasional ecclesiastical duties in vacant benefices.

Baptisms

2. Certificate issued at time of baptism

Marriages

3. Grant of special licence or common licence for marriage
4. Publication of banns of marriage
5. Certificate of banns issued at time of publication
6. Marriage service in church
7. Service of prayer and dedication in church after a civil marriage

8. Service of thanksgiving for marriage in church

Funerals and burials of persons aged 16 years or more

A. Service in church

9. Funeral service in church, whether taking place before or after burial or cremation

10. Burial in burial ground immediately preceding or following on from service in church

11. Cremation immediately preceding or following on from service in church

12. Burial of body in burial ground on separate occasion

13. Burial of cremated remains in burial ground or other lawful disposal of remains on separate occasion

14. Memorial service in church

B. No service in church

15. Service at graveside

16. Service in crematorium or cemetery chapel

17. Burial of body in burial ground

18. Burial of cremated remains in burial ground or other lawful disposal of remains

C. Certificate of burial

19. Certificate issued at time of burial

Monuments in burial grounds

20. Erection or construction of monument permitted in accordance with rules, regulations or directions made by the Vicar General including those relating to a particular burial ground or part of a burial ground (but excluding a monument authorised by a particular faculty)

21. Inscription on, or other addition to, an existing monument

Searches in church registers etc

22. Searching registers of baptisms or burials

23. Provision of copy of entry in any register of baptisms or burials

PART 2

EXPLANATORY NOTES ON PART 1

Burial etc. on a separate occasion.

1. In relation to the fee for a burial, cremation or other disposal —

(a) "on separate occasion" means on any occasion other than immediately preceding or following on from a service in church;

(b) "immediately preceding" includes the day before that on which the service or disposal takes place;

(c) "following on" includes the day after that on which the service or disposal takes place.

Burial etc. of infant

2. No fee is payable in respect of the funeral, or the burial, cremation or other disposal of the remains, of a still-born infant or of a child dying before attaining the age of 16 years.

Burial of cremated remains in church or closed burial ground

3. Where cremated remains are buried in or under a church or in a closed burial ground, the fees payable to the parochial church council and the Board or either of them are—

(a) where burial is authorised by a particular faculty, such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them;

(b) otherwise, the fees prescribed for burial in a burial ground.

Burial or cremation in municipal cemetery or crematorium

4. No fee is payable in respect of —

(a) a service at a burial in a cemetery provided under the Douglas Cemetery Act 1895 for which a fee is fixed under section 14 of that Act, or

(b) a burial service before, at or after cremation for which a fee is fixed under section 11 of the Cremation Act 1957 or under the said section 14.

Monuments in churchyards

5. Where a monument in a churchyard is erected or an additional inscription on a monument is made under the authority of a particular faculty, the fees payable to the Board and the parochial church council or either of them shall be such sums as may be determined by the Vicar General, who shall specify the person or persons entitled to receive them.

Searches in registers, etc.

6. The search fee relates to a particular search where the approximate date of the baptism or burial is known. The fee for a more general search of a church register is negotiable with the parochial church council.

Definitions

7. In this Schedule —

"burial" includes the opening of a vault or grave, deposit in a vault or brick grave and the interment or deposit of cremated remains;

"burial ground", subject to paragraph 4, includes a cemetery provided under the Douglas Cemetery Act 1895;

"monument" includes a headstone, cross, kerb, border, vase, chain, railing, tablet, plaque, flatstone, tomb, tombstone or other memorial of any kind;

"prescribed" means prescribed by an order under section 4.

SCHEDULE 2
TRANSITIONAL PROVISIONS

Fees

1. Any fee prescribed under an enactment repealed by this Measure, or by a statutory provision extended to the Island by such an enactment, and in force immediately before the coming into operation of this Measure shall be treated as if it were prescribed under section 4 or 7(3), as the case may be.

Vicar-General's remuneration

2. Any fund, or the income of any fund, held or managed by the Board which immediately before the coming into operation of this Measure is to be applied wholly

or partly towards the remuneration of the Vicar General shall cease to be so applicable and shall be held by the Board for the general purposes of the Board.

SCHEDULE 3

AMENDMENT OF ENACTMENTS

Church Act 1969 (XXI p.94)

1. In Schedule 1, after paragraph 3 insert —

"3A. Section 63 (which relates to fees) shall be omitted." …

Church Records Measure (Isle of Man) 2000 (SD 533/00)

3. In section 26 —

(a) in subsection (1), for "section 1 of the Ecclesiastical Fees Measure 1986" substitute "the Church Fees Measure (Isle of Man) 2014";

(b) in subsection (2)(b), for "Ecclesiastical Fees Measure 1986" substitute "Church Fees Measure (Isle of Man) 2014".

Clergy Discipline Measure (Isle of Man) 2005 (SD 538/05)

4. In Schedule 1, after paragraph 13 insert —

"13A. In section 35(1), omit "Section 63 (fees payable)".".

Church Offices Measure (Isle of Man) 2011 (SD 624/11)

5. For paragraph 8 of the Schedule substitute —

"**8. Remuneration**

(1) This paragraph applies to the following officers —

(a) the Registrar;

(b) a duly appointed deputy Registrar.

(2) The Board shall pay to an officer to whom this paragraph applies —

(a) such honorarium or annual fee (if any), and

(b) such payments in respect of reasonable expenses incurred by the officer in or relating to the performance of his or her duties (including the holding of court hearings),

as may be agreed between the Board and the officer.

(3) The Board may by order prescribe fees to be payable to an officer to whom this paragraph applies in respect of any duties specified in the order which are performed or to be performed by that officer.

(4) An order under sub-paragraph (3) may specify by whom (subject to any order for the payment of costs in any legal proceedings) a fee prescribed by the order is payable.

(5) Before making an order under sub-paragraph (3) the Board shall consult the Registrar.

(6) An order under sub-paragraph (3) —

(a) shall not have effect unless it is approved by the Synod, and

(b) shall be laid before Tynwald as soon as may be after it is made."

NOTE Sch.3: para.2 repealed by Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016 Sch.2.

SCHEDULE 4
ENACTMENTS REPEALED

Reference	*Short title*	*Extent of repeal*
XVIII p.789	Cremation Act 1957	Section 8(2). In section 11, the words "made or approved by the Ecclesiastical Committee of Tynwald or".
XXI p,94	Church Act 1969	Section 6. In section 7, the words "or section 6".
1986 s.26	Burials Act 1986	Section 18. In section 23, paragraph (d).
GC 3/91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990	Section 5. Schedule 5.
GC 485/92	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992	In the Schedule, paragraphs 9 and 30(4).
SD 533/00	Church Records Measure (Isle of Man) 2000	Section 26(9).

Church (Miscellaneous Provisions) Measure (Isle of Man) 2015

SM 1 of 2015 (SD 2015/236)

1. Short title

The short title of this Measure is the Church (Miscellaneous Provisions) Measure (Isle of Man) 2015.

2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

NOTE S.2: the Measure was brought into force on 1 July 2015 by Church (Miscellaneous Provisions) Measure (Isle of Man) 2015 (Appointed Day) Order 2015 (SD 2015/0238).

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3. Extension of certain provisions of 2014 Measure

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2014 shall extend to the Isle of Man subject to the modifications specified in Schedule 1 —

(a) section 5 (amendment of Parochial Church Councils (Powers) Measure 1956); ...

(h) paragraphs 5, 17 and 19 of Schedule 2, and section 20 so far as it relates to those paragraphs;

(i) Schedule 3.

NOTE S.3: paras.(b), (c), (e), (f) & (g) repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3; para.(d) repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

4. Amendments of 2012 Measure

(1) The Mission and Pastoral Measure (Isle of Man) 2012 is amended as follows.

(2) In section 3(4)(b), after "benefice" insert "or an extra-parochial place".

(3) In section 7(1), at the end insert —

"(d) the incorporation in parishes of extra-parochial places.".

(4) In section 15(4)(c), at the end insert ", where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation".

(5) In section 41, at the end insert —

"(4) Any reference in this section to serving, sending or giving a notice or other document includes a reference to sending it by electronic means.".

(6) In paragraph 1(2) of Schedule 2, omit the words from "and (b)" to "accommodation".

(7) In paragraph 3(3) of Schedule 2, at the end of sub-paragraph (b) insert ", unless notice has already been given by the Bishop under section 29(1) of the suspension of the right of presentation to the benefice".

(8) In paragraph 16 of Schedule 3, after sub-paragraph (5) insert —

"(5A) Manx National Heritage may, with the consent of the Commissioners, dispose of any fixtures, fittings or other contents of a church vested in it under this Schedule.".

(9) In Schedule 8, omit paragraphs 1 and 6.

5. Repeals etc.

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

(2) In the Schedule to the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012, for paragraph 12(5) substitute —

"(5) Omit section 11(5) to (11).".

SCHEDULE 1

MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 2014 EXTEND TO THE ISLE OF MAN

Amendment of Parochial Church Councils (Powers) Measure 1956

1. In section 5(3), for "subsection—" substitute "subsections—", and after the new section 7(2) insert —

"(3) Periodical payments made by standing order, direct debit or any other similar method of payment to a council in lieu of or in addition to money given in church, not being payments intended for a specific object, shall be treated for the purpose of subsection (1)(iv) as moneys given or collected in church.". …

Minor and consequential amendments

6. (1) In paragraph 5(2) of Schedule 2, in the substituted section 11 —

(a) in subsection (4), for "publish in the London Gazette" substitute "file in the General Registry of the Isle of Man", and for "publication" substitute "filing";

(b) in subsection (5), for "published in the London Gazette" substitute "filed in the General Registry of the Isle of Man", and for "coming into force" substitute "extension to the Isle of Man".

(2) In paragraph 17(a) of Schedule 2, in the inserted paragraph (aa), omit "an archbishop or" and "or 4".

(3) In paragraph 19 of Schedule 2 —

(a) omit sub-paragraphs (2) to (10);

(b) in sub-paragraph (12)(e), in the new paragraph 11(5A), for "mission and pastoral committee" substitute "diocesan board of finance for the diocese concerned", and after "paragraph 7" insert "of Schedule 6 to the Mission and Pastoral Measure (Isle of Man) 2012".

NOTE Sch.1: paras.2-5 repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

SCHEDULE 2
ENACTMENTS REPEALED

Reference	*Short title*	*Extent of repeal*
II p.124	St Jude's Chapel Act 1839.	Section 2.
II p.149	Ecclesiastical Persons Act 1843.	Sections 1 to 5. In section 6, the words from "and to assign" onwards. Section 7.
V p.14	Ecclesiastical Residences and Dilapidations Act 1879.	The whole Act.
VI p.312	Bankruptcy Code 1892	In section 35(4), the words "the operation of the Ecclesiastical Residences and Dilapidations Act, 1879, or".
VI p.648	Church Act 1895.	Section 11.
VII p.179	Clergy Residence Act 1897.	The whole Act.
VII p.192	Ecclesiastical Residences and Dilapidations Amendment Act 1897.	The whole Act.
1992 c.5	Church Act 1992.	In Schedule 2 — (a) paragraph 3(1)(c); (b) in paragraph 6(2), the words "or the parsonage house of a benefice", "or the incumbent of the benefice, as the case may be," and "or parsonage house of the benefice"; (c) paragraph 6(3), (3A) and (3B);

		(d) paragraph 9. In Schedule 3, in paragraph 1(2)(a), the words "or in any parsonage house or glebe land of a benefice". In Schedule 6, paragraph 1.
SD 260/95	Incumbents (Disability) Measure (Isle of Man) 1995	The whole Measure.
SD 714/96	Incumbents (Pastoral Breakdown) Measure (Isle of Man) 1996	The whole Measure.
SD 339/01	Sale of Parsonages Measure (Isle of Man) 2000	The whole Measure.
2011 c.2	Civil Partnership Act 2011.	In Schedule 14, paragraphs 4, 10 and 11.
SD 192/12	Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012	Section 2(1). In the Schedule, paragraph 12(4) and (6) to (8).

Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015

SM 2 of 2015 (SD 2015/257)

GENERAL NOTE Commencement: the Measure came into force on 21 July 2015, the date on which Royal Assent was announced to Tynwald.

1. Short title

The short title of this Measure is the Bishops and Priests (Consecration and Ordination of Women) Measure (Isle of Man) 2015.

2. Extension of 2014 Measure to the Isle of Man

The Bishops and Priests (Consecration and Ordination of Women) Measure 2014 (a Measure of the General Synod) extends to the Isle of Man subject to the modifications specified in the Schedule.

3. Consequential repeals and amendment

(1) The following provisions of the Mission and Pastoral Measure (Isle of Man) 2012 are repealed —

(a) in section 10(4), the words "Subject to subsection (5),";

(b) section 10(5);

(c) in section 11(2)(a), the words "subject to subsection (3),";

(d) section 11(3).

(2) In section 10(11) of that Measure, for "subsections (1) to (5)" substitute "subsections (1) to (4)"."

SCHEDULE

MODIFICATIONS OF 2014 MEASURE IN ITS APPLICATION TO THE ISLE OF MAN

1. Omit section 2.
2. Omit section 4(2) to (5).
3. In the Schedule —

(a) in the repeals of provisions of the Synodical Government Measure 1969, omit paragraph (a);

(b) in the repeals of provisions of the Dioceses, Pastoral and Mission Measure 2007, omit the entries relating to sections 13(1) and 17(8);

(c) omit the repeals of provisions of the Mission and Pastoral Measure 2011.

Patronage (Amendment) Measure (Isle of Man) 2015

SM 3 of 2015 (SD 2015/258)

GENERAL NOTE

Commencement: this Measure came into force on 21 July 2015, the date on which Royal Assent was announced to Tynwald.

1. Short title

The short title of this Measure is the Patronage (Amendment) Measure (Isle of Man) 2015.

2. Interpretation

In this Measure —

"the 1986 Measure" means the Patronage (Benefices) Measure 1986, as set out in Schedule 1 to the 1997 Measure;

"the 1997 Measure" means the Patronage Measure (Isle of Man) 1997.

3. Delegation of rights of presentation

In section 35 of the 1986 Measure, at the end insert —

"(9) If Her Majesty's right of presentation to a Crown benefice stands for the time being delegated to the bishop, Part II of this Measure shall apply in all respects as if the patronage or share in the patronage which is vested in Her Majesty were vested in the bishop, subject only to the following modifications —

(a) in section 15(a), for "collate" substitute "present";

(b) omit section 16.

(10) A statement in an instrument purporting to admit a person to a Crown benefice that Her Majesty's right of presentation to the benefice stands delegated to the bishop shall be conclusive evidence of that fact.

(11) Subsections (9) and (10) do not apply to a right of presentation referred to in subsection (1B)(a).".

NOTE S.3: His Majesty's rights of patronage are delegated to the Bishop by the Crown Patronage (Isle of Man) Order 2015.

4. Appointment of priest in charge as incumbent

After section 16 of the 1986 Measure insert —

"**16A Special procedure for appointment of priest in charge as incumbent**

(1) This section applies where —

(a) a benefice is vacant; and

(b) if either —

(i) a suspension period in respect of the benefice has been declared, or

(ii) a restriction in respect of the benefice has come into force,

the bishop is aware that the suspension period has ended or is shortly to come to an end, or that the restriction has ceased or is shortly to cease to be in force, as the case may be; and

(c) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.

(2) The bishop may give notice of his proposal to —

(a) the priest in charge;

(b) the parochial church council of each parish belonging to the benefice; and

(c) the patron (unless the bishop is the patron).

(3) Upon receiving the notice referred to in subsection (2)(a) or (b) —

(a) the priest in charge may give notice to the bishop that he is willing to be admitted to the benefice;

(b) the parochial church council of each parish belonging to the benefice may pass a resolution stating that it approves the proposal that the priest in charge should be so admitted, and give notice to the bishop that it has done so.

(4) No member of a parochial church council who is —

(a) the priest in charge,

(b) the spouse or civil partner of the priest in charge,

(c) the patron, or

(d) the representative of the patron,

shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.

(5) This subsection applies where —

(a) the bishop is not the patron;

(b) the patron has received the notice referred to in subsection (2)(c);

(c) the bishop has received the notices referred to in subsection (3)(a) and (b); and

(d) if either —

(i) a suspension period in respect of the benefice has been declared, or

(ii) a restriction in respect of the benefice has come into force,

the suspension period has ended or the restriction has ceased to be in force, as the case may be.

(6) Where subsection (5) applies —

(a) sections 8 and 9 apply with the substitution for references to a notice under section 7(4) of references to the notice under subsection (2)(c);

(b) the patron may give notice to the bishop presenting the priest in charge to him for admission to the benefice; and

(c) the bishop may (subject to section 19) institute the priest in charge to the benefice.

(7) Where —

(a) the bishop is the patron,

(b) section 2 of the 2010 Measure does not apply, and

(c) the bishop has received the notices referred to in subsection (3)(a) and (b),

the bishop may (subject to section 19) collate the priest in charge to the benefice.

(8) Where —

(a) section 2 of the 2010 Measure applies;

(b) the bishop is the relevant bishop for the purposes of subsection (2) of that section;

(c) Her Majesty has not given notice under subsection (3) of that section; and

(d) the bishop has received the notices referred to in subsection (3)(a) and (b),

the bishop may present the priest in charge on behalf of Her Majesty for admission to the benefice.

(9) Where —

(a) the patron has given notice in accordance with subsection (6)(b),

(b) the bishop collates the priest in charge under subsection (7), or

(c) the bishop presents the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (8),

the following provisions shall not apply —

(i) sections 7 and 11 to 15; and

(ii) section 32(5) of the 2012 Measure.

(10) In this section —

"suspension period" has the same meaning as in section 29 of the 2012 Measure;

"restriction" means a restriction on the right of presentation to a benefice imposed under section 14 or 31 of the 2012 Measure.".

5. Minor and consequential amendments

The amendments specified in the Schedule have effect.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

The 1986 Measure

1. In section 3 —

(a) in subsections (1)(b), (2) and (6), omit "or order";

(b) in subsection (8), for "section 67 of the Pastoral Measure 1983" substitute "section 29 of the 2012 Measure".

2. In section 7(1) and (2), for "section 70 of the Pastoral Measure 1983" substitute "section 32 of the 2012 Measure".

3. In sections 10, 11(2)(a) and 12(4), after "spouse" insert "or civil partner".

4. In section 16 —

(a) in subsection (2)(b), for "the Pastoral Measure 1983" substitute "section 29 of the 2012 Measure";

(b) in subsection (2)(c), for "24 or 69" substitute "14 or 31".

5. In section 19(3), omit "or order".

6. In section 23, omit subsection (2).

7. Omit section 34.

8. In section 35 —

(a) in subsection (1A) —

(i) at the beginning insert "Subject to subsection (9),";

(ii) in paragraph (c), omit "and";

(iii) at the end insert "; and

"(e) section 16A (except subsection (6)(a)).";

(b) for subsection (1B) substitute —

"(1B) Where —

(a) Her Majesty has the right of presentation to a benefice which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop, and

(b) either —

(i) Her Majesty has given notice under section 2(3) of the 2010 Measure, or

(ii) that right of presentation is exercisable on behalf of Her Majesty by the relevant bishop under section 2(2) of the 2010 Measure,

any reference to the patron in any provision of this Measure listed in subsection (1C) shall be construed as a reference to Her Majesty or to the relevant bishop, as the case may be.

(1C) The provisions referred to in subsection (1B) are —

(a) section 7(4),

(b) section 11(8), so far only as it relates to parish representatives,

(c) section 13(1)(b)(i), (3) and (so far only as they relate to parish representatives) (4) and (5), and

(d) section 22.";

(c) in subsection (7), after "then" insert ", subject to subsection (9)";

(d) in subsection (7)(a), omit ", in the case of a shared benefice,";

(e) after subsection (7) insert —

"(7A) Where section 2 of the 2010 Measure applies —

(a) if Her Majesty has not given notice under subsection (3) of that section, subsection (7)(a) has effect as if the second and third references to Her Majesty were to the relevant bishop, and

(b) subsection (7)(b) has effect as if the reference to a person other than Her Majesty did not include the relevant bishop.".

(f) in subsection (8), for "paragraphs (a) to (d) of section 81(2) of the Pastoral Measure 1983" substitute "section 40(4) of the 2012 Measure".

9. In section 37(1), after "all such notices shall" insert ", where the form of the notice is prescribed by rules under section 38,".

10. In section 39 —

(a) in subsection (1), after "requires —" insert —

""the 2010 Measure" means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010;

"the 2012 Measure" means the Mission and Pastoral Measure (Isle of Man) 2012;";

and for the definitions of "pastoral scheme" and "pastoral order" substitute —

""pastoral scheme" has the same meaning as in the 2012 Measure;";

(b) in subsection (2), omit "or pastoral order".

11. Omit section 41 and Schedule 5.

Church Act 1992 (c.5)

12. In Schedule 2 —

(a) in paragraph 6(3), omit "with the consent of the patron of the benefice";

(b) omit paragraph 7.

The 1997 Measure

13. In section 2(4), for the definition of "benefice" substitute —

""benefice" means the office of rector or vicar of a parish or parishes, with cure of souls, but not including the office of a vicar in a team ministry;".

Mission and Pastoral Measure (Isle of Man) 2012 (SD 654/12)

14. In section 29(1), omit "registered".

Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016

SM 1 of 2016 (SD 2016/80)

GENERAL NOTE Commencement: This Measure came into force on 17 February 2016, the date on which Royal Assent was announced to Tynwald.

