



Jersey

WOMEN PRIESTS (CHANNEL ISLANDS) ORDER 1999

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APPENDIX



Jersey

WOMEN PRIESTS (CHANNEL ISLANDS) ORDER 1999

Jersey Order in Council 16/1999

THE WOMEN PRIESTS (CHANNEL ISLANDS) ORDER 1999

(Registered on the 11th day of June 1999)

At the Court at Buckingham Palace

11th day of May 1999

PRESENT

The Queen's Most Excellent Majesty in Council

WHEREAS the Scheme set out in the Schedule to this Order has been settled and approved in accordance with the provisions of the Schedule to the Channel Islands (Church Legislation) Measure 1931 and there has been due compliance with the procedure required by those provisions –

NOW, THEREFORE, HER MAJESTY, in pursuance of section 2 of that Measure of 1931, section 12(4) of the Priests (Ordination of Women) Measure 1993 and section 13(2) of the Ordination of Women (Financial Provisions) Measure 1993, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

1. This Order may be cited as the Women Priests (Channel Islands) Order 1999 and shall come into force on 1st June 1999.

2. The Scheme set out in the Schedule to this Order is hereby confirmed and it is hereby directed that the Priests (Ordination of Women) Measure 1993 and the Ordination of Women (Financial Provisions) Measure 1993 shall apply to the Channel Islands in accordance with that Scheme.

Jersey Order in Council 16/1999

Women Priests (Channel Islands) Order 1999

A.K. GALLOWAY

Clerk of the Privy Council

*SCHEDULE***A SCHEME**

Prepared by the Bishop of Winchester in pursuance of the Channel Islands (Church Legislation) Measures 1931 and 1957¹ for applying the Priests (Ordination of Women) Measure 1993 and the Ordination of Women (Financial Provisions) Measure 1993 to the Channel Islands.

PREAMBLE

Whereas section 12(4) of the Priests (Ordination of Women) Measure 1993 and section 13(2) of the Ordination of Women (Financial Provisions) Measure 1993 respectively provide that those Measures may be applied to the Channel Islands or either of them, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957,¹ in accordance with the provisions of the last-mentioned Measures.

And whereas the Bishop of Winchester has come to the conclusion that the first-mentioned Measures ought to be applied to the Channel Islands with certain variations and has in accordance with paragraphs 1 to 3 of the Schedule to the Channel Islands (Church Legislation) Measure 1931¹ prepared the following draft Scheme for the purpose:

SCHEME**Application of the Priests (Ordination of Women) Measure 1993**

1. In its application to the Channel Islands, the Priests (Ordination of Women) Measure 1993 shall have effect as if –

- (a) immediately after the words in section 1(1) there were inserted “, and it is hereby declared for the avoidance of doubt that any canon making such provision shall apply in the Channel Islands”;
- (b) for section 3 there were substituted –

“3.-(1) Subject to the following provisions of this section a Congregational Meeting of a parish may pass either or both of the resolutions set out as Resolution A and Resolution B in Part 1 of Schedule 1 to this Measure.

(2) Subject to the following provisions of this section a Congregational Meeting which has passed a resolution under subsection (1) above may by resolution rescind it, and the first-mentioned resolution shall continue in force until rescinded.

(3) Subject to subsection (4) below it shall be the duty of the minister of a parish, and during a vacancy or when the minister is incapacitated by absence or illness or any other cause it shall be the duty of the churchwardens of the parish, to convene a Congregational Meeting in accordance with subsection (5) below for the purpose of considering a motion for a resolution under subsection (1) or (2) above within six weeks of receiving a request in writing so to do signed by not less than one sixth of the persons entitled to attend such a meeting.

¹ Tome VII, page 35.

(4) A motion for a resolution in the form set out as Resolution A in Part I of Schedule 1 to this Measure shall not be considered by a Congregational Meeting if the minister of the parish concerned, or any assistant curate for that parish, is a woman ordained to the office of priest.

