



# **Isle of Man**

*Ellan Vannin*

**AT 5 of 1992**

## **CHURCH ACT 1992**





**Isle of Man**

*Ellan Vannin*

## CHURCH ACT 1992

### Index

Section	Page
<hr/>	
	<i>The Sodor and Man Diocesan Board of Finance</i> 5
1	Constitution of Board .....5
2	Transfer of functions etc of Commissioners to Board .....5
3	Board may act as trustee .....6
4	Powers of investment etc .....6
5	Church land .....7
6	Schemes relating to trusts .....7
	<i>The Church Commissioners for the Isle of Man</i> 7
7	The Church Commissioners for the Isle of Man .....7
	<i>Age limit for certain offices</i> 7
8	Age limit for certain offices .....7
9	Postponement of retirement .....8
	<i>Supplemental</i> 9
10	Interpretation .....9
11	Transitional provisions, amendments and repeals.....10
12	Short title and commencement.....10
<hr/>	
<b>SCHEDULE 1</b>	<b>11</b>
<hr/>	
CONSTITUTION AND PROCEEDINGS OF BOARD	11

---

<b>SCHEDULE 2</b>	<b>13</b>
CHURCH LAND	13
<b>SCHEDULE 3</b>	<b>16</b>
SCHEMES RELATING TO ECCLESIASTICAL TRUSTS	16
<b>SCHEDULE 4</b>	<b>20</b>
THE CHURCH COMMISSIONERS	20
<b>SCHEDULE 5</b>	<b>22</b>
TRANSITIONAL PROVISIONS	22
<b>SCHEDULE 6</b>	<b>24</b>
AMENDMENT OF ENACTMENTS	24
<b>SCHEDULE 7</b>	<b>24</b>
ENACTMENTS REPEALED	24
<b>ENDNOTES</b>	<b>27</b>
TABLE OF ENDNOTE REFERENCES	27

**Isle of Man***Ellan Vannin*

## CHURCH ACT 1992

<i>Received Royal Assent:</i>	<i>16 June 1992</i>
<i>Passed:</i>	<i>16 June 1992</i>
<i>Commenced:</i>	<i>See endnotes</i>

**AN ACT** to amend the constitutions of the Sodor and Man Diocesan Board of Finance and the Church Commissioners for the Isle of Man; to vest certain functions of the Commissioners in the Board; to confer powers on the Board relating to ecclesiastical trusts; to amend the Pastoral Measure (Isle of Man) 1990; to make new provision for the disposal of land held for ecclesiastical purposes; to prescribe an age limit with respect to certain ecclesiastical offices; and for connected purposes.

### *The Sodor and Man Diocesan Board of Finance*

#### **1 Constitution of Board**

- (1) There shall continue to be a body named the Sodor and Man Diocesan Board of Finance.
- (2) Schedule 1 shall have effect with respect to the constitution and proceedings of the Board.

#### **2 Transfer of functions etc of Commissioners to Board**

- (1) On the appointed day the functions of the Church Commissioners for the Isle of Man, other than their functions under the Pastoral Measure 1983, shall vest in the Board.
- (2) All real and personal property which immediately before the appointed day is vested in or held by the Commissioners shall on that day vest in the Board 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 that day.

- (3) All rights, obligations and liabilities which immediately before the appointed day are enforceable by or against the Commissioners shall on and after that day be enforceable by or against the Board.
- (4) All references to the Commissioners, except so far as they relate to the excepted functions, in any statutory provision, agreement, deed, instrument, licence, consent, application, notice or other document whatsoever, shall, unless the context otherwise requires, be construed as references to the Board.
- (5) In this section —
- “the appointed day” means the day on which this section comes into operation;
- “the excepted functions” means the functions of the Commissioners under —
- (a) the *Church Act 1880*;
  - (b) section 5 of the *Church Acts Amendment Act 1911*;
  - (c) section 12 of the *Church Act 1960*;
  - (d) the Pastoral Measure 1983.

### **3 Board may act as trustee**

The Board may be constituted trustee of any property for any ecclesiastical purpose, and shall have, and be deemed always to have had, power to accept and hold any property for such a purpose.

### **4 Powers of investment etc**

- (1) The Board may invest any moneys in their hands and available for investment —
- (a) in the purchase of any investments or property of any kind, either real or personal, and whether or not being investments or property authorised by the general law for the investment of trust funds; or
  - (b) upon loan upon the security of any property of any description or without security;
- and may from time to time vary such investments.
- (2) Without prejudice to its powers under subsection (1), the Board may arrange for any such moneys to be invested on behalf of the Board by a body of persons or trust which is —
- (a) established in the United Kingdom for charitable purposes only (as that expression is to be construed according to the law of England and Wales), and
  - (b) approved for the purpose of this subsection by the Diocesan Synod.

