

## REVISION OF ECCLESIASTICAL STATUTE LAW

### CHANCELLOR SPAFFORD AND OTHERS\*

The following continues the draft proposals made by a working party of the Society for the simplification of Ecclesiastical Statute Law which were printed in Issue 6, for January 1990, at 2 Ecc. L.J. p. 47. The draft is intended only as a basis for discussion within the Society and further afield. [Page references in brackets refer to Halsbury's Statutes, 4th edition, volume 14.]

#### PARISH NOTICES ACT 1837. *Repeal*

At 2 Ecc L. J. 46 we pointed out that section 2 of this 1837 Act was applied by Section 4 (2) of the General Rate Act 1967. This 1967 Act was repealed on 1 April 1990. Section 2, (and the extant first 1½ lines of Section 5), of the 1837 Act are therefore no longer of use.

#### SIMONY ACT 1588 (473) and SIMONY ACT 1688 (480)

*Repeal* Sections 4, 5, 7, 8 and 9 of the 1558 Act; the whole of the 1688 Act and re-enact as follows:

1. No person or body shall be a party to the corrupt presentation or collation of any person to any benefice or to any ecclesiastical office or dignity.
2. Subject to section 3 hereof, any such presentation or collation involving simony shall be –
  - (a) void;
  - (b) an ecclesiastical offence by any clerk in Holy Orders guilty of such simony.
3. Any contract or disposition made by a person in circumstances which include simony shall be deemed to be valid if made for valuable consideration provided by a person acting in good faith and without notice of simony.

#### THE PRESENTATION OF BENEFICES ACT 1713 (482)

The two surviving sections deal with university writs – no change is proposed. [The two sections were retained in the Patronage (Benefices) Measure 1986, Schedule 5]

#### PLURALITIES ACT 1838 (489)

The surviving sections of the Pluralities Act 1838, with minor exceptions such as section 73 (loans by Colleges), are limited to duty to reside, appeals, exemptions from residence, enforcement, widows, tenancies and leave of absence. On this basis we recommend that the surviving sections are repealed together with Residence of Incumbents Act 1869 (536) and then reworded and incorporated in four Measures: a Clergy Residence Measure, an Assistant Curates and Other Ministers (Miscellaneous Provisions) Measure, an Episcopal Functions Measure and an Episcopal Acts (Appeals) Measure.

#### DRAFT CLERGY RESIDENCE MEASURE

1. In this Measure the expression 'clerk' shall mean a clerk in Holy Orders.
2. (1) The incumbent of a benefice shall occupy as his principal place of residence the parsonage house of that benefice or such other dwelling as the bishop may permit by written licence
  - (2) In the case of a benefice held in plurality, the parsonage house shall be deemed to be that specified in the relevant pastoral scheme.
  - (3) The reference to a parsonage house in this Measure includes any residence which an incumbent is permitted to occupy by licence of the bishop under section 2(1) hereof.

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3. A stipendiary assistant curate shall occupy as his principal place of residence such dwelling as the bishop may direct in writing.
4. The bishop may vary or revoke a licence granted under section 2(1) hereof or directions given under section 3 hereof, having given to the clerk in question a sufficient opportunity to show reasons to the contrary; and shall, if so requested in writing by such clerk, give reasons in writing for his decision.
5. A clerk aggrieved by any ruling of a bishop under sections 2, 3 or 4 hereof may appeal in writing to the Archbishop of the Province within two months of the date of the ruling in accordance with the Episcopal Acts (Appeals) Measure 19.
6. A clerk who is the holder of any office specified for the purposes of this section by the Archbishops of Canterbury and York, acting jointly, may reside in the official residence of the holder of such office, or in such other place as the duties of that office may require, notwithstanding the provisions of Section 1 hereof.
7.
  - (1) If it shall appear to the bishop that a clerk is acting in contravention of section 2 hereof, the bishop may issue a monition in writing, requiring the clerk to take up residence in accordance with this Measure within such period from the date of service of the monition on him (being not less than thirty days), as may be specified therein.
  - (2) A clerk upon whom such monition is served may within thirty days appeal to the archbishop; and the period for compliance with the monition shall be extended so as to expire thirty days after the determination of the appeal.
  - (3) A clerk who fails to comply with such a monition shall forfeit all entitlement to stipend and to other emoluments of office during the period of default, and may be suspended by the bishop from performing the ecclesiastical duties of that office.
  - (4) The bishop may arrange for the performance of the ecclesiastical duties of the office during the period of such suspension, and may direct that such stipend and emoluments forfeited under subsection (3) shall be applied towards the cost of such alternative arrangements. The bishop may further direct that any person performing such duties shall be permitted to occupy without payment of rent the house in which the person suspended was required to reside.
  - (5) If the bishop has made arrangements or directions under subsection (4) hereof, and if a clerk who is in default as aforesaid returns to reside in accordance with this Measure (or, if his residence is occupied pursuant to subsection (4), gives an undertaking to return), then the clerk shall not be entitled to resume the duties of his office or to receive the stipend and emoluments thereof (or to resume occupation of his residence if it is occupied pursuant to subsection (4) hereof), until two months after such return, (or undertaking to return), or earlier date agreed with the bishop. The suspension shall then terminate.
  - (6) A clerk who without reasonable excuse fails to comply with a monition under subsection (1) shall be guilty of an ecclesiastical offence.
8. Upon the death of an incumbent or stipendiary assistant curate residing in accordance with section 2 or 3 hereof, a spouse residing with him at

