



# Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

A Measure passed by the General Synod of the Church of England to further the mission of the Church of England and, in particular, to make new provision, in place of the Dioceses Measure 1978 and section 8 of the Church of England (Miscellaneous Provisions) Measure 1983, for reviewing the provincial and diocesan structure of the Church of England and for making reorganisation schemes, for the change of name of sees, and for the creation and filling of suffragan sees, for the nomination of suffragan bishops and the delegation of functions to them and to other persons in episcopal orders and for the discharge of functions of certain diocesan bodies; to amend the Pastoral Measure 1983 in respect of the making of pastoral schemes and orders and of schemes for the closure of churches for regular public worship; to enable a diocesan bishop, by order, to endorse and make provision for mission initiatives; to make new provision for mission and pastoral committees; to replace the Council for the Care of Churches with a body named the Church Buildings Council and make new provision for it; to make provision for the description of assistant curates and for their functions; to make other amendments to the Pastoral Measure 1983; and for connected purposes. [30th October 2007]

## PART I

### GENERAL PRINCIPLE

#### 1 General duty

It shall be the duty of any person or body carrying out functions under this Measure<sup>F1</sup> ... to have due regard to the furtherance of the mission of the Church of England.

*Status: Point in time view as at 01/03/2019.*

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#### **Textual Amendments**

- F1** Words in s. 1 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

#### **Commencement Information**

- II** S. 1 in force at 1.1.2008 by [2007 No. 3](#), Instrument made by Archbishops

## **PART II**

### PROVINCIAL AND DIOCESAN STRUCTURE

#### *Composition and duties of Dioceses Commission*

## **2 Dioceses Commission**

- (1) There shall be established a body known as the Dioceses Commission which shall have the functions conferred on it by or under this Measure and the body of that name established under section 1 of the Dioceses Measure 1978 (1978 No. 1) shall cease to exist.
- (2) The provisions of Schedule 1 to this Measure shall have effect with regard to the Commission, its members and its procedures.
- (3) The Commission shall present annually to the General Synod a report of its activities during the preceding year.

#### **Commencement Information**

- I2** S. 2 in force at 1.9.2008 by [2008 No. 1](#), Instrument made by Archbishops

## **3 Review of provincial and diocesan structure**

- (1) It shall be the duty of the Commission to keep under review the provincial and diocesan structure of the Church of England and, in particular—
  - (a) the size, boundaries and number of provinces,
  - (b) the size, boundaries and number of dioceses and their distribution between the provinces, and
  - (c) the number and distribution of episcopal offices and the arrangements for episcopal oversight.
- (2) The Commission shall, when carrying out its duties under subsection (1) above—
  - (a) ensure that it is kept informed of views within the Church of England on the matters referred to in subsection (1) and of any changes in the structure of the Church which may take place, so far as these are relevant to its functions, and consult such persons and bodies as it thinks fit;
  - (b) without prejudice to its duties under sections 4, 6 and 7 below, consider whether changes are required, put forward proposals for discussion, where

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- appropriate, and encourage detailed and reasoned responses from those persons and bodies consulted;
- (c) disseminate, to the extent that the Commission thinks necessary and in whatever form the Commission thinks fit, guidance and information about good practice to persons and bodies involved in the administration of dioceses;
  - (d) give appropriate advice, when requested on particular issues, to such persons and bodies; and
  - (e) make and publish from time to time reports on its activities.
- (3) If, when carrying out its functions under subsections (1) and (2) above, the Commission publishes proposals to alter the number of provinces, it shall also include, in those proposals, recommendations concerning the method of achieving the changes required by the proposals.
- (4) Any report published under subsection (2)(e) above shall be laid before the General Synod either as part of the annual report required to be presented under section 2(3) above or otherwise.
- (5) The Commission may ask any person or body to provide any information which it considers necessary to enable it to carry out its functions.
- (6) Where the Commissioners, any diocesan bishop, any diocesan synod or any bishop's council and standing committee are consulted under this section or section 5(2), 5(3), 6(2), 6(3), 6(4) or 6(6) below or are asked to give information under subsection (5) above, the person or body concerned shall be under a duty to respond, where practicable, to any requests for comments or information and to provide any information which that person or body is asked to provide.

#### **Commencement Information**

**I3** S. 3(1)-(4) in force at 1.2.2009 by 2008 No. 4, Instrument made by Archbishops

**I4** S. 3(5)(6) in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

### *Reorganisation schemes*

#### **4 Preparation and making of reorganisation schemes**

- (1) It shall be the duty of the Commission to prepare and make schemes in accordance with sections 6 and 7 below, and a scheme made under the said section 7 and confirmed by Order in Council under section 8 below is referred to in this Measure as a “reorganisation scheme”.
- (2) A reorganisation scheme may be made following proposals submitted to the Commission by a bishop under section 5 below or prepared by the Commission under section 6(3) below without the submission of any such proposals.
- (3) A reorganisation scheme may make provision for one or more of the following purposes—
- (a) the foundation of one or more new diocesan bishoprics with one or more dioceses constituted from one or more existing dioceses and, if necessary, the dissolution of one or more existing dioceses and the abolition of the bishopric or bishoprics thereof;

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- (b) the transfer of the whole of the area of any diocese to another diocese and the dissolution of the first mentioned diocese and the abolition of the bishopric thereof;
  - (c) the transfer of parts of the area of any diocese to one or more other dioceses and, if necessary, the dissolution of the first mentioned diocese and the abolition of the bishopric thereof;
  - (d) the transfer of a diocese or parts of the area of any diocese from one province to another.
  - [<sup>F2</sup>(e) the re-naming of a diocesan or suffragan see;
  - (f) the creation of a new suffragan bishopric.]
- [<sup>F3</sup>(3A) Where a new suffragan bishopric is created under subsection (3) above, the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 directing that the town concerned be taken and accepted for the see of a suffragan bishop.]
- (4) Schedule 2 to this Measure, which sets out the provisions which must or may be made by a reorganisation scheme, shall have effect.

#### Textual Amendments

- F2** S. 4(3)(e)(f) added (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), ss. 16\(2\), 21\(2\); S.I. 2014/1369, art. 2](#)
- F3** S. 4(3A) inserted (19.5.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), ss. 16\(3\), 21\(2\); S.I. 2014/1369, art. 2](#)

#### Commencement Information

- I5** S. 4 in force at 1.9.2008 by [2008 No. 1](#), Instrument made by Archbishops

### *Procedure for making reorganisation schemes*

## 5 Application for reorganisation scheme

- (1) Subject to the provisions of this section, the bishop of a diocese may submit to the Commission proposals to be implemented by a reorganisation scheme relating to that diocese.
- (2) The proposals referred to in subsection (1) above shall be prepared by the bishop of the diocese concerned after preliminary consultation with the diocesan synod of that diocese and such other consultation as he thinks fit.
- (3) Where such proposals would, if implemented, affect two or more dioceses, the proposals shall be prepared by the bishops of those dioceses after preliminary consultation by each of them with the diocesan synod of his diocese and with such persons or bodies as each of them thinks fit, and a submission under subsection (1) above shall be made by the said bishops acting jointly.
- (4) Section 4(4) of the Synodical Government Measure 1969 (1969 No. 2) shall not be taken as permitting the consultative functions of a diocesan synod under this section to be discharged on its behalf by the bishop's council and standing committee of that synod.

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#### Commencement Information

**I6** S. 5 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

## 6 Preparation of draft scheme by Commission

- (1) In this section “interested parties”, in relation to any draft reorganisation scheme, means—
  - (a) the bishop of every diocese which would be affected by the implementing of such scheme and the archbishop of the province in which that diocese is situated;
  - (b) the diocesan synod of every such diocese;
  - (c) the bishop's council and standing committee of every such diocesan synod;
  - (d) the Chapter of the cathedral of every diocese which would be affected by the implementing of such scheme;
  - (e) the Commissioners;
  - (f) where the implementing of such scheme would result in the transfer of a diocese from one province to the other, the archbishop of that other province;
  - (g) the Archbishops' Council;
  - (h) the Charity Commission;
  - (i) to the extent that the Commission thinks fit, such other persons or bodies, if any, as would be particularly affected by the implementing of such scheme.
- (2) On receiving proposals submitted to it under section 5 of this Measure, the Commission shall, after consultation with the interested parties, first prepare a statement of the effect of the proposals, if implemented, on the mission of the Church of England and a detailed estimate of the financial effect of the proposals (“the financial estimate”) and shall then, as it thinks fit, either—
  - (a) prepare a draft scheme to give effect to the proposals with such amendments, if any, as the Commission thinks should be made therein; or
  - (b) if it considers that the objectives of the proposals can be better achieved without a scheme or for any other reason it considers that it would not be appropriate to make a scheme, report to the bishop of every diocese concerned that it has decided not to proceed with the preparation of such a scheme, giving the reasons for that decision.
- (3) Where the Commission has not received proposals under section 5 above, the Commission may, after consulting the interested parties, prepare a draft reorganisation scheme and, if it does so, shall also prepare the statement referred to in subsection (2) above and, after first consulting the Commissioners, a financial estimate.
- (4) Where the Commission decides to proceed under subsection (2)(a) or (3) above it shall send a copy of the draft scheme and of the statement referred to in subsection (2) above and the financial estimate to every interested party together with a notice stating that written representations with respect to the draft scheme may be made to the Commission not later than a date specified in the notice, being a date not less than three, nor more than six, months after the service of the notice and the Commission shall afford an opportunity to representatives of the diocesan synod of any diocese affected by the draft scheme to make oral representations to the Commission, whether or not that diocesan synod has made written representations.