- (3) Any such moneys which the Board do not think fit immediately to invest may be deposited at any bank.
- (4) The Board may sell, let, exchange, charge or otherwise dispose of any personal property vested in them, or any interest in such property.
- (5) No rule of law or statutory provision which, apart from this subsection, would require any authorisation of or consent to a disposal under subsection (4), other than a faculty, shall apply to such a disposal.
- (6) In relation to any land vested in them otherwise than as custodian trustee, the Board may exercise all the powers of management or improvement which could be exercised by an absolute owner holding the land beneficially.

## **5 Church land**

Schedule 2 shall have effect with respect to disposals of land by the persons to whom that Schedule applies.

## **6 Schemes relating to trusts**

Schedule 3 shall have effect with respect to the powers of the Board in relation to ecclesiastical trusts.

### *The Church Commissioners for the Isle of Man*

## **7 The Church Commissioners for the Isle of Man**

- (1) There shall continue to be a body named the Church Commissioners for the Isle of Man.
- (2) Part 1 of Schedule 4 shall have effect with respect to the constitution and proceedings of the Commissioners.
- (3) [Repealed]<sup>1</sup>
- (4) Subject to subsection (3) and to any other provision of this Act, any reference in any statutory provision or other instrument (whenever made) to the pastoral committee shall be construed as a reference to the Commissioners.

### *Age limit for certain offices*

## **8 Age limit for certain offices**

[1979/10/6]

- (1) This section applies to the following offices —

- (a) suffragan bishop;
  - (b) archdeacon;
  - (c) canon of the cathedral church of Saint German;
  - (d) incumbent of a benefice;
  - (e) vicar in a team ministry established under the Mission and Pastoral Measure (Isle of Man) 2012;<sup>2</sup>
  - (f) any other ecclesiastical office the holder of which is subject to Common Tenure.<sup>3</sup>
- (2) No person shall be capable of being appointed or presented to an office to which this section applies if at the time of his appointment or presentation he has attained the age of 70 years.
- (3) A person who holds an office to which this section applies shall vacate that office on the day on which he attains the age of 70 years.
- (3A) Neither subsection (1) nor subsection (3) applies to an appointment made or continued in reliance on regulation 29A of the Ecclesiastical Offices (Terms of Service) (Isle of Man) Regulations 2012 (cases where person may hold office after attaining the age of 70).<sup>4</sup>
- (3B) Neither subsection (1) nor subsection (3) applies to an office held under a contract of employment.<sup>5</sup>
- (4) This section has effect notwithstanding anything in any Measure or other statutory provision passed or made before the passing of this Act or in any instrument made under such a Measure or provision.

## 9 Postponement of retirement

[1979/10/7]

- (1) Where the Bishop considers that there are special circumstances which make it desirable that a person holding an office to which section 8 applies (except an office mentioned in subsection (3)) should continue in that office after the date on which he would otherwise retire in accordance with section 8(3), the Bishop may from time to time authorise his continuance in that office after that date for such period or further period, not exceeding one year in all, as the Bishop may specify.
- (2) The Bishop may exercise his powers under subsection (1) in relation to a suffragan bishop only after consultation with the Archbishop of York.
- (3) Where the Bishop considers that the pastoral needs of a parish make it desirable that a person holding —
- (a) the office of incumbent of a benefice, or
  - (b) the office of vicar in a team ministry established for the area of any benefice,



should continue in that office after the date on which he would otherwise retire in accordance with section 8(3), the Bishop may, with the consent of the parochial church council of each of the parishes belonging to the benefice, from time to time authorise his continuance in that office after that date for such period or further period, not exceeding 2 years in all, as the Bishop may specify.

- (4) This section does not apply in the case of a person who is holding office under Common Tenure.<sup>6</sup>

### *Supplemental*

## 10 Interpretation

- (1) In this Act —

**“actual communicant member of the Church of England”**<sup>7</sup>

**“actual communicant”** has the same meaning as in the Church Representation Rules;<sup>8</sup>

**“the Commissioners”** means the Church Commissioners for the Isle of Man;

**“the Board”** means the Sodor and Man Diocesan Board of Finance;

**“the Diocesan Synod”** means the Sodor and Man Diocesan Synod;

**“the Diocese”** means the diocese of Sodor and Man;

**“ecclesiastical purpose”** (subject to any statutory provision relating to the sharing of church buildings or co-operation between denominations) does not include purposes of any religious denomination other than the Church of England;

**“parsonage house”** includes any house of residence of the incumbent of a benefice;

**“the pastoral committee”** means the pastoral committee of the Diocese established under Schedule 1 to the Pastoral Measure 1983;

**“the See”** means the see of the Bishop.

- (2) Any reference in this Act to a house includes a reference to land occupied or intended to be occupied therewith.

