



Isle of Man

Ellan Vannin

AT 10 of 1979

CHURCH ACT 1979



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**Isle of Man***Ellan Vannin*

CHURCH ACT 1979

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| <i>Received Royal Assent:</i> | <i>14 March 1979</i> |
| <i>Passed:</i> | <i>15 May 1979</i> |
| <i>Commenced:</i> | <i>15 May 1979</i> |

AN ACT to provide for the establishment of a scheme for the inspection of churches, to make provision with respect to the age limit for the holding of certain ecclesiastical offices, to apply the provisions of the Faculty Jurisdiction Measure 1964 with adaptations to the Island and for connected purposes.

GENERAL NOTE: Part I makes provision for the Isle of Man equivalent to the Inspection of Churches Measure 1955.

PART I – INSPECTION OF CHURCHES

1 Diocesan Synod to establish scheme for inspection of churches

- (1) As soon as may be after the passing of this Act and in any case not later than three years thereafter the Diocesan Synod shall establish a scheme to provide for the inspection of every church in the diocese at least once in every five years.
- (2) Every scheme –
 - (a) shall provide for the establishment of a fund by means of contributions from parochial, diocesan or other sources;
 - (b) shall provide for the payment out of such fund or otherwise of the cost of the inspection of churches in the diocese;
 - (c) shall provide for the appointment of a qualified person or persons approved by the Advisory Committee to inspect the churches in the diocese and to make a report on every church inspected;¹
 - (d) shall provide in the case of every church inspected for a copy of the report so made to be sent to the Archdeacon and to the parochial church council of the parish, in which the church is situate, to the incumbent of the benefice and to the Secretary of the diocesan advisory committee of the diocese;²

- (e) may contain such other provisions not inconsistent with this Act as the Diocesan Synod shall think fit.
- (3) The Diocesan Synod shall have power at any time or times to establish a further scheme taking the place of any prior scheme but so that every such further scheme shall be for the purpose specified in subsection (1) of this section and shall comply with the provisions of subsection (2) thereof.
- (4) Any scheme made in pursuance of this section and passed at a meeting of the Diocesan Synod shall be signed by the Chairman of that meeting and shall come into operation as from the date on which it is so signed.

1A Inspections to extend to certain valuable articles, etc

Where, in accordance with a scheme established under section 1 of this Act, a person inspects a church the inspection shall extend to —

- (a) any movable article in the church which he is directed by the archdeacon concerned, after consultation with the advisory committee, to treat as being, and such other articles as the person inspecting the church considers to be, —
 - (i) of outstanding architectural, artistic, historical or archaeological value; or
 - (ii) of significant monetary value; or
 - (iii) at special risk of being stolen or damaged;
- (b) any ruin in the churchyard (open or closed) which is for the time being designated by the Manx Museum and National Trust as being of outstanding architectural, artistic, historical or archaeological value;

and references in this Act to the inspection of a church shall be construed accordingly.³

2 Power for Archdeacon to ensure inspection of churches once in five years

- (1) Where the Archdeacon finds at a survey of the churches of his jurisdiction or at any other time that a church has not been inspected to his satisfaction by a qualified person for a period of at least five years, he may serve upon the parochial church council of the parish in which the church is situate a notice in writing requiring the council to cause the church to be inspected in accordance with the scheme made in pursuance of section one of this Act.⁴
- (2) At any time after the expiration of three months from the date when the said notice was served, the Archdeacon, with the consent of the Bishop, may, if the church has not been so inspected in the meantime, himself make arrangements for the required inspection and report.

- (3) For the purposes of this section any reference to a church shall be construed as including a reference to any movable article in a church which the archdeacon concerned, after consultation with the advisory committee, considers to be —
- (a) of outstanding architectural, artistic, historic or archaeological value; or
 - (b) of significant monetary value; or
 - (c) at special risk of being stolen or damaged.⁵

3 Cost of inspection arranged by Archdeacon

In any case where a church has been inspected pursuant to a notice served, or to arrangements made by the Archdeacon under section two of this Act, the cost of such inspection as certified by the Archdeacon shall be paid out of the fund established by the scheme mentioned in that section.

4 Parishes without parochial church councils

- (1) Where at any material time a parish has no parochial church council, the provisions of this Act (and of any scheme made under section one thereof) with respect to notices to be sent to, and other acts and things to be done to or by, a parochial church council shall, as regards that parish, if there are churchwardens thereof, have effect as if the churchwardens were the parochial church council.
- (2) For the purpose of this section, a certificate by the Bishop stating that at any time specified in the certificate a particular parish in the diocese had no parochial church council shall be conclusive.

5 Service of notices

Any notice required or authorised by this Act to be served on a parochial church council or churchwardens may be served —

- (a) in the case of a parochial church council, by sending it by recorded delivery post in a letter addressed to the secretary of the council by his name at his usual, or last known, residence, or, if his name or residence is unknown, then in such a letter addressed to him by the title of secretary of the council in question at the usual, or last known, residence of the incumbent of the parish;
- (b) in the case of the churchwardens of a parish, by sending it by recorded delivery post in letters addressed to any two of them at their usual, or last known, residences, or, if there is only one churchwarden, by sending it by post in such a letter addressed to him at his usual, or last known residence.