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- (5) After considering any representations made to it under subsection (4) above the Commission shall, as it thinks fit, either proceed under subsection (6) below or report to the bishop of every diocese concerned that it has decided not to proceed further with the scheme in question, giving the reasons for that decision.
- (6) Where the Commission decides to proceed under this subsection, it shall make such amendments, if any, to the draft scheme as it thinks fit as a result of such representations, and such amendments, if any, to the statement referred to in subsection (2) above and the financial estimate as, after consultation with the Commissioners in the case of the financial estimate, it thinks necessary, and shall then submit the draft scheme to the diocesan synod of every diocese which would be affected by the implementing of that scheme for its consent.
- (7) A copy of the draft scheme and of a report thereon by the Commission shall be sent to every member of every such synod at least six weeks before the session at which the draft scheme is considered.
- (8) The report referred to in subsection (7) above shall include the statement referred to in subsection (2) above and the financial estimate, as amended (if at all) under subsection (6) above, and a summary of any representations made to the Commission under subsection (4) above which the Commission thinks should be brought to the attention of the diocesan synod.

#### **Commencement Information**

- I7** S. 6(1)-(2)(4)-(8) in force at 1.9.2008 by [2008 No. 1](#), Instrument made by Archbishops  
**I8** S. 6(3) in force at 1.2.2009 by [2008 No. 4](#), Instrument made by Archbishops

## **7 Making of reorganisation scheme**

- (1) Subject to subsection (2) below, if the diocesan synod of every diocese affected by a draft scheme prepared under section 6 above gives its consent under subsection (6) thereof, the Commission shall lay the draft scheme before the General Synod for its approval.
- (2) If the diocesan synod of any of those dioceses does not give its consent under section 6(6) above and the archbishop of the province in which the diocese is situated is satisfied that—
  - (a) the interest of that diocese in the scheme is so small that the withholding of consent by the diocesan synod thereof should not prevent the submission of the draft scheme to the General Synod, or
  - (b) there are wider considerations affecting the province or the Church of England as a whole which require the draft scheme to be submitted to the General Synod,
 the archbishop may authorise the Commission to lay the draft scheme before the General Synod.
- (3) A copy of the draft scheme and of the report referred to in section 6(7) of this Measure and, where subsection (2) above applies, of a statement by the archbishop of the reasons for his decision shall be sent to every member of the General Synod at least fourteen days before the beginning of the group of sessions at which the draft scheme is considered.

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- (4) If the General Synod approves such a scheme a copy of the draft scheme shall be signed in accordance with subsection (8) below and the Commission shall thereby make the scheme.
- (5) Except where subsection (2) above applies, where the Business Committee of the General Synod determines that the draft scheme does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that that member wishes the draft scheme to be debated, the draft scheme shall, for the purposes of subsection (4) above, be deemed to have been approved by the General Synod.
- (6) If, in accordance with its Standing Orders, a motion is carried in the General Synod that any matter contained in the draft scheme and specified in the motion should be reconsidered by the Commission the Commission shall withdraw the draft scheme, in which case the Commission may decide either not to proceed with the draft scheme or to re-submit the draft scheme to the General Synod, with or without amendment.
- (7) If the Commission decides to re-submit the draft scheme under subsection (6) above with amendments, section 6(3) to (8) and subsections (1) to (6) above shall apply in relation to the amended draft scheme.
- (8) A copy of the draft scheme shall be signed by the chair of the Commission on its behalf or, in the case of the absence or incapacity of the chair, by two other members of the Commission nominated by the Commission for that purpose and the signing of the copy of the draft scheme by the chair or by two members nominated as aforesaid shall be conclusive evidence that the provisions of this Measure relating to the draft scheme have been complied with.

#### **Commencement Information**

**I9** S. 7 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

### **8 Confirmation of scheme by Order in Council and publication of scheme**

- (1) As soon as possible after a scheme is made under section 7 above, the Commission shall submit the scheme for confirmation by Her Majesty in Council, who may confirm the scheme by Order in Council.
- (2) As soon as possible after a scheme is confirmed by Order in Council under this section there shall be published in the London Gazette a notice sufficiently identifying the scheme and stating that it has been confirmed and where a copy of the Order in Council may be obtained.
- (3) The Commission shall send a copy of every such Order in Council to the Commissioners and to the registrar of every diocese affected by the scheme, and the registrar shall file it in the diocesan registry.

#### **Commencement Information**

**I10** S. 8 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

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## 9 Supplementary provisions with respect to reorganisation schemes

- (1) Except in so far as a reorganisation scheme, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation on the first day of the month next following the confirmation of the scheme by Order in Council under section 8 above.
- (2) A reorganisation scheme may be varied or revoked by a subsequent reorganisation scheme and sections 5, 6, 7 and 8 above and subsection (1) above shall apply to such a scheme as they applied to the original scheme.
- (3) Any Order in Council confirming a reorganisation scheme may revoke any other Order in Council confirming such a scheme.

### Commencement Information

**III** S. 9 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

### *Power of General Synod to make temporary provision with respect to membership of Convocations*

## 10 Power of General Synod to make temporary provision with respect to membership of Convocations, etc.

- (1) The General Synod may, by resolution, make provision with respect to—
  - (a) the representation in the Convocations of Canterbury and York or either of them, as the circumstances require, during the transitional period of any new diocese created by a reorganisation scheme, any diocese the area of which is altered by such a scheme or any diocese transferred by such a scheme from one province to the other; and
  - (b) the representation during that period of any such diocese in the House of Laity of the General Synod.
- (2) In exercising its powers under subsection (1) above, the General Synod—
  - (a) shall, as respects any new diocese created by the scheme, determine the number of elected members who are to represent that diocese in a Convocation or in the House of Laity;
  - (b) may, as respects any diocese the area of which is altered by the scheme, alter the number of elected members fixed for that diocese by a determination of the General Synod in force at the passing of a resolution under this section;

but the General Synod shall not have power by virtue of this subsection to increase, as respects the Convocations, the total number of proctors elected for all the dioceses, or, as respects the House of Laity, the total number of members elected by the diocesan electors of all the dioceses, being the numbers fixed by a determination of the General Synod in force at the passing of the said resolution.
- (3) In exercising its powers under subsection (1) above, the General Synod may allocate any members of a Convocation, or of the House of Laity, who were originally elected by the diocesan electors of—
  - (a) a diocese dissolved by the scheme or an electoral area thereof, or
  - (b) a diocese part of which is by virtue of the scheme to become part of another diocese or an electoral area of the first-mentioned diocese,



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to such diocese, being a new diocese created by the scheme or a diocese the area of which is altered by the scheme, as the Synod may determine.

- (4) Any member of a Convocation or of the House of Laity allocated to a diocese in accordance with a determination of the General Synod under subsection (3) above shall be in the same position as if he or she had been elected by the diocesan electors of that diocese.
- (5) A resolution under this section may make provision with respect to any matter incidental to, or consequential on, the other matters with respect to which provision may be made by such a resolution.
- (6) The power of the General Synod to make provision in pursuance of this section shall be exercisable on or after the date on which the reorganisation scheme in question is approved by the Synod under section 7 above.
- (7) In this section “transitional period” means the period beginning with the date of the commencement of the relevant provision of the reorganisation scheme in question and ending with the date of the dissolution of the General Synod which is in being on the first mentioned date, and “relevant provision” means the provision creating a new diocese, altering the area of a diocese or transferring a diocese from one province to the other, as the circumstances require.

#### **Commencement Information**

**I12** S. 10 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

### *Change of name of see*

## **11 Change of name of see**

- (1) Without prejudice to any other powers of Her Majesty in Council in relation to sees, Her Majesty in Council, on receipt of a petition from the bishop of the diocese concerned under this section, shall have power to change the name of any diocesan or suffragan see.
- (2) Before submitting a petition under subsection (1) above, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned and shall then, if he decides to proceed with the petition, lay the petition, together with a report thereon from the Commission, before the General Synod for its approval.
- (3) Where the Business Committee of the General Synod determines that any such petition does not need to be debated by the Synod, then, unless notice is given by a member of the Synod in accordance with its Standing Orders that that member wishes the petition to be debated, the petition shall for the purposes of subsection (2) above be deemed to have been approved by the Synod.
- (4) Where the petition is approved by the General Synod the bishop of the diocese may forward it to Her Majesty in Council.

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#### Commencement Information

**I13** S. 11 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

### *General duty*

## **12 Duty of the bishop to keep episcopal ministry under review**

Each bishop of a diocese shall keep under review the provision of episcopal ministry and oversight in his diocese and shall, in carrying out that duty, consult widely such persons and bodies as he thinks fit.