- (3) Any reference in this Act to a Measure or a provision of a Measure is a reference to that Measure or provision as it has effect in the Island.

- (4) For the purposes of this Act land is vested in a person as custodian trustee if —

- (a) in accordance with the trusts upon which it is held, it is vested in that person but under the control or management of other persons;

(b) [Repealed]<sup>9</sup>

and in relation to such land “the managing trustees” means the persons under whose control or management it is, or on behalf of whom it is held, as the case may be.

## **11 Transitional provisions, amendments and repeals**

- (1) The transitional provisions contained in Schedule 5 shall have effect.
- (2) The enactments specified in Schedule 6 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 7 are repealed to the extent specified in column 3 of that Schedule.

## **12 Short title and commencement**

- (1) This Act may be cited as the Church Act 1992.
- (2) The provisions of this Act shall come into operation on such day or days as the Bishop may by order appoint.<sup>10</sup>

---

## SCHEDULE 1

### CONSTITUTION AND PROCEEDINGS OF BOARD

#### Section 1(2)

##### *Constitution of Board*

1. (1) The Board shall continue to be a body corporate with perpetual succession and a common seal.
- (2) The Board shall consist of —
  - (a) the Bishop;
  - (b) the Archdeacon;
  - (c) [Repealed]<sup>11</sup>
  - (d) [Repealed]<sup>12</sup>
  - (e) not more than 12 persons (“appointed members”) appointed or elected by the Diocesan Synod from among the members of the Synod.
- (3) The standing orders of the Diocesan Synod shall —
  - (a) prescribe the manner in which the appointed members shall be appointed or elected, and
  - (b) include provision for securing that, so far as practicable —
    - (i) [Repealed]<sup>13</sup>
    - (ii) not more than half of those members are clerks in Holy Orders.
- (4) A person shall not be eligible to be an appointed member unless he is an actual communicant.<sup>14</sup>

##### *Term of office of appointed members*

2. (1) An appointed member, unless he sooner resigns or otherwise ceases to hold office, shall hold office until the conclusion of the first meeting of the Diocesan Synod following the 1st September in a year in which parochial representatives of the laity are elected to the Diocesan Synod in accordance with the Church Representation Rules.
- (2) An appointed member may at any time resign on giving to the Bishop notice in writing of his intention to do so.
- (3) If the Bishop is satisfied that an appointed member —

- 
- (a) has been absent from meetings of the Board for a period longer than 12 consecutive months without the permission of the Board; or
  - (b) has become bankrupt or made an arrangement with his creditors; or
  - (c) is incapacitated by physical or mental illness; or
  - (d) is otherwise unable or unfit to discharge his functions as a member, the Bishop may declare his office as a member to be vacant.

(4) A retiring appointed member shall be eligible to be re-appointed if he is otherwise qualified.

#### *Proceedings of Board*

3. (1) The Bishop shall, if he wishes, be chairman of the Board, but otherwise the Board shall elect one of its number to be chairman, who shall hold office during the pleasure of the Board.

(2) The chairman of the Board, if present, shall preside at meetings of the Board, and in his absence a member of the Board chosen by the members present shall preside.

(3) The following provisions of Schedule 2 to the *Statutory Boards Act 1987* apply to the Board as they apply to a Statutory Board —

- paragraph 2 (meetings);
- paragraph 3 (delegation of functions);
- paragraph 4 (committees);
- paragraph 5 (minutes of proceedings);
- paragraph 8 (common seal);
- paragraph 9 (execution of documents);
- paragraph 10 (legal proceedings).

#### *Expenses of Board*

4. Any expenses incurred with respect to any separate fund or property of which the Board are trustees shall be a charge against the fund or property or its income in accordance with the ordinary rules as to the administration of trusts.

#### *Accounts*

5. (1) The Board shall cause its accounts, and the accounts of any property, fund or trust held or managed by the Board, to be made up at least once in every calendar year.

(2) The standing committee of the Diocesan Synod shall appoint an independent examiner, who shall examine the accounts at such times, and make reports to the Diocesan Synod on them in such form, as the standing committee may direct.

(3) The examiner must be either —

- (a) an accountant, or
- (b) a person holding a qualification prescribed by regulations under section 46 of the *Charities Registration and Regulation Act 2019*.<sup>15</sup>

(4) The Board shall pay the examiner such remuneration as the standing committee, after consultation with the Board, may determine.<sup>16</sup>

*Consent to sales etc.*

6. (1) The Board may make regulations as to the procedure to be followed in any case where by virtue of Schedule 2 or any other statutory provision the consent or approval of the Board is required to any disposal of or other transaction affecting property or any interest in property.