1. Short title

The short title of this Measure is the Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016.

2. Extension of Measure to the Isle of Man

The Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure 2015 (a Measure of the General Synod) extends to the Isle of Man subject to the modifications specified in Schedule 1.

3. Repeals

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

SCHEDULE 1

MODIFICATIONS OF THE 2015 MEASURE IN ITS APPLICATION TO THE ISLE OF MAN

…

9. (1) Omit section 11(2) to (7).

(2) After section 11(8) insert —

"(9) Any reference in this Measure to any Measure or to any provision of a Measure is to the Measure or provision as it has effect in the Isle of Man.".

NOTE Schedule: paras.1-8 repealed by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.3.

SCHEDULE 2

ENACTMENTS REPEALED

Title or short title	*Extent of repeal*
Church Offices Measure (Isle of Man) 2011 (SD 624/11)	Section 2(2)(c)
Church Fees Measure (Isle of Man) 2014 (SD 2014/0108)	In Schedule 3, paragraph 2.

Safeguarding and Clergy Discipline Measure (Isle of Man) 2017

SM 1 of 2017 (SD 2017/224)

1. Short title

The short title of this Measure is the Safeguarding and Clergy Discipline Measure (Isle of Man) 2017.

2. Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

NOTE S.2: ss.1 & 2, s.3 (in relation to Safeguarding and Clergy Discipline Measure 2016 s.4) and Sch.1 para.4 were brought into force on 1 October 2017, and the rest of the Measure on 1 January 2018, by the Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 (Appointed Day) Order 2017 (SD 2017/225).

3. Extension of 2016 Measure to the Isle of Man

The Safeguarding and Clergy Discipline Measure 2016 extends to the Isle of Man subject to the modifications specified in Schedule 1.

4. Amendment of Churchwardens Measure

The Churchwardens Measure (Isle of Man) 2013 is amended in accordance with Schedule 2.

5. Delegation of functions to assistant bishop

Sections 13, 15 and 16 of the Dioceses, Pastoral and Mission Measure 2007 extend to the Isle of Man subject to the modifications specified in Schedule 3.

6. Minor and consequential amendments

The enactments specified in Schedule 4 are amended in accordance with that Schedule.

SCHEDULE 1

MODIFICATIONS OF SAFEGUARDING AND CLERGY DISCIPLINE MEASURE 2016

Safeguarding children and vulnerable adults

1. (1) In section 1(1), in the new section 36(1)(e), for "local authority or the police" substitute "Department or the Chief Constable".

(2) In section 1(5), in the new section 37(1)(e), after "provided by" insert "a Department or the Chief Constable or, in the case of an archbishop,".

(3) In section 1(8)(a), at the appropriate places insert —

""the Chief Constable" means the Chief Constable of the Isle of Man;"

""Department" means a Department of the Isle of Man Government;".

2. Omit section 2. …

[4. Omit section 4.]

5. In section 5(2)(b), omit ", suffragan".

6. (1) In section 6, for the heading substitute "Interpretation".

(2) For section 6(4) to (8) substitute —

"(4) An order under subsection (3) shall not extend to the Isle of Man except in accordance with subsections (5) and (6).

(5) The Sodor and Man Diocesan Synod may resolve that an order under subsection (3) shall extend to the Isle of Man with such exceptions, adaptations and modifications, and with effect from such date, as may be specified in the resolution.

(6) A copy of a resolution under subsection (5) shall be laid before Tynwald as soon as may be after it is passed, and if Tynwald, at the sitting at which it is laid or the next following sitting, resolves that the resolution be annulled, it shall cease to have effect.

(7) References in this Measure to any Measure (including this Measure) or to any provision of a Measure are to that Measure or provision as it has effect in the Isle of Man."

Clergy discipline proceedings

7. In sections 7(2) and 8(3), for "commencement of this section" substitute "extension of this section to the Isle of Man".

8. Omit section 10.

Final provisions

9. Omit section 12(2) to (8).

NOTE Sch.1: para.3 repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4; para.4 substituted by Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 Sch.2 para.2.

SCHEDULE 2

AMENDMENTS OF CHURCHWARDENS MEASURE (ISLE OF MAN) 2013

1. In section 3, at the appropriate place insert —

   ""diocesan safeguarding advisor" means the person appointed as such for the diocese of Sodor and Man in accordance with provision made by Canon;".

2. After section 5(3) insert —

   "(3A) A person is disqualified for being chosen for the office of churchwarden if he or she is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 (an Act of Parliament))."

3. (1) In section 6(1), for paragraph (b) substitute —

   "(b) would be disqualified under section 5(2) or (4),".

(2) For section 6(3) and (4) substitute —

   "(3) In a case falling within subsection (1)(b), the Bishop may waive the disqualification in question by giving written notice to the person concerned; and the notice must specify the Bishop's reasons for giving the waiver.

   (4) Before giving a waiver under subsection (3) in respect of a disqualification imposed by section 5(2)(a)(ii), the Bishop must consult —

   (a) the diocesan safeguarding advisor, and

   (b) such other persons as the Bishop considers appropriate.

   (5) On giving a notice under subsection (3), the Bishop shall give a copy of the notice to the Diocesan Registrar; and the Registrar shall file the copy in the diocesan registry.

   (6) A permission under subsection (2) applies only to the period of office next following the date on which it is given.

   (7) A waiver under subsection (3) is of unlimited duration.".

4. After section 9 insert —

   "**9A Suspension**

   (1) This section applies where —

   (a) a churchwarden is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1966 or is charged with such an offence without being arrested, or

(b) the Bishop is satisfied, on the basis of information provided by a Department or the Chief Constable, that a churchwarden presents a significant risk of harm.

(2) The Bishop may suspend the person from the office of churchwarden by giving written notice to him or her; and the notice must specify the Bishop's reasons for imposing the suspension.

(3) The Bishop may at any time revoke a suspension under this section by giving written notice to the person.

(4) For the purposes of subsection (1)(b), a person presents a significant risk of harm if there is a significant risk that he or she may —

(a) harm a child or vulnerable adult,

(b) cause a child or vulnerable adult to be harmed,

(c) put a child or vulnerable adult at risk of harm,

(d) attempt to harm a child or vulnerable adult, or

(e) incite another person to harm a child or vulnerable adult.

(5) Before suspending a person in reliance on subsection (1)(b) or revoking a suspension made in reliance on subsection (1)(b), the Bishop must consult —

(a) the diocesan safeguarding advisor, and

(b) such other persons as the Bishop considers appropriate.

(6) Having given a notice of suspension or revocation under this section, the Bishop shall give each of the following written notification —

(a) the Archdeacon,

(b) the clergy who hold office in the parish,

(c) the other churchwarden or churchwardens of the parish,

(d) the Diocesan Registrar,

(e) the diocesan safeguarding advisor, and

(f) such other persons as the Bishop considers appropriate.

(7) The Registrar shall file the notification given under subsection (6)(d) in the diocesan registry.

(8) In this section —

"child" means a person aged under 18;

"vulnerable adult" means a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.

9B Duration of suspension

(1) Where, in reliance on section 9A(1)(a), a notice of suspension is given under section 9A(2) and the suspension has not been revoked under section 9A(3) or 9C(2), the suspension continues until the earlier of —

(a) the expiry of 3 months beginning with the day on which the notice is given, and

(b) the conclusion of the matter.

(2) If, in the case of a suspension made in reliance on section 9A(1)(a), the matter is not concluded before the expiry of the period referred to in subsection (1)(a), a further notice of suspension under section 9A(2) may be given to the person; and subsection (1) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.

(3) Where, in reliance on section 9A(1)(b), a notice of suspension is given under section 9A(2) and the suspension has not been revoked under section 9A(3) or 9C(2), the suspension continues until the expiry of 3 months beginning with the day on which the notice is given.

(4) In the case of a suspension made in reliance on section 9A(1)(b), a further notice of suspension under section 9A(2) may be given to the person; and subsection (3) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.

(5) For the purposes of this section, a matter is concluded when —

(a) a decision is taken not to charge the person with the offence in question, or

(b) where he or she is charged with the offence, the proceedings for the offence are concluded.

9C Appeal against suspension

(1) A person to whom a notice of suspension is given under section 9A(2) may appeal against the suspension to the Vicar General.

(2) On an appeal under this section, the Vicar General may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.".

5. (1) In section 11(3)(c), after "section 5(2)" insert " or (3A)".

(2) After section 11(3) insert —

"(4) Where the office of churchwarden is vacated under subsection (3)(c) on a person becoming disqualified under section 5(2), he or she may resume the office if the disqualification is waived under section 6(3) and the office has remained vacant.".

SCHEDULE 3

MODIFICATIONS OF PROVISIONS OF DIOCESES, PASTORAL AND MISSION MEASURE 2007

1. (1) In the heading to section 13, omit "suffragan bishop or".

(2) In section 13(1) —

(a) for "a suffragan" substitute "an assistant";

(b) omit the words from "or functions" onwards.

(3) In section 13(3), (4), (7)(c) and (9), for "suffragan" (in each place) substitute "assistant".

(4) In section 13(6) —

(a) for "suffragan" (in the first place) substitute "assistant";

(b) omit the words in brackets.

(5) In section 13(8), omit "bishop's council and".

(6) In section 13(12), for "the Commissioners, the Commission" substitute "the Church Commissioners for England".

(7) Omit section 13(16).

2. In sections 15 and 16 —

(a) omit "or a reorganisation scheme" and "or scheme";

(b) for "a suffragan" substitute "an assistant".

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

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

1. In the Schedule —

(a) omit paragraph 21(1);

(b) in paragraph 24(3), omit the substituted section 31(4).

Clergy Discipline Measure (Isle of Man) 2005 (SD 538/05)

2. In Schedule 1 —

(a) omit paragraph 8;

(b) in paragraph 15(2), after the substituted section 43(2) insert ?

"(2A) In the application of this Measure to the diocese of Sodor and Man references to the bishop's council shall be construed as references to the standing committee of the diocesan synod.";

(c) for paragraph 17(1) and (2) substitute —

"(1) Omit section 45(1).`

(2) In section 45(2), for "that Measure" substitute "the Care of Churches and Ecclesiastical Jurisdiction Measure 1991", and in paragraph (a) omit ", the Care of Cathedrals Measures 1990 and 1994".".

Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 (SD 809/09)

3. In Schedule 3, omit paragraph 2(b).

Church Offices Measure (Isle of Man) 2011 (SD 624/11)

4. (1) In section 1(2), omit paragraph (b).

(2) In section 3(2), for the substituted section 2(4)(a) substitute —

"(a) "the relevant bishop" means—

(i) the assistant bishop, if any, of the diocese to whom the right of collation or institution to the vacant ecclesiastical office has been delegated by an instrument in force under section 13 of the Dioceses, Pastoral and Mission Measure 2007;

(ii) if sub-paragraph (i) does not apply, the bishop to whom the right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of that Measure; or

(iii) if neither sub-paragraph (i) nor sub-paragraph (ii) applies and a new bishop has been appointed to fill the vacancy in the see, that bishop;".

(3) For section 3(3) substitute —

"(3) In section 2(5), omit the words from "or, in the case" onwards.".

5. In the Schedule, for paragraph 16(10) and (11) substitute —

"(10) Omit paragraphs 16 to 18 and 20 to 22.".

Mission and Pastoral (Amendment) Measure (Isle of Man) 2018

SM 1 of 2018

1. Short title

The short title of this Measure is the Mission and Pastoral (Amendment) Measure (Isle of Man) 2018.

2. Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

NOTE S.2: the Measure was brought into force on 1 April 2018 by the Mission and Pastoral (Amendment) Measure (Isle of Man) 2018 (Appointed Day) Order 2018 (SD 2018/86).

3. Mission initiatives

(1) After section 44 of the Mission and Pastoral Measure (Isle of Man) 2012 insert —

"**44A Mission initiatives**

Schedule 6A has effect to enable the Bishop by order to endorse and make provision for mission initiatives."

(2) After Schedule 6 to that Measure insert (as Schedule 6A) the provisions set out in Schedule 1 to this Measure.

4. Pastoral reorganisation

The Mission and Pastoral Measure (Isle of Man) 2012 is further amended in accordance with Schedule 2.

5. Minor and consequential amendments, modifications and repeals

(1) The enactments specified in Schedule 3 are amended or modified in accordance with that Schedule.

(2) The enactments specified in Schedule 4 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

NEW SCHEDULE 6A TO THE 2012 MEASURE

"SCHEDULE 6A

MISSION INITIATIVES

1. Interpretation

In this Schedule —

"bishop's mission order" means an order under paragraph 2;

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

"leader", in relation to a mission initiative, means the person or one of the persons or group of persons, specified under paragraph 2(3)(c) in the relevant bishop's mission order;

"mission initiative" means an initiative to promote or further the mission of the Church or any aspect of it;

"visitor", in relation to a mission initiative, means the person designated under paragraph 4 in the relevant bishop's mission order.

2. Mission initiatives

(1) This paragraph applies where —

(a) a person or group of persons is carrying out or is proposing or wishes to carry out a mission initiative in the diocese; and

(b) either —

(i) that person or group or any other person or body exercising ecclesiastical functions in the diocese requests the Bishop to make an order under this paragraph, or

(ii) the Bishop, without any such request being made, considers that it would be appropriate to make an order under this paragraph.

(2) If the Bishop is satisfied that the mission initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it, he or she may make an order (a "bishop's mission order") endorsing the initiative and making provision for it in accordance with this Schedule.

(3) A mission order shall specify —

(a) the objectives of the mission initiative;

(b) the area or areas in which it is being or is to be carried out;

(c) a person or persons or a group of persons who or which is or are to lead the mission initiative and be responsible to the Bishop for the conduct of it (the "leader" or "leaders"); and

(d) the role of the leader or leaders.

(4) The Bishop shall make such provision in the order as he or she thinks fit for the administration of the Sacraments in accordance with the statutory provisions and other laws relating thereto.

(5) Before making a mission order the Bishop shall—

(a) consult such other Churches and religious organisations as he or she thinks fit,

(b) consult any person or group of persons who or which appears to him or her to have a significant interest in or to be likely to be significantly affected by the order, including any body which he or she considers would adequately represent the interests of any such person or group,

(c) consult the Commissioners, and

(d) obtain the consent of the proposed leader or leaders.

(6) For the purposes of sub-paragraph (5)(b), the following shall be deemed to have an interest in the order—

(a) any person having or sharing the cure of souls in the area of any benefice affected by the order, and

(b) any other person or body, including a parochial church council or patron, who may have an interest in the cure of souls in any such area;

and in considering whether a person or body has a significant interest in or would be likely to be significantly affected by the order, the Bishop shall have regard to the objectives of the initiative endorsed by the order and any other circumstances which he thinks relevant.

(7) The Bishop may authorise a person or body to carry out the consultation referred to in sub-paragraph (5) on his or her behalf.

3. Exercise of ministry

(1) No person may officiate in any place in accordance with a mission order unless—

(a) if that person is ordained as a priest or deacon, he or she —

(i) has received authority from the Bishop by virtue of being instituted to a benefice or licensed by the Bishop to serve or having written permission to officiate in the diocese, or

(ii) may otherwise under any Canon of the Church of England officiate in that place without the authority of the Bishop, or

(b) if that person is a deaconess, reader or lay worker, he or she is authorised under any Canon to do so.

(2) Subject to sub-paragraphs (1) and (3), a bishop's mission order may include provision authorising a minister to exercise his or her ministry in any place for the purposes of or in connection with the mission initiative in any manner specified in the order and, where he or she is not the minister who has the cure of souls in that place, without obtaining the permission of the minister who has that cure.

(3) Before including any provision under sub-paragraph (2), the Bishop shall consult —

(a) if the order affects one parish only, the incumbent or priest in charge of that parish,

(b) subject to paragraph (c), if the order affects more than one parish, either the incumbents or priests in charge of those parishes or the house of clergy of the Diocesan Synod, as the Bishop thinks fit,

(c) if the order affects all the parishes in the diocese, the house of clergy of the Diocesan Synod.

(4) Any alms collected in the course of or in connection with an office or service performed in accordance with the order shall be disposed of in such manner as the minister performing the office or service may, subject to the direction of the Bishop, determine.

(5) Subject to sub-paragraph (1), a bishop's mission order may include provision authorising the performance of divine service, including Holy Communion, if so specified, —

(a) in a parish church, parish centre of worship or place licensed for public worship in accordance with section 17(1), with the consent of any minister having the cure of souls in that church, parish centre of worship or place;

(b) in any other building, with the consent of the person who has the general management and control of the building.

4. Visitor

(1) A bishop's mission order shall designate a person (the "visitor") who shall —

(a) on behalf of the Bishop exercise oversight of the mission initiative and advise and encourage and, so far as practicable, provide support for it; and

(b) make regularly a report in writing to the Bishop on the discharge of his or her duties and the progress of the mission initiative and send copies of the report to the leader or leaders.

(2) The visitor may take such other steps as the visitor thinks fit for ensuring the proper governance of the mission initiative.

(3) The leader or leaders shall—

(a) consult the visitor regularly about the general direction and development of the mission initiative, and

(b) supply the visitor with a copy of the annual accounts and any other information which the visitor requires in order to carry out his or her functions.

5. Supplementary provisions

(1) Such supplementary provisions as the Bishop thinks fit, being provisions which, in his or her opinion, would further the objectives of the mission initiative, may be included in —

(a) the bishop's mission order, or

(b) a supplementary instrument.

(2) Without prejudice to the generality of sub-paragraph (1) the bishop's mission order or supplementary instrument may make provision—

(a) for the stipends, remuneration, pensions or housing and other expenses of any persons exercising functions under the bishop's mission order;

(b) for any other offices or functions which such persons may hold or perform in conjunction with their functions under the order;

(c) for the replacement, where necessary, of any persons or bodies exercising functions under the order by other persons or bodies;

(d) for the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order;

(e) for any measures required for —

(i) the protection of children, young persons and other vulnerable persons,

(ii) health and safety, or

(iii) insurance;

(f) for relationships —

(i) between persons involved with the mission initiative and persons who have the cure of souls within any area to which the bishop's mission order relates, and

(ii) with other Churches, institutions and religious organisations; and

(g) after consulting the visitor and such other persons or body as the Bishop thinks fit, for representation on the Diocesan Synod of persons to whom the order relates in accordance with a scheme under rule 32A of the Church Representation Rules.

(3) The Bishop may amend a bishop's mission order or a supplementary instrument by a further order or instrument but, in the case of an order, shall not do so except after consulting —

(a) the Commissioners,

(b) the leader or leaders,

(c) the visitor,

(d) any relevant person having the cure of souls, and

(e) any other person or body which he or she thinks fit;

and paragraph 3(3) or 7(2) or (4) shall apply if any amendment relates to a provision referred to in any of those sub-paragraphs.

(4) The Bishop may revoke a bishop's mission order and a supplementary instrument by a further order or instrument but, in the case of an order, shall not do so without carrying out the like consultation as is referred to in sub-paragraph (3).

(5) Any leader shall have the right to make written or oral representations (or both) to the Bishop in respect of an order amending or revoking a bishop's mission order.

(6) An order amending or revoking a bishop's mission order may include provision in respect of the management or disposal of property and of any other matters for which it is, in the opinion of the Bishop, expedient to make provision.

(7) A bishop's mission order or supplementary instrument shall specify its duration (which may be defined or indefinite).

(8) A bishop's mission order, a supplementary instrument and an order or instrument under sub-paragraph (3) or (4) —

(a) shall be signed by the Bishop, and

(b) except in the case of an order or instrument under sub-paragraph (4), shall be signed by the leader or leaders and contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.

6. Review of duration of mission initiatives and further provisions

(1) In the case of a bishop's mission order of defined duration, the visitor shall conduct a review of the mission initiative not less than 6 months before the expiry of the order, in consultation with —

(a) the leader or leaders,

(b) the Commissioners,

(c) such other persons or organisations referred to in paragraph 2(5)(a) and (b) as the visitor thinks fit, and

(d) where relevant, any authority referred to in paragraph 7(4).

(2) The visitor shall make a report in writing to the Bishop on the outcome of the review conducted under sub-paragraph (1), and the report shall contain the visitor's recommendations on whether the mission initiative should continue, and —

(a) if so, whether the bishop's mission order should be renewed and, if it should, on the duration of the renewal (which may be defined or indefinite), or

(b) if not, whether (and if so how) the objectives of the mission initiative should be continued.

(3) The visitor's report may contain such other recommendations or comments as the visitor may think fit and copies of the report shall be sent to such other persons or bodies as the Bishop may direct.

(4) The Bishop, after considering the report, may, if he or she considers that the mission initiative should continue, after consulting the Commissioners and after carrying out such further consultation as he or she thinks fit, make a further bishop's mission order continuing the mission initiative and, if he or she thinks fit, a further supplementary instrument.

(5) The further order and supplementary instrument, if any, shall specify the duration of the order and instrument (which may be defined or indefinite) and the order shall continue in force accordingly.

(6) If the Bishop makes a further order under sub-paragraph (4) which is of defined duration, the visitor shall be under the like duty to review and report on the mission initiative as is imposed on the visitor by sub-paragraphs (1), (2) and (3).