his death shall be entitled to continue in occupation of the dwelling for a period of two months, or for such longer period as the bishop may permit..

9. (1) Any tenancy of a parsonage house or of part thereof shall not be valid unless expressed to cease upon service on the tenant of a copy of any Monition issued by the bishop under Section 2(1) requiring the incumbent to live in the premises.
- (2) After service on the tenant of such monition, the incumbent shall be entitled to obtain forthwith from a Justice of the Peace a warrant for immediate possession of the premises, which warrant may be executed without further legal proceedings.

*Note* We have borne in mind the provisions of section 59 of the Pluralities Act 1838, which is in similar terms.

(3) Where an incumbent has purported to create a tenancy which does not comply with subsection (1), possession may be recovered as though the occupant had a tenancy which complied with subsection (1). However an occupant from whom possession is recovered under this subsection, and who was not given written notice of the provisions of subsection (1) at or before the commence of his occupancy, shall be entitled to recover damages for such eviction from the incumbent personally.

*Note*

1. Section 9(4) (a) of the Protection from Eviction Act 1977 would need amending so as to refer to this new Measure.

2. Section 38(2) of the Endowment and Glebe Measure 1976 would need to be repealed, and replaced by a Section of a Church Property Measure. We suggest the following: 'Subject to section 29 of the Endowments & Glebe Measure 1976 the bishop may, with the consent of the Church Commissioners, authorise the sequestrators of any benefice, if they think fit, to create a tenancy of a parsonage house or part thereof, for such period as the bishop may authorise. Any such tenancy shall be subject to the provisions of section 8 of the Clergy Residence Measure 19 – as though it were a tenancy created by an incumbent.'

10. (1) At the request of an incumbent or stipendiary assistant curate the bishop may grant to him in writing leave of absence for such period as may be agreed between him and the bishop, such period not to exceed twelve months without the consent of the parochial church council of the parish or parishes which the clerk serves.
- (2) During the period of any such leave of absence, the clerk shall not be required to reside in accordance with section 2 or 3, or to perform the ecclesiastical duties of his office.
- (3) The bishop may make alternative arrangements for the performance of the ecclesiastical duties of a clerk granted such leave of absence; and may, by agreement with that clerk, direct that the whole or part of the stipend and other emoluments of the clerk's office be applied towards the cost of the alternative arrangements.
- (4) If a clerk granted leave of absence desires to return to his duties before the end of his period of leave, but after alternative arrangements have been made by the bishop under subsection (3), the clerk shall not be entitled to resume those duties, or to receive stipend and emoluments applied under

subsection (3), until the end of his period of leave, without the agreement of the bishop.

