



Dioceses Measure 1978 (repealed)

1978 No. 1

Provisions with respect to the discharge of episcopal functions

10 Temporary delegation by instrument of certain functions to suffragan bishop.

- (1) Subject to the provisions of this section, the bishop of a diocese may by an instrument under his hand delegate to a suffragan bishop of the diocese such of his functions as may be specified in the instrument [^{F1}except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964][^{F2}, except functions under section 2 of the Priests (Ordination of Women) Measure 1993].
- (2) Such instrument may provide for the discharge of any function specified therein to be subject to such conditions as may be so specified.
- (3) Such instrument may provide that the functions thereby delegated may be discharged by the suffragan bishop throughout the diocese or only in a particular area thereof specified in the instrument.
- (4) Such instrument may provide that any function specified therein shall be discharged by the bishop of the diocese and the suffragan bishop acting jointly.
- (5) Such instrument may provide for the delegation to be for a period specified in the instrument, but if the instrument so provides, it shall not prevent the making of a fresh instrument at the expiration of that period.
- (6) Subject to subsection (7) below, such instrument shall cease to have effect on the date on which—
 - (a) the period, if any, specified in the instrument in accordance with subsection (5) above expires, or
 - (b) the bishop of the diocese ceases to hold that office, or
 - (c) the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office,whichever first occurs.

Status: Point in time view as at 01/02/1994.

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- (7) Where but for this subsection such instrument would cease to have effect on the date on which the bishop of the diocese ceases to hold that office, it shall, except as provided by section 14 of this Measure, continue to have effect until the date of the expiration of a period of two months beginning with the date on which another person becomes the bishop of that diocese or the date on which the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office, whichever first occurs.
- (8) Subject to subsection (9) below, the bishop of a diocese may vary or revoke an instrument made by him under this section by a subsequent instrument made thereunder.
- (9) Subject to subsection (10) below, the bishop shall not make an instrument under this section without the consent of the diocesan synod.
- (10) Where either or both of the following functions, namely, the administration of the rite of confirmation and the holding of ordinations, is or are the only functions to be specified in an instrument under this section, the bishop may make the instrument without the consent of the diocesan synod.
- (11) An instrument under this section shall come into operation on the day after the day on which it is made or on such later date as may be specified therein.
- (12) On making an instrument under this section the bishop shall send a copy of the instrument to the Commissioners and to the registrar of the diocese, and the registrar shall file it in the diocesan registry.
- [^{F3}(12A) Where any function specified in an instrument under this section requires the application of the bishop's seal to a document, the document shall be issued as though it were a deed and be executed by the person authorised by the instrument to discharge that function.
- (12B) A statement in a document issued in discharging any such function that the person by whom the document is signed or executed has been duly authorised by an instrument under this section to discharge that function shall be conclusive evidence of that fact.]
- (13) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.

Textual Amendments

- F1** Words inserted by [Clergy \(Ordination\) Measure 1990 \(No. 1, SIF 21:5\), s. 2\(1\)\(a\)](#)
- F2** Words in s. 10(1) inserted (1.2.1994) by [1993 Measure No. 2, s. 10, Sch. 3 para. 4; Instrument dated 31.1.1994 made by Archbishops of Canterbury and York](#)
- F3** Subsections (12A)(12B) inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 10](#)

11 Permanent provision by scheme with respect to discharge of episcopal functions.

- (1) A scheme under this section shall provide for the division of a diocese into areas and for specifying the bishop, either the bishop of the diocese or a suffragan bishop thereof, or the bishops, being the bishop of the diocese and a suffragan bishop thereof, who is to have, or are to share, the episcopal oversight of each such area.

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- (2) A scheme under this section shall provide that any suffragan bishop who under the scheme is to have, or is to share with the bishop of the diocese, the episcopal oversight of an area of the diocese shall, in relation to that area, discharge such of the functions of the bishop of the diocese as may be specified in the scheme [^{F4}except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964][^{F5}, except functions under section 2 of the Priests (Ordination of Women) Measure 1993].
- (3) A scheme under this section may provide for the discharge of any function specified therein to be subject to such conditions as may be so specified.
- (4) A scheme under this section may provide that any function specified therein shall be discharged by the bishop of the diocese and a suffragan bishop acting jointly.
- (5) Where by virtue of such a scheme the episcopal oversight of a diocese will be shared by more than two bishops, the scheme may require those bishops to meet together periodically as an episcopal chapter.
- (6) Subject to section 13(1) of this Measure, a scheme under this section shall bind the person who when the scheme is made is the bishop of the diocese to which the scheme relates and his successors in that office.
- (7) The making of a scheme under this section shall not be taken as divesting the bishop of the diocese to which the scheme relates of any of his functions.

Textual Amendments

- F4** Words inserted by [Clergy \(Ordination\) Measure 1990 \(No. 1, SIF 21:5\), s. 2\(1\)\(b\)](#)
- F5** Words in s. 11(2) inserted (1.2.1994) by 1993 Measure No. 2, s. 10, [Sch. 3 para. 5](#); Instrument dated 31.1.1994 made by [Archbishops of Canterbury and York](#)

12 Making of scheme under s. 11.

- (1) The bishop of a diocese may, with the consent of the Standing Committee, prepare a draft of a scheme under section 11 of this Measure and submit it to the Commission for it to report thereon.
- (2) On receiving a draft scheme submitted to it under subsection (1) above the Commission shall, in consultation with the Commissioners, prepare an estimate of the financial effect of the scheme and shall include that estimate in its report on the scheme.
- (3) The bishop shall consider the report of the Commission on the draft scheme, and if he decides to proceed with the scheme he may either—
 - (a) lay the draft scheme before the diocesan synod for its approval; or
 - (b) make such amendments in that scheme as he thinks fit and submit the amended draft scheme to the Commission for it to make a further report thereon.
- (4) On receiving an amended draft scheme submitted to it under subsection (3) above the Commission shall, in consultation with the Commissioners, make such amendments, if any, in the estimate of the financial effect of the scheme as it thinks necessary and shall include that estimate as amended (if at all) in its report on the draft scheme.