(2) Regulations under this paragraph shall not have effect unless they are approved by the Diocesan Synod.

*Amendment of constitution etc.*

7. (1) The Diocesan Synod may by resolution amend paragraph 1(2), (3) or(4), 2(1) or 3.

(2) A resolution under this paragraph shall not have effect unless it is approved by Tynwald; and a copy of the resolution shall be filed in the Diocesan Registry.

## SCHEDULE 2

### CHURCH LAND

#### Section 5

*Persons to whom this Schedule applies*

1. (1) This Schedule applies to the following persons —

- (a) the Bishop;
- (b) the Archdeacon;
- (c) the incumbent of any benefice;
- (d) the incumbent and churchwardens of a parish;<sup>17</sup>

- (e) any other person, in relation to land vested in him for any ecclesiastical purpose.

(2) Land vested in any person as custodian trustee shall be treated, for the purposes of this Schedule, as vested in the managing trustees for the time being (but not so as to enable any powers to be exercised by the managing trustees without the concurrence of the custodian trustee).

(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.<sup>18</sup>

*Power to dispose of land etc.*

2. Any person to whom this Schedule applies may, subject to the following provisions of this Schedule —

- (a) dispose of any land vested in him (whether alone or jointly with any other such person), or any interest in such land, or  
(b) raise money by deed of bond and security on any such land.

*Consents to disposal of land*

3. (1) A person to whom this Schedule applies may not exercise any power conferred by paragraph 2 except with the consent in writing of —

- (a) the Board and the Commissioners, in every case;  
(b) [Repealed]<sup>19</sup>  
(c) [Repealed]<sup>20</sup>

(2) This paragraph does not apply to any letting from year to year or for any less period, or the grant of a term not exceeding 7 years.

(3) No rule of law or statutory provision which, apart from this paragraph, would require any authorisation of or consent to a transaction under paragraph 2, other than a consent required by sub-paragraph (1) or a faculty, shall apply to such a transaction.

*Protection of purchasers*

4. In relation to a transaction purporting to be effected under this Schedule, anyone dealing with a person to whom this Schedule applies, or with a person claiming under him, —

- (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 this Schedule, and
  - (ii) that no authorisation of or consent to the transaction is required by any rule of law or statutory provision (including this Schedule), other than the consent of the Board under paragraph 3(1)(a) (where applicable) and any other consent under paragraph 3(1) contained in the document by which the transaction purports to be effected.

*Payment of purchase price etc.*

5. The purchase price or other capital money arising on any transaction under this Schedule shall be paid to the Board, and the receipt of the Board shall be a sufficient discharge to the person by whom it is paid.

*Application of capital money*

6. (1) Such capital money may be applied by the Board —
- (a) in defraying the costs and expenses of the transaction;
  - (b) in discharging any incumbrance affecting the land;
  - (c) in acquiring any land in substitution for land disposed of; or
  - (d) for any other purpose for which such capital money may properly be applied.
- (2) [Repealed]<sup>21</sup>
- (3) [Repealed]<sup>22</sup>
- (3A) [Repealed]<sup>23</sup>
- (3B) [Repealed]<sup>24</sup>
- (4) Subject to sub-paragraph (1), to any other statutory provision applying thereto, and to any scheme under Schedule 3, any capital money arising on any transaction under this Schedule shall be held by the Board upon such trusts or for such purposes as correspond (as nearly as may be) to the trusts or purposes upon or for which the property in question was held immediately before the transaction.<sup>25</sup>

7. [Repealed]<sup>26</sup>

*Saving for Mission and Pastoral Measure (Isle of Man) 2012<sup>27</sup>*

8. (1) This Schedule (except paragraph 4) does not apply in any case where provision is made by the Mission and Pastoral Measure (Isle of Man) 2012, or by any scheme made under that Measure, for the disposal of land or for the application of the proceeds of any such disposal.<sup>28</sup>

(2) Paragraph 2 is subject to section 19(2) of that Measure (restriction on disposal of church or site of church).<sup>29</sup>

*Saving for liability of incumbent*

9. [Repealed]<sup>30</sup>

**SCHEDULE 3****SCHEMES RELATING TO ECCLESIASTICAL TRUSTS**

## Section 6

*Interpretation*

1. (1) In this Schedule “ecclesiastical charity” means any trust of property (except property specified in sub-paragraph (2)) established for charitable purposes which are or include any ecclesiastical purpose, and in particular —

- (a) the benefit of any clerk in Holy Orders or ecclesiastical officer as such, or of the dependants of any such clerk or officer;
- (b) the augmentation of the stipend of any benefice or ecclesiastical office;
- (c) the use of a building for any ecclesiastical purpose;
- (d) the provision, maintenance, repair or improvement of any land or building held for any ecclesiastical purpose, or the maintenance of divine service therein;
- (e) any other purpose for the benefit of the Church of England in the Island.