#### Commencement Information

**I14** S. 12 in force at 1.1.2011 by 2010 No. 4, art. 2(a)

### *Provisions with respect to discharge of episcopal functions*

## **13 Delegation by instrument of certain functions to suffragan bishop or assistant 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 except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No. 6) <sup>F4</sup>...(1993 No. 2).
- (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 it shall not prevent the making of a fresh instrument at the expiration of that period.
- (6) Such instrument may provide for it to continue to have effect for a period specified in the instrument after either the bishop of the diocese or the suffragan bishop ceases to hold that office (with the substitution for the suffragan bishop of his successor).
- (7) Subject to subsection (9) 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) or (6) above expires, or
  - (b) if subsection (6) above does not apply, the bishop of the diocese ceases to hold that office, or

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- (c) if subsection (6) above does not apply, the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office.
- (8) The bishop shall obtain the approval of the diocesan synod of the diocese before making an instrument made under this section but, except where subsection (6) above applies, where the bishop is of the opinion that the matter is urgent and it is not practicable to obtain the approval of the diocesan synod, he may, instead, obtain the approval of the bishop's council and standing committee of that diocesan synod.
- (9) Where but for this subsection such instrument would cease to have effect on the date on which the bishop of the diocese or the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office, it shall, except as provided by section 15 of this Measure, continue to have effect until the date of the expiration of a period of six months beginning with the date on which another person becomes the bishop of that diocese or the date on which the suffragan bishop ceases to hold that office, whichever first occurs.
- (10) The bishop of a diocese may vary or revoke an instrument made under this section by a subsequent instrument made thereunder.
- (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, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.
- (13) 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.
- (14) 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.
- (15) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.
- (16) In this section and sections 15 and 16 below, “suffragan bishop” includes an assistant bishop.

#### **Textual Amendments**

- F4** Words in s. 13(1) repealed (17.11.2014) by [Bishops and Priests \(Consecration and Ordination of Women\) Measure 2014 \(No. 2\)](#), s. 4(2), [Sch.](#); 2014 No. 5, art. 2

#### **Commencement Information**

- I15** S. 13 in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

## **14 Discharge of certain functions of bishop**

- (1) If—

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- (a) the bishop of a diocese has executed an irreversible instrument of resignation as bishop or the bishop considers that he will be unable to discharge any or all of his functions by reason of disability, illness or absence from his diocese or by reason of his forthcoming translation to another see; and
  - (b) there is no person in episcopal orders in the diocese who is for the time being authorised to discharge the relevant functions of the bishop,
- the bishop may (in the case of resignation or translation before the resignation or translation takes effect) by an instrument under his hand delegate to a person holding office as a diocesan, suffragan or assistant bishop in the Church of England, without the consent of the diocesan synod, but after consultation with the bishop's council and standing committee of that synod, unless the bishop is unable to consult the bishop's council and standing committee by reason of his disability or illness, such of his functions as may be specified in the instrument, except functions to which an instrument made under section 13 above relates and functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No. 6) <sup>F5</sup>... (1993 No. 2).
- (2) Subject to section 15 below, the instrument made by a bishop under subsection (1) above shall remain in operation for a period specified in the instrument, which shall not be longer than twelve months but which may be extended by the archbishop of the province.
  - (3) Where a see is vacant or where, by virtue of any circumstances mentioned in subsection (1) above, the bishop of a diocese is not able to, or does not otherwise, exercise the power conferred on him by that subsection to delegate all of his functions which he may delegate, the archbishop of the province shall exercise the power in lieu of the bishop without the consultation with the bishop's council and standing committee required by subsection (1) of this section; and if that archbishop is unable by reason of disability, illness or absence from his province to exercise the power under this subsection or if the see of that archbishop is vacant the power shall be exercised, in like manner, by the senior bishop of the province.
  - (4) An instrument made 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.
  - (5) A power of delegation under subsection (1) or (3) above may be exercised by the appointment of two or more persons qualified for such appointment and by the division among them, whether territorially or otherwise, of the functions to be performed.
  - (6) Where a function which has been delegated 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 to whom the function has been delegated.
  - (7) A statement in a document issued by a person to whom a function has been delegated under this section that the function has been so delegated to him shall be conclusive evidence of that fact.
  - (8) An instrument made under this section may be varied or revoked by a subsequent instrument similarly made.
  - (9) On making an instrument under this section or on making an irreversible instrument of resignation the person making the document shall send a copy to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.

(11) In this section—

“irreversible instrument” means an instrument duly executed and completed by the bishop which has been accepted by the archbishop of the province;

“senior bishop” means, in the province of Canterbury, the bishop of London and after him the bishop of Winchester and, in the province of York, the bishop of Durham and subject thereto the diocesan bishop who has held office as diocesan bishop in the province in question without interruption from any cause for the longest time.

#### Textual Amendments

**F5** Words in s. 14(1) repealed (17.11.2014) by [Bishops and Priests \(Consecration and Ordination of Women\) Measure 2014 \(No. 2\)](#), s. 4(2), **Sch.**; 2014 No. 5, art. 2

#### Modifications etc. (not altering text)

**C1** S. 14 excluded (1.1.2011) by [Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 \(No. 2\)](#), ss. **2(5)**, 4(2); 2010 No. 6, art. 2

#### Commencement Information

**I16** S. 14 in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

## 15 Special provision with respect to rights of collation

Where by virtue of any provision of an instrument made under section 13 or 14 above or 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.

#### Modifications etc. (not altering text)

**C2** S. 15 excluded (1.1.2011) by [Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 \(No. 2\)](#), ss. **2(5)**, 4(2); 2010 No. 6, art. 2

#### Commencement Information

**I17** S. 15 in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

## 16 Provision with respect to Acts, etc. which confer functions on a 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 13 or 14 above 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.

*Status: Point in time view as at 01/03/2019.*

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#### Commencement Information

**I18** S. 16 in force at 1.5.2008 by 2008 No. 1, Instrument made by Archbishops

### *Creation and filling of suffragan sees*

#### **17 Provisions with respect to filling of suffragan sees**

- (1) Where the bishop is aware that a see of a suffragan bishop has become vacant or is shortly to become vacant and the bishop thinks, after taking into account the duty imposed on him under section 12 above, that a proposal to fill the vacancy should be considered he shall consult the diocesan synod as to whether the vacancy should be filled, unless the bishop is of the opinion that the matter is urgent and it is not practicable to consult the diocesan synod, in which case he may, instead, consult the bishop's council and standing committee of that diocesan synod.
- (2) Where, after consulting the diocesan synod or the bishop's council and standing committee, as the case may be, under subsection (1) above, the bishop decides that the vacancy should be filled he shall notify the archbishop of the province and the Commission of his proposal and give his reasons for it.
- (3) The Commission, within the period of two months of being notified as provided in subsection (2) above, shall notify the bishop and the archbishop either that it agrees with the bishop's proposal or that it considers that the bishop's proposal requires further consideration.
- (4) If the archbishop informs the bishop within the period of two months of being notified by the Commission as provided in subsection (3) above that he agrees with the Commission's view that the bishop's proposal requires further consideration the provisions of subsections (6) and (7) below shall apply.
- (5) If the Commission has notified the bishop and the archbishop under subsection (3) above—
  - (a) that it agrees with the bishop's proposal, or
  - (b) that it considers that the proposal needs further consideration and the archbishop has informed the bishop that he does not agree with the Commission's view,
 then the bishop may petition Her Majesty to exercise her powers to appoint a suffragan bishop to fill the vacancy under the Suffragan Bishops Act 1534 (26 Hen. 8 c. 14).
- (6) Where subsection (4) above applies, the Commission shall prepare a statement of the effect of the proposal to fill the vacancy on the mission of the Church of England if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and report on the proposal to the bishop, including the statement and estimate in its report.
- (7) Section 18(4) to (8) below shall apply to a proposal to which subsection (4) above applies as it applies to a draft scheme under that section.
- (8) Nothing in this section shall apply to the see of the suffragan bishop of Dover <sup>F6</sup>....

*Status: Point in time view as at 01/03/2019.*

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#### Textual Amendments

- F6** Words in s. 17(8) repealed (17.11.2014) by [Bishops and Priests \(Consecration and Ordination of Women\) Measure 2014 \(No. 2\)](#), s. 4(2), [Sch.](#); 2014 No. 5, art. 2

#### Commencement Information

- I19** S. 17 in force at 1.1.2011 by [2010 No. 4](#), [art. 2\(b\)](#)

### 18 Provisions with respect to creation of suffragan sees

- (1) No bishop of a diocese shall petition Her Majesty in Council to direct under the Suffragans Nomination Act 1888 (51 & 52 Vict. c. 56) that a town in his diocese shall be taken and accepted for a see of a suffragan bishop as if it had been included in the Suffragan Bishops Act 1534 (26 Hen. 8 c. 14) unless his proposal to do so is approved by the diocesan synod and the General Synod.
- (2) After consulting (if the bishop is not an archbishop) the archbishop of the province the bishop shall send a copy of his proposal, together with a statement of his reasons for making it, to the Commission for it to report thereon.
- (3) On receiving such a proposal, the Commission shall prepare a statement of the effect of the proposal on the mission of the Church of England if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and shall include the statement and estimate in its report.
- (4) The bishop shall consider the report of the Commission on the proposal and if he decides to proceed with it he shall lay the proposal before the diocesan synod for its approval.
- (5) A copy of the proposal and of the report of the Commission thereon shall be sent to every member of the diocesan synod at least three weeks before the session at which the proposal is considered.
- (6) If the proposal is approved by the diocesan synod, the bishop shall lay the proposal before the General Synod for its approval.
- (7) A copy of the proposal 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 the proposal is considered.
- (8) Where the Business Committee of the General Synod determines that the proposal does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that that member wishes the proposal to be debated, the proposal shall, for the purposes of subsection (6) above, be deemed to have been approved by the General Synod.