(7) The Bishop, after considering the report referred to in sub-paragraph (6), may, if he or she considers—

(a) that the mission initiative should continue, and

(b) that there are no other suitable means by which the mission initiative or its objectives can be achieved,

and after consulting the Commissioners, make a further bishop's mission order and, if he of she thinks fit, a further supplementary instrument.

(8) Any order or supplementary instrument made under sub-paragraph (7) shall continue without limit of time, unless revoked or amended by a further order or instrument.

(9) Any order or supplementary instrument made under this paragraph shall, so far as appropriate, make provision for any of the matters mentioned in paragraphs 2 to 5 and those paragraphs shall apply accordingly.

(10) Any order or supplementary instrument made under this paragraph may be amended or revoked by a further order or instrument and paragraph 5(3), (4) and (5) shall apply in relation to any such order or instrument as it applies to orders and instruments made under that paragraph.

(12) Any order or instrument made under this paragraph shall be signed in like manner as is provided by paragraph 5(8) and shall include the like declaration of acceptance by the leader or leaders.

7. Ecumenical co-operation

(1) In this paragraph —

"co-operation provision" means a provision made under sub-paragraph (2) by a bishop's mission order;

"ecumenical co-operation", in relation to two or more Churches, means co-operation in matters affecting the ministry, congregational life or buildings of the Churches concerned;

"local ecumenical project" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.

(2) A bishop's mission order may include provision —

(a) for participation in a local ecumenical project,

(b) for other ecumenical co-operation with other Churches, and

(c) for collaboration with any religious organisations.

(3) Without prejudice to paragraph 2(5), where it is proposed to include a co-operation provision in a bishop's mission order, the Bishop shall, as well as carrying out such consultation as is referred to in that sub-paragraph, consult the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.

(4) The Bishop may authorise a person or body to carry out the consultation referred to in sub-paragraph (3) on his or her behalf.

(5) Where a co-operation provision is included or is to be included in a bishop's mission order, and without prejudice to paragraph 2(5), the Bishop and the visitor shall discharge all their functions under this Schedule after consultation with the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.

(6) Where a bishop's mission order of defined duration contains or is to contain a provision for participation in a local ecumenical project, the order or supplementary instrument may, with the agreement of the appropriate authority of each Church which is to participate in the project, provide that —

(a) the reports referred to in paragraph 6(2) and (6) shall be made to a body of persons designated or constituted by the order or instrument, and

(b) the functions of the Bishop under paragraph 6(3) to (5) and (7) to (11) shall be performed by or on behalf of that body.

(7) A body referred to in sub-paragraph (6) —

(a) shall include the Bishop and one or more representatives of the appropriate authorities mentioned above, and

(b) may include persons otherwise representing the Church of England;

and any functions of the visitor which, under paragraph 4 or 6, are performed on behalf of the Bishop shall be performed instead on behalf of that body.

8. Code of practice

In exercising any functions under this Schedule the Bishop, the Commissioners, any leader and any visitor shall have regard to any code of practice issued, or having effect as if issued, by the House of Bishops under section 84 of the Mission and Pastoral Measure 2011 and for the time being in force, so far as it is applicable to the Isle of Man."

SCHEDULE 2

FURTHER AMENDMENTS OF THE 2012 MEASURE

1. Formulation etc. of draft proposals

(1) In section 5(3), for paragraph (e) substitute —

"(e) where they consider it desirable —

(i) make recommendations to the Bishop in accordance with paragraph 2 of Schedule 2, or

(ii) formulate a plan for pastoral reorganisation in accordance with paragraph 2A of that Schedule,

for any of the matters for which provision may be made under this Measure by a pastoral scheme;".

(2) In paragraph 1(1) and (2) of Schedule 2, after "recommendations," insert "plans,".

(3) In paragraph 1(3) of Schedule 2, for "recommendation" (in each place) substitute "recommendation, plan".

(4) After paragraph 1(3) of Schedule 2 insert —

"(3A) If it appears to the Commissioners that any other person might be affected by the matters in question, they may treat that person as an interested party for the purposes of this Schedule; and the references to the interested parties in the following provisions of this Schedule and in Schedule 3 are to be read accordingly.".

(5) In paragraph 2(1) of Schedule 2, after "their views" insert "—

(a) on the recommendations the Commissioners propose to make, or

(b) if the Commissioners have yet to formulate recommendations, on the issues which the Commissioners consider need to be addressed.".

(6) After paragraph 2 of Schedule 2 insert —

"**2A. Plan for pastoral reorganisation**

(1) The Commissioners may formulate a plan for pastoral reorganisation in the diocese or any part of it.

(2) Before formulating such a plan, the Commissioners shall so far as may be practicable ascertain the views of the interested parties or invite them to express their views —

(a) on the proposals which the Commissioners intend to include in the plan, or

(b) if the Commissioners have yet to determine what proposals to include in the plan, on the issues which the Commissioners consider need to be addressed.

(3) The Commissioners may, with the consent of the Bishop, submit such a plan to the Diocesan Synod for approval.".

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

"(1A) If the Diocesan Synod approves a plan under paragraph 2A(3), the Commissioners shall prepare a draft scheme or schemes giving effect to the proposals contained in the plan.".

(8) In paragraph 3(2) of Schedule 2, for "the proposals, and in that case sub-paragraph (1)" substitute "the proposals referred to in sub-paragraph (1), and in that case sub-paragraph (1)".

2. Notice of draft pastoral scheme

In paragraph 4 of Schedule 2 —

(a) for sub-paragraph (1) substitute —

"(1) The Commissioners shall serve on each of the interested parties —

(a) a copy of the draft scheme prepared under paragraph 3, and

(b) a notice under sub-paragraph (4).

(1A) The Commissioners shall publish the draft scheme online together with a notice under sub-paragraph (4).";

(b) in sub-paragraph (2), at the end insert ", and

"(c) require him or her to ensure that, at every service (other than an occasional office) held at each of those churches or buildings during the period within which written representations may be made in accordance with the notice, the person conducting the service informs the congregation of the contents of the notice.";

(c) in sub-paragraph (4) —

(i) for "(2)(a)" substitute "(1)(b), (1A), (2)(a)",

(ii) after sub-paragraph (a) insert —

"(aa) specify the address online at which the draft scheme is published under sub-paragraph (1A),";

(iii) in sub-paragraph (c), for the words from "being" onwards substitute "being —

(i) in the case of a notice served under sub-paragraph (1)(b), a date not less than 28 days after service;

(ii) in every other case, a date not less than 28 days after the publication of the notice under sub-paragraph (1A).".

3. Amendment of draft pastoral scheme

In paragraph 5 of Schedule 2, at the end insert —

"(3) The power under sub-paragraph (1) to amend a draft scheme includes power to amend it so as to give effect instead to proposals included in representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind—

(a) sub-paragraph (2) does not apply, and

(b) the Commissioners shall instead carry out such consultation on the amended draft scheme as they think appropriate.".

4. Making of pastoral scheme

(1) In paragraph 6(1) of Schedule 2, after item (b) insert "or

(c) the proposals contained in any such draft scheme are to the same effect, or substantially the same effect, as proposals included in a plan approved under paragraph 2A(3), and the Commissioners do not consider that there are material considerations which indicate it should not be made,".

(2) In paragraph 6(2)(b) of Schedule 2, after "reasons for it" insert ", or of their decision under sub-paragraph (1)(c), as the case may be".

5. Notice of draft disposal scheme

(1) For paragraph 5(4) of Schedule 3 substitute —

"(4) If they decide to proceed with the draft scheme, the Commissioners shall serve a copy of the draft scheme —

(a) on the Board, and

(b) if sub-paragraph (4A) applies, on —

(i) the Department of Environment, Food and Agriculture;

(ii) the local authority for the district in which the building is situated;

(iii) the Commonwealth War Graves Commission; and

(iv) Manx National Heritage.

(4A) This sub-paragraph applies if —

(a) there are burials in the building closed for regular public worship or in any churchyard or burial ground annexed to it, or

(b) the scheme provides for the demolition of the building, or

(c) the scheme provides for the building to vest in Manx National Heritage.".

(2) In paragraph 5(5) of that Schedule, at the beginning insert "If sub-paragraph (4A) applies,".

6. Team and group ministries

(1) In section 10(1), omit the words from "and the scheme" onwards.

(2) In section 10(3), omit "scheme or, subject to the scheme, the".

(3) In section 10(4) and (7), omit "(subject to the scheme)".

(4) In section 10(6), for the words from the beginning to "any member of the team" substitute "The Bishop's licence may assign to any member of a team ministry".

(5) Omit section 10(10).

(6) In section 10(12), for ", subsection (1) and paragraph 3 of Schedule 1" substitute "and subsection (1)".

(7) In Schedule 1, omit paragraph 3.

7. Vesting of land

In paragraph 10(1) of Schedule 3, in entry (3) in the table, for column 2 substitute "The land shall on the relevant date vest in the Board.".

8. Burial rights

(1) For paragraph 16 of Schedule 1 substitute —

"*16. Burial rights in new or altered parishes*

The creation or dissolution, or the alteration of the area, of a parish by virtue of a pastoral scheme shall not affect the rights and privileges (if any) of parishioners in respect of burials in any burial ground in that or any other parish."

(2) This paragraph applies in relation to pastoral schemes made before as well as after the coming into operation of this paragraph.

9. Compensation of clergy

(1) For section 37 substitute—

"**37 Compensation of office-holders**

Schedule 6 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure) has effect.".

(2) For Schedule 6 substitute—

"SCHEDULE 6

COMPENSATION OF OFFICE-HOLDERS

1. Persons entitled to compensation

(1) Subject to sub-paragraph (2), the holder of an ecclesiastical office who is subject to Common Tenure ("the claimant") is entitled to compensation under this Schedule —

(a) if his or her office is abolished by or as the result of a pastoral scheme; or

(b) if he or she —

(i) agrees with the Commissioners that compensation will be payable if he or she resigns from the office in question to enable a pastoral scheme to come into operation or to facilitate its coming into operation, and

(ii) resigns following the making of the scheme.

(2) Sub-paragraph (1) does not apply if the pastoral scheme also provides for the appointment of the claimant to another ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

2. Amount of compensation

(1) The amount of compensation payable to the claimant under this Schedule is —

(a) 12 months' stipend, and

(b) the amount that would be required by way of contribution under section 4(1) of the Pensions Measure 1997 for 12 months' service by the claimant in the office in question on that stipend.

(2) In sub-paragraph (1), the references to a stipend are to the stipend that the claimant was receiving immediately before ceasing to hold the office in question.

3. Housing

(1) This paragraph applies where the claimant was, immediately before ceasing to hold the office in question, occupying a parsonage house or other official residence provided for the purposes of the office.

(2) The Board must provide the claimant with accommodation which is suitable for him or her, and the family members with whom he or she lives, for a period of 12 months beginning with the date on which the claimant ceases to hold the office in question.

(3) In sub-paragraph (2) the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation.

(4) The Board may, instead of acting as mentioned in sub-paragraph (2), make a payment to the person concerned of an amount agreed by the Board and the

person; and where the Board does so, it is to be treated as having discharged the duty under sub-paragraph (2).

4. Additional payment

Where a person is entitled to compensation under this Schedule, the Bishop may authorise an additional payment to be made to the person of such amount as the Bishop with the consent of the Board may determine.

5. Payments of compensation etc.

(1) Each of the following payments —

(a) a payment of compensation under this Schedule,

(b) a payment under paragraph 3(4), and

(c) an additional payment under paragraph 4,

is to be made as a lump sum by the Board.

(2) The payment is to be charged on the capital account or the income account of the diocesan stipends fund, as the Board may decide on a case by case basis.

6. Power to amend

(1) This paragraph applies where the Board considers, in the light of experience, that it is necessary or appropriate to make adjustments to the way in which the scheme under this Schedule operates.

(2) Where this paragraph applies, the Board may by order amend the preceding provisions of this Schedule so as to give effect to those adjustments, and —

(a) make consequential modifications to any Measure of the General Synod which extends to the Island, or

(b) make consequential amendments to —

(i) this Measure, or

(ii) any other Measure under the Church Legislation Procedure Act 1993, or

(iii) any instrument made under any Measure referred to in (a) or (i) or (ii) above.

(2) An order under this paragraph may not vary—

(a) the requirements for entitlement to compensation, or

(b) the amount of compensation payable.

(3) An order under this paragraph may not be made unless a draft of the order has been approved by the Diocesan Synod.

(4) An order under this paragraph shall be laid before Tynwald as soon as may be after it is made, and if Tynwald, at the sitting at which it is laid or the next following sitting, resolves that it be annulled, it shall cease to have effect.".

10. Minor correction

In paragraph 13(8)(b) of Schedule 1, for "redundancy" substitute "closure for regular public worship".

SCHEDULE 3

AMENDMENTS AND MODIFICATIONS

...

2. Church (Miscellaneous Provisions) Measure (Isle of Man) 1990 (GC 3/91)

In paragraph 2 of Schedule 1, for sub-paragraph (2) substitute —

"(2) In section 2(3), omit the words "or, during a vacancy in a see, the guardian of the spiritualities:" and the proviso.".

3. Church (Miscellaneous Provisions) Measure (Isle of Man) 1993 (SD 496/93)

In paragraph 7 of the Schedule, for sub-paragraph (2) substitute —

"(2) Omit section 19(2) to (4).

(3) In section 19(5), omit the words from "and, if" onwards.".

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

In Schedule 1, for paragraph 6 substitute —

"6. In Schedule 1, omit entries 2, 3 and 4.".

5. Patronage Measure (Isle of Man) 1997 (SD 637/97)

The Patronage (Benefices) Measure 1986, as set out in Schedule 1, is further modified by the omission of —

(a) section 12(9); and

(b) paragraph 15 of Schedule 2.

6. Church Records Measure (Isle of Man) 2000 (SD 533/00)

In section 25(2), for "redundancy" substitute "closure for regular public worship".

7. Clergy Discipline Measure (Isle of Man) 2005 (SD 538/02)

In Schedule 1, for paragraph 13A (inserted by the Church Fees Measure (Isle of Man) 2014) substitute —

"Application of 1963 Measure

13A. (1) In section 35(1), omit "Section 63 (fees payable)".

(2) After section 35(2) insert —

"(3) In relation to disciplinary proceedings instituted under section 10 in the Isle of Man against a priest or deacon —

(a) there shall be paid to the chairman of a disciplinary tribunal and the registrar of tribunals the fees for the time being specified in that behalf in an order under section 6 of the Ecclesiastical Fees Measure 1986 in relation to the like proceedings in England; and

(b) the costs and expenses of the disciplinary tribunal referred to in section 62(1) of the 1963 Measure, as applied by this section, shall include the fees payable under paragraph (a) above.".

Compensation

13B. In section 41 —

(a) for "Schedule 4 to the Pastoral Measure 1983" substitute "Schedule 6 to the Mission and Pastoral Measure (Isle of Man) 2012", and

(b) for "section 25" substitute "section 15"."

8. Parochial Church Councils and Accounts Measure (Isle of Man) 2010 (SD 958/10)

In section 1(1), after paragraph (e) insert —

"(ea) omit section 9(4);".

9. Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012 (SD 321/12)

In regulation 29(1), after sub-paragraph (e) insert —

"(ea) the office is created by a bishop's mission order under Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012;".

10. Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 (SD 2017/224)

In paragraph 4(2) of Schedule 1, in the substituted section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, omit paragraph (e).

NOTE Sch.3: para.1 repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.4.

SCHEDULE 4
REPEALS

Reference	*Short title*	*Extent of repeal*
1979 c.10	Church Act 1979	Section 4.
GC 3/91	Church (Miscellaneous Provisions) Measure (Isle of Man) 1990.	In Schedule 4, paragraph 2.
GC 485/92	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992.	In paragraph 24(3) of the Schedule, the substituted section 31(4).
SD 254/94	Statute Law Revision Measure (Isle of Man) 1994.	In Schedule 1, paragraph 6 and the cross-heading preceding it.
SD 637/97	Patronage Measure (Isle of Man) 1997.	Section 3(3).
SD 538/05	Clergy Discipline Measure (Isle of Man) 2005.	Section 2(2). Schedule 2.
SD 192/12	Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.	In the Schedule — (a) in paragraph 7(3)(c), in the inserted paragraph (ba), the words "or, where there is no parochial church council in existence, the churchwardens of the parish"; (b) in paragraph 7(6)(c), the words "omit "civil partner," and".
SD 654/12	Mission and Pastoral Measure (Isle of Man) 2012.	Section 9(4). Section 22(1)(c). In section 43 — (a) subsection (1); (b) in subsection (3), the words "or a particular parish had no parochial church council or no churchwardens,". Section 47. In Schedule 1, in paragraph 10(1), the words from "(b)" onwards.

Marriage Measure (Isle of Man) 2019

(SM 1 of 2019)

1. Short title

The short title of this Measure is the Marriage Measure (Isle of Man) 2019.

2. Commencement

This Measure comes into operation on such day as the Bishop may by order appoint.

NOTE S.2: The Measure was brought into force on 1 March 2019 by the Marriage Measure (Isle of Man) 2019 (Appointed Day) Order 2019 (SD 2019/41).

3. Marriages solemnized in a parish with which a party has a qualifying connection

(1) The Marriage Act 1984 is amended as follows.

(2) After section 17 insert —

"**17A Qualifying connection with parish**

(1) A person intending to be married has the like, but no greater, right to have the marriage solemnized in a parish church of a parish with which he or she has a connection specified in subsection (3) (a "qualifying connection") as that person has to have the marriage solemnized in the parish church of the parish in which he or she resides or which is his or her usual place of worship.

(2) Where a church or other building or part of a building licensed for public worship has been designated under section 17(2) of the Mission and Pastoral Measure (Isle of Man) 2012 as a parish centre of worship, this section applies to such centre of worship, while the designation is in force, as it applies to a parish church.

(3) A person has a qualifying connection with a parish in which the marriage is to be solemnized if—

(a) that person was baptised in that parish (unless the baptism took place in a combined rite which included baptism and confirmation) or is a person whose confirmation has been entered in the register book of confirmation for any church or chapel in that parish;

(b) that person has at any time had his or her usual place of residence in that parish for a period of not less than 6 months;

(c) that person has at any time habitually attended public worship in that parish for a period of not less than 6 months;

(d) a parent of that person has during the lifetime of that person had his or her usual place of residence in that parish for a period of not less than 6 months or habitually attended public worship in that parish for that period; or

(e) a parent or grandparent of that person has been married in that parish.

(4) Without prejudice to subsection (3), where —

(a) as a result of a pastoral scheme or otherwise, a parish has ceased to exist or its boundaries have been altered, and

(b) a person who wishes to have his or her marriage solemnized under subsection (1) can establish a qualifying connection with a place situated within such a parish, and

(c) at the time when a notice under section 8 is delivered or an application for the grant of a common licence is made, that place is situated within the parish in which the church where the marriage is to be solemnized is situated,

that person is deemed to have a qualifying connection with that parish.

(5) Without prejudice to subsection (3) or (4), where —

(a) a person has had a qualifying connection with a parish, and

(b) a church which was a parish church of that parish at the time when that person had the qualifying connection has since become and continues to be a parish church of another parish,

that person is deemed to have a qualifying connection with that other parish.

(6) Where—

(a) a person intending to be married has a qualifying connection with a parish, and

(b) a parish church of the parish is disused and is, as a consequence, subject to a direction under section 14(3),

the marriage may be solemnized under this section in a church or chapel specified in the direction.

(7) Where —

(a) a person intending to be married has a qualifying connection with a parish, and

(b) a direction is in force under paragraph 15(4) of Schedule 1 to the Mission and Pastoral Measure (Isle of Man) 2012 in respect of 2 or more churches in the area of the benefice to which that parish belongs, or in the areas of that and another benefice held in plurality,

the marriage may be solemnized under this section in a church or chapel specified in the direction.

(8) For the purposes of this section —

(a) "parent" includes an adoptive parent and any other person who has undertaken the care and upbringing of the person seeking to establish a qualifying connection, and "grandparent" is to be construed accordingly;

(b) any reference to baptism, confirmation, marriage or public worship is a reference to baptism, confirmation, marriage or public worship, as the case may be, according to the rites of the Church of England.

(9) In relation to the establishment of a qualifying connection under subsection (3)(a) by virtue of confirmation, the references in subsection (4) to a place are references to the church or other place of worship in whose register the confirmation was entered.

17B Qualifying connection: publication of banns

(1) A person who has the right to have a marriage solemnized under section 17A(1) has the like right to have the banns of that marriage published in the parish church where the marriage is to be solemnized.

(2) The right to have banns published conferred by subsection (1) is additional to and not in substitution for the requirements of section 6 for banns to be published in the parish church of the parish where the parties to the marriage reside or of each parish in which one of them resides.

(3) Where a marriage is intended to be solemnized under section 17A(1) following the publication of banns by virtue of subsection (1), subsections (2) and (3) of section 10 (certificate of banns) apply as they apply to a marriage of which the banns have been published by virtue of section 6(2) in a parish in which neither of the persons to be married resides.

(4) Subject to subsection (5), a person who wishes to have his or her marriage solemnized under section 17A(1) after the publication of banns must provide such information, written or otherwise, as the incumbent of the church in which the marriage is to be solemnized may require in order to satisfy himself or herself that that person has a qualifying connection; and section 8 applies as if the reference in that section to a cleric were a reference to the incumbent.