(5) A resolution shall not be passed by a Congregational Meeting under subsection (1) or (2) above unless –

- (a) the convenor of the meeting has caused a notice in the form set out in Part II of Schedule 1 to this Measure to be affixed on or near to the principal door of every Church of England church and place of worship in the parish for a period of at least four weeks stating the time and place of the meeting and the terms of the motions proposing the resolutions which are to be considered; and
- (b) the meeting is attended by at least one third of the persons entitled to attend.

(6) A copy of any resolution passed by a Congregational Meeting under subsection (1) or (2) above shall be sent to the following –

- (a) the Bishop of Winchester;
- (b) the Dean of the Island;
- (c) the lay chairman of the deanery synod;
- (d) the registrar of the diocese; and
- (e) the patron of the parish concerned.

(7) Where a resolution under subsection (1) above is in force a person discharging any function in relation to the parish concerned shall not act in contravention of the resolution.

(8) In this section “convenor” means the minister of the parish or, during a vacancy or when the minister is incapacitated by absence of illness or any other cause, the churchwardens of the parish.”;

- (c) section 4 (together with Schedule 2) were omitted;
- (d) in section 5, the words “under the Ecclesiastical Jurisdiction Measure 1963”, and paragraph (c), were omitted;
- (e) section 6 were omitted;
- (f) for section 7 there were substituted –

“7. Section 3 above shall apply in relation to a parish in respect of which the Crown is the patron, whether solely or jointly with any other person, as it applies in relation to any other parish.”;

- (g) section 8 were omitted; and

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- (h) in section 12, subsections (2) and (5) (together with Schedule 4) were omitted; and
- (i) for Schedule 1 there were substituted –

“SCHEDULE 1**PART I****Resolution A**

That this Congregational Meeting would not accept a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution in the parish.

Resolution B

That this Congregational Meeting would not accept a woman as the incumbent or priest in charge of the parish.

PART II**Notice of Congregational Meeting**

Parish of

..... A

Congregational Meeting will be held in

.....on

.....day theday of

..... 199 at a.m./p.m. for

the consideration of the following motion(s).

[Set out text of Resolution A and/or Resolution B]

All persons of either sex whose names are entered upon the Island’s Church Electoral Roll in relation to this parish (and such persons only), are entitled to attend and vote at this meeting.

..... Signed
Minister/Churchwardens”.

Application of the Ordination of Women (Financial Provisions) Measure 1993

2. The whole of the Ordination of Women (Financial Provisions) Measure 1993 shall apply to the Channel Islands.

Interpretation

3.-(1) For the purposes of this Scheme, and of the Measures applied to the Channel Islands by this Scheme –

- (a) any reference to the Channel Islands or either of them shall have the same meaning as has such a reference in the Channel Islands (Church Legislation) Measure 1931;² and
- (b) any reference to any other enactment is a reference to that enactment as it has effect in the Channel Islands.

(2) In this Scheme –

“Congregational Meeting”, in respect of any parish, means a meeting of those persons whose names are entered on the Island’s Church Electoral Roll in relation to that parish;

“parish” means an ecclesiastical parish.

² Tome VII, page 35.

PRIESTS (ORDINATION OF WOMEN) MEASURE 1993**(1993 No. 2)***ARRANGEMENT OF SECTIONS**PART I***POWER TO LEGISLATE BY CANON***Section*

1. Provision for ordination of women as priests.

*PART II***DISCHARGE OF FUNCTIONS**

2. Bishops.
3. Parishes.
4. Cathedrals.
5. Ecclesiastical offences.
6. Discriminatory discharge of certain functions.
7. Benefices in the patronage of the Crown etc.
8. Interpretation of Part II.

*PART III***GENERAL**

9. General interpretation.
10. Minor and consequential amendments.
11. Amendment etc. of Measure or Canon.
12. Short title, commencement and extent.

SCHEDULES

- Schedule 1 – Forms of Parish Resolution.
 Schedule 2 – Forms of Dean and Chapter Cathedral Resolution.
 Schedule 3 – Minor and Consequential Amendments.
 Schedule 4 – Application to the Isle of Man.