11. A copy of any licence, direction or monition issued by a bishop under this Measure shall be filed in the registry of the diocese.
12. (1) This section applies to a clerk residing in the parsonage house of any benefice other than –
  - (a) the incumbent of that benefice, or
  - (b) a tenant to whom Section 9 of this Measure applies, and shall operate without prejudice to the provisions of any licence to occupy which enable possession of the parsonage house to be recovered at an earlier date than under the provisions of this Section.
 (2) When a vacant benefice is filled, a clerk who has been residing in the parsonage house of that benefice shall peaceably deliver up possession of the parsonage house and its appurtenances upon being given six weeks' prior notice in writing by the incumbent, provided that such notice is given within six months of the admission of the incumbent to the benefice.
 (3) In all other cases the clerk shall peaceably deliver up possession of the parsonage house and its appurtenances upon being given within six months' prior notice in writing either –
  - (a) by the incumbent with the written consent of the bishop, or
  - (b) the the bishop
 (4) If a clerk fails to deliver up possession of the parsonage house upon the expiry of notice given pursuant to subsection (2) or (3) of this section the incumbent shall be entitled to obtain forthwith from a Justice of the Peace a warrant for the immediate possession of the parsonage house, which warrant may be enforced without further legal proceedings.

*(DRAFT) ASSISTANT CURATES AND OTHER MINISTERS  
(MISCELLANEOUS PROVISIONS) MEASURE*

*1. Removal of Assistant Curates:*

- (1) An assistant curate shall quit his curacy upon the expiry of not less than six months' prior notice in writing to that effect given by the incumbent of the benefice to which the curate is licensed.
- (2) An incumbent shall not give notice pursuant to subsection (1) of this section without the permission in writing of the bishop.
- (3) Where the bishop refuses to give permission to an incumbent pursuant to subsection (2) of this section, and the incumbent is resident in his benefice or is not resident but desires to reside, but not otherwise, the incumbent may appeal against such refusal to the archbishop.

*2. Resignation of Assistant Curates:*

- (1) An assistant curate who wishes to resign his curacy shall give not less than three months' prior notice in writing to the incumbent of the benefice to which he is licensed and to the Bishop.
- (2) The bishop may give written permission for a shorter period of notice than three months or for notice to be dispensed with.

*3. Revocation of a Clerk in Holy Orders' Licence:*

- (1) Subject to section 20(3) of the Pastoral Measure 1983, the bishop of a diocese may by notice in writing to take effect forthwith revoke any licence granted to a clerk within his diocese for any cause which appears to the bishop to be good and reasonable after giving the clerk sufficient opportunity to show cause to the contrary.

*Note the following repeals would be provided for:*

The Lecturers and Parish Clerks Act 1844 (357)

Clergy (Ordination etc.) Measure 1964 (421), “Section 10”, the words “in subsection (1) of Section ten or” or Section 12(a), and the words “subsection (2) of Section ten and” in Section 12(b).

*(DRAFT) EPISCOPAL FUNCTIONS MEASURE*

1. *Scope and Interpretation*

(1) The following sections of this Measure shall govern the discharge of relevant functions and relevant metropolitan functions only when the see of an archbishop or diocesan bishop is vacant, or when that archbishop is incapable of acting.

(2) Any provision, contained in any enactment, canon or rules to which this Measure applies, for the discharge of functions when an archbishop or diocesan bishop is unable to act, or when his see is vacant, shall cease to have effect.

(3) This Measure shall apply to –

(a) any existing enactment other than those listed in the First Schedule to this Measure

(b) the canons listed in the Second Schedule to this Measure

(c) any enactment or canon made after the passing of this Measure unless it is therein expressly provided that this Measure shall not apply thereto and

(d) all rules made under an enactment or canon to which this Measure applies.

(4) In this Measure –

(a) ‘relevant functions’ shall mean functions conferred upon a diocesan bishop (including an archbishop in his capacity as a diocesan) by an enactment, canon or rules to which this Measure applies.

(b) ‘relevant metropolitan functions’ shall mean functions conferred upon an archbishop in his capacity as metropolitan by any enactment, canon or rules to which this Measure applies.

(c) an ‘obligatory function’ and ‘obligatory metropolitan function’ shall mean a relevant function or, as the case may be, a relevant metropolitan function, which the law imposes a duty to perform.

2. *Discharge of relevant functions*

(1) A relevant function which has been delegated to another bishop capable of acting under the provisions of sections 10 or 11 of the Dioceses Measure 1978 or section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 may be discharged by that bishop.

(2) An obligatory function which has been delegated to more than one bishop capable of acting under the provisions mentioned in the foregoing subsection shall be discharged by such one of those bishops as they may agree among themselves, or in default of agreement by the senior among such bishops.