(2) This Schedule does not apply in relation to —

- (a) any interest vested in any incumbent, in churchwardens or in an incumbent and churchwardens jointly, in any church, churchyard or burial ground; or<sup>31</sup>
- (b) any interest vested in churchwardens in the goods, ornaments and movables of a church.



*Contents of schemes*

2. (1) The Board may make a scheme to do all or any of the following in relation to any ecclesiastical charity —

- (a) to amalgamate the trusts of the charity with the trusts of any other such charity;
- (b) where the benefits of the charity are restricted to any ecclesiastical parish or other district, or to the incumbent or minister of such a parish or district, to extend those benefits to any area or any other parish or district, or to the incumbent or minister of any other parish or district, as the case may be;
- (c) to make provision for the better administration of the charity (including the appointment of a new or additional trustee);<sup>32</sup>
- (d) to vest any property of the charity in the Board, in a parochial church council or in any ecclesiastical corporation;
- (e) without prejudice to Schedule 2, to authorise the disposal of any property of the charity, or of any interest therein;
- (f) to authorise any part of the income of the charity to be added to the capital thereof, or the capital of the charity or any part thereof to be applied as income;
- (g) subject to paragraph 3, to alter the purposes of the charity so as to allow the property thereof or part of it to be applied *cy-près*;
- (h) to modify, amend or repeal any enactment so far as it relates to the charity.

(2) A scheme under this Schedule may make such incidental, consequential, transitional and supplementary provisions as appear to the Board to be necessary or expedient for the purposes of the scheme.

*Occasions for applying property cy-près*

3. (1) The purposes for which property may be applied may not be altered under paragraph 2(1)(g) unless it appears to the Board —

- (a) that the original purposes of the gift were that the property should be wholly applied for ecclesiastical purposes; and
- (b) that the circumstances are as set out in sub-paragraph (2).

(2) The circumstances in which those purposes may be so altered are as follows —

- (a) where the original purposes, in whole or in part —
  - (i) have been fulfilled, as far as may be, or

- 
- (ii) cannot be carried out, or not according to the directions given and to the spirit of the gift; or
  - (b) where the original purposes provide a use for part only of the property; or
  - (c) where the property and other property applicable for similar purposes can be more effectively used in conjunction, and to that end can suitably be made applicable to common purposes, regard being had to the spirit of the gift; or
  - (d) where the original purposes were laid down by reference to an area which then was but has since ceased to be a unit for ecclesiastical or other purposes, or by reference to a class of persons or to an area which has for any reason ceased to be suitable, regard being had to the spirit of the gift, or to be practical in administering the charity; or
  - (e) where the original purposes, in whole or in part, have since they were laid down —
    - (i) been adequately provided for by other means;
    - (ii) ceased for any reason to be in law charitable; or
    - (iii) ceased in any other way to provide a suitable and effective method of using the property, regard being had to the spirit of the gift.

(3) In relation to property the application of which is regulated by a statutory provision (including a provision repealed by this Act or the *Charities Act 1986*), references in this paragraph to the original purposes of a gift are to the purposes for which the property is for the time being applicable.

#### *Consents and approvals*

4. (1) The Board shall not, without the consent of the parochial church council of every parish concerned, make a scheme under this Schedule affecting a charity whose purposes are laid down by reference to any district which does not comprise the whole of the Island but comprises one or more parishes.

(2) The Board shall not, without the consent of the incumbent concerned, make a scheme under this Schedule affecting a charity for the benefit of the incumbent of a particular benefice.

(3) A scheme under this Schedule shall not have effect unless it is approved by the Attorney General.<sup>33</sup>

(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.<sup>34</sup>

- (5) In this paragraph “parish” means an ecclesiastical parish.<sup>35</sup>

*Registration of schemes*

5. (1) Every scheme under this Schedule shall be filed in the Diocesan Registry.  
(2) A copy of every scheme under this Schedule shall be recorded in the General Registry.

*Savings*

6. Nothing done in pursuance of a scheme under this Schedule requires the approval or authorisation of the High Court or the Attorney General, but this Schedule is otherwise without prejudice to the powers of the High Court or the Attorney General in relation to charities.