ELIZABETH II**1993 No. 2**

A MEASURE passed by the General Synod of the Church of England to make provision for the ordination of women as priests, and for connected purposes.

[5th November 1993]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows³ –

*PART I***POWER TO LEGISLATE BY CANON****Provision for ordination of women as priests**

1.-(1) It shall be lawful for the General Synod to make provision by Canon for enabling a woman to be ordained to the office of priest if she otherwise satisfies the requirements of Canon Law as to the persons who may be ordained as priests[, and it is hereby declared for the avoidance of doubt that any canon making provision shall apply in the Channel Islands].

(2) Nothing in this Measure shall make it lawful for a woman to be consecrated to the office of bishop.

*PART II***DISCHARGE OF FUNCTIONS****Bishops**

2.-(1) A bishop of a diocese in office at the relevant date may make any one or more of the following declarations –

- (a) that a woman is not to be ordained within the diocese to the office of priest; or
- (b) that a woman is not to be instituted or licensed to the office of incumbent or priest-in-charge of a benefice, or of team vicar for a benefice, within the diocese; or
- (c) that a woman is not to be given a licence or permission to officiate as a priest within the diocese.

³ Deletions and words in square brackets indicate adaptations and modifications made by The Women Priests (Channel Islands) Order 1999.

(2) A declaration by a bishop under subsection (1) above shall be contained in a written notice signed by him.

(3) A bishop who has made a declaration under subsection (1) above may by written notice signed by him withdraw the declaration.

(4) A copy of any notice given under subsection (2) or (3) above shall be sent to the following –

- (a) Her Majesty;
- (b) the Duke of Cornwall;
- (c) the Lord Chancellor;
- (d) the archbishop of the province concerned;
- (e) the secretary of the diocesan synod of the diocese concerned;
- (f) the registrar of the province concerned;
- (g) the registrar of the diocese concerned;
- (h) the designated officer for the diocese concerned, within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986.

(5) Where the bishop of a diocese who has made a declaration under sub-section (1) above and not withdrawn it ceases to hold that office, the declaration shall continue to be in force until the expiry of a period of six months beginning with the date on which another person becomes the bishop of that diocese.

(6) Where a declaration by a bishop under this section is in force, a bishop discharging any functions of the bishop of the diocese (including functions by virtue of an instrument under section 10 of the Dioceses Measure 1978 or a scheme under section 11 of that Measure) shall not act in contravention of the declaration.

(7) A declaration under subsection (1)(c) above shall not prevent a woman from being allowed under any Canon of the Church of England to officiate as a priest in a church or chapel for one period of not more than seven days in any period of three months without reference to the bishop or other Ordinary.

(8) In this section “relevant date” means the date on which the Canon enabling a woman to be ordained to the office of priest is promulgated.

Parishes

[3.-(1) Subject to the following provisions of this section a Congregational Meeting of a parish may pass either or both of the resolutions set out as Resolution A and Resolution B in Part I of Schedule 1 to this Measure.

(2) Subject to the following provisions of this section a Congregational Meeting which has passed a resolution under subsection (1) above may by resolution rescind it, and the first-mentioned resolution shall continue in force until rescinded.

(3) Subject to subsection (4) below it shall be the duty of the minister of a parish, and during a vacancy or when the minister is incapacitated by absence or illness or any other cause it shall be the duty of the churchwardens of the parish, to convene a Congregational Meeting in accordance with subsection (5) below for the purpose of considering a motion for a resolution under subsection (1) or (2) above within six weeks of receiving a request in writing so to do signed by not less than one sixth of the persons entitled to attend such a meeting.

(4) A motion for a resolution in the form set out as Resolution A in Part I of Schedule 1 to this Measure shall not be considered by a Congregational Meeting if the minister of the parish concerned, or any assistant curate for that parish, is a woman ordained to the office of priest.