#### Commencement Information

- I20** S. 18 in force at 1.9.2008 by [2008 No. 1](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

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*Provisions with respect to discharge of functions of certain bodies corporate, etc.*

## **19 Schemes with respect to discharge of functions of diocesan bodies corporate, etc.**

- (1) In this and the next following section “diocesan body” means any body corporate or unincorporate or committee established for a diocese or any part thereof, other than a diocesan synod or the bishop's council and standing committee of a diocesan synod.
- (2) A scheme under this section may make provision for one or more of the following purposes—
  - (a) for constituting a body corporate or unincorporate or committee to discharge in respect of such dioceses as are specified in the scheme the functions previously discharged in respect of each of those dioceses by such diocesan body as is so specified and for winding up or dissolving each such body;
  - (b) for empowering such diocesan bodies for such dioceses, or such parts of such dioceses, as are so specified to discharge any of their functions jointly and, in particular, to establish a joint committee to discharge any of the functions of each such body;
  - (c) for empowering such a diocesan body for such diocese as is so specified to arrange for any of its functions to be discharged by the corresponding diocesan body for such other diocese as is so specified or by a committee or sub-committee of that body.
- (3) The bishops of the dioceses to which a scheme under this section is to apply (“the participating dioceses”) shall prepare a draft of such scheme and shall obtain the consent of the Commission to proceed with it.
- (4) If the draft scheme would, if implemented, affect a charity, not being an exempt charity, the bishops of the participating dioceses shall cause a copy of the draft to be sent to the Charity Commission for it to advise and comment thereon.
- (5) After any advice or comments made by the Charity Commission on the draft scheme have been received by the bishops of the participating dioceses and the bishops have made such amendments, if any, as they think fit, the bishops shall lay the draft scheme before the diocesan synod of every participating diocese for its approval unless the Charity Commission objects to the scheme including any amendments made in consequence of their advice or comments and, in such a case, the bishops shall not proceed with the scheme, but without prejudice to the making of a new scheme under this section.
- (6) A copy of the draft scheme and of any advice or comments thereon made by the Charity Commission shall be sent to every member of the diocesan synod of every participating diocese 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 of every participating diocese, a copy of the draft scheme shall be signed by the bishops of the participating dioceses who shall thereby make the scheme.
- (8) A scheme under this section shall come into operation on the first day of the month next following the making of the scheme or on such later date as may be specified therein.



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- (9) The bishop of each participating diocese shall send a copy of the scheme to the Commission and to the registrar of his diocese, and the registrar shall file it in the diocesan registry.

**Commencement Information**

**I21** S. 19 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

**20 Further provisions with respect to schemes under s.19**

- (1) A scheme under section 19 above which makes provision for either of the purposes mentioned in subsection (2)(a) or (b) thereof may provide for regulating the term of office of members of the body corporate or unincorporate or committee referred to therein, for regulating the proceedings of that body or committee and for determining the manner in which its expenses are to be defrayed.
- (2) A scheme under section 19 above may contain such incidental, consequential and supplementary provisions as appear to the bishops by whom the scheme is to be made to be necessary or expedient for bringing the scheme into operation and giving full effect thereto and, in particular, but without prejudice to the generality of the foregoing words, provisions—
- (a) for the transfer of property and liabilities;
  - (b) for the adjustment of accounts and apportionment of liabilities; and
  - (c) for the settlement of any differences arising in consequence of the operation of the scheme.
- (3) Where a body or committee is, under a scheme under section 19 above, to discharge, whether jointly or otherwise, functions previously discharged by a diocesan body established by or under a Measure, that Measure shall have effect subject to section 19 above and this section and the scheme may make such incidental, consequential or other amendments to the Measure as appear to the bishops of the participating dioceses necessary to give effect to the scheme.
- (4) A scheme under section 19 above may be varied or revoked by a subsequent scheme made thereunder.

**Commencement Information**

**I22** S. 20 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

*Miscellaneous and supplemental*

**21 Power of Commissioners to pay stipend, etc. of certain bishops**

Where a new bishopric is founded and a new diocese created by a reorganisation scheme, the Commissioners shall have power—

- (a) to pay out of their general fund to the bishop of that diocese, and to any suffragan bishop thereof, such a stipend and such annual sum in respect of the expenses incurred by him in connection with the performance of the duties attaching to his office as they think fit; and

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(b) to provide the bishop of that diocese with a suitable residence;  
but before exercising the power conferred on them by paragraph (b) above the Commissioners shall consult the bishop's council and standing committee of the diocesan synod of that diocese.

.....  
**Commencement Information**  
**I23** S. 21 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

**22 Interpretation of Part II**

In this Part of this Measure—  
“the Commission” means the Dioceses Commission established under section 2 above; and  
“reorganisation scheme” means a scheme made under section 7 above.

.....  
**Commencement Information**  
**I24** S. 22 in force at 1.5.2008 by 2008 No. 1, Instrument made by Archbishops

**<sup>F7</sup>PART III**

PROCEDURE FOR MAKING PASTORAL SCHEMES AND  
ORDERS AND PASTORAL CHURCH BUILDINGS SCHEMES

.....  
**Textual Amendments**  
**F7** Pt. III repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

*Introduction*

**23 Amendment of Part I of Pastoral Measure 1983**

.....

*Pastoral schemes and orders*

**24 Pastoral schemes and orders**

.....

**25 Formulation and submission to bishop of draft proposals**

.....

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*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**26 Approval by bishop of draft proposals and preparation of draft scheme**

.....

**27 Consideration of draft scheme or order by Commissioners**

.....

**28 Notice and publication of draft scheme or order**

.....

**29 Amendment of draft scheme or order**

.....

**30 Making of scheme or order**

.....

**31 Transmission of copies of scheme or order**

.....

*Supplementary*

**32 Power of bishop to formulate and submit proposals on certain matters**

.....

**33 Withdrawal of scheme or order at request of bishop**

.....

**34 Supplementary powers of Commissioners and mission and pastoral committees**

.....

*Pastoral church buildings schemes*

**35 Pastoral church buildings schemes**

.....

**36 Formulation and submission to bishop of draft proposals**

.....

*Status: Point in time view as at 01/03/2019.*

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**37 Amendment of proposals and preparation of draft scheme by Commissioners**

.....

**38 Notice and publication and amendment of draft scheme**

.....

**39 Transmission of copies of scheme**

.....

**<sup>F8</sup>PART IV**

**CHURCH BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP**

**Textual Amendments**

**F8** Pt. IV repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

*Introduction*

**40 Amendment of Part III of Pastoral Measure 1983**

.....

*Functions of mission and pastoral committee  
concerning buildings closed for regular public worship*

**41 Functions of mission and pastoral committee concerning buildings closed for regular public worship**

.....

*Pastoral church buildings schemes*

**42 Provision by pastoral church buildings scheme for appropriation or demolition of church to be closed for regular public worship to be replaced by new church**

.....

**43 Other provision by pastoral church buildings scheme for church closed for regular public worship**

.....

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Pastoral (church buildings disposal) schemes*

**44 Use seeking period**

.....

**45 Procedure for making pastoral (church buildings disposal) schemes**

.....

**46 Contents of pastoral (church buildings disposal) schemes**

.....

**<sup>F9</sup>PART V**

**MISSION**

**Textual Amendments**

**F9** Pt. V repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

*Mission initiatives*

**47 Mission initiatives**

.....

**48 Visitors**

.....

**49 Supplementary Provisions**

.....

**50 Review of duration of mission initiatives and further provisions**

.....

**51 Code of Practice**

.....

*Status: Point in time view as at 01/03/2019.*

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**F10** PART VI

MISSION AND PASTORAL COMMITTEES

**Textual Amendments**

**F10** Pt. VI repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

*Mission and pastoral committees*

**52 Appointment of mission and pastoral committees**

.....

**53 Functions of mission and pastoral committees**

.....

**PART VII**

OTHER PROVISIONS

*Care of church buildings*

**54 Church Buildings Council**

- (1) There shall be established a body known as the Church Buildings Council (in this section and sections 55 to 57 below referred to as “the Council”) which shall have the functions set out in those sections and the body named the Council for the Care of Churches shall cease to exist.
- (2) Schedule 4 to this Measure shall have effect with respect to the membership and proceedings of the Council.
- (3) In carrying out its functions the Council shall have due regard to the role of a church as a local centre of worship and mission and, where appropriate, to the provisions of the 1983 Measure, including, in particular, those relating to the making of pastoral church buildings schemes and pastoral (church buildings disposal) schemes and to proposals for the closure of churches for regular public worship.
- (4) The Advisory Board for Redundant Churches shall cease to exist.