---

**SCHEDULE 4**  
**THE CHURCH COMMISSIONERS**

Section 7

**PART 1 – CONSTITUTION AND PROCEEDINGS OF  
COMMISSIONERS**

*Constitution of Commissioners*

1. (1) The Commissioners shall continue to be a body corporate with perpetual succession and a common seal.
- (2) The Commissioners shall consist of –
  - (a) the Bishop;
  - (b) the Archdeacon;
  - (c) one member appointed by the Board;
  - (d) 3 persons, being clerks in Holy Orders, appointed or elected by the Diocesan Synod;
  - (e) 4 persons, being of the laity, appointed or elected by the Diocesan Synod.<sup>36</sup>
- (3) The standing orders of the Diocesan Synod shall –
  - (a) prescribe the manner in which the members referred to in sub-paragraph (2)(d) and(e) shall be appointed or elected.
  - (b) [Repealed]<sup>37</sup>
- (4) A person shall not be eligible to be appointed under sub-paragraph (2)(e) unless he is an actual communicant.<sup>38</sup>

*Term of office of appointed members*

2. (1) An appointed member, unless he sooner resigns or otherwise ceases to hold office, shall hold office until the end of a year in which parochial representatives of the laity are elected to the Diocesan Synod in accordance with the Church Representation Rules.
- (2) An appointed member may at any time resign on giving to the Bishop notice in writing of his intention to do so.
- (3) If the Bishop is satisfied that an appointed member –

- 
- (a) has been absent from meetings of the Commissioners for a period longer than 12 consecutive months without the permission of the Commissioners; or
  - (b) has become bankrupt or made an arrangement with his creditors; or
  - (c) is incapacitated by physical or mental illness; or
  - (d) is otherwise unable or unfit to discharge his functions as a member, the Bishop may declare his office as a member to be vacant.
- (4) An appointed member shall be eligible to be re-appointed if he is otherwise qualified.
- (5) In this paragraph “appointed member” means a member of the Commissioners referred to in paragraph 1(2)(c), (d) or (e).

*Proceedings of Commissioners*

3. (1) The Bishop shall, if he wishes, be chairman of the Commissioners, but otherwise the Commissioners shall elect one of their number to be chairman.
- (2) The chairman of the Commissioners elected under sub-paragraph (1) shall hold office —
- (a) until the meeting of the Commissioners next following the expiration of one year after the date of his election, or
  - (b) in the case of a member elected to fill a casual vacancy, until the date when the person in whose place he was elected would ordinarily have gone out of office.
- (3) The chairman of the Commissioners, if present, shall preside at meetings of the Commissioners, and in his absence a member of the Commissioners chosen by the members present shall preside.
- (4) The following provisions of Schedule 2 to the *Statutory Boards Act 1987* apply to the Commissioners at they apply to a Statutory Board —
- paragraph 2 (meetings);
  - paragraph 3 (delegation of functions);
  - paragraph 4 (committees);
  - paragraph 5 (minutes of proceedings);
  - paragraph 8 (common seal);
  - paragraph 9 (execution of documents);
  - paragraph 10 (legal proceedings).

*Amendment of constitution etc*

4. (1) The Diocesan Synod may by resolution amend paragraph 1(2), (3) or (4), 2(1) or (5) or 3.

(2) A resolution under this paragraph shall not have effect unless it is approved by Tynwald; and a copy of the resolution shall be filed in the Diocesan Registry.

**PART 2 – AMENDMENTS OF SCHEDULE 1 TO THE PASTORAL  
MEASURE (ISLE OF MAN) 1990**

Part 2 [Repealed]<sup>39</sup>

**SCHEDULE 5**

**TRANSITIONAL PROVISIONS**

Section 11(1)

*Transfer of functions of Commissioners to Board*

1. (1) This Act does not affect the validity of anything done by or in relation to the Commissioners before the appointed day; and –

- (a) anything which immediately before that day is in process of being done by or in relation to the Commissioners, except so far as it relates to the excepted functions, may be continued by or in relation to the Board; and
- (b) anything made or done by the Commissioners, except so far as it relates to the excepted functions, shall, if in force immediately before the appointed day, have effect as if made or done by the Board so far as that is required for continuing its effect on or after that day.

(2) In this paragraph “the appointed day” and “the excepted functions” have the same meanings as in section 2.

*Transfer of functions of pastoral committee to Commissioners*

2. This Act does not affect the validity of anything done by or in relation to the pastoral committee before the commencement of section 7; and –

- (a) anything which on such commencement is in process of being done by or in relation to the pastoral committee may be continued by or in relation to the Commissioners; and

- (b) anything made or done by the pastoral committee shall, if in force immediately before such commencement, have effect as if made or done by the Commissioners so far as that is required for continuing its effect on or after such commencement.

*Age limit for certain offices*

3. (1) Section 8(2) does not invalidate any provision made by a pastoral scheme or pastoral order for designating as the holder of an office to which section 8 applies a person who on the date of coming into operation of the scheme or order has attained the age of 70 years, if immediately before that date, and at the commencement of section 8, he is the incumbent of a benefice affected by the scheme or order.