(5) A resolution shall not be passed by a Congregational Meeting under subsection (1) or (2) above unless –

(a) the convenor of the meeting has caused a notice in the form set out in Part II of Schedule 1 to this Measure to be affixed on or near to the principal door of every Church of England church and place of worship in the parish for a period of at least four weeks stating the time and place of the meeting and the terms of the motions proposing the resolutions which are to be considered; and

(b) the meeting is attended by at least one third of the persons entitled to attend.

(6) A copy of any resolution passed by a Congregational Meeting under subsection (1) or (2) above shall be sent to the following –

(a) the Bishop of Winchester;

(b) the Dean of the Island;

(c) the lay chairman of the deanery synod;

(d) the registrar of the diocese; and

(e) the patron of the parish concerned.

(7) Where a resolution under subsection (1) above is in force a person discharging any function in relation to the parish concerned shall not act in contravention of the resolution.

(8) In this section “convenor” means the minister of the parish or, during a vacancy or when the minister is incapacitated by absence or illness or any other cause, the churchwardens of the parish.]

4. * * * * *

Ecclesiastical offences

5. It shall be an offence against the laws ecclesiastical, for which proceedings may be taken * * * –

(a) for any bishop to act in contravention of a declaration under section 2(1) above;

- (b) for any bishop, priest or deacon to act in contravention of a resolution under section 3(1) above or to permit any act in contravention of such a resolution to be committed in any church or any building licensed for public worship according to the rites and ceremonies of the Church of England; or

- (c) * * * * *

6. * * * * *

Benefices in the patronage of the Crown etc

[7. Section 3 above shall apply in relation to a parish in respect of which the Crown is the patron, whether solely or jointly with any other person, as it applies in relation to any other parish.]

8. * * * * *

PART III

GENERAL

General interpretation

9. In any Canon, order, rule or regulation relating to priests, words importing the masculine gender include the feminine, unless the contrary intention appears.

Minor and consequential amendments

10. The enactments specified in Schedule 3 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Measure.

Amendment etc. of Measure or Canon

11. A motion for the final approval of a Measure or Canon of the Church of England which amends or repeals any provision of this Measure or of any Canon promulgated under section 1 above shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting.

Short title, commencement and extent

12.-(1) This Measure may be cited as the Priests (Ordination of Women) Measure 1993.

- (2) * * * * *

(3) Subject to the following provisions of this section this Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands.

(4) This Measure may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.

(5) * * * * *

SCHEDULES**[SCHEDULE 1****PART I****Resolution A**

That this Congregational Meeting would not accept a woman as the minister who presides at or celebrates the Holy Communion or pronounces the Absolution in the parish.

Resolution B

That this Congregational Meeting would not accept a woman as the incumbent or priest in charge of the parish.

PART II**Notice of Congregational Meeting**

Parish of
 A
 Congregational Meeting will be held in

on
 day the day of 199 at
 a.m./p.m. for the consideration of the following motion(s).

[Set out text of Resolution A and/or Resolution B]

All persons of either sex whose names are entered upon the Island's Church Electoral Roll in relation to this parish (and such persons only), are entitled to attend and vote at this meeting.

.....Signed
 Minister/Churchwardens".]

SCHEDULE 2

* * * * *

*SCHEDULE 3***(Section 10)****Minor and consequential amendments***Pluralities Act 1838*

1. In section 36 of the Pluralities Act 1838 –
 - (a) for the word “he” there shall be substituted the words “such spiritual person”;
 - (b) after “widow” there shall be inserted the words “or widower”.
2. In section 43 of that Act for the word “wife” in both places where it appears there shall be substituted the word “spouse”.