(3) For the purpose of the preceding subsection seniority amongst bishops shall be determined by date of consecration, save that a bishop to whom functions are delegated by reason of an area scheme under section 11 of the Dioceses Measure 1978 shall be reckoned senior to any other suffragan bishop, and a suffragan bishop be reckoned senior to a bishop who holds no see.

(4) A relevant function which has not been delegated to any bishop capable of acting under the provisions mentioned in subsection (1) above may (or, in the case of an obligatory function, shall) be discharged by the archbishop of the province, or by the senior bishop if the archiepiscopal see is vacant or the archbishop is incapable of acting.

3. *Discharge of Relevant Metropolitan Functions*

A relevant metropolitan function may (or, in the case of an obligatory metropolitan function, shall) be discharged by the senior bishop.

4. *Definition of 'Senior Bishop'*

(1) Subject to subsection (3) the senior bishop, in relation to any function falling to be discharged under this Measure (except under subsection (2) of section 2), shall be the senior diocesan bishop of the province in which the function is to be discharged who is capable of acting.

(2) Seniority shall be determined by date of appointment as a diocesan bishop, save that the customary precedence shall be accorded to the Bishops of London, Durham and Winchester.

5. *Incapacity*

(1) An archbishop or bishop shall be considered incapable of acting in relation to any function for the purposes of this Measure (and 'capable of acting' shall be construed accordingly) if –

- (a) he is the bishop whose decision is under appeal;
- (b) he is unable to perform that function by reason of illness;
- (c) he is absent from the United Kingdom; or
- (d) he is taking a period of sabbatical leave with the agreement of the archbishop or (in the case of an archbishop) the two senior bishops of the province;

Provided that in either of the last two cases the archbishop or bishop who is absent or on leave shall if practicable be notified of any grave matter requiring the exercise of functions under this Measure, and may elect to return to the United Kingdom or suspend his leave or (insofar as the nature of the function permits) to act in person notwithstanding his absence or leave, and if he does so elect he shall be treated as capable of acting.

(2) The bishop of any diocese shall be deemed to be incapable of acting in relation to any relevant metropolitan function to be performed in respect of his diocese.

6. *Mode of Discharge of Functions under this Measure*

(1) An archbishop or senior bishop empowered to discharge a relevant function of a diocesan bishop may do so –

- (a) in person;
- (b) by authorising in writing another bishop or an ecclesiastical judge to discharge the function in question; or
- (c) in person, acting upon the report of one or more other bishops or ecclesiastical judges commissioned by him to enquire into the circumstances requiring the discharge of the function in question.

(2) A senior bishop empowered to discharge a relevant metropolitan functions may do so –

- (a) in person;
- (b) by authorising in writing the vicar-general of the province to discharge the function in questions; or
- (c) in person, acting upon the report of one or more other bishops or ecclesiastical judges commissioned by him to enquire into the circumstances requiring the discharge of the function in question.

(3) In this Measure 'ecclesiastical judge' shall mean the Dean of the Arches and Auditor, any member of the Court of Ecclesiastical Causes Reserved, the vicar-general of any province or diocese, or the chancellor or commissary-general of any diocese.

7. *Short title, extent and commencement*

- (1) This Measure may be cited as the Episcopal Functions Measure 19.....
- (2) This Measure shall extend to the whole of the Provinces of Canterbury and York.
- (3) This Measure shall come into effect of the day on which it is passed, but without prejudice to the exercise of any relevant function or relevant metropolitical function which a person (other than a person authorised to perform that function under this Measure) had begun lawfully to discharge prior to the passing of this Measure.

FIRST SCHEDULE

*Enactments to which this Measure does not apply*

Dioceses Measure 1978

Church of England (Miscellaneous Provisions) Measure 1983

Episcopal Acts (Appeals) Measure 19

SECOND SCHEDULE

*Canons to which this Measure applies*

Canons [ ]

*Note*

The role of the guardian of the spiritualities (whether archbishop or dean and chapter) is a time-honoured one, and the intention has been to leave this untouched. That is why this functions measure covers only functions conferred upon bishops by enactments (Acts or Measures), by a very small number of canons (those which repeat the provisions of enactments) and by rules made thereunder. (The guardian is concerned exclusively with common-law functions of a spiritual nature, and has never had a role in statutory functions).