(5) If the incumbent considers that it is necessary to do so, in order to satisfy himself or herself that a person has a qualifying connection, he or she may require that person to supply or support any information required to be provided under subsection (4) by means of a statutory declaration.

(6) Where a marriage may be solemnized in a church or chapel by virtue of section 17A(6) or (7), the banns of that marriage may be published in that church or chapel in accordance with this section.

17C Qualifying connection: common licence

(1) Notwithstanding section 12 a common licence may be granted to a person for the solemnization of a marriage in any church or chapel in which that person may be married under section 17A.

(2) Where a common licence may be granted by virtue of this section, section 13(2) has effect with the substitution for paragraph (b) of the following —

"(b) that one or each of those persons has a qualifying connection with the parish in which the marriage is to be solemnized, stating the nature of that connection;".

(3) A person who wishes to have his or her marriage solemnized under section 17A(1) by authority of a common licence must provide such information, written or otherwise, as the authority having power to grant the licence may require in order to satisfy himself or herself that that person has a qualifying connection.

(4) If that authority considers that it is necessary to do so, in order to satisfy himself or herself that a person has a qualifying connection, he or she may require that person to supply or support any information required to be provided under subsection (3) by means of a statutory declaration, and may take and receive such a declaration.

17D Qualifying connection: guidance

(1) The Bishop must from time to time issue guidance as to the exercise of any functions by an incumbent under section 17B(4) or (5) or by an authority having power to grant a common licence under section 17C(1).

(2) Such an incumbent or authority must have regard to the guidance for the time being issued under subsection (1) when considering whether any information provided to him or her is sufficient to satisfy himself or herself under section 17B(4) or 17C(3) that the person wishing to have the marriage solemnized has a qualifying connection.".

(3) In section 16 —

(a) in the sidenote, after "residence" insert "or qualifying connection";

(b) after subsection (2) insert —

"(3) Where a marriage has been solemnized —

(a) under section 17A(1) after the publication of banns, or

(b) on the authority of a common licence granted by virtue of section 17C(1),

it shall not be necessary in support of the marriage to give any proof that either party had a qualifying connection with the parish in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.".

(4) In section 55(1), at the appropriate places insert —

""common licence" has the meaning assigned to it by section 5;";

""qualifying connection" means a connection specified in section 17A(3);".

Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019

(SM 2 of 2019)

1. Short title

The short title of this Measure is the Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019.

2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

NOTE The Measure (except so far as it relates to the constitution of the Diocesan Advisory Committee) was brought into force on 1 July 2019 by the Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 (Appointed Day) (No. 1) Order 2019 (SD 2019/270), and (so far as it relates to the DAC constitution) on 21 October 2020 by the Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019 (Appointed Day) (No. 2) Order 2020 (SD 2020/442).

3. Extension of provisions of 2018 Measure to the Isle of Man

Parts 1 and 3 to 6 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 extend to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

NOTE S.3, so far as relating to the 2018 Measure s.36 & Sch.2, and s.98 & Sch.5 (so far as they repeal the Care of Churches and Ecclesiastical Jurisdiction Measure s.2(1)-(3)), excluded from commencement by SD 2019/270 and brought into force by SD 2020/442: see note on s.2 above.

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4. Consequential amendments and repeals

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

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

SCHEDULE 1

MODIFICATIONS ETC. SUBJECT TO WHICH THE 2018 MEASURE EXTENDS TO THE ISLAND

PART 1

THE ECCLESIASTICAL COURTS

1. (1) In section 1(2), omit the words from "or, in the case" onwards

(2) Omit section 1(3).

2. (1) In section 2(2), for the words from "or, in the case" onwards substitute "or the Vicar General of the diocese".

(2) Omit section 2(3).

(3) In section 2(4), for paragraph (b) substitute —

"(b) is a barrister or solicitor, or an advocate of the Manx bar, of at least 7 years' standing.".

(4) In section 2(6), omit paragraph (a).

3. Omit section 3(10).

4. In section 4(7)(a), for "three months" substitute "six months".

5. Omit section 5.

6. (1) In section 6(2), after "oaths" insert "referred to in subsection (1)".

(2) After section 6(3) insert —

"(4) The chancellor of the diocese of Sodor and Man must, before entering on the execution of the office, take and subscribe before a Deemster the oath heretofore taken and subscribed before a Deemster by the chancellor of that diocese on appointment to that office."

7. In section 7(1) —

(a) omit paragraphs (c) and (e);

(b) in paragraph (f), for "section 71 of that Measure" substitute "paragraph 11 of Schedule 3 to the Mission and Pastoral Measure (Isle of Man) 2012".

8. After section 8 insert —

"*The chapter court*

8A The chapter court

(1) There shall continue to be a chapter court for the diocese of Sodor and Man.

(2) The chancellor of the diocese of Sodor and Man is the judge of the chapter court.

(3) The chancellor is to continue to exercise the jurisdiction and functions of that court."

9. (1) In section 14(1), for the words from the beginning to "each have" substitute "The Chancery Court of York has".

(2) Omit section 14(2).

(3) In section 14(4)(b), omit "(2) or".

(4) In section 14(5), for the words from "the Arches" to "situated)" substitute "the Chancery Court of York".

10. (1) In section 15(1), omit "the Arches Court of Canterbury or".

(2) In section 15(2) and (3), for "either Court" substitute "that Court".

11. (1) In section 18(5)(b) and (6), omit "the Arches Court of Canterbury or" and ", as appropriate,".

(2) In section 18(7), omit "the Arches Court of Canterbury or".

12. In section 21(1), omit "the Arches Court of Canterbury or".

13. (1) Omit section 22(1).

(2) In section 22(3) and (4), omit "Canterbury or".

(3) In section 22(6), for "by a surrogate of the Vicar General" substitute "by a surrogate".

(4) In section 22(7), omit the words from "and (b)" onwards.

(5) In section 22(9) —

(a) omit "of the Vicar-General of a diocese";

(b) for "office of that Vicar General" substitute "diocesan see".

(6) Omit section 22(10).

14. Omit section 25(5)(c) and (d).

15. For section 26(7) substitute —

"(7) Costs ordered to be paid under this section are recoverable as if the order were a judgment or order of the High Court for the payment of money.".

PART 3

CARE OF CHURCHES ETC.

16. For section 36(2) and (3) substitute —

"(2) Schedule 2 has effect as to the constitution of the advisory committee.

(3) The diocesan synod may by resolution —

(a) amend Schedule 2; or

(b) make provision as to the proceedings of the advisory committee."

17. (1) In section 37(2)—

(a) for paragraph (c) substitute —

"(c) the archdeacon;";

(b) for paragraph (f) substitute —

"(f) the Church Commissioners for the Isle of Man;".

(2) In section 37(11), omit the words from "and the secretary" onwards.

18. Omit sections 38 to 44.

19. (1) In the heading to section 45, for "church or building in the list" substitute "churches".

(2) In section 45(1) —

(a) for "or the bishop under section 1 or 1B of the Inspection of Churches Measure 1955" substitute "under section 1 of the Church Act 1979 (an Act of Tynwald)";

(b) omit "or relevant building".

(3) In section 45(2) —

(a) in paragraphs (b) and (c), omit "or relevant buildings";

(b) in paragraph (d)(i), omit "of the archdeaconry in which the church is situated";

(c) omit paragraph (e);

(d) in paragraph (f), for "section 1(2)(e) or 1B(1) of the Inspection of Churches Measure 1955" substitute "section 1(2)(e) of the Church Act 1979 (an Act of Tynwald)", and omit "or bishop".

(4) In section 45(3) —

(a) omit the words from "(regardless" to "bishop)";

(b) in paragraph (b), for "(2)(a) to (e)" substitute "(2)(a) to (d)";

(c) in paragraph (c), for "48" substitute "47".

(5) For section 45(4) substitute —

"(4) A scheme established under subsection (3) and passed at a meeting of the diocesan synod comes into operation —

(a) on such date as may be specified in it, or

(b) if no such date is specified, on the date on which it is passed.".

(6) Omit section 45(5).

(7) In section 45(6)(a), for "Architects Act 1997" substitute "Architects Act 1976 (an Act of Tynwald)".

20. In section 46(1) —

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

(b) omit paragraph (d).

21. In section 47(1), omit "in the archdeaconry" (in each place).

22. Omit section 48.

23. (1) In section 49(1) and (2), for "maintaining" substitute "required to maintain".

(2) In section 49(4), for "Church Buildings Council" substitute "bishop of the diocese".

24. Omit section 51.

25. In section 52(1), omit "in the archdeaconry" and "there".

26. (1) In section 53(1), omit "in the archdeaconry".

(2) In section 53(11), for "section 10(1) of the Parochial Registers and Records Measure 1978" substitute "the Church Records Measure (Isle of Man) 2000".

27. Omit section 54.

28. (1) In section 55(1) —

(a) omit the definitions of "diocesan board of finance", "the list" and "national amenity society";

(b) for the definition of "advisory committee" substitute —

""advisory committee" means the Diocesan Advisory Committee;";

(c) in the definition of "minister", for "Mission and Pastoral Measure 2011" substitute "Mission and Pastoral Measure (Isle of Man) 2012";

(d) for the definition of "parish" substitute —

""parish" means an ecclesiastical parish;".

(2) Omit section 55(2) and (4).

(3) In section 55(5), omit paragraphs (a) and (c).

(4) In section 55(6)(a), for "section 43(2) of the Mission and Pastoral Measure 2011" substitute "section 17(2) of the Mission and Pastoral Measure (Isle of Man) 2012".

(5) For section 55(8) substitute —

"(8) Nothing in this Part prejudices or affects the provisions of any enactment relating to ancient monuments or town and country planning.".

PART 4

FACULTY JURISDICTION

29. (1) In the heading to section 58, for "on or after 1 March 1993" substitute "after 1993".

(2) In section 58(1), for "1 March 1993" substitute "1 January 1994".

(3) Omit section 58(8).

30. (1) In the heading to section 59, for "1 March 1993" substitute "1994".

(2) In section 59(1), for "1 March 1993" substitute "1 January 1994".

(3) Omit section 59(7).

31. (1) In section 60(1)(a), omit "of the archdeaconry in which the parish concerned is situated".

(2) In section 60(5), omit "for the diocese concerned".

(3) Omit section 60(8).

32. (1) In section 61(8) and (9), for "a solicitor" substitute "an advocate".

(2) Omit section 61(11).

33. (1) Omit section 63(3) to (5).

(2) In section 63(6), for "1 March 1993" substitute "31 December 1993".

34. Omit sections 64 and 65.

35. Omit section 66(6) to (8).

36. Omit section 67.

37. In section 71(4)(a), omit "of the archdeaconry concerned".

38. In section 72(4)(a), omit "of the archdeaconry concerned".

39. In section 74(1), omit "of every archdeaconry in a diocese" and "relating to the archdeaconry".

40. (1) In section 75(1), omit "of every archdeaconry" and "in his or her archdeaconry".

(2) In section 75(2), omit "in relation to the archdeaconry".

41. In section 76(1), omit "in the archdeaconry".

42. (1) In section 77(7), omit paragraphs (a), (b), (c), (g) and (i).

(2) Omit section 77(8).

43. In section 78(6), for paragraph (b) substitute —

"(b) the archdeacon, and".

44. In section 79(1)(a) and (2), omit "or the reservation of a grave space".

45. (1) In section 80(1) —

(a) for the definition of "diocesan advisory committee" substitute —

""advisory committee" means the Diocesan Advisory Committee;";

(b) in the definition of "minister", for "Mission and Pastoral Measure 2011" substitute "Mission and Pastoral Measure (Isle of Man) 2012";

(c) for the definition of "parish" substitute —

""parish" means an ecclesiastical parish;";

(d) omit the definition of "parish church".

(2) For section 80(3) substitute —

"(3) Nothing in this Part prejudices or affects the provisions of any enactment relating to ancient monuments or town and country planning.".

PART 5

MISCELLANEOUS

46. Omit sections 81 and 82.

47. (1) In the heading of section 83, for "Rule Committee" substitute "Legislative Committee".

(2) In section 83(1) —

(a) for "Rule Committee" substitute "Legislative Committee of the Sodor and Man Diocesan Synod";

(b) omit paragraph (d);

(c) for paragraph (e) substitute —

"(e) section 9C of the Churchwardens Measure (Isle of Man) 2013;

(f) [rule 70] of the Church Representation Rules;

(g) provision made by Canon to confer a right of appeal against the suspension of a licence to exercise the office of reader or of a licence to serve as a lay worker.".

(3) In section 83(3) and (5), for "Rule Committee" substitute "Legislative Committee".

(4) Omit section 83(4).

(5) After section 83(5) insert —

"(5A) Rules made under this section may provide that 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.".

(6) In section 83(6) —

(a) omit paragraph (c);

(b) in paragraph (d), for "sections 84 to 87" substitute "section 87".

(7) In section 83(8), for "section 25 of the Parochial Registers and Records Measure 1978" substitute "the Church Records Measure (Isle of Man) 2000".

(8) For section 83(9) substitute —

"(9) Rules under this section 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.".

(9) Omit section 83(10).

48. Omit sections 84 to 86.

49. (1) In section 87(2), omit paragraph (e).

(2) For section 87(4) substitute —

"(4) In this section "monument" has the same meaning as in Schedule 1 to the Church Fees Measure (Isle of Man) 2014.".

50. (1) Omit section 88(1).

(2) In section 88(3), for "an Order in Council under the Burial Act 1853 or 1855" substitute "an order under section 5 of the Burials Act 1986 (an Act of Tynwald)".

(3) Omit section 88(4), (5) and (7).

51. Omit section 89(7).

52. (1) In section 91(4), for "Order in Council under the Burial Act 1853 or 1855" substitute "order under section 5 of the Burials Act 1986".

(2) For section 91(5) substitute —

"(5) But an order under the said section 5 may discontinue burials in the land if it appears to the Department of Environment, Food and Agriculture that further burials in the land would be prejudicial to public health.".

53. (1) In section 92(1)—

(a) omit "of an archdeaconry in the diocese" and "in the archdeaconry";

(b) in paragraph (a), after "corporation" insert ", the churchwardens of a parish jointly with any such corporation".

(2) In section 92(4), for "section 78 of and Schedule 6 to the Mission and Pastoral Measure 2011" substitute "section 21 of and Schedule 4 to the Mission and Pastoral Measure (Isle of Man) 2012".

(3) In section 92(5), for "Secretary of State" substitute "Department of Environment, Food and Agriculture".

(4) For section 92(8) and (9) substitute —

"(8) Section 1 of the Conveyancing Act 1983 (an Act of Tynwald) (which enables the court to discharge or modify restrictions affecting land) does not apply in relation to a condition or requirement imposed by an order under this section.

(9) Subsection (6) is 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).

(9A) 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) Omit section 92(11), (12) and (14).

54. (1) For section 93(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 Council of Ministers;

and, if any question arises as to what authority is the appropriate authority in relation to any land or building, that question shall be referred to the Council of Ministers, 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" and "Statutory Board" have the meanings given by the Interpretation Act 2015 (an Act of Tynwald)."

(2) Omit section 93(5).

PART 6

GENERAL

55. Omit section 94.

56. (1) In section 95(1) —

(a) at the appropriate places in alphabetical order insert —

""archdeacon" means the Archdeacon of Man;";

""churchyard" includes any burial ground, or part of a burial ground, which is consecrated ground, but does not include a cemetery provided under the Douglas Cemetery Act 1895;";

""diocesan board of finance" means the Sodor and Man Diocesan Board of Finance;";

""the High Court" means the High Court of Justice of the Isle of Man;";

""prescribed" means prescribed by rules;";

(b) omit the definitions of "chancellor", "consistory court" and "parochial library".

(2) After section 95(3) insert —

"(3A) References in this Measure to a Measure (including this Measure) or to a provision of a Measure are to that Measure or provision as it has effect in the Isle of Man.

(3B) References in this Measure to the commencement of any provision of this Measure are to the date on which the provision is extended to the Isle of Man.".

(3) Omit section 95(4) and (5).

57. Omit sections 99 and 100.

SCHEDULES

58. In Schedule 1 —

(a) omit paragraphs 1, 5, 19, 20(2), 21, 23(b), 24(2)(b) and (c) and (3) and 25 to 30;

(b) in paragraph 10(3), for "(1A)" substitute "(1B)", and omit "and (b) omit "including that Court"".

59. In Schedule 2 —

(a) in paragraph 1, for "[name of diocese]" substitute "Sodor and Man";

(b) in paragraph 2(1), omit "of each archdeaconry in the diocese", and for "12" substitute "5";

(c) in paragraph 2(2), for the words from "(a)" onwards substitute —

"(a) the standing committee of the diocesan synod, and

(b) the chancellor of the diocese.";

(d) in paragraph 2(3) —

(i) for "bishop's council of the diocese" (in each place) substitute "standing committee of the diocesan synod",

(ii) for "ten" substitute "3";

(iii) omit the words from "of whom" to "societies";

(e) in paragraph 2(4), for "bishop's council" substitute "standing committee";

[(ea) in paragraph 2(3)(a), for "elected members" substitute "members (other than ex-officio members)";

(eb) in paragraph 2(6), for the words from "within the period" onwards substitute "as soon as practicable after 1 September in a year in which parochial representatives of the laity are elected to the diocesan synod in accordance with the Church Representation Rules";]

(f) in paragraph 7, for "diocesan secretary" substitute "archdeacon".

60. In Schedule 3 —

(a) in Part 1, omit paragraphs 1 to 3, 5, 9, 10 and 14 to 23;

(b) in Part 2 —

(i) in paragraph 24, after "1964" insert "(as applied by the Ecclesiastical Jurisdiction Rules (Isle of Man) 1995)";

(ii) omit paragraphs 27 to 35;

(iii) in paragraph 36, after "2015" insert "(as applied by rule 21.1 of the Faculty Jurisdiction Rules (Isle of Man) 2016)";

(iv) omit paragraphs 37(5) to (7), 38 to 48, 50 and 51;

(c) omit Part 3 (paragraphs 52 to 63).

61. In Schedule 4, omit Part 2.

62. In Schedule 5, omit the repeals of enactments which do not extend to the Isle of Man.

NOTE Sch.2: commencement: see note on s.3 above; para.47(1)(c): words in square brackets substituted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch.3 para.12(a); para.59: sub-paras.(ea) & (eb) inserted by ib. para.12(b).

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Mission and Pastoral Measure (Isle of Man) 2012 (SM 2 of 2012)

1. (1) In section 17(4), for "section 6 of the Faculty Jurisdiction Measure 1964" substitute "section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018".

(2) In section 19(3)(c), for "section 22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991" substitute "section 92 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018".

(3) In Schedule 3, in paragraph 3(3), for "Part 1 of the Church Act 1979 ceases" substitute "sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 cease".

Safeguarding and Clergy Discipline Measure (Isle of Man) 2017 (SM 1 of 2017)

2. In Schedule 1, for paragraph 4 substitute —

"4. Omit section 4.".

SCHEDULE 3

REPEAL OF ENACTMENTS

Reference	*Short title*	*Extent of repeal*
AT 4 of 1979	Church Act 1969	Schedule 1, except paragraph 6.
AT 10 of 1979	Church Act 1979	The whole Act.
SM1 of 1992	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992	The Schedule, except paragraph 20(1) and (6).
SM 1 of 1994	Statute Law Revision Measure (Isle of Man) 1994	In Schedule 1, paragraph 7.
SM 1 of 2000	Church Records Measure (Isle of Man) 2000	Section 32(2).
SM 1 of 2009	Church (Miscellaneous Provisions) Measure (Isle of Man) 2009	Section 3. In Schedule 3, paragraphs 2 and 3.
SM 1 of 2015	Church (Miscellaneous Provisions) Measure (Isle of Man) 2015	Section 3(b), (c), (e), (f) and (g). In Schedule 1, paragraphs 2 to 5.
SM 1 of 2016	Care of Churches and Ecclesiastical Jurisdiction (Amendment) Measure (Isle of Man) 2016	In the Schedule, paragraphs 1 to 8.

Church Representation and Ministers Measure (Isle of Man) 2020

(SM 1 of 2020)

GENERAL NOTE The Measure was brought into force in the Isle of Man on 1 May 2020 by the Church Representation and Ministers Measure (Isle of Man) 2020 (Appointed Day) Order 2020 (SD 2020/253)

1. Short title

The short title of this Measure is the Church Representation and Ministers Measure (Isle of Man) 2020.

2. Commencement

This Measure comes into operation on such day or days as the Bishop may by order appoint.

3. Extension of the Church Representation and Ministers Measure 2019

The Church Representation and Ministers Measure 2019 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

4. Modifications of the Church Representation Rules

The provisions set out in Schedule 2 are substituted for Schedule 1 to the Church Act 1987.

5. Minor and consequential amendments and repeals

(1) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

(2) The enactments specified in Schedule 4 are repealed to the extent specified in column 3 of that Schedule.

SCHEDULE 1

MODIFICATIONS OF THE CHURCH REPRESENTATION AND MINISTERS MEASURE 2019

1. Church Representation Rules

In section 1(2) —

(a) in the new subsections (1A) and (1B), for "this section" substitute "subsection (1)";

(b) at the end insert —

"and after subsection (3) insert —

"(3A) Subsections (1A) and (1B) apply to a resolution under subsection (3) as they apply to a resolution under subsection (1).".".

2. Short title etc.

Omit section 3(2) to (8).