Synodical Government Measure 1969

3. In Schedule 3 to the Synodical Government Measure 1969 (Church Representation Rules) –
 - (a) in rule 16(3) there shall be inserted at the end the words “or section 3 of the Priests (Ordination of Women) Measure 1993”;
 - (b) in rule 17 –
 - (i) in paragraph (1)(c) after “1983” there shall be inserted the words “and its functions under section 3 of the Priests (Ordination of Women) Measure 1993”;
 - (ii) in paragraph (2) after “Part I” there shall be inserted the words “and its functions under section 3 of the Priests (Ordination of Women) Measure 1993”;
 - (c) in rule 17A –
 - (i) in paragraph (1)(c) there shall be inserted at the end the words “and its functions under section 3 of the Priests (Ordination of Women) Measure 1993, as may be so specified”;
 - (ii) in paragraph (2) after “Part I” there shall be inserted the words “and its functions under section 3 of the Priests (Ordination of Women) Measure 1993”;
 - (d) in rule 17B –
 - (i) in paragraph (1)(c) after “1986” there shall be inserted the words “and section 3 of the Priests (Ordination of Women) Measure 1993”;
 - (ii) in paragraph (3) after “1986” there shall be inserted the words “and section 3 of the Priests (Ordination of Women) Measure 1993”.

Dioceses Measure 1978

4. In section 10(1) of the Dioceses Measure 1978 there shall be inserted at the end the words “, except functions under section 2 of the Priests (Ordination of Women) Measure 1993”.

5. In section 11(2) of that Measure there shall be inserted at the end the words “, except functions under section 2 of the Priests (Ordination of Women) Measure 1993”.

Pastoral Measure 1983

6. In section 20(8) of the Pastoral Measure 1983 there shall be inserted at the end the words “Provided that a woman who is a vicar in a team ministry shall not by virtue of this subsection have authority to preside at or celebrate the Holy Communion or pronounce the Absolution in a parish to which a resolution in the form set out as Resolution A in Schedule 1 to the Priests (Ordination of Women) Measure 1993 applies”.

7. In section 21(1) of that Measure there shall be inserted at the end the words “Provided that a woman who is the incumbent of a benefice shall not by virtue of paragraph (a) above have authority to preside at or celebrate the Holy Communion or to pronounce the Absolution in a parish to which a resolution under section 3(1) of the Priests (Ordination of Women) Measure 1993 applies”.

8. In Schedule 4 to that Measure in paragraph 13(1)(c) and (3) for the word “widow” whenever it appears there shall be substituted the words “surviving spouse”.

Church of England (Miscellaneous Provisions) Measure 1983

9. In section 8(1) of the Church of England (Miscellaneous Provisions) Measure 1983 there shall be inserted at the end the words “and functions under section 2 of the Priests (Ordination of Women) Measure 1993”.

Patronage (Benefices) Measure 1986

10. In section 11 of the Patronage (Benefices) Measure 1986 –

- (a) in subsection (1) the word “and” after paragraph (d) shall be omitted;
- (b) in subsection (2)(a) for the word “wife” there shall be substituted the word “spouse”.

11. In section 12(4) of that Measure for the word “wife” there shall be substituted the word “spouse”.

12. In section 13(5) of that Measure at the end there shall be inserted the words “Provided that this subsection shall not apply in respect of –

- (a) a parish in a diocese to which a declaration under section 2(1)(b) of the Priests (Ordination of Women) Measure 1993 applies; or
- (b) a benefice comprising a parish to which a resolution under section 3(1) of that Measure applies,

where the refusal is made solely on grounds of gender”.

13. In section 35(7) of that Measure after the words “traditions of the parish” there shall be inserted the words “(including the terms of any resolution under section 3(1) of the Priests (Ordination of Women) Measure 1993 affecting the benefice in question)”.

SCHEDULE 4

* * * * *

ORDINATION OF WOMEN (FINANCIAL PROVISIONS) MEASURE 1993**(1993 No. 3)***ARRANGEMENT OF SECTIONS**Section*

1. Entitlement to residential and financial benefit.
2. Housing.
3. Resettlement grants.
4. Periodical payments.
5. Discretionary payments.
6. Reduction etc. of periodical payments on account of other employment.
7. Declarations and applications.
8. Finance and administration.
9. Provisions as to pensions.
10. Appeals.
11. Interpretation.
12. Amendment etc. of Measure.
13. Citation and extent.

SCHEDULES

Form of Declaration.

ELIZABETH II**1993 No. 3**

A MEASURE passed by the General Synod of the Church of England to make provision as to the relief of hardship incurred by persons resigning from ecclesiastical service by reason of opposition to the ordination of women as priests, and for connected purposes.

