

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

Approved by Sodor and Man

Diocesan Synod

4 August 2020

Approved by Tynwald

16 November 2020

Royal Assent given

16 February 2021

Announced to Tynwald

16 February 2021

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.
- (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- (2) The Church (Ecclesiastical Jurisdiction) Act 1978 is repealed.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 1895

1. In section 2A —
 - (a) in subsections (2) and (3), for "German" substitute "the West Coast";
 - (b) in subsection (3), for "General Registry" substitute "Public Record Office"

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 —

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021

- (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—

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021

- (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

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021

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."