3. Consequential amendments

In Schedule 2 —

(a) omit paragraphs 2 to 7, 11, 16, 17, 19 to 27 and 29 to 36;

(b) in paragraph 9, after "Church Representation Rules" insert "(as they have effect in the Isle of Man)";

(c) in paragraph 12, in section 8A(1)(b) of the Parochial Church Councils (Powers) Measure 1956, for "a Measure or Canon" substitute "an Act of Tynwald, Measure or Canon".

4. Transitional provisions

In Schedule 3 —

(a) omit paragraph 3;

(b) in paragraph 4, omit "other";

(c) omit paragraph 5;

(d) in paragraph 12(1), after "it took" insert "in the Isle of Man";

(e) in paragraph 12(2), after "this Measure" insert "as it has effect in the Isle of Man";

(f) after paragraph 12(2) insert —

"(3) A reference in this Schedule to the commencement of the New Rules is a reference to the coming into operation of the New Rules in the Isle of Man.".

SCHEDULE 2

SUBSTITUTED SCHEDULE 1 TO THE CHURCH ACT 1987

"SCHEDULE 1

MODIFICATIONS OF THE CHURCH REPRESENTATION RULES IN THEIR APPLICATION TO THE ISLE OF MAN

Contents

1. In the table of contents —

(a) for "Rules 1 to 10" substitute "Rules 1 to 9";

(b) for "Rules 11 to 13" substitute "Rule 11";

(c) omit the entries relating to Part 3;

(d) for "M36" substitute "M34";

(e) for "M42" substitute "M41".

Part 1 — Church electoral roll

2. Omit rule 1(6)(a) and (c).

3. Omit rule 10.

Part 2 — Parish governance

4. Omit rules 12 and 13.

Part 3 — Deanery synod

5. Omit Part 3 (rules 14 to 28).

Part 4 — Diocesan synod

6. In rule 30 —

(a) after sub-paragraph (a) insert "and";

(b) omit sub-paragraph (b).

7. For rules 31 and 32 substitute —

"**31 House of clergy**

(1) The ex officio members of the house of clergy of the diocesan synod are —

(a) the Archdeacon of Man,

(b) the Vicar General of the diocese (if in Holy Orders),

(c) the canons of the cathedral church of St German,

(d) the proctor elected from the diocese to the Lower House of Convocation of the province, and

(e) the chair of the diocesan advisory committee (if in Holy Orders).

(2) The other members of the house of clergy of the diocesan synod are every clerk in Holy Orders —

(a) who is beneficed or licensed to officiate in the diocese,

(b) who is nominated by the bishop under Rule 33,

(c) who holds permission to officiate in the diocese and is elected in accordance with Rule 33A, or

(d) who is made a member by virtue of a scheme under Rule 33C.

32 House of laity

(1) The ex officio members of the house of laity of the diocesan synod are—

(a) the Vicar General of the diocese (if not in Holy Orders),

(b) the person elected from the diocese as a member of the House of Laity of the General Synod, and

(c) the chair of the diocesan advisory committee (if not in Holy Orders).

(2) The other members of the house of laity of the diocesan synod are—

(a) any lay person nominated by the bishop under Rule 33,

(b) the parochial representatives of the laity elected to the synod in accordance with Rule 33B,

(c) every deaconess and full-time lay worker who is licensed by the bishop to work in the diocese, and

(d) any lay person who is made a member by virtue of a scheme under Rule 33C.".

8. Omit rule 33(5).

9. After rule 33 insert —

"**33A Election of certain members of the house of clergy**

(1) A clerk referred to in Rule 31(2)(c) is elected, by and from the clerks in Holy Orders holding permission to officiate in the diocese, in such manner as the bishop may approve.

(2) One clerk of that description is to be so elected for every ten (or part of ten) clerks of that description.

(3) A clerk referred to in Rule 31(2)(c) —

(a) is elected in 2021 and every third year thereafter, and

(b) holds office for a term of three years beginning with 1 September following the date when the election takes place.

33B Election of parochial representatives of the laity

(1) The parochial representatives of the laity on the diocesan synod—

(a) are elected in 2021 and every third year thereafter by the annual meeting of each parish in the diocese, and

(b) hold office for a term of three years beginning with 1 September following the date of their election.

(2) The diocesan synod must by resolution determine the numbers to be so elected from the several parishes, and those numbers must be related to the number of names on the roll of each parish as at the date of the annual meeting at which the election takes place.

(3) A resolution under paragraph (2) does not have effect in relation to an election unless it is passed before 1 January in the year in which the election takes place.

(4) The secretary of the diocesan synod must notify the secretary of each PCC of a resolution under paragraph (2) as soon as may be after it is passed.

33C Scheme for representation of mission initiatives

(1) Where a bishop's mission order is in force, the standing committee may make a scheme to provide for the representation on the diocesan synod of such of the persons to whom the order relates as are specified in or under the scheme.

(2) The standing committee, in making a scheme under this rule, must have regard to—

(a) the need to make due provision for the representation of the worshipping community involved in the mission initiative, and

(b) the governance of the initiative (which may, for example, take the form of a charitable body of some kind).

(3) A scheme under this rule does not have effect unless it is approved by the diocesan synod.".

10. Omit rules 34 to 43.

11. (1) In rule 44(2)(h), omit "bishop's council and".

(2) Omit rule 44(6).

(3) After rule 44(7) insert —

"(7A) The secretary of the diocesan synod is the diocesan electoral registration officer.".

12. For rule 45 substitute —

"**45Casual vacancies**

(1) A casual vacancy among the parochial representatives elected to the diocesan synod must be filled as soon as practicable after the vacancy occurs.

(2) Where the annual meeting is not due to be held within the two months following the occurrence of the vacancy, the vacancy must be filled by the election by the PCC of a person who is qualified to be elected as a parochial representative.

(3) The secretary of the PCC must notify the secretary of the diocesan synod of —

(a) the election of a parochial representative of the laity to fill a casual vacancy on the synod, and

(b) the name, address and email address (if any) of the representative so elected."

Part 5 — House of Laity of the General Synod

13. For rule 49 substitute —

"**49Numbers**

One member of the House of Laity shall be elected by the diocesan electors of the diocese of Sodor and Man."

14. (1) In rule 50(1)(b), for "one of the fourth, fifth and sixth conditions" substitute "either the fourth or the fifth condition".

(2) In rule 50(5), for the words from "on the relevant day" onwards substitute "on the relevant day on the roll of a parish in the diocese".

(3) Omit rule 50(6).

(4) In rule 50(7), for "sixth" substitute "fifth".

(5) Omit rule 50(9) and (11).

15. For rule 51 substitute —

"**51Electoral areas**

The diocese of Sodor and Man is an electoral area for the purposes of elections to the House of Laity."

16. (1) In rule 53(1), omit the words from "or, where" to "area of the diocese".

(2) After rule 53(5) insert —

"(6) In relation to an election of a representative of the diocese of Sodor and Man the rules have effect subject to whatever modifications are necessary."

17. (1) For rule 54(2) substitute —

"(2) In the diocese of Sodor and Man, the diocesan electors are the members of the house of laity of the diocesan synod, apart from a lay member of a religious community with separate representation in the General Synod under rule 46(1)(c).

(2A) The diocesan electoral registration officer must record in a register (the "register of lay electors") the name and address of each of the members of the house of laity of the diocesan synod referred to in paragraph (1).

(2B) Where the diocesan electoral registration officer has been provided with an email address for a member of the house of laity, the address recorded for that member in the register must include that email address.".

(2) Omit rule 54(3) and (5) to (7).

18. After rule 56(5) insert —

"(6) In relation to an election of a representative of the diocese of Sodor and Man the rules have effect subject to whatever modifications are necessary."

Part 6 — Appeals

19. (1) In rule 57(1), (2) and (3), omit "clerical or".

(2) For rule 57(5) substitute —

"(5) Notice of an appeal under this Rule must be given to the secretary of the diocesan synod.".

(3) Omit rule 57(6) and (7).

(4) In rule 57(8)(c), omit "clerical or", and for "Rule 39(6)" substitute "Rule 54(9)".

20. (1) In rule 58(3), omit "clerical or".

(2) In rule 58(6), omit "or deanery".

(3) For rule 58(8) substitute —

"(8) Notice of an appeal under this Rule must be given to the secretary of the diocesan synod."

(4) Omit rule 58(9).

(5) In rule 58(13), for "section 5A of the Churchwardens Measure 2001" substitute "section 7A of the Churchwardens Measure (Isle of Man) 2013".

21. After rule 59(5) insert —

"(6) In relation to an appeal relating to an election of a representative of the diocese of Sodor and Man the rules have effect subject to whatever modifications are necessary."

22. In the heading to rule 60, and in rule 60(1), (2), (3), (4) and (5)(a), omit "bishop's council and".

Part 7 — Disqualification etc.

23. (1) Omit rule 62(3).

(2) For rule 62(4) substitute —

"(4) A person is disqualified for being a member of a PCC if he or she is disqualified for being a charity trustee under section 25 of the Charities Registration and Regulation Act 2019, unless the disqualification is the subject of a waiver which permits him or her to be a member of a PCC or a trustee of an ecclesiastical charity (within the meaning of Schedule 3 to the Church Act 1992).".

(3) In rule 62(6), for "section 2 of the Churchwardens Measure 2001" substitute "section 5 of the Churchwardens Measure (Isle of Man) 2013".

24. Omit rule 63.

25. (1) For rule 64(1) substitute —

"(1) The seat of a clerical member of the diocesan synod who is a member under sub-paragraph (a), (b), (c) or (d) of Rule 31(2) is vacated if the member ceases to be eligible for membership under that sub-paragraph and is not eligible for membership under another sub-paragraph of Rule 31(2)."

(2) Omit rule 64(2).

(3) For rule 64(3) substitute —

"(3) The seat of a lay member of the diocesan synod is vacated in each of the following three cases."

(4) In rule 64(4), for sub-paragraphs (a) and (b) substitute —

"(a) was elected as a parochial representative of the laity, but

(b) ceases to have his or her name on the roll of the parish by which he or she was elected."

(5) Omit rule 64(5) and (6).

(6) In rule 64(7), for "fourth" substitute "second", and for sub-paragraph (a) substitute —

"(a) became a representative under a scheme under Rule 33C (mission initiative), but".

(7) In rule 64(8), for "fifth" substitute "third".

(8) In rule 64(9), for sub-paragraphs (a) and (b) substitute —

"(a) the member's name is entered on the roll of a parish in the diocese, or the leader of a mission initiative in the diocese declares the member to be part of the worshipping community involved in the initiative, and

(b) before the vacancy arises, the lay members of the standing committee resolve that the member's seat is not to be vacated."

(9) In rule 64(10), omit "bishop's council and".

26. (1) In rule 65(1), for "five" substitute "three".

(2) In rule 65(2)(a), for "Rule 50(5)(a)" substitute "Rule 50(5)".

(3) Omit rule 65(3) and (4).

(4) In rule 65(5), for "fourth" substitute "second"

(5) In rule 65(6), for "fifth" substitute "third".

(6) In rule 65(7) and (8), omit "bishop's council and".

27. (1) In rule 68(1)(a), (2)(a) and (3), omit "a deanery synod,".

(2) In rule 68(2), for "1933" substitute "1966 (an Act of Tynwald)".

28. (1) In rule 69(1), omit "a deanery synod," and for "1933" substitute "1966 (an Act of Tynwald)".

(2) In rule 69(2), for "a local authority or the police" substitute "a Department or the Chief Constable".

29. (1) In rule 70(2), for the words from "president" onwards substitute "Vicar General".

(2) In rule 70(3), for "president of tribunals" substitute "Vicar General".

30. (1) In rule 71(1), at the appropriate places insert —

""the Chief Constable" means the Chief Constable of the Isle of Man;"

""Department" means a Department of the Isle of Man Government;".

(2) In rule 71(2), for "1933" substitute "1966 (an Act of Tynwald)".

Part 8 — Miscellaneous

31. In rule 72(b), after "issue" insert "(so far as applicable to the Isle of Man)".

32. (1) In rule 74(3), for "the presiding officer is directed to hold a fresh election" substitute "a direction is given that a fresh election be held".

(2) Omit rule 74(4).

33. Omit rule 78(9).

34. Omit rule 79(8) and (9).

35. (1) In rule 80(2), for "chancellor" substitute "Vicar General".

(2) In rule 80(3), for "rural dean" substitute "archdeacon".

(3) Omit rule 80(4).

36. (1) For rule 82(1) substitute —

"(1) In these Rules, "parish" means an ecclesiastical parish."

(2) In rule 82(2), omit "or deanery" (in each place) and "bishop's council and".

37. (1) In rule 83(1)(a), omit ", in the case of a conventional district, the curate in charge, or".

(2) In rule 83(1)(b), omit "or order".

(3) Omit rule 83(6), (7) and (8).

38. (1) In rule 84(1) —

(a) omit the definition of "lay chair";

(b) in the definition of "mission initiative", for "Part 7 of the Mission and Pastoral Measure 2011" substitute "Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012";

(c) for the definition of "register of clerical electors" and "register of lay electors" substitute —

""register of lay electors" has the meaning given in Rule 54(2A);"

(d) at the end insert —

""standing committee" (except in Rules M25 and M31) means the standing committee of the diocesan synod.".

(2) After rule 84(3) insert —

"(4) A reference in these Rules to a Rule, a Measure or a provision of a Measure that extends to the Isle of Man is a reference to that Rule, Measure or provision as it has effect in the Isle of Man."

Part 9 — Parish governance: model rules

39. (1) In rule M5(1) —

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

"(c) the accounts of the PCC, including the accounts of all trusts administered by it, for the year ending on 31 December preceding the meeting;

(ca) a statement of the funds and property, if any, remaining in the hands of the PCC at that date;

(cb) the accounts and statements referred to in section 5B(4) of the Incumbents and Church¬wardens (Trusts) Measure 1964;";

(b) in sub-paragraph (e), for "deanery" substitute "diocesan".

(2) In rule M5(4), for "Business Committee" substitute "standing committee".

(3) For rule M5(5) substitute —

"(5) The accounts and statements to be provided under paragraph (1)(c) and (ca) —

(a) if a form of accounts and statements is specified by the diocesan board of finance, must be prepared in that form;

(b) must be independently examined in accordance with section 8(2) of the Parochial Church Councils (Powers) Measure 1956; and

(c) must be published in accordance with section 8(3)(b) of that Measure."

(4) In rule M5(6), omit "or audited".

(5) For rule M5(8) substitute —

"(8) The PCC must not later than 14 days after the annual meeting send a copy of the examined accounts and statement to the diocesan board of finance in accordance with section 8(3) of the Parochial Church Councils (Powers) Measure 1956."

40. (1) In rule M6(1) —

(a) in sub-paragraph (a), for "deanery" substitute "diocesan";

(b) at the end insert —

"(c) elect parochial representatives of the laity to the mission council;".

(2) In rule M6(2), omit "or auditor".

(3) For rule M6(4) substitute —

"(4) A person may be appointed as the independent examiner of the PCC only if that person is qualified under section 8(2) of the Parochial Church Councils (Powers) Measure 1956."

(4) Omit rule M6(5).

(5) In rule M6(7), omit the words from "; and that" onwards.

41. (1) In rule M8(1), for "deanery synod or PCC under Rule M6(1)(a) or (b)" substitute "diocesan synod, PCC or mission council under Rule M6(1)(a), (b) or (c)".

(2) In rule M8(2), for "deanery" substitute "diocesan".

(3) In rule M8(3), for "M6(1)(a) or (b)" substitute "M6(1)(a), (b) or (c)".

(4) Omit rule M8(5), (6) and (7).

42. (1) In rule M9(1), omit the words from ", subject" onwards.

(2) In rule M9(10), omit the words from ", unless" onwards.

43. Omit rules M10 and M11.

44. (1) In rule M12(1), omit the words from ", or which" to "M11,".

(2) For rule M12(9) substitute —

"(9) The secretary of the PCC must notify the secretary of the diocesan synod of —

(a) the name, address and email address (if any) of every person elected to the diocesan synod as a parochial representative of the laity; and

(b) the number of names on the roll of the parish as at the date of the annual meeting.

(10) The secretary of the PCC must notify the secretary of the mission council of the name, address and email address (if any) of every person elected to the mission council as a parochial representative of the laity."

45. In rule M14(1), omit "whose archdeaconry includes the parish".

46. (1) In rule M15(1) —

(a) omit sub-paragraphs (f) and (g);

(b) in sub-paragraph (i), omit "a deanery synod,".

(2) In rule M15(4), for "paragraph (1)(e), (f) or (g)" substitute "paragraph (1)(e)".

(3) In rule M15(5) and (6), for "deanery" substitute "diocesan".

(4) In rule M15(7), omit "a lay member of a diocesan synod or"

(5) For rule M15(8) and (9) substitute —

"(8) Subject to paragraph (9), the number of representatives of the laity for the purposes of paragraph (1)(j) is such number as is determined from time to time by resolution of an annual meeting; but a resolution under this paragraph does not take effect until the next annual meeting.

(9) Where the parish is a new parish created by a pastoral scheme, the number of representatives of the laity for the purposes of paragraph (1)(j), until varied by a resolution under paragraph (8), is such number as is determined by resolution of the special meeting convened under Rule M3."

47. Omit rule M16(10).

48. (1) Omit rule M17(1).

(2) In rule M17(3) —

(a) for "deanery" (in each place) substitute "diocesan";

(b) in sub-paragraph (b), for "30 June" substitute "31 August".

49. In rule M19(3), for "section 34(8) of the Mission and Pastoral Measure 2011" substitute "section 10(8) of the Mission and Pastoral Measure (Isle of Man) 2012".

50. In rule M20(2)(d), omit "the secretary of the deanery synod and".

51. (1) In rule M22, in the heading and paragraph (1), omit "or auditor".

(2) For rule M22(3) substitute —

"(3) Rule M6(4) (eligibility for appointment as independent examiner) applies to an appointment under paragraph (1) as it applies to an appointment under paragraph Rule M6(2)."

52. For rule M23(1) substitute —

"(1) The PCC must hold not less than four meetings in each year."

53. (1) In rule M28(5)(a), omit "or auditor".

(2) In rule M28(7), for "Parochial Registers and Records Measure 1978" substitute "Church Records Measure (Isle of Man) 2000".

54. (1) In rule M30(1), omit "or auditor".

(2) Omit rule M30(2).

55. (1) Omit rule M34(2) and (3).

(2) In rule M34(5)(b), omit "bishop's council and".

(3) Omit rule M34(6).

56. Omit rules M35 and M36.

57. In rule M38(10), omit "for the diocese in which that PCC's parish is situated".

58. (1) In rule M40(1) —

(a) omit "or order" (in each place);

(b) for "section 32(2) of the Mission and Pastoral Measure 2011" substitute "section 8(3) of the Mission and Pastoral Measure (Isle of Man) 2012".

(2) In rule M40(2), for "section 31(1)(b) of the Mission and Pastoral Measure 2011" substitute "section 7(1)(b) of the Mission and Pastoral Measure (Isle of Man) 2012".

(3) In rule M40(6), omit "for the diocese in which that PCC's parish is situated".

59. (1) In rule M42(2), (3) and (4), omit "bishop's council and".

(2) In rule M42(8)(b), for "bishop's council and standing committee" substitute "diocesan synod".

Part 10 — Forms

60. (1) In form 1, in note 7, for "diocesan electoral registration officer" substitute "secretary of the diocesan synod", and omit "deanery synod,".

(2) Omit forms 4, 5, 6 and 7.

(3) In form M1 —

(a) for "Deanery" substitute "Diocesan";

(b) after "To the Parochial Church Council … representatives" insert —

"To the … Mission Council … representatives";

(c) omit "or Auditor";

(d) for "deanery" substitute "diocesan";

(e) in note 3 —

(i) omit ", a district church council" (in each place);

(ii) for "deanery" (in each place) substitute "diocesan";

(iii) in paragraph (3), for "1933" substitute "1966 (an Act of Tynwald)";

(iv) omit paragraph (5).

(f) omit note 4 (and the related footnote).

(4) Omit form M2.

Part 11 — Index

61. In the index —

(a) omit the entries relating to "community roll", "district church council", "guild church", "lay chair", "register of clerical electors" and "rural dean";

(b) in the entry relating to "diocesan elector", for "Rule 54(2) and (3)" substitute "Rule 54(2)";

(c) in the entry relating to "diocesan electoral registration officer", for "Rule 27(1)" substitute "Rule 44(7A)";

(d) in the entry relating to "offence mentioned in Schedule 1" etc., for "1933" substitute "1966";

(e) in the entry relating to "register of lay electors", for "Rule 27(3)" substitute "Rule 54(2A)";

(f) after the entry relating to "roll, name being on" insert —

"standing committee Rule 84(1)".

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Church Act 1987

1. In section 1(5) —

(a) in paragraph (a), omit "passed after the 31st December 1984";

(b) in paragraph (b), in section 7(5), for "recorded in the General Registry" substitute "filed in the Public Record Office".

Church Act 1992

2. In the following provisions, for "actual communicant member of the Church of England" substitute "actual communicant" —

(a) section 10(1);

(b) paragraph 1(4) of Schedule 1;

(c) paragraph 1(4) of Schedule 4.