*EPISCOPAL ACTS (APPEALS) MEASURE 19.....*

1. *Scope of this Measure*

- (1) Subject to subsection (4) of section 7 there shall be a right of appeal, governed by the following sections of this Measure, from any action taken or decision made by a diocesan bishop (including an archbishop in his capacity as a diocesan) under any enactment, canon or rules to which this Measure applies.
- (2) Any existing provision for such an appeal contained in any enactment, canon or rules to which this Measure applies shall cease to have effect.
- (3) This Measure shall apply to –
  - (a) any existing enactment or canon which provides for appeal against a bishop's actions or decisions
  - (b) any enactment or canon made after the passing of this Measure in which it is expressly provided that there shall be a right of appeal governed by this Measure and
  - (c) all rules made under an enactment or canon to which this Measure applies.



2. *Appeal from a Diocesan Bishop other than an Archbishop*  
An appeal under this Measure from a diocesan bishop (other than an archbishop) shall lie to the archbishop of the province, or to the senior bishop if the archiepiscopal see is vacant or if the archbishop is incapable of acting.
3. *Appeal from an archbishop*  
An appeal under this Measure from an archbishop (acting in his capacity as a diocesan) shall lie to a tribunal consisting of the senior bishop and two other persons (being bishops or present or former ecclesiastical judges invited by the senior bishop to sit with him). The senior bishop shall be president of the tribunal. The senior bishop may invite the vicar-general of the province to replace him as a member and as president of the tribunal, (in which case at least one of the other members of the tribunal shall be a bishop).
4. *Definition of 'Senior Bishop'*  
(1) The senior bishop, in relation to any appeal under this Measure, shall be the senior diocesan bishop of the province in which the appeal is to be heard who is capable of acting.  
(2) Seniority shall be determined by date of appointment as a diocesan bishop, save that the customary precedence shall be accorded to the Bishops of London, Durham and Winchester.
5. *Definition of 'Incapable of Acting'*  
An archbishop or bishop shall be considered incapable of acting in relation to any appeal under this Measure (and 'capable of acting' shall be construed accordingly) if –
  - (a) he is unable to hear the appeal by reason of illness;
  - (b) he is absent from the United Kingdom; or
  - (c) he is taking a period of sabbatical leave with the agreement of the archbishop or (in the case of an archbishop) the two senior bishops of the province;

Provided that in either of the last two cases the archbishop or bishop who is absent or on leave shall if practicable be notified who is absent or on leave shall if practicable be notified of any matter of appeal under this Measure, and may elect to return to the United Kingdom or suspend his leave in order to hear the appeal in person; and, if he does so elect, he shall be treated as capable of acting.
6. *Procedure on appeals*  
(1) Notice of any appeal under this Measure shall be given in writing to the registrar of the province in which the appeal is to be heard, not later than one calendar month after the action or decision appealed against comes or can reasonably be expected to come to the notice of the appellant provided that the archbishop (or in any appeal not lying to the archbishop, the senior bishop) may extend the time allowed for such notice by not more than two months.  
(2) An archbishop or senior bishop empowered to determine an appeal under this Measure may do so –
  - (a) in person;
  - (b) by authorising in writing to the vicar-general of the province to determine the appeal on his behalf; or
  - (c) in person, acting upon the report of one or more other bishops or ecclesiastical judges commissioned by him to enquire into the circumstances giving rise to the appeal.
- (3) A tribunal empowered to determine an appeal under this Measure may do so acting upon the report of one or more other bishops or ecclesiastical judges commissioned by them to enquire into the circumstances giving rise to the appeal.



(4) No suffragan or assistant bishop in any diocese, and no vicar-general, chancellor or commissary-general of any diocese, shall be appointed a member of a tribunal under section 3, or to enquire into circumstances under subsection (2) or (3) of this section, in relation to an appeal from the bishop of that diocese.

(5) In the determination of any appeal under this Measure –

(a) the appellant and any respondent (or if there is no respondent, the bishop whose action or decision is appealed against) shall be given equal opportunities to state their case, but shall not be entitled to be heard orally or by legal representatives unless in the reasonable opinion of the person(s) hearing the appeal such a hearing would be in the interests of justice;

(b) subject thereto, the person or tribunal hearing the appeal may adopt such procedure and rules of evidence as he or they think fit, having regard to the gravity of the matter;

(c) the action or decision giving rise to the appeal may be confirmed varied or annulled in whole or in part; and in so far as it is annulled, the person or tribunal hearing the appeal may substitute their own action or decision, or remit the matter to the diocesan bishop for fresh action or decision.