**Commencement Information**

**I25** [S. 54](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

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## **55 Functions of Council in relation to churches, etc. in use**

- (1) It shall be the duty of the Council—
  - (a) to advise the Archbishops' Council and the General Synod, when requested to do so, on matters relating to churches;
  - (b) to consider consultation by and requests for advice from judges and registrars of the ecclesiastical courts and from Diocesan Advisory Committees in relation to applications or possible applications for the grant of a faculty, any other matter referred to in [<sup>F11</sup>section 7(1)(a), (c) or (d) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018] and any matter to which [<sup>F12</sup>any of sections 56, 58(1) to (6) and (9), 60, 62 to 64, 68 to 75 and 77 to 79 of that Measure] relates and, to the extent that the Council thinks appropriate, respond to such requests or consultation;
  - (c) to promote the care and conservation of churches and greater knowledge, understanding and enjoyment of and artistic activity relating to churches both within the Church of England and more widely among the general public or sections of the public on its own or in conjunction with other persons and bodies;
  - (d) to promote, in consultation with such other persons and organisations as it thinks fit, by means of guidance or otherwise, standards of good practice in relation to the use, care, conservation, repair, planning, design and development of churches; and
  - (e) to convene, annually, a meeting of the chairmen and secretaries of Diocesan Advisory Committees and, so far as practicable, to maintain regular contact with those committees.
- (2) The Council shall have power to give information and advice, whether or not requested to do so—
  - (a) to any person or body having, within the Church of England, either nationally or within a diocese or part thereof or a parish or any other area, responsibility for or functions relating to the use, care, conservation, repair, planning, design and development of churches on such matters either generally or in relation to particular buildings;
  - (b) to any person or body other than one within the Church of England having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to particular buildings therein mentioned; and
  - (c) to any person or body having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to particular places used for Christian worship by Churches other than the Church of England.
- (3) The Council shall have power to charge such fee as it thinks fit and to recover expenses when responding for a request for advice under subsection (2)(b) or (c) above.
- (4) The Council shall also have power—
  - (a) to liaise, co-operate and exchange information with and hold conferences with or for government departments, local authorities and other bodies or persons, whether within or outside the British Isles and, where appropriate, advise them, in relation to—
    - (i) the use, care, conservation, repair, planning, design and development of churches and corresponding buildings used by Churches other than the Church of England,

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- (ii) the obtaining or granting of funds or permission for the carrying out of works in relation to such matters, and
  - (iii) the formulation of policy or of proposals for legislation in relation to them; and
  - (b) where requested to do so by any body which makes available funds for the care and conservation of churches, to allocate funds on behalf of that body or give advice in relation to such care and conservation.
- (5) In this section and section 57 below “church” includes a part of a church and—
- (a) any other place of worship according to the rites and ceremonies of the Church of England, including any building to which a sharing agreement within the meaning of the Sharing of Church Buildings Act 1969 (c. 38) applies,
  - (b) any curtilage of such a church or place of worship and any churchyard or burial ground or part thereof annexed thereto,
  - (c) any other parochial burial ground, or part thereof, whether or not so annexed, and
  - (d) any contents of such a church or place of worship or any other articles appertaining thereto,
- but does not include a cathedral.

#### Textual Amendments

**F11** Words in s. 55(1)(b) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 15(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

**F12** Words in s. 55(1)(b) substituted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\)](#), s. 99(2), **Sch. 3 para. 15(b)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

#### Commencement Information

**I26** S. 55 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

## 56 Functions of Council in relation to churches proposed for closure for regular public worship

- (1) The Council shall be under a duty—
- (a) to prepare the reports referred to in section 3(8) of the 1983 Measure and send copies of the reports to the bodies referred to therein;
  - (b) in response to consultation by or requests for advice from the Commissioners under section 5(2), 44(5)(bb), 44(5A)(a), 44(9B)(b), 46(1), 47(2)(a), 49(1), 50(2), 50(4A) or 51(1)(b) of the 1983 Measure or otherwise to give information and advice to the Commissioners about—
    - (i) the historic and archaeological interest and architectural quality of any church to which this section applies;
    - (ii) the historic and architectural interest and aesthetic qualities of the contents of any such church;
    - (iii) the value of any such church as part of its setting and surrounding landscape;
    - (iv) the overall importance of the church; and



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- (v) having regard to the matters referred to in sub-paragraphs (i) to (iv) above, the potential impact of any architectural or structural changes or other physical alterations to the church;
  - (c) in response to consultation by or requests for advice from the Churches Conservation Trust under section 44(5)(bbb) or (7B) of the 1983 Measure to give information and advice to the Trust about any of the matters referred to in paragraph (b) above;
  - (d) to consider and, to the extent that the Council considers appropriate, make representations on any draft pastoral church buildings scheme or pastoral (church buildings disposal) scheme of which a copy is sent to it under section 6(3) or 50(3) of the 1983 Measure; and
  - (e) when requested to do so by the Archbishops' Council, the Commissioners or the General Synod, to give information and advice on any of the matters referred to in paragraph (b) above in relation, generally, to churches to which this section applies or in relation to particular categories of such churches.
- (2) The Council shall have power, when requested to do so, to give information and advice to any diocesan body or other body or person on any of the matters referred to in subsection (1)(b) above in relation to a church or group of churches to which this section applies:
- Provided that—
- (i) the Council shall not give any such information or advice to a person or body other than a diocesan body in a case where the Commissioners have informed it that they have received proposals from the bishop under section 4(1) of the 1983 Measure unless it has first consulted the Commissioners and had regard to any views expressed by them and in this subsection “diocesan body” means any body corporate or unincorporate or committee established for a diocese or dioceses or part thereof; and
  - (ii) the Commissioners and the Council may, by agreement in writing, exclude from the operation of proviso (i) above any information or advice relating to any such categories of matters as may be specified in the agreement.
- (3) This section applies to a church or part of a church as respects which the question arises whether it ought to be closed for regular public worship or as respects which questions arise as to its use, demolition, or preservation on or in the event of its being closed for regular public worship or as respects which questions arise as to a proposed acquisition of a building closed for regular public worship under section 44(5A) of the 1983 Measure and references in this section to a church include part of a church and include references to its curtilage and to any churchyard or burial ground annexed thereto.

**Commencement Information**

**127** S. 56 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

**57 General functions of the Council**

- (1) The Council shall also be under a duty—
- (a) to maintain jointly with the Cathedrals Fabric Commission for England (in this section referred to as the “the Commission”) a library of books, plans,

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- drawings, photographs and other material relating to churches and cathedrals and the objects in them;
  - (b) to work closely with the Commission on matters of common concern;
  - (c) to present annually to the General Synod a report of its activities during the year and to send copies of the report to the Archbishops' Council, the Commissioners and the Secretary of State and, if the Council and the Commission think fit, the Council's report may be combined with an annual report of the Commission; and
  - (d) to carry out any duties or consider whether to exercise any powers imposed or conferred upon the Council by or under any other enactment.
- (2) The Council shall have power, in connection with the carrying out of its functions, to acquire, on behalf of the Archbishops' Council, books, plans, drawings, photographs and other materials relating to churches and their contents and corresponding buildings used by Churches other than the Church of England and lands annexed thereto and their contents.
- (3) The Council shall have power to act as a trustee or administer charities and trusts for any purpose connected with the carrying out of its functions.
- (4) The Commissioners may make grants out of their general fund in respect of the expenses incurred by the Council—
- (a) in providing information or advice to them whether at their request or otherwise, and
  - (b) in discharging any other functions of the Council under section 56(1)(b) to (d) above.

**Commencement Information**

**I28** S. 57 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Pastoral orders*

**F13 58 Powers exercisable by pastoral order**

.....

**Textual Amendments**

**F13** S. 58 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), [Schs. 8](#)); [2012 No. 1](#), art. 2

**Commencement Information**

**I29** S. 58 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Team ministries, team councils and new parishes*

**F14 59 Amendment of Schedule 3 to 1983 Measure**

.....

*Status: Point in time view as at 01/03/2019.*

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**Textual Amendments**

**F14** S. 59 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), **Sch. 9** (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

**I30** S. 59 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Compensation of Clergy*

**F15 60 Amendment of Schedule 4 to 1983 Measure**

.....

**Textual Amendments**

**F15** S. 60 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), **Sch. 9** (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

**I31** S. 60 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Assistant curates*

**F16 61 Assistant curates**

.....

**Textual Amendments**

**F16** S. 61 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), **Sch. 9** (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

**I32** S. 61 in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops

**PART VIII**

MISCELLANEOUS

*Miscellaneous*

**62 Interpretation**

- (1) In this Measure, unless the context otherwise requires—  
“the 1983 Measure” means the Pastoral Measure 1983 (1983 No. 1);

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“charity” has the meaning assigned to it by <sup>F17</sup>section 10 of the Charities Act 2011 ];

“the Commissioners” means the Church Commissioners;

“functions” includes powers and duties;

“mission” means the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical;

<sup>F18</sup>  
....

“pastoral church buildings scheme” has the meaning assigned to it by section 23(2) above; and

“pastoral scheme” and “pastoral order” have the same meanings as in the 1983 Measure.