Patronage Measure (Isle of Man) 1997

3. In Schedule 2 to the Patronage (Benefices) Measure 1986, as set out in Schedule 1, omit paragraphs 19 and 20.

Clergy Discipline Measure (Isle of Man) 2005

4. In paragraph 7(1) of Schedule 1, in the inserted section 20A(3) of the Clergy Discipline Measure 2003, for "rule 54(1)" substitute "rule 83(2)".

Mission and Pastoral Measure (Isle of Man) 2012

5. In section 7, after subsection (4) insert—

"(4A) A pastoral scheme providing for the creation of a new parish may include provision for securing representation of the new parish on the diocesan synod during the period which—

(a) begins with the creation of the new parish, and

(b) ends on 1 September in a year in which parochial representatives of the laity are elected to the synod in accordance with the Church Representation Rules.".

6. In section 43, in the heading, omit "parochial church council,".

7. After section 43 insert —

"**43A Parochial church council with insufficient members**

(1) This section applies where a parochial church council has no members or not enough members to be able to form the quorum for a meeting (see Rule M27 of the Church Representation Rules).

(2) The provisions of this Measure, so far as they apply to the council, are (subject to subsection (3)) to have effect—

(a) as if the minister and churchwardens of the parish acting jointly were the council, or

(b) if there is no minister, as if the churchwardens of the parish acting jointly were the council.

(3) If there are no churchwardens, the provisions of this Measure, so far as they apply to the council, are to have no effect.

(4) Each of the functions of an officer of the council under this Measure is to be exercised by such person as the bishop may appoint.".

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

(2) In paragraph 2(7), omit the words from "or (b)" to "the team council".

(3) In paragraph 6 —

(a) in the heading, omit "and team and group councils";

(b) omit sub-paragraphs (3), (4) and (5);

(c) for sub-paragraph (6) substitute —

"(6) Where a pastoral scheme makes provision under section 9(10), sub-paragraphs (1) and (2) have effect as if the reference in sub-paragraph (1) to the area of the benefice were a reference to the combined area of the benefices concerned.".

(4) Omit paragraph 7.

9. In paragraph 5(2)(g) of Schedule 6A, for "rule 32A" substitute "rule 33C".

Churchwardens Measure (Isle of Man) 2013

10. (1) In section 5 —

(a) in subsection (2), omit paragraph (d);

(b) after subsection (3A) insert —

"(3B) A person is disqualified for being a churchwarden if he or she is disqualified for being the trustee of a charity under section 25 of the Charities Registration and Regulation Act 2019, unless the disqualification is subject to a waiver which permits him or her to be a trustee of an ecclesiastical charity (within the meaning of Schedule 3 to the Church Act 1992)."

(2) In section 6(4), for "giving a waiver" substitute "deciding whether to give a waiver".

(3) After section 7 insert—

"**7AElection appeal**

(1) An appeal may be made against the allowance or disallowance of a vote in an election under section 7.

(2) An appeal may be made against the result of an election under section 7.

(3) An error in the church electoral roll of the parish or a register of electors is not a ground of appeal against the result of an election unless—

(a) it has been determined on an appeal under rule 57 of the Church Representation Rules, or on a claim or objection under section 9 of the Registration of Electors Act 2006, as the case may be, that an error was made in the roll or register, or the question is awaiting determination under those Rules or that Act, and

(b) the error would or might be material to the result.

(4) The allowance or disallowance of a vote is not a ground of appeal under this section against the result of an election unless the allowance or disallowance would or might be material to the result of the election.

(5) An appeal under this section may be brought by—

(a) a person entitled to take part in the meeting of the parishioners for making the election, or

(b) a candidate in the election.

(6) Notice of an appeal under this section must —

(a) be in writing,

(b) give brief particulars of the ground of appeal; and

(c) be given to the secretary of the Sodor and Man Diocesan Synod.

(7) Notice of an appeal under subsection (1) must be given no later than 14 days after the vote in question was allowed or disallowed.

(8) Notice of an appeal under subsection (2) must be given no later than 14 days after the result of the election is declared by the person presiding at the meeting.

(9) Rules 60 and 61 of the Church Representation Rules apply to an appeal under this section as they apply to an appeal under rule 58 of those Rules which relates to the laity.".

(4) In section 9A(5), for "suspending a person in reliance on subsection (1)(b) or revoking" substitute "deciding whether to suspend a person in reliance on subsection (1)(b) or whether to revoke".

(5) In section 11(3)(b), for "rule 2(4)" substitute "rule 6".

(6) In Schedule 1, for paragraph 1(3) substitute —

"(3) The notice must, for a period including the last two Sundays before the meeting, be displayed—

(a) on or near the principal door of each parish church in the parish, and

(b) at each building in the parish licensed for public worship, in a location readily visible to members of the congregation.".

(7) In Schedule 1, in paragraph 4, for "rule 11" substitute "rule M7".

Suspension Appeal Rules (Isle of Man) 2017 (SD 2017/336)

11. In rule 3(1)(b), for "rule 46D(1)" substitute "rule 70(1)".

Ecclesiastical Jurisdiction and Care of Churches Measure (Isle of Man) 2019

12. In Schedule 1 —

(a) in paragraph 47(1)(c), for "rule 46D" substitute "rule 70";

(b) in paragraph 59, after sub-paragraph (e) insert —

"(ea) in paragraph 2(3)(a), for "elected members" substitute "members (other than ex-officio members)";

(eb) in paragraph 2(6), for the words from "within the period" onwards substitute "as soon as practicable after 1 September in a year in which parochial representatives of the laity are elected to the diocesan synod in accordance with the Church Representation Rules";".

SCHEDULE 4
ENACTMENTS REPEAL*ED*

Reference	*Short title*	*Extent of repeal*
SM 1 of 1997	Patronage Measure (Isle of Man) 1997.	Section 3(2). Schedule 2.
SM 1 of 1992	Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992.	The whole Measure, so far as unrepealed.
SM 1 of 2010	Parochial Church Councils and Accounts Measure (Isle of Man) 2010.	Section 1(1)(a)(i). Section 3.
SM 2 of 2012	Mission and Pastoral Measure (Isle of Man) 2012.	Section 48(3). In Schedule 1, paragraphs 6(3), (4) and (5) and 7. In Schedule 8, paragraph 2(b). Schedule 9.
SM 1 of 2013	Churchwardens Measure (Isle of Man) 2013.	Section 14(2).
SM 1 of 2015	Church (Miscellaneous Provisions) Measure (Isle of Man) 2015.	In section 3, paragraph (d).
SM 1 of 2017	Safeguarding and Clergy Discipline Measure (Isle of Man) 2017.	In Schedule 1, paragraph 3.
SM 1 of 2018	Mission and Pastoral (Amendment) Measure (Isle of Man) 2018.	In Schedule 3, paragraph 1.

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021

(SM 1 of 2021)

GENERAL NOTE The Measure was brought into force on 1 April 2021 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 (Appointed Day) (No.1) Order 2021 (SD 2021/85), except (a) s.5 (so far as relating to Church of England (Miscellaneous Provisions) Measure 2020 s.1(4)), and (b) in Sch.4 para.7, sub-paras.(1) & (2); in sub-para.(3), in the definition of "registers", the words from "and where" onwards; and in sub-para.(4), the new s.31(1A)). The excepted provisions were brought into force by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 (Appointed Day) (No.2) Order 2023 (SD 2023/1085)

1. Short title

The short title of this Measure is the Church (Miscellaneous Provisions) Measure (Isle of Man) 2021.

2. Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

3. Extension of Ecumenical Relations Measure 2018 to the Isle of Man

The Ecumenical Relations Measure 2018 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1.

4. Extension of Church of England (Miscellaneous Provisions) Measure 2018 to the Isle of Man

The Church of England (Miscellaneous Provisions) Measure 2018 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 2.

5. Extension of Church of England (Miscellaneous Provisions) Measure 2020 to the Isle of Man

The Church of England (Miscellaneous Provisions) Measure 2020 extends to the Island subject to the exceptions, adaptations and modifications specified in Schedule 3.

6. Minor and consequential amendments and repeal

(1) The enactments specified in Schedule 4 are amended in accordance with that Schedule.

(2) The Church (Ecclesiastical Jurisdiction) Act 1978 is repealed.

SCHEDULE 1

MODIFICATIONS ETC. OF ECUMENICAL RELATIONS MEASURE

Extension of power to make provision by Canon

1. (1) In section 1(2), for paragraph (d) substitute —

"(d) in subsection (2) —

(i) after "1967" insert "or in the case of a bishop's mission order under Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012", and

(ii) in paragraphs (a) and (b), after "that institution" insert "or in connection with the initiative endorsed by the bishop's mission order" .".

(2) Omit section 1(5) to (8).

Short title, commencement and extent

2. Omit section 4(2) to (8).

SCHEDULE 2

MODIFICATIONS ETC. OF MISCELLANEOUS PROVISIONS MEASURE 2018

The Church Commissioners for England

1. Omit section 2.

Church services

2. Omit section 3.

3. (1) In section 4(1), for "church or churchyard" substitute "church, chapel or parish burial ground".

(2) For section 4(4) substitute —

"(4) In this section —

"cemetery" does not include a parish burial ground;

"parish burial ground" has the same meaning as in the Burials Act 1986 (an Act of Tynwald).".

Ecclesiastical offices

4. (1) Omit section 6(1).

(2) In section 6(2) and (3), for "Regulations 2009" (in each place) substitute "(Isle of Man) Regulations 2012".

(3) In section 6(6), in the inserted section 1(1A) —

(a) for "Diocesan Board of Finance" substitute "Board";

(b) for "Schedule A1 to the Ecclesiastical Fees Measure 1986" substitute "Schedule 1 to the Church Fees Measure (Isle of Man) 2014".

(4) In section 6(7) —

(a) for "subsection (2)" substitute "subsection (2A)";

(b) for "(2A)" substitute "(2B)".

(5) In section 6(8) for "section 2 or 3 of that Measure" substitute "(an Act of Tynwald)".

(6) Omit section 6(9) to (11).

(7) In section 6(13) —

(a) for "commencement of subsections (10) and (11) of this section" substitute "extension of this section to the Isle of Man";

(b) for "Archbishops' Council" substitute "Sodor and Man Diocesan Synod".

(8) Omit section 6(14) and (15).

Ecclesiastical jurisdiction

5. Omit section 8.

Statutory bodies

6. In section 10(4), at the end insert ", and have effect subject to section 4(4) of the said Measure".

7. (1) In section 11(5) —

(a) for "becomes subsection (2)" substitute "is omitted";

(b) for the new section 3(3) substitute —

"(3) Any act of the council may be signified by an instrument —

(a) signed pursuant to a resolution of the council by two members of the council (whether or not they were present at the meeting at which the resolution was passed, and whether or not an instrument under seal would be required apart from this subsection), and

(b) expressed (in whatever form of words) to be signed on behalf of the council.".

(2) Omit section 11(8) and (9).

8. Omit section 12(2) and (3).

Charities

9. Omit sections 13 and 14.

Mission and pastoral

10. Omit sections 15 and 16.

Final

11. Omit section 17(2) to (10).

SCHEDULE 3

MODIFICATIONS ETC. OF MISCELLANEOUS PROVISIONS MEASURE 2020

Members of religious communities

1. In section 1, omit subsection (5).

Ministry

2. In section 3(1) —

(a) in the new section 4(1A), for "church or churchyard" substitute "church, chapel or parish burial ground";

(b) in the new section 4(1B), for the words from "rural dean" onwards substitute "archdeacon".

Ecclesiastical jurisdiction

3. Omit section 4.

Care of churches

4. Omit sections 5 and 6 and the Schedule.

5. (1) In section 7(1)(b), for "paragraphs (d) and (e)" substitute "paragraph (d)".

(2) In section 7(2) —

(a) in the new section 45(2A)(c)(i), omit "of the archdeaconry in which the church is situated";

(b) omit the new section 45(2B).

(3) Omit section 7(4), (5), (9) and (10).

Parochial registers and records

6. Omit sections 8 and 9.

Statutory bodies

7. Omit sections 10 and 11.

Updating etc.

8. Omit section 15.

Final provision

9. Omit section 16(2) to (8).

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

...

Church Act 1969

2. In Schedule 1, before paragraph 6 insert —

"(5A) In section 71 of the Measure (which relates to the performance of duties during suspension etc.), in subsection (4) the words from "and may," onwards shall be omitted.

(5B) In section 72 of the Measure (which relates to the occupation of a parsonage house), in subsection (2) the words from "and such part" to "reasonable," shall be omitted.".

Marriage Act 1984

3. In section 17B —

(a) after subsection (1) insert —

"(1A) Banns may be published in any public chapel in a parish with which a person to be married has a qualifying connection.";

(b) in subsection (2), for "The right to have banns published conferred by subsection (1)" substitute "The publication of banns by virtue of subsection (1) or (1A)";

(c) in subsection (3), after "subsection (1)" insert "or (1A)" .

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

4. In Schedule 1 —

(a) in paragraph 1, for sub-paragraph (b) substitute —

"(b) omit the definition of "endowments of the benefice";";

(b) in paragraph 2(1)(a), at the end insert "and omit the words ", or in the endowments of his benefice".

Church Act 1992

5. (1) In section 8, after subsection (3A) insert —

"(3B) Neither subsection (1) nor subsection (3) applies to an office held under a contract of employment.".

(2) In Schedule 2 —

(a) in paragraph 1(1)(d), omit "or chapel";

(b) after paragraph 1(2) insert —

"(3) Where —

(a) any land is vested in the incumbent of a benefice (with or without other persons), and

(b) the benefice is vacant,

the powers of the incumbent under this Schedule shall, during the period of the vacancy, be exercisable by the priest in charge of the benefice.";

(c) omit paragraph 3(1)(b);

(d) omit paragraph 6(2);

(e) in paragraph 6(4), for "sub-paragraphs (1) to (3A)," substitute "sub-paragraph (1),";

(f) in paragraph 8(1), omit "or order".

(3) In Schedule 3, for paragraph 4(3), (4) and (5) substitute —

"(3)A scheme under this Schedule shall not have effect unless it is approved by the Attorney General.

(4) Section 43 (appeal to Charities Tribunal) of the Charities Registration and Regulation Act 2019 applies to a decision by the Attorney General to approve or refuse to approve a scheme under this Schedule as it applies to a decision under that Act.

(5) In this paragraph "parish" means an ecclesiastical parish.".

Patronage Measure (Isle of Man) 1997

6. In Schedule 1, in section 7 of the Patronage (Benefices) Measure 1986 —

(a) in subsection (4), omit "Subject to subsection (5),";

(b) omit subsection (5).

Church Records Measure (Isle of Man) 2000

7. (1) After section 6 insert —

"**6A Access to electronic register book of services**

(1) This section applies where there is an online facility provided by one or more of the National Institutions of the Church of England for enabling any person who has the custody of an electronic register book of services to allow any of the National Institutions and certain other persons to have access to the information contained in that register book.

(2) Every person who has the custody of an electronic register book of services must follow the procedure provided for by the online facility so as to allow any of the National Institutions of the Church of England, and such other persons as the Institution or Institutions concerned may authorise, to have access to the information contained in that register book.

(3) Where a person is given access under subsection (2) to the information contained in an electronic register book of services, the person shall be responsible for the safe-keeping, care and preservation of the information which the person obtains as a result."

(2) After section 23 insert —

"**23A Making electronic register book of services available for certain purposes**

(1) Any person who has the custody of an electronic register book of services may, for a limited period and in the manner approved by the Bishop, make the register book available for the purpose of exhibition or research or for the purpose of enabling a copy to be made of the register book or any part of it.

(2) The power conferred by subsection (1) may be exercised at the request of any person; but, whether or not such a request is made, the power may be exercised only with the consent of the parochial church council concerned.

(3) Where such a request is refused or the parochial church council refuses to give its consent, the Bishop may, on the application of the person who made the request, order the register book to be made available for the period and in the manner specified in the order.

(4) Before exercising the power under subsection (3), the Bishop must give the person who has the custody of the register book and the parochial church council concerned an opportunity to make representations."

(3) In section 31(1), for the definitions of "records" and "registers" substitute—

""records" means materials in written or other form setting out facts or events or otherwise recording information; but a reference to a record does not include a reference to—

(a) a register,

(b) anything which is or has been fixed to the fabric of a parish church or other place of public worship in a parish, or

(c) a photograph or picture which is or has been displayed in a parish church or other place of public worship in a parish;

"registers" means the registers mentioned in section 8(1); and where a register of services is, by virtue of Canon F 12, kept in electronic form or a form approved by the General Synod, a reference to the registers is to be read as including a reference to that register in that form;".

(4) In section 31, after subsection (1) insert —

"(1A) In the case of a register book of services which is, by virtue of Canon F 12, kept in an electronic or other form approved by the General Synod—

(a) a reference in this Measure to the register book of services includes (where the context allows) a reference to that register book in that form, and

(b) a reference in this Measure to an electronic register book of services is to be construed in accordance with this subsection.

(1B) In subsection (1), the reference in each of paragraphs (b) and (c) of the definition of "records" to a parish church or other place of public worship in a parish includes a reference to—

(a) an adjoining building used wholly or mainly as a vestry or sacristy, and

(b) a church hall.".

Parochial Church Councils and Accounts Measure (Isle of Man) 2010

8. In section 2(1)(b), in the inserted section 5B —

(a) in subsection (2) —

(i) for "£5,000" substitute "£25,000";

(ii) for "section 5(5) of the Charities Registration Act 1989" substitute "section 27(2) of the Charities Registration and Regulation Act 2019";

(b) in subsection (3) —

(i) in paragraph (a), for "1976" substitute "2015";

(ii) in paragraph (b), for "section 11(1)(c) of the Charities Registration Act 1989" substitute "section 46 of the Charities Registration and Regulation Act 2019".

Church Offices Measure (Isle of Man) 2011

9. In paragraph 8 of the Schedule, after sub-paragraph (4) insert—

"(4A) An order under sub-paragraph (3) may contain provision as to—

(a) exemptions from or reductions in fees;

(b) remission of fees in whole or in part."

Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012

10. (1) The Schedule is amended as follows.

(2) In paragraph 2(2)(b) and (4)(a), after "Employment" insert "and Equality".

(3) For paragraph 3(3) substitute —

"(3) In section 3(3) —

(a) in paragraph (b), after "(1975 No.2)" insert "or section 8 of the Church Act 1992 (an Act of Tynwald), and after "that Measure" insert "or section 9 of that Act";

(b) in paragraph (c), for the words from "Pastoral Measure" onwards substitute "Mission and Pastoral Measure (Isle of Man) 2012".".

(4) For paragraph 7(2)(a) substitute —

"(a) omit "Subject to section 6(4) above,";

(aa) at the end of paragraph (b) omit "and";".

Mission and Pastoral Measure (Isle of Man) 2012

11. (1) For paragraph 6(2)(d) of Schedule 2 substitute —

"(d) file a copy of the scheme in the Public Record Office.".

(2) In paragraph 5(12) of Schedule 3, for "6(2)(e) and (4) and 7" substitute "6 and 7".

(3) In Schedule 4 —

(a) in paragraph 9, for "General Registry" substitute "Central Registry";

(b) in paragraphs 9 and 11, for "Chief Registrar" (in each place) substitute "Registrar General".

(4) In paragraph 2(1)(b) of Schedule 6, for "section 4(1) of the Pensions Measure 1997" substitute "section 9(2) of the Church of England Pensions Measure 2018".

(5) In Schedule 6A —

(a) in paragraph 5(2)(g), for "32A" substitute "33C";

(b) in paragraph 7(1), for the definitions of "ecumenical co-operation" and "local ecumenical project" substitute —

""ecumenical co-operation" means co-operation in matters affecting the mission of, or worship in, the Churches concerned or their ministry, congregational life or buildings, and

"local ecumenical co-operative scheme" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988.";

(c) in paragraph 7(2), for paragraph (a) substitute—

"(a) for participation in a local ecumenical co-operative scheme,";

(d) in paragraph 7(3), (5) and (6), for "local ecumenical project" substitute "local ecumenical co-operative scheme";

(e) in paragraph 7(6), for "the project" substitute "the scheme".

Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012 (SD 321/12)

12. (1) In regulation 2, in the definition of "the Tribunal", after "Employment" insert "and Equality".

(2) In regulation 5, omit paragraph (3).

(3) For regulation 23 substitute —

"**23. Maternity, parental, adoption etc. leave and time off**

(1) An office holder is entitled to maternity, paternity, parental and adoption leave for the same periods and subject to the same conditions as apply in the case of an employee under the 2006 Act or regulations made under that Act.

(2) Before exercising an entitlement under paragraph (1), an office holder must, in consultation with a responsible person or authority, use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave.

(3) An office holder may request the Bishop to allow him or her to take time off work or to make adjustments to the duties of the office to care for a dependant.

(4) A request under paragraph (1) must be in writing, and the Bishop may impose such other conditions as he thinks fit as to the manner in which the request is to be made, including as to the supply of information with the request.

(5) The Bishop must consider a request under paragraph (3); and when doing so must consult the parochial church council of each parish belonging to the benefice concerned.

(6) Where the Bishop decides to grant a request under paragraph (3), he may —

(a) give such time off work or adjustments to the duties of the office as appears to him to be reasonable; and

(b) impose reasonable conditions on the grant of the request, including any appropriate variations in the stipend which would otherwise be payable to the office holder.