(2) Section 8(3) does not apply to a person in relation to an office held by him on the 15th May 1979 and still held by him at the commencement of section 8, unless and until he vacates that office.

(3) Where —

- (a) by a pastoral scheme or order a person is designated as the holder of an office to which section 8 applies, and
- (b) that person was at the commencement of section 8, and continued until the coming into operation of the scheme or order to be, the incumbent of a benefice affected by the scheme or order, then, for the purposes of sub-paragraph (2), he shall be deemed to have held the first-mentioned office at such commencement.

(4) Where —

- (a) by virtue of sub-paragraph (3) a person is deemed to have been at such commencement the holder of the office of rector or vicar in a team ministry established by a pastoral scheme, and
- (b) the office is to be held for a term of years specified by or under the scheme, the term of years for which that person is entitled by virtue of the scheme to hold the office may, notwithstanding anything in section 8, be extended in accordance with section 20(6) of the Pastoral Measure 1983.

(5) In this paragraph “pastoral scheme” and “pastoral order” have the same meanings as in the Pastoral Measure 1983.

*Saving for repealed provisions*

4. (1) Where immediately before any enactment is repealed by this Act any charitable trust established or regulated by any provision of that enactment was subsisting and capable of taking effect, that provision, so far as it then had effect as an instrument establishing or regulating the trust, shall continue to have effect as such, and may be varied or revoked —

- (a) by a scheme under Schedule 3, or
- (b) by the High Court in the exercise of any of its powers under the *Charities Act 1962* or of its inherent jurisdiction relating to charities.

(2) The repeal by this Act of any enactment relating to any premises which on the coming into operation of the repeal comprise the parish church or a parish burial ground of a parish, or the parsonage house or glebe land of the incumbent of a benefice, or any part thereof, does not affect —

- (a) the status of those premises as such parish church, parish burial ground, parsonage house or glebe land, as the case may be;
- (b) any obligation to repair the chancel of such parish church;
- (c) the right to any pew in such parish church;
- (d) any exclusive right of burial in such parish burial ground; or
- (e) (subject to sub-paragraph (1)) any trusts affecting any fund representing the proceeds of sale of, or otherwise connected with, any such premises.

(3) The repeal by this Act of the *Bishop Barrow's Charity Act 1875* does not affect any licence granted under section 9 of that Act and in force immediately before the coming into operation of the repeal; and that licence shall have effect as if it had been granted under section 2 of the Extra-Parochial Ministry Measure 1967.

## SCHEDULE 6

### AMENDMENT OF ENACTMENTS

#### Section 11(2)

[Sch 6 amended by SD254/94 and by SD2015/0236, and amends the following Acts —

- Ecclesiastical Residences and Dilapidations Act 1879 q.v.
- Charities Act 1962 q.v.
- Marriage Act 1984 q.v.
- Church Act 1987 q.v.]

## SCHEDULE 7

### ENACTMENTS REPEALED

#### Section 11(3)

[Sch 7 repeals the following Acts wholly —

- Kirk Arbory Parish Church Act 1758





---

Kirk Andreas Parish Church Act 1800  
Jurby Parish Church Act 1813  
Ballough Parish Church Act 1830  
Kirk Lonan Parish Church Act 1830  
Conchan Parish Church Act 1830  
Kirk Christ Lezayre Parish Church Act 1832  
Kirk Michael Parish Church Act 1834  
Onchan Vicarage Act 1838  
Marown Parish Church Act 1846  
Bishop's Mines and Quarries Act 1868  
Bride Church and Rectory Act 1868  
Santan Vicarage and Burial Ground Act 1869  
Braddan Church Act 1871  
Bishop Barrow's Charity Act 1875  
Marown Vicarage Glebe Act 1877  
Maughold Vicarage Act 1877  
Santan Vicarage Act 1878  
Bishop's Temporalities Act 1878  
Patrick Church and Burial Ground Act 1879  
Bishop's Court and Vicarages (Railway Purchase Moneys) Act 1880  
Improprate Fund Act 1882  
German Parish Church Act 1893  
Glebe Lands Act 1893  
St Matthew's (Douglas) Church Act 1898  
Clerks' Glebe Lands Act 1903  
Parochial District of South Ramsey Church Act 1904  
Church Acts Amendment Act 1911  
Improprate Fund (Amendment) Act 1922  
Diocesan Endowments Act 1929  
Ecclesiastical Residences and Dilapidations Act 1932  
Church Act 1934  
Church Act 1937  
Ecclesiastical Residences and Dilapidations Act 1937  
Church Act 1938  
Patrick Parish Church Act 1939