[5th November 1993]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows⁴ –

Entitlement to residential and financial benefit

1.-(1) Subject to the provisions of this Measure, every person to whom this section applies shall be entitled, on application, to –

- (a) participate, in accordance with section 2 below, in any church housing scheme; and
- (b) receive from the Board financial benefit consisting of –
 - (i) a resettlement grant in accordance with section 3 below; and
 - (ii) periodical payments in accordance with section 4 below.

(2) This section applies to every clerk in Holy Orders, deaconess or licensed lay worker who –

- (a) was in whole-time stipendiary ecclesiastical service (being service which is pensionable service for the purposes of the pensions regulations) within the Province of Canterbury (including the Diocese in Europe) or the Province of York at the relevant date or at any time during the period of six months immediately preceding that date;
- (b) at the relevant date has performed a period of such ecclesiastical service of not less than five years or a succession of periods of such ecclesiastical service (whether with or without intervals) amounting in the aggregate to not less than five years;
- (c) within the period commencing six months immediately before the relevant date and ending ten years immediately after that date has ceased to be in such ecclesiastical service consequent on his resigning therefrom;

⁴ Deletions and words in square brackets indicate adaptations and modifications made by The Women Priests (Channel Islands) Order 1999.

- (d) within the period of ten years immediately after the relevant date has made a declaration in the form set out in the Schedule to this Measure stating that he would not have resigned but for his opposition to the promulgation of the relevant Canon;
- (e) has not attained the retiring age;
- (f) is not in receipt of a pension under the pensions regulations.

Housing

2. Section 26 of the Clergy Pensions Measure 1961 (powers of Board as to provision of residences) and any church housing scheme shall have effect for the purposes of this Measure as if –

- (a) any reference in that section or scheme to a retired clerk in Holy Orders included a reference to a clerk in Holy Orders to whom section 1 above applies; and
- (b) any reference in that section or scheme to a retired church worker included a reference to a deaconess or licensed lay worker to whom section 1 above applies.

Resettlement grants

3.-(1) A resettlement grant under section 1(1)(b) above shall be a single payment of an amount equal to three-tenths of the national minimum stipend for the year in which application for the grant was made or such greater amount as the Board may, with the concurrence of the Commissioners, determine.

(2) Such a grant shall not be paid unless the Board is satisfied that the applicant was, immediately before the material time, residing in accommodation made available to him in order to enable him to undertake the service from which he has resigned.

Periodical payments

4.-(1) Subject to subsection (2) below, periodical payments under section 1(1)(b) above shall be paid monthly to the applicant during a period expiring at the end of –

- (a) such number of months immediately following the material time as results from adding together –
 - (i) one month for each year or part of a year during which the applicant has served in whole-time stipendiary ecclesiastical service; and
 - (ii) one month for each year or part of a year which has passed before the material time since the applicant attained the age of forty years; or
- (b) thirty-six months immediately following the material time,

whichever is the greater:

Provided that where an applicant has at the material time attained the age of fifty years the payments shall continue, if they would otherwise cease, until he attains an age within five years of the retiring age.

- (2) Such payments shall cease to be payable in respect of any person –
- (a) when he attains the retiring age; or
 - (b) if he receives a pension under the pensions regulations before attaining that age, on the date on which the pension is first paid; or
 - (c) if he re-enters whole-time stipendiary ecclesiastical service as defined in section 1(2)(a) above, on the date of the re-entry.
- (3) Subject to section 6 below, each monthly payment shall be of an amount equal to one-twelfth of the following –
- (a) in the first period of twelve months, the national minimum stipend for the year in which the payment falls to be made;
 - (b) in the second period of twelve months, three-quarters of the national minimum stipend for the year in which the payment falls to be made;
 - (c) thereafter, two-thirds of the national minimum stipend for the year in which the payment falls to be made.
- (4) Regulations approved by the General Synod under section 6 of the Clergy Pensions (Amendment) Measure 1972 may make such amendments to subsection (1) above as the Synod considers necessary or expedient in consequence of any regulations made under subsection (1)(a) of that section.