PART II

6 and 7 [Repealed]⁶

8 [Repealed]⁷

PART III – FACULTY JURISDICTION

9 Application of Faculty Jurisdiction Measure

There shall be applied to the Island as part of the law of the Island subject to the exceptions, adaptations and modifications set out in Schedule 2 to this Act the provisions of the Faculty Jurisdiction Measure 1964 (1964 No. 5) passed by the National Assembly of the Church of England and which received the Royal Assent on the 15th April 1964.

10 [Repealed]⁸

11 Interpretation

In this Act –

“**advisory committee**” [Repealed]⁹

“**benefice**” means a benefice with cure of souls and includes all rectories and vicarages with cure of souls and the Chaplaincy of St Jude’s;

“**church**” means –

- (a) any parish church;
- (b) any other church or chapel (not being a church or chapel which is not subject to the jurisdiction of the bishop of the diocese) which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England; and
- (c) any building licensed for public worship according to the rites and ceremonies of the Church of England other than –
 - (i) a building which is in a university, college, school, hospital or public or charitable institution but which has not been designated under section 29(2) of the 1983 Measure as a parish centre of worship;
 - (ii) a building which has been excluded from the provisions of this Measure by direction of the bishop with the approval of the advisory committee; and
 - (iii) a building used solely for the purpose of religious services relating to burial or cremation;¹⁰

“**incumbent**”, in relation to a benefice, means a rector or vicar with cure of souls or the Chaplain of St Jude’s but does not include the dean of the cathedral church.

“**qualified person**” means a person registered under the *Architects Act 1976* (an Act of Tynwald) or a member of the Royal Institution of Chartered Surveyors qualified as a chartered building surveyor;¹¹

“**ruin**” means any site comprising the remains of any building above the surface of the land, not being –

- (a) a monument (within the meaning of section 3 of the Faculty Jurisdiction Measure 1964); or
- (b) a site which is for the time being used for the purpose of public worship according to the rites and ceremonies of the Church of England.¹²

12 Act to bind the Crown

This Act binds the Crown.

13 Short title and construction

This Act may be cited as the Church Act 1979 and the Church Acts 1880 to 1971 and the *Church (Ecclesiastical Jurisdiction) Act 1978* and this Act may be together cited as the Church Acts 1880 to 1979 and shall be construed as one.

SCHEDULE 1¹³**SCHEDULE 2****ADAPTATIONS OF THE FACULTY JURISDICTION MEASURE
1964**

1. There shall be substituted for the words 'this Measure' wherever they occur in Section 3, Section 7 and Section 8 the words 'the Church Act 1979'.¹⁴
2. For the words 'archdeacon of the archdeaconry' wherever they occur and for the word 'archdeacon' wherever it occurs there shall be substituted the word 'Archdeacon'.
3. For the word 'bishop' there shall be substituted the word 'Bishop'.
4. For the words 'registrar of the diocese' or the words 'diocesan registrar' or the word 'registrar' wherever they occur there shall be substituted the words 'Diocesan Registrar'.
5. In section 1 subsection (3) for the word 'solicitor' wherever it occurs there shall be substituted the word 'advocate'.
6. [Repealed]¹⁵
7. In section 3 subsection (1) there shall be deleted the words from 'other than' to the end of the subsection.
8. Section 4 shall be deleted.
9. [Repealed]¹⁶
10. In section 8 subsection (2) there shall be substituted for the words 'Burials Act 1852 to 1906, or the Public Health (Interments) Act 1879' the words 'Douglas Cemetery Act 1895'.
11. [Repealed]¹⁷
12. In section 11 for the words 'county court so orders, be recoverable by execution issued from the county court' there shall be substituted the words 'High Court exercising its summary jurisdiction so orders, be recoverable by execution issued by the High Court as if payable under an order of the High Court'.
13. [Repealed]¹⁸
14. Section 13 shall be deleted.

15 to 17. [Repealed]¹⁹

18. Sections 16 and 17 shall be deleted.

19. [Repealed]²⁰

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|-------------|-------------|--------------|
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Table of Renumbered Provisions

| Original | Current |
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Table of Endnote References

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- ¹ Para (c) amended by GC485/92.
- ² Para (d) amended by GC485/92.
- ³ S 1A inserted by GC485/92.
- ⁴ Subs (1) amended by GC485/92.
- ⁵ Subs (3) amended by GC485/92.
- ⁶ Ss 6 and 7 repealed by Church Act 1992 Sch 7.
- ⁷ S 8 repealed by Church of England (Miscellaneous Provisions) Measure 1983 s 8 (as applied by GC3/91).
- ⁸ S 10 repealed by GC485/92.
- ⁹ Definition of 'advisory committee' repealed by GC485/92.
- ¹⁰ Definition of 'church' inserted by GC485/92.
- ¹¹ Definition of 'qualified person' added by GC485/92.
- ¹² Definition of 'ruin' added by GC485/92.
- ¹³ Sch 1 repealed by Church Act 1992 Sch 7.
- ¹⁴ Para 1 amended by SD254/94.
- ¹⁵ Para 6 repealed by GC485/92.
- ¹⁶ Para 9 repealed by GC485/92.
- ¹⁷ Para 11 repealed by GC485/92.
- ¹⁸ Para 13 repealed by GC485/92.
- ¹⁹ Paras 15 to 17 repealed by GC485/92.
- ²⁰ Para 19 repealed by GC485/92.