Church Act 1956

Port-e-Vullen Mission Room Act 1958

Church Act 1963

Braddan Parish (Oakhill Chapel) Act 1978

Glebe Lands Amendment Act 1979

and the following Acts in part —

St Jude's Chapel Act 1839

Ecclesiastical Persons Act 1843

Ecclesiastical Residences and Dilapidations Act 1879

Church Act 1880

Church Act 1895

Clergy Residence Act 1897

Ecclesiastical Residences and Dilapidations Amendment Act 1897

Church Act 1948

Church Act 1960

Church Act 1969

Church Act 1979

Cathedral Church Act 1980

Tithe Act 1985]

## ENDNOTES

### Table of Endnote References

<sup>1</sup> Subs (3) repealed by SD654/12.

<sup>2</sup> Para (e) amended by SD654/12.

<sup>3</sup> Para (f) inserted by SD192/12.

<sup>4</sup> Subs (3A) inserted by SD2017/0214.

<sup>5</sup> Subs (3B) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.

<sup>6</sup> Subs (4) inserted by SD2017/0214.

<sup>7</sup> Definition of “actual communicant member of the Church of England” repealed by Church Representation and Ministers Measure (Isle of Man) 2020 Sch 3.

<sup>8</sup> Definition of “actual communicant” inserted by Church Representation and Ministers Measure (Isle of Man) 2020 Sch 3.

<sup>9</sup> Para (b) repealed by Church Property Measure (Isle of Man) 2021 Sch 2.

<sup>10</sup> ADO – see table

ADO	Provisions	Date in operation
GC 327/92	s.2, s.3, s. 4, s.5 and Sch.2 (subject to transitional provision), s.6 and Sch.3, s.7 (except subs. (2)) and Part 2 of Sch.4, s.8, s.9, s.10, s.11(1), s.11(2) and Sch.6 (except para 5) s.11(3) and Sch.7 (repeals) except in relation to – <ul style="list-style-type: none"> <li>• Church Act 1880 s.4 to 7,</li> <li>• Ecclesiastical Residences and Dilapidations Act 1897 in s.2 the words from “established” onwards,</li> <li>• Diocesan Endowments Act 1929 s. 1 to 5,</li> <li>• Church Act 1983 s.3</li> <li>• Church Act 1948 s. 9</li> <li>• Church Act 1983 s.1</li> </ul> s.12	01/01/1993 (subject to transitional provisions)
SD 118/94	Remaining provisions NB. Sch. 6 para 5 repealed by SD 254/94, effective 21/06/1994, and so was never operative.	22/11/1994

- 
- <sup>11</sup> Item (c) repealed by SD254/96.
- <sup>12</sup> Item (d) repealed by SD323/99.
- <sup>13</sup> Item (i) repealed by SD654/12.
- <sup>14</sup> Subpara (4) amended by Church Representation and Ministers Measure (Isle of Man) 2020 Sch 3.
- <sup>15</sup> Item (b) amended by Charities Registration and Regulation Act 2019 s 62.
- <sup>16</sup> Para 5 substituted by Audit Act 2006 Sch 1.
- <sup>17</sup> Item (d) amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>18</sup> Subpara (3) inserted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>19</sup> Item (b) repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>20</sup> Item (c) repealed by SD2015/0236.
- <sup>21</sup> Subpara (2) amended by SD2015/0236 and repealed by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>22</sup> Subpara (3) repealed by SD2015/0236.
- <sup>23</sup> Subpara (3A) inserted by SD339/00 and repealed by SD2015/0236.
- <sup>24</sup> Subpara (3B) inserted by SD339/00 and repealed by SD2015/0236.
- <sup>25</sup> Subpara (4) substituted by Trustee Act 2001 Sch 2 and amended by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>26</sup> Para 7 (and associated heading) repealed by SD2015/0258.
- <sup>27</sup> Heading amended by SD654/12.
- <sup>28</sup> Subpara (1) amended by SD654/12 and by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>29</sup> Subpara (2) amended by SD654/12.
- <sup>30</sup> Para 9 repealed by SD2015/0236.
- <sup>31</sup> Item (a) amended by SD2015/0236.
- <sup>32</sup> Item (c) amended by SD654/12.
- <sup>33</sup> Subpara (3) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>34</sup> Subpara (4) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>35</sup> Subpara (5) substituted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 Sch 4.
- <sup>36</sup> Subpara (2) substituted by SD696/96.
- <sup>37</sup> Item (b) repealed by SD654/12.
- <sup>38</sup> Subpara (4) substituted by SD696/96 and amended by Church Representation and Ministers Measure (Isle of Man) 2020 Sch 3.
- <sup>39</sup> Part 2 repealed by SD654/12.