(7) In this paragraph "dependant" means, in relation to an office holder—

(a) a spouse or civil partner,

(b) a child,

(c) a parent,

(d) a person who lives in the same household as the office holder, otherwise than by reason of being his or her employee, tenant, lodger or boarder;

(e) if the care consists of providing assistance in case of illness or injury, a person who reasonably relies on the office holder to provide such assistance.".

(4) In consequence of sub-paragraph (3), the Ecclesiastical Offices (Terms of Service) Directions 2012 are revoked.

(5) Section 2 of the Ecclesiastical Offices (Terms of Service) Measure 2009 is to be regarded as having always, until the commencement of sub-paragraphs (3) and (4), enabled regulations under that section to confer power on the Sodor and Man

Diocesan Synod to make directions and to enable directions made under that power to provide for the exercise of a discretion.

Churchwardens Measure (Isle of Man) 2013

13. (1) In section 7(3), for "30th April" substitute "31st May".

(2) In section 9(3)(a), for "1st August" substitute "1st September".

(3) In section 10(6), omit "or (c)" and "and the Diocesan Registrar".

Church Fees Measure (Isle of Man) 2014

14. (1) In section 4 —

(a) in subsection (1)(a)(ii), for "licensed" substitute "authorised";

(b) after subsection (1) insert —

"(1A) Subsection (1) does not apply to matters which relate to duties carried out in the course of employment by a university, college, school, hospital or public or charitable institution.".

(2) In section 7, after subsection (4) insert—

"(4A) An order under subsection (3) may contain provision as to—

(a) exemptions from or reductions in fees;

(b) remission of fees in whole or in part."

NOTE Sch.4: para.1 repealed by Cathedral Measure (Isle of Man) 2025 Sch.4.

Church Property Measure (Isle of Man) 2021

(SM 2 of 2021)

GENERAL NOTE The Measure was brought into force on 1 October 2021 by the Church Property Measure (Isle of Man) 2021 (Appointed Day) Order 2021 (SD 2021/287).

Introductory

1. Short title

The short title of this Measure is the Church Property Measure (Isle of Man) 2021.

2. Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

3. Interpretation

In this Measure —

"the Board" means the Sodor and Man Diocesan Board of Finance;

"incumbent", in relation to a parish, means the incumbent of the benefice whose area comprises or includes that parish;

"incumbent or churchwardens", in relation to a parish, means the incumbent or the churchwardens, or the incumbent and the churchwardens, of the parish, or any of them.

Incumbents and churchwardens

4. Acquisition of land

The incumbent or churchwardens of a parish may acquire and hold an interest in land for any ecclesiastical purpose affecting the parish or any part of it.

5. Notice to Board

(1) Where an incumbent or churchwardens hold, acquire or administer an interest to which this section applies, they must inform the Board in writing of that interest and, in the case of an interest held on trust, of the terms of the trust.

(2) This section applies to —

(a) an interest in land, other than an interest in a church, churchyard or burial ground, or

(b) a fund held on trust for any ecclesiastical purpose which exceeds the prescribed amount in value.

(3) In this section "the prescribed amount" means £5,000 or such higher amount as may be prescribed by order made by the Board and approved by the Diocesan Synod.

6. Trust accounts

(1) The incumbent or churchwardens of every parish must —

(a) present to the annual parochial church meeting of the parish —

(i) the accounts of every ecclesiastical charity administered by them for the year ending on the 31st December immediately preceding the meeting, and

(ii) the 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 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 accounts and statement to the Board.

(2) Subsection (3) applies to an ecclesiastical charity whose gross income in the year in question exceeds £25,000 or such higher amount as may for the time being be substituted for that amount in section 27(2) of the Charities Registration and Regulation Act 2019.

(3) The incumbent or churchwardens of every parish must 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 (4).

(4) The accounts and statement referred to in subsection (3) must be examined by an independent person who —

(a) is an accountant;

(b) holds a qualification prescribed by regulations under section 46 of the Charities Registration and Regulation Act 2019; or

(c) is for the time being approved by the Bishop for the purpose of examining the accounts and statement in question.

(5) In relation to a charity to which subsection (3) applies, the references in subsection (1) to the accounts and statement of funds and property of the charity are to the accounts and statement examined in accordance with subsection (4).

(6) In this section "ecclesiastical charity" has the same meaning as in Schedule 3 to the Church Act 1992.

(7) Nothing in this section applies to accounts to which section 17 of the Burials Act 1986 applies.

7. Status of churchwardens

(1) The churchwardens of every parish are, and are deemed always to have been, a body corporate with perpetual succession.

(2) In subsection (1) "parish" means an ecclesiastical parish, and includes —

(a) an ecclesiastical parish dissolved by or under any statutory provision, whether before or after the passing of this Measure, and

(b) a parochial district constituted for ecclesiastical purposes which existed before the extension to the Island of the Pastoral Measure 1983.

Parochial church councils

8. Property of parochial church councils

(1) In section 1(1) of the Parochial Church Councils and Accounts Measure 2010 —

(a) omit paragraph (a);

(b) after paragraph (c) insert —

"(ca) in section 5 —

(i) in the heading, omit ": educational schemes";

(ii) omit subsections (1)(b) and (3);

(iii) in subsection (2), after "this Measure" insert "and Schedule 2 to the Church Act 1992 (an Act of Tynwald)";";

(c) for paragraph (d) substitute —

"(d) for section 6 substitute —

"**6. Notice to diocesan authority**

(1) Where a council holds, acquires or administers —

(a) an interest in land, or

(b) a fund held on trust for any ecclesiastical purpose which exceeds the prescribed amount in value,

the council must inform the diocesan authority in writing of that interest or fund and, in the case of an interest or fund held on trust, of the terms of the trust.

(2) In subsection (1)(b) "the prescribed amount" has the same meaning as in section 5 of the Church Property Measure (Isle of Man) 2021.".".

(2) Subsection (3) applies to any real or personal property which immediately before the commencement of this section is held by the Board as trustee for a parochial

church council, whether under section 6 of the Parochial Church Councils (Powers) Measure 1956 (as previously extended to the Island) or otherwise.

(3) The Board must, at the request and cost of the council, take such steps as are necessary for vesting in the council any property to which this subsection applies, subject to all existing trusts and charges affecting the property.

Proceeds of sale of closed building

9. Proceeds of sale of closed building

(1) Paragraph 4 of Schedule 3 to the Mission and Pastoral Measure (Isle of Man) 2012 (contents of disposal schemes) is amended as follows.

(2) In sub-paragraph (5), for "sub-paragraph (7)" substitute "sub-paragraphs (7) and (7A)".

(3) After sub-paragraph (7) insert —

"(7A) The Board shall pay to the parochial church council of the parish in which the building is situated one-tenth of the net proceeds or premiums, as the case may be, after deducting —

(a) any sum to be repaid under sub-paragraph (7), and

(b) any expenses incurred by the Board in insuring and maintaining the building between its closure for regular public worship and its disposal,

before the net proceeds or premiums are paid or applied in accordance with sub-paragraph (5).".

Supplemental

10. Saving

(1) Nothing in this Measure affects the powers of the Board under —

(a) section 3 of the Church Act 1992 (Board may act as trustee), or

(b) Schedule 3 to that Act (schemes relating to ecclesiastical trusts).

(2) Nothing in this Measure affects the powers of an incumbent or churchwardens under the Burials Act 1986.

11. Consequential amendments and repeals

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

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

SCHEDULE 1

AMENDMENT OF ENACTMENTS

Church Act 1987

1. In Schedule 1, in paragraph 39(1), in the inserted sub-paragraph (cb), for "section 5B(4) of the Incumbents and Churchwardens (Trusts) Measure 1964" substitute "section 6(1) of the Church Property Measure (Isle of Man) 2021".

Religious Charities Regulations 1999 (SD 392/99)

2. In the Schedule, for the item beginning "An incumbent" substitute —

"An incumbent or churchwardens, within the meaning of the Church Property Measure (Isle of Man) 2021."

SCHEDULE 2
CONSEQUENTIAL REPEALS

Marriage Measure (Isle of Man) 2022

(SM 1 of 2022)

GENERAL NOTE The Measure was brought into force on 1 July 2023 by the Marriage Measure (Isle of Man) 2022 (Appointed Day) Order 2023 (SD 2022/99).

1 Short title

The short title of this Measure is the Marriage Measure (Isle of Man) 2022.

2 Commencement

This Measure comes into operation on such day as the Bishop may by order appoint.

3 Marriage of certain nationals

(1) The Marriage Act 1984 is amended as follows.

(2) In section 5, at the end insert "; or

(d) on the authority of a certificate of a registrar issued under Part III."

(3) For section 8 substitute —

"**8 Notice etc. before publication of banns**

Banns may not be published unless the persons to be married have delivered or caused to be delivered to a cleric by whom or by whose authority they are to be published —

(a)a notice in writing, dated on the day on which it is so delivered, stating —

(i) the christian name and surname and the place of residence of each of them,

(ii) the period during which each of them has resided at his or her place of residence, and

(iii) whether or not he or she has been married before; and

(b) prescribed evidence that both of those persons are relevant nationals.".

(4) In section 11, at the end insert —

"(3) A marriage may not be solemnized after the publication of banns unless both of the persons to be married are relevant nationals.".

(5) In section 13, after subsection (2) insert —

"(2A) A common licence shall not be granted unless the persons to be married deliver or cause to be delivered to the person granting the licence prescribed evidence that they are both relevant nationals.".

(6) After section 14 insert —

"Marriage under registrar's certificate

14A Marriage under registrar's certificate

(1) A marriage according to the rites of the Church of England may be solemnized on the authority of a certificate of a registrar in force under Part III in a parish church or public chapel which is specified in the notice of marriage under section 20.

(2) A marriage may not be solemnized as mentioned in subsection (1) —

(a) without the consent of the incumbent of the church or chapel, or

(b) by any person other than a cleric.".

(7) In section 20(3)(b)(i), after "in accordance with" insert "section 14A or".

(8) In section 24(1), at the end insert "; or

(c) in the case of a marriage to be solemnized as mentioned in section 14A(1), it appears to the registrar that both of the persons to be married are relevant nationals.".

(9) In section 55(1), at the appropriate place insert —

""relevant national" means —

(a) a British citizen, or

(b) an Irish citizen (that is, a citizen of the Republic of Ireland);".

4 Transitional provision

Nothing in section 3 applies to a marriage solemnized —

(a) after the publication of banns, where the publication was completed before the commencement of that section, or

(b) by authority of a common licence granted before such commencement.

Safeguarding (Code of Practice) Measure (Isle of Man) 2022

(SM 2 of 2022)

GENERAL NOTE The Measure was brought into force on 1 January 2023 by the Safeguarding (Code of Practice) Measure (Isle of Man) 2022 (Appointed Day) Order 2022 (SD 2022/274).

1 Short title

The short title of this Measure is the Safeguarding (Code of Practice) Measure (Isle of Man) 2022.

2 Commencement

(1) This Measure comes into operation on such day as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

3 Extension of 2021 Measure to the Island

The Safeguarding (Code of Practice) Measure 2021 extends to the Island subject to the exceptions, adaptations and modifications specified in the Schedule.

4 Suspension of churchwarden

(1) The Churchwardens Measure (Isle of Man) 2013 is amended as follows.

(2) In section 9A(1), after paragraph (b) insert ", or

(c) the Bishop is satisfied that a churchwarden has failed to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016.".

(3) In section 9A(5), after "(1)(b)" (in each place) insert "or (c)"."

(4) In section 9B(3) and (4), after "9A(1)(b)" insert "or (c)"."

SCHEDULE

MODIFICATIONS ETC. OF SAFEGUARDING (CODE OF PRACTICE) MEASURE 2021

Code of practice

1. (1) In section 1(1), in the new section 5A —

(a) in subsection (2) —

(i) in paragraph (c), omit ", suffragan";

(ii) omit paragraph (i);

(iii) for paragraph (k) substitute —

"(k) any body corporate or unincorporate or committee established for the diocese of Sodor and Man, other than the diocesan synod or the standing committee of the diocesan synod;";

(iv) in paragraph (l), for "section 80(1) of the Mission and Pastoral Measure 2011" substitute "paragraph 1 of Schedule 6A to the Mission and Pastoral Measure (Isle of Man) 2012";

(b) omit subsection (8);

(c) in subsection (9), for the words from "and section 6" onwards substitute "and section 6(4) to (6) applies to an order under this subsection as it applies to an order under section 6(3)".

(2) Omit section 1(2) and (3).

Amendments and repeals

2. (1) In section 2(1), for "Section 5(1) to (2A)" substitute "Section 5(1), (2) and (4)".

(2) Omit section 2(5) and (6).

Short title, commencement and extent

3. Omit section 3(2) to (9).

Cathedral Measure (Isle of Man) 2025

(SM 1 of 2025)

GENERAL NOTE The Measure was brought into force on 1 January 2026 by the Cathedral Measure (Isle of Man) 2025 (Appointed Day) Order 2025 (SD 2025/224).

Introductory

1 Short title

The short title of this Measure is the Cathedral Measure (Isle of Man) 2025.

2 Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

3 Interpretation

In this Measure —

"the appointed day", in relation to any provision of this Measure, means the day on which that provision comes into operation;

"barred list" has the same meaning as in the Safeguarding Vulnerable Groups Act 2006 (an Act of Parliament);

"the Board" means the Sodor and Man Diocesan Board of Finance;

"canon" (without more) means a canon appointed by the Bishop under the constitution;

"the Cathedral" means the Cathedral Church of Saint German at Peel;

"the Cathedral benefice" means the benefice (formerly named the benefice of the West Coast) created by the Western Pastoral Scheme 2012;

"the Cathedral community" means—

(a) persons over the age of 16 who worship regularly in the Cathedral or are engaged in work or service connected with the Cathedral in a regular capacity, and

(b) such other persons as the statutes may specify as members of the Cathedral community;

"the Cathedral parish" means the parish so named and created by the Cathedral Pastoral Scheme 2023;

"the Chapter" means the Chapter of the Cathedral constituted under Schedule 1;

"the clergy of the Cathedral" means each clerk in Holy Orders who carries out duties (whether in the Cathedral or the diocese) which should, in the opinion of the Chapter after consultation with the Bishop, be performed in or from the Cathedral;

"chief officer" means an officer appointed under paragraph 6 of Schedule 2;

"child" means a person aged under 18;

"the community roll" means the roll maintained under paragraph 10 of Schedule 1;

"consent" means written consent;

"the constitution" means the constitution of the Chapter for the time being in force under Schedule 1;

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

"elected member", in relation to the Chapter, means a member elected under paragraph Error: Reference source not found of Schedule 1;

"property" includes a thing in action and any interest in real or personal property;

"the statutes" means the statutes for the time being in force under Schedule 2;

"vulnerable adult" has the meaning given by subsection (2) of section 6 of the Safeguarding and Clergy Discipline Measure 2016 (subject to subsections (3) to (6) of that section).

Status and purpose

4 Status and purpose of Cathedral

(1) The Cathedral continues to be —

(a) the cathedral church for the diocese, and

(b) the parish church of the Cathedral parish.

(2) A person on whom a function is conferred by or under this Measure must, in exercising that function, have regard to—

(a) the fact that the Cathedral is the seat of the Bishop and a centre of worship and mission, and

(b) the importance of the Cathedral's role in providing a focus for the life and work of the Church of England in the diocese.

The Chapter

5 Constitution of the Chapter

(1) The Chapter of the Cathedral established by section 4 of the Church Act 1895 is to continue to exist.

(2) The Chapter continues to be a body corporate with perpetual succession and a common seal.

(3) Schedule 1 has effect with respect to the constitution of the Chapter.

6 Statutes

Schedule 2 has effect with respect to the statutes of the Cathedral.

Roles and responsibilities

7 The Bishop

(1) The Bishop has the principal seat and dignity in the Cathedral.

(2) The Bishop may, after consultation with the Chapter and subject to provision in the statutes, officiate in the Cathedral and use it in the Bishop's work of teaching and mission, for ordinations and synods and for other diocesan occasions and purposes.

(3) The Bishop must attend the special meeting of the Chapter held under section 9(3).

(4) The Bishop may seek the advice of the Chapter on any matter.

(5) The Bishop may commission a review of such aspects of the Cathedral's financial affairs, governance, management, operations or mission as the Bishop considers necessary or appropriate.

(6) Where a review under subsection (5) is being carried out, the Chapter must co-operate with the persons carrying it out.

(7) The Chapter must, in exercising its functions, have due regard to the conclusions reached on a review under subsection (5) and any recommendations made in the review.

8 The Visitor

(1) The constitution must provide for the Bishop to be the Visitor of the Cathedral.

(2) It is for the Bishop as Visitor to hear and determine any question as to the construction of the constitution or statutes.

(3) The Bishop may hold a visitation of the Cathedral—

(a) when the Bishop considers it necessary or desirable to do so, or

(b) when requested to do so by the Chapter.

(4) In the course of a visitation, the Bishop may give such directions to the Chapter, the holder of an office in the Cathedral or a person employed by the Chapter or engaged to provide services in connection with the Cathedral as will, in the opinion of the Bishop, better serve the due observance of the constitution and statutes.

(5) A person on whom a function is conferred by or under this Measure must, in exercising that function, act in accordance with a determination made under subsection (2) or a direction given under subsection (4).

(6) This section does not affect the powers that the Bishop has generally as Visitor.

9 The Chapter

(1) The Chapter must direct and oversee the administration of the affairs of the Cathedral.

(2) In performing that duty the Chapter must in particular—

(a) order the worship of the Cathedral and promote its mission;

(b) formulate, after consultation with the Bishop, proposals relating to the general direction and mission of the Cathedral;

(c) prepare an annual budget for the Chapter;

(d) prepare an annual report for the Chapter;

(e) keep under review the constitution and statutes;

(f) manage the property vested in the Chapter and the income accruing from it; and

(g) ensure that necessary repairs and maintenance in respect of the Cathedral and its contents and other buildings and monuments are carried out.

(3) The Chapter must each year hold a special meeting at which—

(a) the Chapter must consult the Bishop on the general direction and mission of the Cathedral, and

(b) the Bishop may seek the advice of the Chapter on any particular matter.

(4) Before deciding whom to invite to a special meeting under subsection (3) (apart from the members of the Chapter and the Bishop), the Chapter must consult the Bishop.

10 The Dean

(1) The Dean is the principal dignitary of the Cathedral, next after the Bishop.

(2) The Dean, in that capacity, must govern and direct on behalf of the Chapter the life and work of the Cathedral.

(3) In performing that duty the Dean must in particular—

(a) ensure that Divine Service is duly performed in the Cathedral;

(b) ensure that the constitution and statutes are faithfully observed;

(c) oversee the work undertaken by the clergy and staff of the Cathedral in relation to the Cathedral;

(d) maintain good order and proper reverence in the Cathedral;

(e) secure the pastoral care of all members of the Cathedral community;

(f) provide leadership on matters relating to the safeguarding of any children or vulnerable adults who work, volunteer or worship in the Cathedral or who visit the Cathedral;

(g) take all decisions necessary to deal with an emergency affecting the Cathedral, pending consideration of the matter by the Chapter.

(4) The Dean is, in respect of his or her functions relating to the Cathedral, accountable to the Chapter in accordance with arrangements made by the Chapter.

(5) The clergy of the Cathedral are, in respect of their functions relating to the Cathedral, accountable to the Chapter through the Dean in accordance with arrangements made by the Chapter.

Finance and property

11 Accounts of the Chapter

(1) The Chapter must cause —

(a) its accounts, including the accounts of all trusts administered by it, for each year ending on 31 December, and

(b) a statement of the funds and property, if any, remaining in the hands of the Chapter at that date,

to be made up and examined in accordance with subsection (2).

(2) The accounts and statement referred to in subsection (1) must be examined by an independent person who—

(a) is an accountant;

(b) holds a qualification prescribed by regulations under section 46 of the Charities Registration and Regulation Act 2019; or

(c) is for the time being approved by the Bishop for the purpose of this subsection.

(3) The Chapter must —

(a) present to the annual parochial church meeting of the Cathedral parish —

(i) its accounts, including the accounts of all trusts administered by it, for the year ending on the 31 December immediately preceding the meeting, and

(ii) a statement of the funds and property, if any, remaining in the hands of the Chapter at that date;

(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 the Cathedral, and

(c) not later than 14 days after the annual parochial church meeting send a copy of the examined accounts and statement to the Board.

(4) No value is to be given for the Cathedral in any statement of the funds and property of the Chapter.

12 Acquisition and disposal of land

(1) The Chapter may not acquire land without the consent of the Board.

(2) Consent under subsection (1) is not required for the acquisition of land by gift or will.

(3) The Chapter may disclaim land which it would otherwise acquire by gift or will, but only with the consent of the Board.

(4) Schedule 2 to the Church Act 1992 (disposal of Church land) applies to the Chapter as it applies to the incumbent of a benefice.

13 Transfer of Cathedral church etc.

On the appointed day the Cathedral and the land and premises occupied with it (including the Corrin Hall), comprised in —

(a) two conveyances by Elizabeth Jane Graves dated 15 August 1879 and 31 January 1889. and

(b) a conveyance made 25 May 1921 by the Council of Education,

are transferred to the Chapter.

13 Transfer of functions etc. of PCC

(1) On the appointed day the functions of the parochial church council of the Cathedral parish ("the council") are transferred to the Chapter, and the council is dissolved.