Discretionary payments

5.-(1) Subject to subsection (2) below, the Board may, on application being made to it by any person, provide such financial benefit to him by way of periodical payments, grant or loan or otherwise as it thinks fit.

(2) In the case of an applicant to whom section 1 above does not apply, the Board shall not make any payment under subsection (1) above unless it is satisfied that –

- (a) within the period of ten years immediately after the relevant date, the applicant or any person on whom the applicant is (or was immediately before that person's death) dependent –
 - (i) has ceased to hold an office or employment or to be a member of a religious community consequent on his resigning therefrom; and
 - (ii) has made a declaration in the form set out in the Schedule to this Measure stating that he would not have resigned but for his opposition to the promulgation of the relevant Canon; and
- (b) in consequence the applicant has suffered or will suffer financial hardship.

(3) For the purpose of determining whether any financial benefit should be provided under this section and, if so, the amount and form of the benefit the Board shall have regard to –

- (a) the age and other personal circumstances of the applicant;

- (b) any special need of the applicant in respect of housing;
- (c) any special need of the applicant in respect of training for suitable employment;
- (d) the extent to which the applicant provides or might reasonably be expected to provide financial support for any person dependent on him; and
- (e) all other relevant circumstances of the applicant's case.

Reduction etc. of periodical payments on account of other employment

6.-(1) Subject to subsection (2) below, if any person who is applying for or receiving periodical payments under section 1(1)(b) or 5(1) above accepts any office or employment, the Board may refuse the application or, as the case may be, may suspend the periodical payments or reduce the amount thereof so as to take account of the emoluments of or other benefits which arise from the office or employment.

(2) The Board shall not exercise its powers under subsection (1) above in a manner whereby the total annual amount of the emoluments in question and the periodical payments (if any) would be less than the national minimum stipend.

(3) It shall be the duty of every person who applies for or receives periodical payments under section 1(1)(b) or 5(1) above to disclose to the Board any office or employment which has been accepted by him and the terms thereof; and if he fails to do so and it appears to the Board that in consequence it has made periodical payments which otherwise it would not have made or periodical payments in excess of those it would otherwise have made, it may, without prejudice to its powers under subsection (1) above, direct the repayment of the amount of the payments or excess or such part thereof as it thinks just, and that amount shall be recoverable as a debt due to the Board.

Declarations and applications

7.-(1) A declaration made for the purpose of section 1(2)(d) or 5(2)(a)(ii) above shall be signed and dated by the person making it in the presence of another person who shall also sign it; and a copy of it shall be sent to the bishop of the diocese concerned.

(2) An application for any benefit under this Measure shall be made in such manner as the Board may determine; and where a person is incapacitated from making such an application himself the Board may authorize some other person to make it on his behalf.

Finance and administration

8.-(1) The Board shall administer the system of benefits established by this Measure, and the Commissioners shall pay to the Board out of their general fund such sums as are required by the Board for the payments to be made by it under this Measure.

(2) The Board shall carry out its functions under this Measure in consultation with the Commissioners and in accordance with such directions of a general character as the Commissioners may give; and where the Commissioners give any directions under this subsection they shall as soon as practicable cause a report thereon to be laid down before the General Synod.

(3) Directions given by the Commissioners under subsection (2) above may include directions which appear to them to be requisite or expedient for securing a due balance between the liabilities likely to be imposed on their general fund by virtue of sections 2 and 5 of this Measure and the resources of that fund available for meeting those liabilities.

Provisions as to pensions

9.-(1) Where pension is payable under the pensions regulations to a person who has received periodical payments under section 1(1)(b) above, the Commissioners shall augment the pension so as to ensure that it is at the same rate as it would have been had the period during which the periodical payments were made been one of pensionable service for the purposes of the regulations.

(2) Nothing in this Measure affects the entitlement of any person to receive a pension under the pensions regulations where he retires before attaining the retiring age.