(2) Without prejudice to subsection (1) above, other expressions in Parts VI, VII and this Part of this Measure shall, unless the context otherwise requires, have the same meaning as in the 1983 Measure.

<sup>F19</sup>(3) .....

(4) Any reference in any Measure or other enactment or in any instrument or document to the Council for the Care of Churches shall be construed as a reference to the Church Buildings Council and any rights, powers and duties exercisable by or imposed on the Council for the Care of Churches immediately before the coming into force of section 54(1) above shall, from that date, be exercisable by or imposed on the Church Buildings Council.

(5) Any reference in any Measure or other enactment or in any instrument or document to the pastoral committee or a redundant churches uses committee of a diocese shall be construed as a reference to the mission and pastoral committee.

(6) Any reference in the 1983 Measure or in any other enactment or instrument or document to redundancy, in relation to a church, declaring a church redundant, a declaration of redundancy or redundant church, building or property shall be construed as a reference to closure for regular public worship, declaring a building closed for regular public worship, a declaration of closure for regular public worship or a building closed for regular public worship, as the case may be and any reference to a redundancy scheme shall be construed as a reference to a pastoral (church buildings disposal) scheme.

#### Textual Amendments

**F17** Words in s. 62(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 128](#) (with s. 20(2), [Sch. 8](#))

**F18** Words in s. 62(1) repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), [Schs. 8](#)); 2012 No. 1, art. 2

**F19** S. 62(3) repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), [Schs. 8](#)); 2012 No. 1, art. 2

#### Commencement Information

**I33** S. 62(1)(2)(3) in force at 1.1.2008 by [2007 No. 3](#), Instrument made by Archbishops

**I34** S. 62(5) in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

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### 63 Amendment of Measures

(1) The 1983 Measure shall have effect subject to the further amendments set out in Schedule 5 to this Measure.

<sup>F20</sup>(2) .....

(3) In section 16(2)(b) of the Patronage (Benefices) Measure 1986 (1986 No. 3), after “1983,” there shall be inserted the words “or any period during which the benefice is vacant immediately before the declaration of a suspension period or between suspension periods.”

(4) In section 2(2) of the Church of England (Ecumenical Relations) Measure 1988 (1988 No. 3)—

(a) after the words “Extra-Parochial Ministry Measure 1967” there shall be inserted the words “or the bishop or bishops who make a bishop's mission order under section 47 of the Dioceses, Pastoral and Mission Measure 2007”; and

(b) in paragraphs (a) and (b) after the words “that institution” there shall be inserted, in each case, the words “or in connection with the initiative endorsed by the bishop's mission order”.

<sup>F21</sup>(5) .....

(6) In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969, in rule 24(6)(b), for the words from “a diocesan synod” to the end there shall be substituted the words “or a diocesan synod whose names are entered on the roll of any parish in the deanery”.

(7) In rule 106 of the Clergy Discipline Rules 2005 (S.I. 2005/2002) for the definition of “bishop” there shall be substituted the following definition—

““bishop” includes the suffragan, area or assistant bishop, as the case may be, where—

(a) disciplinary functions have been delegated in a diocese under an instrument made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 or in an instrument having effect as if made under either of those sections by virtue of paragraph 3 of Schedule 6 to that Measure; or

(b) such functions are discharged under a scheme made under section 11 of the Dioceses Measure 1978 which continues in force under paragraph 5 of that Schedule.”.

#### Textual Amendments

**F20** S. 63(2) repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), **Sch. 3** (with **Sch. 2**); S.I. 2019/97, art. 2

**F21** S. 63(5) repealed (1.9.2011) by [Care of Cathedrals Measure 2011 \(No. 1\)](#), s. 34(2), **Sch. 3** (with s. 31); 2011 No. 2, art. 2

#### Commencement Information

**I35** S. 63(1) in force at 1.1.2008 for specified purposes by [2007 No. 3](#), Instrument made by Archbishops

**I36** S. 63(1) in force at 11.6.2008 in so far as not already in force by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- I37** S. 63(2)(3) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops
- I38** S. 63(4) in force at 31.3.2008 by [2007 No. 3](#), Instrument made by Archbishops
- I39** S. 63(5) in force at 1.1.2008 by [2007 No. 3](#), Instrument made by Archbishops
- I40** S. 63(6) in force at 1.9.2008 by [2008 No. 1](#), Instrument made by Archbishops
- I41** S. 63(7) in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

## 64 Transitional provisions

The transitional provisions set out in Schedule 6 to this Measure shall have effect.

### Commencement Information

- I42** [S. 64](#) in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops

## 65 Repeals

The enactments mentioned in Schedule 7 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

### Commencement Information

- I43** [S. 65](#) in force at 1.2.2008 for specified purposes by [2007 No. 3](#), Instrument made by Archbishops
- I44** [S. 65](#) in force at 1.5.2008 for specified purposes by [2008 No. 1](#), Instrument made by Archbishops
- I45** [S. 65](#) in force at 11.6.2008 for specified purposes by [2007 No. 3](#), Instrument made by Archbishops
- I46** [S. 65](#) in force at 1.9.2008 for specified purposes by [2008 No. 1](#), Instrument made by Archbishops
- I47** [S. 65](#) in force at 1.1.2011 in so far as not already in force by [2010 No. 4](#), [art. 2\(c\)](#)

## 66 Citation, commencement and extent

- (1) This Measure may be cited as the Dioceses, Pastoral and Mission Measure 2007.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, except that the provisions thereof may be extended 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, and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.

### Commencement Information

- I48** [S. 66](#) in force at 1.1.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 2(2)

#### THE DIOCESES COMMISSION

##### *Constitution and Membership*

- 1 The Commission shall consist of a person to be known as “the Chair”, a person to be known as “the Vice-Chair” and eight other members.

##### **Commencement Information**

**I49** Sch. 1 para. 1 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- [<sup>F222</sup> (1) The Chair and Vice-Chair shall be appointed by the Archbishops of Canterbury and York acting jointly in the following manner—
- (a) the Chair shall be appointed with the approval of the General Synod, and
  - (b) the Vice-Chair shall be appointed from among the members of the House of Clergy and the House of Laity of the General Synod.
- (2) Before appointing a lay person to be the Chair the Archbishops shall satisfy themselves that that person is an actual communicant within the meaning of rule 54(1) of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969.]

##### **Textual Amendments**

**F22** Sch. 1 para. 2 substituted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), ss. 16(4), 21(2); S.I. 2014/1369, art. 2

##### **Commencement Information**

**I50** Sch. 1 para. 2 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 3 Four members of the Commission shall be elected by the General Synod from among its members and four members shall be appointed by the Appointments Committee of the Church of England either from among the members of the Synod or otherwise.

##### **Commencement Information**

**I51** Sch. 1 para. 3 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 4 A person shall not be qualified for membership of the Commission who is a member of the Archbishops' Council, the Church Commissioners, their Assets Committee, their Audit Committee or any other committee of the Commissioners constituted by the Board of Governors or otherwise established under section 5(4) of the Church

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Commissioners Measure 1947 (10 & 11 Geo 6 No. 2) or any joint committee of the Commissioners and the Archbishops' Council appointed under that section.

**Commencement Information**

**I52** Sch. 1 para. 4 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 5 A person who ceases to be qualified for membership of the Commission shall forthwith vacate the office to which that person was appointed except that a member who is a member of the General Synod may continue to act as a member of the Commission so long as that person is entitled to act during a period of its dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2).

**Commencement Information**

**I53** Sch. 1 para. 5 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 6 Subject to paragraph 7 below, the members of the Commission shall take office on the first day of May immediately following the termination of the period of office of the persons in whose place those persons were appointed or elected and shall hold office until the thirtieth day of April following the year in which the General Synod is next dissolved and a new Synod comes into being.

**Commencement Information**

**I54** Sch. 1 para. 6 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 7 The first appointments and elections of the members of the Commission shall take place as soon as practicable after the coming into force of section 2(2) above and—
- (a) they shall take immediate effect, and
  - (b) the members shall hold office until the date specified in paragraph 6 above, except that if the period which elapses between the coming into force of section 2(2) above and that date is less than three years, they shall hold office until the thirtieth day of April following the year in which the second subsequent dissolution of the General Synod occurs and the new Synod comes into being following that dissolution.

**Commencement Information**

**I55** Sch. 1 para. 7 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 8 Any member of the Commission shall on ceasing to hold office be eligible for re-appointment or re-election unless that person became a member by virtue of re-appointment or re-election under this paragraph or appointment under paragraph 9 below following re-election under this paragraph.

**Commencement Information**

**I56** Sch. 1 para. 8 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops



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- 9 Where a member of the Commission elected by the General Synod under paragraph 3 above has, following the dissolution of the Synod, not been re-elected to the new Synod, that person may be appointed by the Appointments Committee as a member and shall hold office until the thirtieth day of April following the year in which the new Synod comes into being.

**Commencement Information**

**I57** Sch. 1 para. 9 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Casual Vacancies*

- 10 Where a casual vacancy occurs among the members of the Commission appointed by the Archbishops of Canterbury and York under paragraph 2 above the Archbishops shall appoint [<sup>F23</sup>a person to fill the vacancy in accordance with that paragraph] and where a casual vacancy occurs among the members appointed by the Appointments Committee under paragraph 3 above the Committee may appoint a person to fill the vacancy.