(2) On the appointed day —

(a) all property which immediately before the appointed day was vested in, held by, or held on trust for the council is transferred to the Chapter;

(b) all rights, obligations and liabilities which immediately before the appointed day were enforceable by or against the council are on and after the transfer to be enforceable by or against the Chapter;

(c) subject to Schedules 3 and 4, all references to the council or its secretary in any statutory provision, agreement, deed, instrument, licence, consent, application, notice or other document whatsoever are to be construed as references to the Chapter or its clerk;

(d) all persons who immediately before the appointed day were employed by or in the service of the council are on and after the appointed day to be deemed to be employed by or in the service of the Chapter without further appointment on and subject to the like terms and conditions as those on and subject to which they were employed immediately before the appointed day;

(e) the transfer does not affect the validity of anything done by or in relation to the council before the appointed day; and anything which on the appointed day is in the process of being done by or in relation to the council may be continued by or in relation to the Chapter;

(f) anything made or done by the council, if in force on the appointed day, is to have effect as if made or done by the Chapter so far as that is required for continuing its effect after the appointed day;

(g) a bequest or other gift which is expressed as a gift to the council, and which takes effect on or after the appointed day, is to take effect as a gift to the Chapter.

15 Transfer of property of Vicar and Wardens

(1) On the appointed day all property which immediately before the appointed day was vested in, held by, or held on trust for the incumbent of the Cathedral benefice jointly with the churchwardens of the Cathedral parish is transferred to the Chapter.

(2) Subsection (1) does not apply to —

(a) a parish burial ground, or

(b) any other property vested in the incumbent and churchwardens for the purpose of any functions (under the Burials Act 1986 or otherwise) relating to parish burial grounds.

16 Transfer of property: general

Any property transferred by section 13, 14 or 15 vests in the Chapter without any conveyance or other assurance, for the like purposes, upon the like trusts and subject to the like conditions (if any) as those for, upon or subject to which it was held immediately before the appointed day.

Supplemental

17 Guidance

A person on whom a function is conferred by or under this Measure may, in exercising that function, have regard to any relevant guidance issued by the Church Commissioners for England under the following provisions of the Cathedrals Measure 2021, so far as applicable to the Cathedral —

(a) section 5(6) (finance);

(b) section 9(7) (reviews);

(c) section 10(6) (Visitor);

(d) section 12(8) (accountability);

(e) section 16(8) (Finance Committee).

18 Modification of certain legislation

The enactments specified in Schedule 3 are modified in relation to the Cathedral in accordance with that Schedule.

19 Saving for certain powers

Nothing in this Measure affects —

(a) the powers of the Church Commissioners under the Mission and Pastoral Measure (Isle of Man) 2012;

(b) the powers of the Board under Schedule 3 to the Church Act 1992 (ecclesiastical trusts); or

(c) the powers of the Attorney General or the High Court in relation to charities.

20 Consequential amendments and repeals

(1) Schedule 4 (which makes consequential amendments) has effect.

(2) The enactments specified in Schedule 5 are repealed to the extent speficied in column 3 of that Schedule.

Section 5

SCHEDULE 1

CONSTITUTION

1 Constitution of the Chapter

(1) The Church Commissioners must, by an instrument under their common seal, make a constitution for the Chapter.

(2) Before making a constitution the Church Commissioners must consult the Chapter.

This requirement does not apply to the first constitution made under this paragraph.

(3) The constitution shall not have effect unless it is approved by the Diocesan Synod.

(4) The constitution is declared to be a statutory document.

NOTE Constitution: Constitution of the Cathedral Chapter 2025 (SD 2025/246).

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2 Membership

(1) The constitution must provide as follows.

(2) The Chapter is to consist of such number of members, being not more than 12, as is specified in the constitution.

(3) The members of the Chapter shall be—

(a) the Dean,

(b) such number of canons of the Cathedral, being clerks in Holy Orders, as is specified in the constitution (not being less than 2);

(c) such number of canons of the Cathedral, being lay persons, as is specified in the constitution (not being less than 2);

(d) the churchwardens of the Cathedral parish;

(e) 2 persons elected in accordance with paragraph Error: Reference source not found;

(f) such other persons as may be appointed by the Bishop.

3 The Dean

(1) The constitution must provide that the incumbent of the Cathedral benefice is the Dean *ex officio*.

(2) The constitution must provide that if —

(a) the Cathedral benefice is vacant, or

(b) the Dean is unable to discharge his or her functions as such because of illness, absence or any other reason,

the Bishop must appoint a clerk in Holy Orders who is qualified to hold the Cathedral benefice (an "acting dean") to carry out the functions concerned during the period concerned.

(3) The constitution must specify the terms on which an acting dean may be appointed.

4 Canons

(1) The constitution must provide for —

(a) the appointment by the Bishop of canons under paragraph Error: Reference source not found(3)(b) and (c);

(b) the tenure of office of canons;

(c) every canon in Holy Orders to be subject to the episcopal jurisdiction of the Bishop.

(2) The constitution may provide for a canon to be appointed, with the consent of the Board, on Common Tenure.

(3) In relation to a canon so appointed, any provision under sub-paragraph (1)(b) has effect subject to the Ecclesiastical Offices (Terms of Service) Measure 2009 and regulations made under it.

5 Elected members

The constitution must provide that —

(a) the elected members shall be elected by the persons whose names are included on the church electoral roll of the Cathedral parish or the community roll of the Cathedral;

(b) the Church Representation Rules shall apply to the election and tenure of office of the elected members as they apply to the election and tenure of office of representatives of the laity on a parochial church council, subject to such modifications as are specified in the constitution.

6 Disqualification

(1) This paragraph applies to members of the Chapter under paragraph Error: Reference source not found(3)(b), (c), (e) or (f).

(2) The constitution must provide that a person may not be appointed or elected or serve as a member of the Chapter if he or she—

(a) is included in a barred list;

(b) has been convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1966;

(c) is disqualified from being a charity trustee under section 25(1) of the Charities Registration and Regulation Act 2019 (unless the disqualification is subject to a waiver under section 25(4) of that Act, either generally or in relation to the Chapter);

(d) is under the age of 18;

(e) in the case of a lay person, is not an actual communicant; or

(f) is a chief officer.

(3) The constitution must provide that, if a member of the Chapter is or becomes disqualified under sub-paragraph (1), his or her seat is vacated.

(4) In this paragraph —

(a) "actual communicant" has the same meaning as in the Church Representation Rules;

(b) rule 71(2) of those Rules applies to the reference to an offence in sub-paragraph (2)(b).

7 Suspension

The constitution must provide for —

(a) the suspension by the Bishop of a lay member of the Chapter appointed or elected under paragraph 2(3)(c), (e) or (f) in the like circumstances as those in which a member of a parochial church council may be suspended under rule 69 of the Church Representation Rules;

(b) the revocation of such a suspension; and

(c) a right of appeal to the Vicar General against such a suspension.

8 Committees of the Chapter

(1) The constitution must make provision for the establishment of a Finance Committee of the Chapter.

(2) The constitution may make provision for the establishment of other committees of the Chapter.

(3) The constitution must provide that any committee of the Chapter established by virtue of this paragraph may include persons who are not members of the Chapter.

9 Advisory bodies

(1) The constitution may include provision for the establishment of one or more advisory bodies.

(2) A body established under this paragraph is not a committee of the Chapter.

10 Community roll

The constitution must provide for the formation and maintenance of a roll which contains the name of each person—

(a) who is not eligible for inclusion on the church electoral roll of the Cathedral parish, but

(b) who is a member of the Cathedral community, and

(c) whose application for enrolment for the purposes of this paragraph has been granted.

Section 6

SCHEDULE 2

STATUTES

1 Duty to make statutes

(1) The Church Commissioners must, by an instrument under their common seal, make statutes for the good government of the Cathedral.

(2) Before making statutes under this paragraph the Church Commissioners must consult the Chapter.

This requirement does not apply to the first statutes made under this paragraph.

(3) The statutes shall not have effect unless they are approved by the Bishop.

(4) The statutes are declared to be a statutory document.

NOTE Statutes: Statutes of the Cathedral 2025 (SD 2025/247).

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2 Content of the statutes

(1) The statutes must include provision —

(a) as to the functions of the members and officers of the Chapter; and

(b) for the fostering of the corporate and spiritual life of the Chapter and its members.

(2) The statutes may include consequential, supplementary, incidental or transitional provision.

(3) Provision made in the statutes must be consistent with this Measure and with the constitution.

3 Meetings of the Chapter

The statutes must provide for —

(a) the holding of a sufficient number of meetings of the Chapter to enable the efficient transaction of its business;

(b) the conduct of meetings of the Chapter;

(c) the chairing of such meetings by the Dean or, if he or she is absent, a member chosen by the members of the Chapter; and

(d) the attendance at such meetings of any officers of the Chapter at the request of the Chapter.

4 Finance Committee

(1) The statutes must make provision for the composition, functions and proceedings of the Finance Committee.

(2) The statutes must provide that —

(a) the members of the Finance Committee (who may include persons who are not members of the Chapter) are to be appointed by the Chapter;

(b) the Dean must not be a member of the Finance Committee but may attend any meeting of the Committee and speak but may not vote;

(c) the chair of the Finance Committee is to be appointed by the Chapter and must have recent and relevant financial experience;

(d) the terms of reference of the Finance Committee are to be set by the Chapter; and

(e) the Finance Committee must keep under review the activities and management of the Cathedral in relation to such matters as the Chapter may specify in its terms of reference.

(3) The terms of reference of the Finance Committee may include provision which supplements the provision made by the constitution or statutes.

5 Other committees

(1) The statutes must include provision as to the chairing of each committee established by virtue of paragraph Error: Reference source not found of Schedule 1 (including provision as to whether the chair must be a member of the Chapter).

(2) The statutes must include provision for each such committee to report its proceedings to the Chapter.

(3) Subject to sub-paragraphs (1) and (2), the statutes must include provision as to the composition and proceedings of such committees.

(4) The Chapter must set the terms of reference of each such committee; and the terms of reference—

(a) must include provision as to the functions of the committee;

(b) may include provision which supplements the provision made by the constitution or statutes.

6 Chief officers

(1) The statutes must make provision for the appointment by the Chapter of —

(a) an executive officer, and

(b) a financial officer,

by such titles, and with such functions, as are specified in the statutes.

(2) The statutes must require those officers to have recent experience relevant to the exercise of their respective functions.

7 Management group

(1) The statutes must include provision for the establishment of a group concerned with the management of the Cathedral.

(2) The statutes must make provision as to —

(a) the composition of the group (which must include the Dean and the chief officers);

(b) the functions and proceedings of the group, and

(c) the accountability of the group to the Chapter.

8 Advisory bodies

(1) The statutes may include provision as to the composition, functions or proceedings of an advisory body established under paragraph 9 of Schedule 1.

(2) The Chapter may set terms of reference for such a body; and the terms of reference may include provision which supplements the provision made by the constitution or statutes.

(3) Sub-paragraphs (1) and (2) are not to be read as limiting the provision which may be made under paragraph 1 for the good government of the Cathedral.

9 The Dean's consent

(1) The statutes must provide that none of the following may be done without the consent of the Dean—

(a) an alteration of the ordering of services in the Cathedral;

(b) the settlement of the Chapter's budget;

(c) the implementation of a decision taken by the Chapter in the Dean's absence.

(2) The statutes may contain provision as to the circumstances in which the Dean is to be taken as having consented for the purposes of sub-paragraph (1)(c).

10 Use of the Cathedral

The statutes must include provision as to the exercise by the Bishop of the rights conferred by section 7(2).

11 Conferring of titles

(1) The statutes may enable the Bishop —

(a) to confer upon a canon who vacates his or her office and immediately on such vacation retires, the title of canon emeritus; and

(b) to confer upon any person (whether or not in Holy Orders) the title of honorary canon, for such period and on such terms as may be specified in the statutes.

(2) The statutes must provide that a person who, immediately before the appointed day, held a canonry in the Chapter shall hold the title of honorary canon unless and until he or she —

(a) would have ceased to hold that canonry if this Measure had not been passed, or

(b) is appointed a canon under paragraph 4 of Schedule 1.

(3) A title conferred under this paragraph does not confer on the holder any office or benefice or any right to membership of the Chapter or of any other body in the Cathedral.

Section 18

SCHEDULE 3

1 Church Representation Rules

(1) In the application of the Rules to the Cathedral parish —

(a) omit rules M1(3)(d), M5(4) to (8) and M6(1)(b), (2) and (7);

(b) in rule M8, omit the reference to the parochial church council;

(c) omit rules M15 to M42; and

(d) despite Rule M1(2)(b) and (3), every clerk in Holy Orders holding office in the Cathedral is entitled to attend any annual, special or extraordinary parochial church meeting of the parish and to take part in its proceedings, whether or not he or she is resident in the parish.

(2) The above modifications are subject to any provision made under paragraph 5(b) of Schedule 1.

2 Parochial Church Councils (Powers) Measure 1956

In the application of the Measure to the Cathedral parish, omit sections 3, 3A, 6, 8 and 9.

3 Patronage (Benefices) Measure 1986

(1) In its application to the Cathedral benefice the Measure is modified as follows.

(2) In relation to the Cathedral parish —

(a) the functions of the parochial church council and the secretary of the council are exercisable by the Chapter and the chapter clerk respectively;

(b) section 11(1)(b), (5) and (6) does not apply;

(c) the elected members of the Chapter are the parish representatives.

(3) In relation to the parish of the West Coast section 11(1)(b) and (5) applies without the modifications in Schedule 2.

4 Clergy Discipline Measure 2003

Where the Cathedral parish has a proper interest in making a complaint under section 10, subsection (1) of that section has effect with the substitution for paragraph (a) of the following:

"(a) in the case of a priest or deacon, by —

(i) a person nominated by the Chapter, or

(ii) a churchwarden of the parish, or

(iii) any other person who has a proper interest in making the complaint;".

5 Ecclesiastical Offices (Terms of Service) Measure 2009

Section 1(1) has effect as if it included a reference to the office held by a canon whose appointment is expressed to be on Common Tenure under paragraph 4(2) of Schedule 1.

6 Mission and Pastoral Measure (Isle of Man) 2012

A pastoral scheme affecting the Cathedral, the Cathedral benefice or the Cathedral parish may make such amendments or modifications of the constitution or the statutes as the Church Commissioners think necessary or expedient.

7 Ecclesiastical Jurisdiction and Care of Churches Measure 2018

(1) In sections 49, 50 and 53, for each reference to the churchwardens substitute a reference to the Chapter.

(2) In sections 60(1)(b) and 78(6), for the references to the minister and churchwardens substitute references to the Chapter.

Section 20

SCHEDULE 4

CONSEQUENTIAL AMENDMENTS

1 Sharing of Church Buildings Act 1986

In paragraph 9(2)(a) of Schedule 1, for "dean and chapter" substitute "Chapter".

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

In paragraph 5 of the Schedule, for "section 4 of the Church Act 1895 (an Act of Tynwald)" substitute "the Cathedral Measure (Isle of Man) 2025".

3 Church Representation Rules

(1) In rule 31(1)(c), at the end insert "(if in Holy Orders)".

(2) In rule 32(1), after sub-paragraph (a) insert —

"(aa) the canons of the cathedral church of St German (if not in Holy Orders);"

4 Religious Charities Regulations 2023 (SD 2023/139)

In the Schedule, after "Any parochial church council." insert—

"The Chapter of the cathedral church of Saint German."

Section 20

SCHEDULE 5

CONSEQUENTIAL REPEALS

Reference	*Title*	*Extent of repeal*
AT 1 of 1895	Church Act 1895.	The whole Act.
AT 11 of 1980	Cathedral Church Act 1980.	The whole Act.
SM 1 of 1994	Statute Law Revision Measure (Isle of Man) 1994.	In Schedule 1, paragraph 1.
SM 1 of 2011	Church Offices Measure (Isle of Man) 2011.	Section 5.
SM 1 of 2021	Church (Miscellaneous Provisions) Measure (Isle of Man) 2021.	In Schedule 4, paragraph 1.

Church (Miscellaneous Provisions) Measure (Isle of Man) 2025

(SM 2 of 2025)

GENERAL NOTE The Measure (except so far as it relates to the Church of England (Miscellaneous Provisions) Measure 2024 s.11(5)) was brought into force on 1 September 2025 by the Church (Miscellaneous Provisions) Measure (Isle of Man) 2025 (Appointed Day) (No.1) Order 2025 (SD 2025/169).

1 Short title

The short title of this Measure is the Church (Miscellaneous Provisions) Measure (Isle of Man) 2025.

2 Commencement

(1) This Measure comes into operation on such day or days as the Bishop may by order appoint.

(2) An order under subsection (1) may include such transitional provisions as appear to the Bishop to be necessary or expedient for the purposes of the order.

3 Extension of Church of England (Miscellaneous Provisions) Measure 2024 to the Isle of Man

The following provisions of the Church of England (Miscellaneous Provisions) Measure 2024 extend to the Island subject to the exceptions, adaptations and modifications specified in Schedule 1 —

section 3 (safeguarding code revisions);

section 6 (delegation of episcopal functions);

section 9 (judges: appointment etc.);

section 11 (disciplinary proceedings etc.);

section 12 (live broadcast of proceedings);

section 13 (care of churches);

section 17 (elections under Church Representation Rules);

section 20 and Schedule 2 (meetings);

section 22 (short title etc.).

4 Amendment of Churchwardens Measure

In section 3 (interpretation) of the Churchwardens Measure (Isle of Man) 2013 —

(a) at the beginning insert "(1)";

(b) at the end insert—

"(2) A reference in this Measure to a meeting of parishioners includes a reference to a meeting which persons may attend, speak at, vote in or otherwise participate in without any, or without all, of the persons being together in the same place.

(3) A reference in this Measure to the place where a meeting of parishioners is to be held includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers.

(4) A person is to be regarded for the purposes of this Measure as present at a meeting of parishioners at any given time if the person is at that time able to hear and be heard by, and where practicable to see and be seen by, the other persons present.

(5) A reference in this Measure to being present at a meeting of parishioners includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live interactive streaming.".

5 Sequestration

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

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

6 Patronage

In paragraph 7 of Schedule 4 to the Capacity Act 2023, for the words from the beginning to "inserted" substitute "In Schedule 1 to the Patronage Measure (Isle of Man) 1997, in section 5 of the Patronage (Benefices) Measure 1986, after subsection (3) insert".

SCHEDULE 1

MODIFICATIONS ETC. OF CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE 2024

Delegation of episcopal functions

1. In section 6(3), for the words from "omit" onwards substitute "omit the words from "except" to the end".

Judges: appointment etc.

2. Omit section 9(1) and (2).

Disciplinary proceedings

3. (1) In section 11(1), in the new item 8, omit "judicial" (in each place).

(2) In section 11(2), in the inserted note 1, for "Civil Procedure Rules relating to judicial review" substitute "the Rules of the High Court of Justice relating to review of decisions".

(3) In section 11(5), omit paragraphs (b) and (e).

Live broadcast of proceedings

4. In section 12, in the new section 93A(4), for the words from "a breach of" onwards substitute "a contempt of court".

Care of churches

5. (1) Omit section 13(1).

(2) In section 13(2), for "that Measure" substitute "the Ecclesiastical Jurisdiction and Care of Churches Measure 2018".

(3) Omit section 13(3) and (4).

(4) In section 13(5), in the new section 78(2A), for "77(7)(a) to (j)" substitute "77(7)(d) to (j)".

Elections under Church Representation Rules

6. (1) Omit section 17(1).

(2) In section 17(2), for "those Rules" substitute "the Church Representation Rules".

Meetings

7. (1) Omit section 20(2).

(2) In Schedule 2 —

(a) in paragraph 1, in the new rule 83A(6), omit sub-paragraph (a);

(b) in paragraph 3, for "subsection (9)" substitute "subsection (8)";

(c) omit paragraphs 4 to 10.

Short title etc.

8. (1) In section 22(2), omit paragraphs (c) to (g) and (j) to (k).

(2) Omit section 22(3) to (9) and (12).

SCHEDULE 2

SEQUESTRATION

PART 1

AMENDMENTS

Church Act 1969

1. For paragraph 5B of Schedule 1 substitute —

"5B. In section 72 of the Measure (which relates to the occupation of a parsonage house) —

(a) in subsection (2), omit the words from "and such part" onwards; and

(b) omit subsection (3).".

Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012

2. In paragraph 15 of the Schedule, in paragraph 3(1) of the inserted Schedule 1A, for "his, her or their" (in both places) substitute "his or her".

3. (1) In section 29(11), after paragraph (c) insert "or".

(2) In paragraph 3(4) of Schedule 3, for ", parochial church council or sequestrators" substitute "or parochial church council".

PART 2

REPEALS

Short title	*Extent of repeal*
Bankruptcy Code 1892.	Section 35.
Church Act 1969.	Sections 5 and 7.
Patronage Measure (Isle of Man) 1997.	In Schedule 1, in section 20 of the Patronage (Benefices) Measure 1986, paragraph (b).
Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012.	In paragraph 15 of the Schedule, in the inserted Schedule 1A — (a) in paragraph 2(2), the words "or sequestrators"; and (b) in paragraph 3(1), the words "or the sequestrators".
Mission and Pastoral Measure (Isle of Man) 2012.	In section 29(11), paragraph (e) and the preceding "and". Section 30(1), (2) and (5). Schedule 5.