(6) In this Measure, ‘ecclesiastical judge’ shall mean the Dean of the Arches and Auditor, any member of the Court of Ecclesiastical Causes Reserved, the vicar-general of any province or diocese, or the chancellor or commissary-general of any Diocese; and ‘former ecclesiastical judge’ shall be construed accordingly.

#### 7. *Rules*

(1) Rules may be made by the Archbishop of Canterbury and York, acting jointly, for the award and payment of costs and expenses incurred in proceedings under this Measure, including the costs and expenses of the person or tribunal hearing any appeal.

(2) Every rule made in pursuance of this section shall be laid before the General Synod and shall not come into operation unless it has been approved by the General Synod.

(3) Any sum payable by virtue of an order made pursuant to this section shall be recoverable by execution issued from the County Court or otherwise as if payable under an order of that court.

#### 8. *Short title, extent and commencement*

(1) This Measure may be cited as the Episcopal Acts (Appeals) Measure 19..

(2) This Measure shall extend to the whole of the Provinces of Canterbury and York

(3) This Measure shall come into effect on the day on which it is passed, but without prejudice to the determination of any appeal already pending before any person or tribunal other than the person or tribunal authorised to determine the appeal under this Measure.

(4) This Measure shall not confer any right of appeal in relation to any action taken or decision made by a diocesan bishop prior to the passing of this Measure which was not then subject to a right of appeal.

*Note* The proposed Church of England (Miscellaneous Provisions) Measure 1991 abolishes sequestration as a method of enforcing debts, but the Sequestration Act 1849 has other uses – see the proposed sections 1 and 2.

**SEQUESTRATION ACTS 1849 (525) and 1871 (536).**

Repeal and Re-enact.

*Proposal as follows*

1. The sequestrators of any benefice shall have power to take, in their own names as such sequestrators without further description, any legal proceedings which an incumbent of the benefice might take, for the recovery or protection of, or to enforce any obligation relating to, any property of the benefice.
2. The payment to sequestrators of any sum due to the incumbent of the benefice as such shall discharge the party making the payment from all liability therefor to the incumbent, and the sequestrators shall be bound to apply the payment in the same manner as other property of the benefice.

**EPISCOPAL CHURCH (SCOTLAND) ACT 1864 (534)**

In use and clear.

**BENEFICES ACT 1898 (541) AND BENEFICES (SEQUESTRATIONS) MEASURE 1933 (571)**

Remaining sections clear, in use, and retained by the Patronage (Benefices) Measure 1986

**CITY OF LONDON (GUILD CHURCHES) ACTS 1952 (573) and 1960 (593)**

In use and clear.

**EXTRA PAROCHIAL MINISTRY MEASURE 1967 (598)**

In use and clear. It could be repealed and incorporated as sections 6, 7 and 8 of the proposed Assistant Curates and other Ministers (Miscellaneous Provisions) Measure (see above).

**SACRAMENT ACT 1547 (734)**

Only Section 8 is extant: *Proposal* Repeal and Re-enact:

1. The sacrament of the Holy Communion shall normally be proffered to the people in both kinds, that is to say in both bread and wine.
2. The Minister shall not without lawful cause deny the sacrament to any person who devoutly and humbly desires it.

**ACT OF UNIFORMITY 1662 (735)**

*Proposal* Repeal and Re-enact: (only sections 10 and 15 are extant):

1. Subject to Sections 14 to 16 of the Church of England (Miscellaneous Provisions) Measure 1991 no person shall be capable of admission to any benefice or to any other ecclesiastical dignity or promotion whatsoever unless in priest's orders.

**PRAYER BOOK (TABLES OF LESSONS) ACT 1871 (737)****REVISED TABLES OF LESSONS MEASURE 1922 (755)**

Since they involve the Book of Common Prayer no change is proposed. (They involve lectionaries of 38 printed pages).

**PRAYER BOOK (VERSIONS OF THE BIBLE) MEASURE 1965 (773)****PRAYER BOOK (FURTHER PROVISIONS) MEASURE 1968 (774)**

The extant sections are clear and in use. There seems no particular gain by consolidating them.