STATUTORY INSTRUMENTS

2014 No. 2077

ECCLESIASTICAL LAW, ENGLAND

The Church of England (Miscellaneous Provisions) Measure 2014 (Appointed Day No. 2 and Transitional and Saving Provisions) Order 2014

Made - - - -	*30th July 2014*
Laid before Parliament	*6th August 2014*

The Archbishops of Canterbury and York, in exercise of the powers conferred by section 21(2) of the Church of England (Miscellaneous Provisions) Measure 2014(**a**), make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Church of England (Miscellaneous Provisions) Measure 2014 (Appointed Day No. 2 and Transitional and Saving Provisions) Order 2014.

(2) In this Order—

"the Measure" means the Church of England (Miscellaneous Provisions) Measure 2014; and

"the commencement date" means, in relation to a provision of the Measure, the date appointed for the commencement of that provision by article 2.

Commencement

2.—(1) Paragraph 19(4) and (5) of Schedule 2 to the Measure come into force on the day on which this Order is made.

(2) All other provisions of the Measure which have not yet been commenced come into force on 1st January 2015.

Transitional and saving provisions

3. The Schedule contains transitional and saving provisions which apply in relation to provisions of the Measure that are commenced by this Order.

+Justin Cantuar:
Archbishop of Canterbury

+Sentamu Ebor:
Archbishop of York

30th July 2014

(**a**) 2014 No. 1.

SCHEDULE

Article 3

Transitional and Saving Provisions

Section 25 of the Burial Act 1857

1. This paragraph applies where a licence has been granted by the Secretary of State under section 25 of the Burial Act 1857(**a**) before the commencement date for section 2 of the Measure and—

(a) the body, or the remains of the body, to which the licence relates has, or have, not been removed before that date; or

(b) any precautions that have been prescribed by the Secretary of State as the condition of the licence remain to be complied with after that date.

2. Where paragraph 1 applies, the licence has effect as if it had been granted under section 25(2)(c) of the Burial Act 1857 as substituted by section 2 of the Measure and any precautions that were prescribed by the Secretary of State as the condition of the licence have effect as if they were conditions attached to the licence under that paragraph.

Amendment of section 3 of the Faculty Jurisdiction Measure 1964

3. Section 7(3) of the Measure, which provides for the substitution of subsection (3) of section 3 of the Faculty Jurisdiction Measure 1964(**b**), has effect in relation to any proceedings for a faculty to which that section applies and which are pending on the commencement date; but that does not affect the continuing application of subsection (3) of that section as originally enacted in relation to such proceedings.

Section 16A of the Patronage (Benefices) Measure 1986

4. Section 16A of the Patronage (Benefices) Measure 1986(**c**) ("the 1986 Measure"), as inserted by section 12(2) of the Measure, does not apply in the case of a vacancy in a benefice of which the designated officer has, prior to the commencement date, given notice under section 7(4) of the 1986 Measure (and the notice is not deemed to have been revoked by virtue of section 88(b) of the Mission and Pastoral Measure 2011(**d**)).

Amendment of section 35 of the Patronage (Benefices) Measure 1986

5. The amendments made by paragraph 9(3) and (5) of Schedule 2 to the Measure do not have effect in relation to a vacancy in a benefice of which the designated officer has, prior to the commencement date, given notice under section 7(4) of the 1986 Measure (and the notice is not deemed to have been revoked by virtue of section 88(b) of the Mission and Pastoral Measure 2011).

Amendment of the Mission and Pastoral Measure 2011

6.—(1) The amendment made by paragraph 19(4) of Schedule 2 to the Measure does not have effect in any case where, before the commencement date, interested parties have expressed their views, or have been invited to express their views, in accordance with section 21 of the Mission and Pastoral Measure 2011 ("the 2011 Measure").

(**a**) 1857 c. 81.
(**b**) 1964 No. 5.
(**c**) 1986 No. 3.
(**d**) 2011 No. 3.

(2) The amendment made by paragraph 19(5) of Schedule 2 to the Measure does not have effect in relation to a pastoral scheme if a draft of the scheme was published by the Church Commissioners under the 2011 Measure before the commencement date.

(3) Paragraph 11(5A) of Schedule 4 to the 2011 Measure, as inserted by paragraph 19(12)(e) of Schedule 2 to the Measure, does not apply where the mission and pastoral committee has suspended periodical payments before the commencement date.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second appointed day order made under the Church of England (Miscellaneous Provisions) Measure 2014.

Article 2(1) of the Order commences paragraph 19(4) and (5) of Schedule 2 which make minor amendments to the Mission and Pastoral Measure 2011.

Article 2(2) commences all the remaining provisions of the Measure on 1st January 2015. The provisions commenced by article 2(2) are as follows:

- section 2 which substitutes a new section for section 25 of the Burial Act 1857 (Offence of removal of body from burial ground);
- section 7 which amends section 3 of the Faculty Jurisdiction Measure 1964 (Faculties affecting monuments owned by persons withholding consent thereto);
- section 12 which inserts a new section 16A in the Patronage (Benefices) Measure 1986 to provide a special procedure for the appointment of a priest in charge of a benefice as the incumbent;
- paragraph 7 of Schedule 2 which makes updating amendments to Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977;
- paragraph 9 of Schedule 2 which makes miscellaneous minor amendments to the Patronage (Benefices) Measure 1986;
- paragraph 19(12) of Schedule 2 which makes updating amendments to the Mission and Pastoral Measure 2011.

The Schedule contains transitional and saving provisions which relate to some of the provisions that are commenced by article 2.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Measure were brought into force by an appointed day order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 1	19th May 2014	2014/1369
Sections 3 to 6	19th May 2014	2014/1369
Sections 8 to 11	19th May 2014	2014/1369
Sections 13 to 20	19th May 2014	2014/1369
Schedule 1	19th May 2014	2014/1369
Schedule 2, paragraphs 1 to 6, 8, 10 to 18, 19 (partially) and 20	19th May 2014	2014/1369
Schedule 3	19th May 2014	2014/1369

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