**Textual Amendments**

**F23** Words in Sch. 1 para. 10 substituted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 12(3), 17(3); S.I. 2019/67, art. 2(1)(k)

**Commencement Information**

**I58** Sch. 1 para. 10 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 11 Where a casual vacancy occurs among the members of the Commission elected by the General Synod, the General Synod may elect one of the members of the General Synod to fill the vacancy.

**Commencement Information**

**I59** Sch. 1 para. 11 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 12 Any person appointed or elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place that person was appointed or elected, but shall be eligible for re-appointment or re-election in accordance with paragraph 8 above.

**Commencement Information**

**I60** Sch. 1 para. 12 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Committees*

- 13 The Commission shall have power to appoint such committees and may delegate to them such functions as it thinks fit.

*Status: Point in time view as at 01/03/2019.*

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**Commencement Information**

**I61** Sch. 1 para. 13 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Proceedings*

14 The quorum of the Commission shall be five members.

**Commencement Information**

**I62** Sch. 1 para. 14 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

15 Subject to paragraph 16 below the Chair, if present, shall preside over meetings but—

- (a) if the Chair is not present on any occasion, the Vice-Chair shall preside,
- (b) if neither the Chair nor the Vice-Chair is present on any occasion, the Commission shall choose another member to preside, and
- (c) either the Chair or Vice-Chair may decline to preside on any occasion when the Chair or Vice-Chair, as the case may be, considers it preferable not to do so, in which case sub-paragraph (b) above shall apply.

**Commencement Information**

**I63** Sch. 1 para. 15 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

16 No person shall preside on any occasion when the Commission is considering proposals affecting any diocese if that person is an elected member of the General Synod for that diocese or resides or holds any office of the Church of England in that diocese.

**Commencement Information**

**I64** Sch. 1 para. 16 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

17 The business of the Commission shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the person presiding shall have a second or casting vote.

**Commencement Information**

**I65** Sch. 1 para. 17 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

18 Subject to paragraph 14 above the Commission may act notwithstanding any vacancy in its membership.

**Commencement Information**

**I66** Sch. 1 para. 18 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

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- 19 Subject to the preceding provisions of this Schedule and to any other provision of this Measure, the Commission shall have power to regulate its own procedure.

**Commencement Information**

**I67** Sch. 1 para. 19 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

SCHEDULE 2

Section 4(4)

CONTENTS OF REORGANISATION SCHEMES

*Preliminary*

- 1 In this Schedule a “scheme” means a reorganisation scheme, “the 1533 Act” means the Appointment of Bishops Act 1533 (25 Hen. 8 c. 20) and “the 1999 Measure” means the Cathedrals Measure 1999 (1999 No. 1).

**Commencement Information**

**I68** Sch. 2 para. 1 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to bishops*

- 2 A scheme by which a new bishopric is to be founded and a new diocese is created shall specify the see of the bishop of the diocese and provide for—
- (a) constituting the bishop of the diocese a corporation sole and investing him with all such rights, privileges and jurisdictions as are possessed by any other diocesan bishop in England;
  - (b) subjecting the bishop to the metropolitan jurisdiction of one of the archbishops; and
  - (c) the election of a bishop of the diocese.

**Commencement Information**

**I69** Sch. 2 para. 2 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 3 A scheme by which a diocese is to be dissolved shall provide for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese in accordance with paragraph 16 below.

**Commencement Information**

**I70** Sch. 2 para. 3 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Status: Point in time view as at 01/03/2019.*

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*Provisions relating to cathedral church etc.*

- 4 (1) Where the scheme creates a new diocese or where the area in which a cathedral is situated is transferred to another diocese the scheme shall provide—
- (a) for the establishment of a cathedral for the diocese, or
  - (b) for the establishment of a church to be known as the pro-cathedral of the diocese.
- (2) Where sub-paragraph (1)(a) above applies, the scheme shall either designate an existing church as the cathedral church, whether or not that church was previously a cathedral church for another diocese or provide for a new church to be the cathedral church.
- (3) Where sub-paragraph (1)(a) above applies, the scheme shall—
- (a) provide for the establishment of a provisional council whose function shall be to prepare a constitution and statutes for the cathedral in accordance with the 1999 Measure and for the application of Schedule 1 to that Measure as if the provisional council were a Transitional Council established under Schedule 1 to that Measure subject to such modifications as may be made by the scheme;
  - (b) provide for the governance of the cathedral and for its worship and administration and, so far as is appropriate, for the appointment of persons to hold office in the cathedral and for its ownership and the ownership of any assets belonging to or used for the purposes of the cathedral until the constitution and statutes have effect;
  - (c) constitute a body which shall consist of the holders of such offices in the cathedral as the scheme shall specify and which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and which shall perform the functions conferred on the Chapter of a cathedral under the 1533 Act, which shall have effect accordingly;
  - (d) apply any provision of the 1999 Measure, subject to such modifications as may be specified in the scheme, including any provision which may be appropriate in respect of the coming into force of the constitution and statutes; and
  - (e) provide, as necessary, relating to the jurisdiction of the consistory court.
- (4) Where sub-paragraph (1)(b) above applies the scheme shall either designate an existing church as or provide for a new church to be the seat of the bishop and to be known as the pro-cathedral of the diocese and sub-paragraphs (3)(b) and (c) and (e) above shall apply as they apply in relation to the establishment of a cathedral church, but with the omission, in sub-paragraph (b), of the words “until the constitution and statutes have effect” and, in sub-paragraph (c), of the words “which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and”.
- (5) Where sub-paragraph (1)(b) applies the scheme shall include provision enabling a cathedral church to be established for the diocese if the bishop's council and standing committee of the diocesan synod at any time, with the consent of the bishop and after consulting the Commissioners, the Dioceses Commission and any person holding office in the pro-cathedral, so decides and may make provision for any of the matters referred to in sub-paragraph (3) above in the event of a cathedral church being established.

*Status: Point in time view as at 01/03/2019.*

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#### Commencement Information

**I71** Sch. 2 para. 4 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 5
- (1) Where a scheme dissolves a diocese or the area in which the cathedral is situated is transferred to another diocese the scheme shall provide that the cathedral shall—
    - (a) cease to be a cathedral, or
    - (b) become the sole cathedral of another diocese, or
    - (c) become one of the cathedrals in another diocese.
  - (2) Where sub-paragraph (1)(a) above applies the scheme shall provide—
    - (a) for the status of the cathedral church to be altered;
    - (b) if appropriate, for the precinct and other land owned by the cathedral and surrounding the cathedral church to become a new parish, to be included in another parish or to become an extra-parochial place;
    - (c) for dissolving the Chapter and all other bodies, dignities and offices in the cathedral;
    - (d) for conferring appropriate rights to compensation on persons holding any such office in accordance with paragraph 16 below;
    - (e) for transferring any property (including rights of patronage) vested in the corporate body of the cathedral to such person or body as may be specified in the scheme and vesting such property in that person or body without any conveyance or other assurance; and
    - (f) as necessary, relating to the jurisdiction of the consistory court.
  - (3) Where sub-paragraph (1)(c) above applies, the constitution and statutes of each cathedral for which the scheme makes provision—
    - (a) may provide for specified offices in each cathedral to be held or specified functions to be discharged by the same person or by joint bodies; and
    - (b) shall provide for one College of Canons to discharge functions for all of those cathedrals in accordance with section 5 of the 1999 Measure.
  - (4) Where sub-paragraph (3) above applies, the scheme shall provide for the constitution and statutes of any existing cathedral to be modified so as to make the like provision as is mentioned in that sub-paragraph.
  - (5) Where sub-paragraph (1)(b) or (c) above applies, paragraph 4(3) above shall apply, so far as appropriate, and subject to any necessary modifications.

#### Commencement Information

**I72** Sch. 2 para. 5 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provisions relating to abolition of bishoprics*

- 6
- (1) A scheme which abolishes a suffragan bishopric shall provide for vacating the office of that bishopric.
  - (2) A scheme which provides for abolishing a suffragan bishopric and creating a diocesan bishopric shall provide for vacating the office of that suffragan bishopric.

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- (3) A scheme which provides for abolishing a diocesan bishopric and creating a suffragan bishopric shall provide for vacating the office of that diocesan bishopric.
- (4) Where this paragraph applies the scheme shall provide for rights to compensation in accordance with paragraph 16 below.
- (5) Where sub-paragraph (3) above applies the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 (51 and 52 Vict. c. 56) directing that the town concerned be taken and accepted for the see of a suffragan bishop.

#### Commencement Information

**I73** Sch. 2 para. 6 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provisions relating to archdeaconries and deaneries*

- 7 (1) A scheme by which a new diocese is to be created shall make provision, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes comprised in the diocese.
- (2) A scheme may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme.

Section 39 of the 1983 Measure shall apply to provisions included in a scheme by virtue of this paragraph as if those provisions were or were included in a pastoral scheme or order made under that Measure.

#### Commencement Information

**I74** Sch. 2 para. 7 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 8 A scheme by which a diocese or archdeaconry is to be dissolved shall make provision for conferring rights to compensation on an archdeacon whose office is to be abolished by the scheme, in accordance with paragraph 16 below.

