



**Isle of Man**

*Ellan Vannin*

**SM 1 of 2021**

**CHURCH (MISCELLANEOUS  
PROVISIONS) MEASURE (ISLE OF MAN)  
2021**





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## CHURCH (MISCELLANEOUS PROVISIONS) MEASURE (ISLE OF MAN) 2021

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## CHURCH (MISCELLANEOUS PROVISIONS) MEASURE (ISLE OF MAN) 2021

<i>Approved by Sodor and Man Diocesan Synod:</i>	<i>4 August 2020</i>
<i>Approved by Tynwald:</i>	<i>16 November 2020</i>
<i>Received Royal Assent:</i>	<i>16 February 2021</i>
<i>Announced to Tynwald:</i>	<i>16 February 2021</i>

A **MEASURE** enacted pursuant to the *Church Legislation Procedure Act 1993* to extend to the Isle of Man the Ecumenical Relations Measure 2018, the Church of England (Miscellaneous Provisions) Measure 2018 and the Church of England (Miscellaneous Provisions) Measure 2020; and for connected purposes.

### **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.<sup>1</sup>
- (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- (2) The *Church (Ecclesiastical Jurisdiction) Act 1978* is repealed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 **“a 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 **66**, and have effect subject to section 4(4) of the said Measure **62**.

7. (1) In section 11(5) —

- (a) for “becomes subsection (2)” substitute **66** is omitted **62**;
- (b) for the new section 3(3) substitute —

**66**(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. **62**.

- (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 1895*

1. In section 2A —
  - (a) [Amended subsections (2) and (3)]
  - (b) [Amended subsection (3)]

*Church Act 1969*

2. [Inserted paragraphs (5A) and (5B) in Schedule 1]

*Marriage Act 1984*

3. In section 17B —
  - (a) [Inserted subsection (1A)]
  - (b) [Amended subsection (2)]
  - (c) [Amended subsection (3)]

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

4. In Schedule 1 —
  - (a) [Substituted paragraph 1(b)]
  - (b) [Amended paragraph 2(1)(a)]

*Church Act 1992*

5.
  - (1) [Inserted section 8(3B)]
  - (2) In Schedule 2 —
    - (a) [Amended paragraph 1(1)(d)]
    - (b) [Inserted paragraph 1(3)]
    - (c) [Repealed paragraph 3(1)(b)]
    - (d) [Repealed paragraph 6(2)]
    - (e) [Amended paragraph 6(4)]
    - (f) [Amended paragraph 8(1)]
  - (3) [Substituted paragraph 4(3), (4) and (5) in Schedule 3]

*Patronage Measure (Isle of Man) 1997*

6. In Schedule 1, in section 7 of the Patronage (Benefices) Measure 1986 —
  - (a) [Amended subsection (4)]

(b) [Repealed 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. ~~22~~.

(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. **22**.

- (3) In section 31(1), for the definitions of “records” and “registers”<sup>22</sup> substitute—

**23** “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; **22**.

- (4) In section 31, after subsection (1) insert —

**24** (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. **22**.

[Inserted subsection (1B)]

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

8. [Amended section 2(1)(b), in the inserted section 5B]

*Church Offices Measure (Isle of Man) 2011*

9. [Inserted paragraph 8(4A) in the Schedule]

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

10. (1) The Schedule is amended as follows.
- (2) [Amended paragraph 2(2)(b) and (4)(a)]
- (3) [Substituted paragraph 3(3)]

- (4) [Substituted paragraph 7(2)(a) and inserted paragraph 7(2)(aa)]

*Mission and Pastoral Measure (Isle of Man) 2012*


11. (1) [Substituted paragraph 6(2)(d) of Schedule 2]  
 (2) [Amended paragraph 5(12) of Schedule 3]  
 (3) In Schedule 4 —  
 (a) [Amended paragraph 9]  
 (b) [Amended paragraphs 9 and 11]  
 (4) [Amended paragraph 2(1)(b) of Schedule 6]  
 (5) In Schedule 6A —  
 (a) [Amended paragraph 5(2)(g)]  
 (b) [Amended paragraph 7(1)]  
 (c) [Substituted paragraph 7(2)(a)]  
 (d) [Amended paragraph 7(3), (5) and (6)]  
 (e) [Amended paragraph 7(6)]

*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 **23** and Equality **22**.  
 (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) [Amended section 7(3)]
- (2) [Amended section 9(3)(a)]
- (3) [Amended section 10(6)]

*Church Fees Measure (Isle of Man) 2014*

14. (1) In section 4 —
- (a) [Amended subsection (1)(a)(ii)]
  - (b) [Inserted subsection (1A)]



(2) [Inserted section 7(4A)]

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> ADO – SD2021/0085. Whole Measure in operation 01/04/2021 except –  
(a) section 5, so far as it relates to section 1(4) (definition of "religious community") of the Church of England (Miscellaneous Provisions) Measure 2020; and  
(b) in paragraph 7 of Schedule 4 (amendments of Church Records Measure (Isle of Man) 2000), sub-paragraphs (1) and (2), in sub-paragraph (3), in the definition of "registers", the words from "and where" onwards; and in sub-paragraph (4), the new section 31(1A).

<sup>2</sup> Editorial note: Definition of "registers" partially substituted – see SD2021/0085.