Appeals

10.-(1) An applicant for any benefit under this Measure who is aggrieved by a determination of the Board in carrying out its functions under this Measure may appeal against the determination to a tribunal constituted in accordance with subsection (4) below.

(2) Subject to subsection (3) below, on any such appeal the tribunal may affirm the Board's determination or make any other determination which could have been made by the Board; and if the Board's determination is not affirmed it shall give effect to the tribunal's determination.

(3) In respect of any determination made by the Board under section 5 above the tribunal shall not vary the Board's determination unless it is satisfied that the Board –

- (a) has exercised its discretion on a basis on which no reasonable determination could have been made; or
- (b) has failed to take into account some material matter, or has taken into account some irrelevant matter, where in either case in acting properly the determination of the Board would or might have been significantly different:

Provided that this subsection shall not apply where the tribunal considers that, in all the circumstances of the case, not to vary the Board's determination would or might result in an injustice to the applicant and would or might cause significant financial hardship.

(4) The tribunal shall consist of five persons nominated by the chairman of the House of Bishops, the chairman of the House of Clergy and the chairman of the House of Laity acting jointly from a panel of twelve members of the General Synod selected by the Standing Committee.

(5) The Standing Committee may make rules regulating the procedure and practice in or in connection with proceedings on an appeal under this section, including in particular the time within which an appeal must be lodged.

(6) Any rules made under subsection (5) above shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.

(7) Where the Standing Committee determines that the rules do not need to be debated by the General Synod then, unless –

- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated;
- (b) notice is so given by any such member that he wishes to move an amendment to the rules and at least twenty-five other members of the General Synod indicate when the amendment is called that they wish the amendment to be moved,

the rules shall for the purposes of subsection (6) above be deemed to have been approved by the General Synod without amendment.

(8) The Statutory Instruments Act 1946 shall apply to any rules approved by the General Synod under subsection (6) above as if they were statutory instruments and were made when so approved, and as if this Measure were an Act providing that any such rules should be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

11.-(1) In this Measure –

“Board” means the Church of England Pensions Board;

“church housing scheme” means any scheme operated for the time being by the Board under section 26 of the Clergy Pensions Measure 1961 for the purpose of providing residences to retired clergy and church workers;

“clerk in Holy Orders” means any bishop, priest or deacon of the Church of England;

“Commissioners” means the Church Commissioners;

“licensed lay worker” means a person who has been admitted by a bishop as a lay worker of the Church of England and who has been authorized by a bishop by licence to serve as such a worker;

“material time” in relation to a person who resigns from stipendiary ecclesiastical service is the time when he ceases to be in such service;

“national minimum stipend”, in relation to any year, means the national minimum stipend recommended for the stipends of clergymen of incumbent status for that year in the Annual Report of the Commissioners as the Central Stipends Authority;

“pensions regulations” means regulations for the time being in force under section 6 of the Clergy Pensions (Amendment) Measure 1972;

“relevant Canon” means the Canon of the Church of England enabling a woman to be ordained to the office of priest;

“relevant date” means the date on which the relevant Canon is promulgated;

“Standing Committee” means the Standing Committee of the General Synod.

(2) In this Measure the following expressions have the same meaning as in the pensions regulations –

“pensionable service”;

“qualifying period of pensionable service”;

“retiring age”;

“stipendiary ecclesiastical service”.

Amendment etc. of Measure

12. A motion for the final approval of a Measure which amends or repeals any provision of this Measure shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting.

Citation and extent

13.-(1) This Measure may be cited as the Ordination of Women (Financial Provisions) Measure 1993.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957,⁵ or either of them, in accordance with those Measures.

⁵ Tome VII, page 35.

SCHEDULE

FORM OF DECLARATION

I [name of declarant] of [address of declarant], hereby declare that on [date of resignation] I resigned from [state nature of office, etc.] and that I would not have resigned but for my opposition to the promulgation of the Canon of the Church of England enabling a woman to be ordained to the office of priest.

[signature of declarant]

[date]

Signed and dated in the presence of

[name of witness] of [address of witness]

[signature of witness]