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- (5) Where the bishop has proceeded under subsection (3)(b) above, he shall consider the report of the Commission on the draft scheme, as amended by him, and if he decides to proceed with the scheme he shall lay the draft scheme as so amended before the diocesan synod for its approval.
- (6) A copy of the draft scheme and of the report of the Commission thereon shall be sent to every member of the diocesan synod at least six weeks before the session at which the draft scheme is considered.
- (7) If the draft scheme is approved by the diocesan synod, the draft scheme shall be laid before the General Synod.
- (8) A copy of the draft scheme and of the report of the Commission thereon shall be sent to every member of the General Synod at least fourteen days before the beginning of the group of sessions at which it is laid.
- (9) If the General Synod resolves that such scheme be not made no further proceedings shall be taken thereon, but without prejudice to the laying before the General Synod of a new draft.
- (10) If—
 - (a) no resolution under subsection (9) above is tabled before the end of the group of sessions during which the draft scheme was laid before the Synod; or
 - (b) such a resolution is so tabled but is defeated or withdrawn during the group of sessions during which it is considered,
 a copy of the draft scheme shall be signed by the bishop of the diocese who shall thereby make the scheme.
- (11) A scheme under section 11 of this Measure shall come into operation on the day after the day on which it is made or on such later date as may be specified in the scheme.
- (12) On making a scheme under the said section 11 the bishop shall send a copy of the scheme to the Commissioners and to the registrar of the diocese, and the registrar shall file it in the diocesan registry.

13 Variation, etc. of scheme under s. 11.

- (1) Subject to the provisions of this section, a scheme under section 11 of this Measure may be varied or revoked by a subsequent scheme made thereunder.
- (2) If, on the application of the bishop of a diocese, the Commission so directs, subsections (4) to (6) below shall apply in relation to a scheme which the bishop proposes to make under the said section 11 (hereinafter referred to as “the amending scheme”) and the purpose of which is to make minor amendments of a scheme under that section (hereinafter referred to as “the original scheme”), and section 12 of this Measure, except subsections (6), (11) and (12), shall not so apply.
- (3) An application for a direction under subsection (2) above shall specify the amendments which it is proposed should be made by the amending scheme, and the Commission shall issue the direction if, but only if, it is satisfied that none of the amendments is of substantial importance and that the effect of the amendments, if made, will be neither—
 - (a) to alter the areas into which the diocese was divided by the original scheme, nor

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- (b) to increase significantly the cost of operating that scheme.
- (4) The bishop of the diocese concerned shall prepare a draft of the amending scheme to which a direction under subsection (3) above relates and submit it to the Commission for it to report thereon.
- (5) The bishop shall consider the report of the Commission on the draft scheme and if he decides to proceed with the scheme he shall lay the draft scheme before the diocesan synod for its approval.
- (6) If the draft scheme is approved by the diocesan synod, a copy thereof shall be signed by the bishop of the diocese who shall thereby make the scheme.
- (7) In this section “amendment” includes revocation.

14 Special provision with respect to rights of collation.

Where by virtue of any provision of an instrument made under section 10 of this Measure, or of a scheme made under section 11 thereof, or of a reorganisation scheme, the right to collate to any benefice upon a vacancy is exercisable by a suffragan bishop of the diocese to which the instrument or scheme relates, that provision shall be of no effect during a vacancy in the see of the bishop of that diocese.

15 Abolition of power to commission suffragan bishop.

- (1) The power of the bishop of a diocese to give a commission to a suffragan bishop is hereby abolished.
- (2) The following provision of ^{M1} the Suffragan Bishops Act 1534, that is to say, —
 - (a) in section 2 (powers of suffragan bishops), the words from “and have such capacitie” to the end, and
 - (b) in section 4 (authority, etc. of suffragan bishops limited by their commissions), the words from “nor use” to the end,are hereby repealed.
- (3) Neither the abolition by subsection (1) above of the power mentioned therein nor any repeal effected by subsection (2) above shall invalidate any commission given to a suffragan bishop which is in force immediately before the commencement of this Measure.
- (4) Where but for this subsection any such commission would cease to have effect, that commission shall continue in force until—
 - (a) the date on which the suffragan bishop to whom the commission was given ceases to hold that office, or
 - (b) the date on which the commission is revoked by the bishop of the diocese, whichever first occurs.
- (5) So long as any such commission remains in force so much of section 2 of the said Act of 1534 as is repealed by subsection (2) above shall, notwithstanding the repeal, continue to apply to the suffragan bishop to whom the commission was given.
- (6) In section 6 of the said Act of 1534 (residence of suffragan bishops), for the words “where he shall have comyssyon” there shall be substituted the words “of the bishop to whom he shall be suffragan”.

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Modifications etc. (not altering text)

- C1** The text of Ss. 9(8) and 15(2)(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M1** 1534 c.14.

16 Provision with respect to Acts, etc. which confer functions on diocesan bishop.

Any Act, Measure or Canon which confers or imposes on the bishop of a diocese any functions which by virtue of an instrument made under section 10 of this Measure, a scheme made under section 11 thereof or a reorganisation scheme may be discharged by a suffragan bishop shall have effect in any diocese subject to the provisions of any such instrument or scheme relating to that diocese and for the time being in force, and references in that Act, Measure or Canon to the bishop of a diocese shall be construed accordingly.

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