#### Commencement Information

**I75** Sch. 2 para. 8 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provisions relating to patronage*

- 9 (1) A scheme shall provide for transferring to the bishop of a diocese, or to the diocesan board of patronage thereof, any right of patronage of a benefice which by virtue of the scheme is to become a benefice in that diocese, being a right which immediately before the commencement of the scheme was vested in the bishop, or the diocesan board of patronage, of another diocese affected by the scheme.
- (2) A scheme may also provide for appointing a new person or the holder of an existing office to replace any person who holds office in a diocese or cathedral and who is a registered patron in relation to such a benefice or one of a number of such patrons

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or who is a trustee of such a right of patronage or a member of a corporate body holding such a right.

**Commencement Information**

**I76** Sch. 2 para. 9 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to diocesan synods and other bodies*

- 10 (1) A scheme by which a new diocese is to be created shall make provision with respect to the membership of the diocesan synod of the new diocese during the transitional period.
- (2) Any other scheme may make provision for altering the numbers of elected members of the diocesan synod of a diocese affected by the scheme, the alteration to have effect only during the transitional period.
- (3) Where a diocese is to be dissolved by a scheme, the provision to be made under this paragraph shall include such provision as is necessary to ensure that all persons who immediately before the transitional period begins were members of the diocesan synod of that diocese, having been elected thereto by the houses of clergy or the houses of laity of the deanery synods in that diocese, will during the transitional period be members of the appropriate house of the diocesan synod of a diocese created or affected by the scheme.
- (4) In this paragraph “transitional period” means the period beginning with the date of the taking effect of the scheme in question and ending with the first day of August next following the election of members of diocesan synods next held after the first mentioned date in accordance with the Church Representation Rules as for the time being in force.

**Commencement Information**

**I77** Sch. 2 para. 10 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 11 A scheme by which a new diocese is to be created shall make provision—
- (a) requiring the diocesan synod thereof, at its first meeting, to appoint the bishop's council and standing committee of the synod and to constitute the diocesan board of finance for the diocese in accordance with the Diocesan Boards of Finance Measure 1925 (15 & 16 Geo. 5 No. 3) and, at that or the next following meeting, to appoint every other board, committee or panel which such a synod is required by any Measure to appoint;
- (b) authorising those persons who were members of the bishop's council and standing committee of the diocesan synod of any diocese any part of the area of which is to be comprised in the new diocese to act as bishop's council and standing committee of the diocesan synod of the new diocese until such a council and committee is appointed in accordance with a provision made by virtue of sub-paragraph (a) above;
- (c) requiring the persons referred to in sub-paragraph (b) above to make the necessary arrangements for the first meeting of such synod and to settle the agenda for that meeting.

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#### Commencement Information

**I78** Sch. 2 para. 11 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 12 (1) A scheme by which a diocese is to be dissolved shall provide for the winding up or dissolution of every diocesan body for the diocese.
- (2) A scheme may provide for the abolition of any office for which provision is made by any Measure and for creating and filling any new office and shall provide for conferring rights to compensation on any person whose office is abolished in accordance with paragraph 16 below.
- (3) In sub-paragraph (1) above “diocesan body” has the same meaning as in section 19 above.

#### Commencement Information

**I79** Sch. 2 para. 12 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provisions relating to property*

- 13 (1) A scheme by which a new diocese is to be created may provide for transferring any property vested in or held by a diocesan body for a former diocese to the corresponding body for the new diocese, when constituted, and vesting such property in that body without any conveyance or other assurance.
- In this paragraph “diocesan body” has the same meaning as in section 19 above.
- (2) Such a scheme may provide for the trusts of any charity the property of which is vested in, or under the management or control of any person holding office in or any diocesan body of the former diocese, with or without, in any case, other persons, to have effect with the substitution, for that person, of the person holding the corresponding office in the new diocese and, for that body, of the corresponding body in that diocese, and for any change under any such provision in the vesting of property to have effect without any conveyance or other assurance and this sub-paragraph shall also apply in relation to any person who is a [F24 charity trustee within the meaning of the Charities Act 2011 ].
- (3) In this paragraph “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.

#### Textual Amendments

**F24** Words in Sch. 2 para. 13(2) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 129 (with s. 20(2), Sch. 8)

#### Commencement Information

**I80** Sch. 2 para. 13 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 14 Paragraph 13 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese or by which a diocese is dissolved and its area is transferred to one or more existing dioceses as if the



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diocese in which any part of the area of another diocese is to be comprised were the new diocese.

**Commencement Information**

**181** Sch. 2 para. 14 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to records*

- 15 A scheme may make provision for the transfer to the registrar of a diocese or to any other person or body specified by the scheme of the records and other documents relating to the benefices or parishes which by virtue of the scheme are to be comprised in that diocese and to the clergy who are to hold office therein or to any other diocesan office or body or the holders or members of any such office or body in existence before the scheme takes effect.

**Commencement Information**

**182** Sch. 2 para. 15 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to compensation*

- 16 (1) A scheme which provides for the abolition or reduction in status of any office in a cathedral or diocese shall make provision for conferring rights to compensation on the holder of that office who has suffered loss in consequence thereof (unless he or she is also an employee in relation to the same function) and shall also make provision with respect to—
- (a) the manner in which claims to, and the amount of, such compensation are to be determined;
  - (b) the matters to be taken into account in determining whether any claimant has suffered loss giving a right to compensation;
  - (c) the circumstances in which payments of such compensation consisting of periodical payments may be suspended, renewed or terminated or the amount thereof increased or reduced;
  - (d) the body by which, and the resources from which, such compensation is to be paid;
- and different provision may be made for different cases.
- (2) The Commission shall make rules regarding the general principles to be applied in determining rights of compensation under this paragraph and may amend or replace any rules by further rules made in accordance with this paragraph.
- (3) Rules made under this paragraph shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (4) Where the Business Committee of the General Synod determines that any 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 or she wishes the rules to be debated, or

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- (b) notice is so given by any such member that he or she wishes to move an amendment to the rules,  
the rules shall, for the purposes of sub-paragraph (3) above, be deemed to have been approved by the General Synod without amendment.
- (5) Any person or body exercising functions in relation to the conferring of rights of compensation or to the payment of compensation under this paragraph shall be under a duty to have regard to any rules made thereunder.

#### Commencement Information

**I83** Sch. 2 para. 16 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provision relating to proceedings in consistory court*

- 17 A scheme by which a diocese is dissolved or under which any church or other building or land is transferred to a new diocese may make provision for any proceedings pending in the consistory court of the first mentioned diocese or the diocese in which the building or other land is situated on the date when the scheme takes effect to be heard and determined in the court where the proceedings are pending.

#### Commencement Information

**I84** Sch. 2 para. 17 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

#### *Provisions relating to supplementary, etc. matters*

- 18 (1) A scheme may make such supplementary, incidental, consequential or transitional provisions as appear to the Commission to be necessary or expedient for giving effect to the purposes of the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme may make provision for preserving the effect of any thing of whatever nature done by a body established for a diocese which is to be dissolved by the scheme or any part of which is to be transferred to another diocese or by the holder of an office in such a diocese in his or her capacity as such.
- (3) A scheme may amend or repeal any provision of any Order in Council made under any Act or Measure which provided for the foundation of a bishopric if it appears to the Commission that that provision is inconsistent with or rendered unnecessary by the provisions of the scheme.
- (4) A scheme shall, where the Commission considers it appropriate, have annexed thereto a map showing the changes to be made by the scheme.
- (5) A scheme may provide that the scheme shall come into operation on a specified date, or on the happening of a specified event or contingency and different dates, events or contingencies may be specified for different provisions.

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**Commencement Information**

**I85** Sch. 2 para. 18 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

<sup>F25</sup>SCHEDULE 3

Section 52(4)

**Textual Amendments**

**F25** Sch. 3 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

SCHEDULE 4

Section 54(2)

THE CHURCH BUILDINGS COUNCIL

*Membership*

- 1 The Council shall consist of a person who shall be known as the Chair of the Council who shall be appointed by the Archbishops of Canterbury and York after consultation with the Appointments Committee of the Church of England and not more than 23 other members.

**Commencement Information**

**I86** Sch. 4 para. 1 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 2 The following members shall be appointed by the Archbishops of Canterbury and York—
- (a) four members shall be appointed on the nomination of the Secretary of State, who shall include persons who, between them, have special knowledge of or expertise in history, architecture, archaeology and aesthetics;
  - (b) three members of the General Synod shall be appointed on the nomination of the Appointments Committee, who shall have knowledge of or expertise in matters relevant to the Council's work;
  - (c) three other persons having such knowledge or expertise shall be appointed on the nomination of the Council (including the Council for the Care of Churches as constituted immediately before the coming into force of this Schedule);
  - (d) three persons shall be appointed on the nomination of an annual meeting of the Chairmen and Secretaries of the Diocesan Advisory Committees;
  - (e) one person shall be appointed on the nomination of the Cathedrals Fabric Commission for England;

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- (f) one person shall be appointed on the nomination of the Appointments Committee, who shall have expertise in the innovative use of churches and former churches, including their management and development; and
- (g) three persons shall be appointed on the nomination of the Appointments Committee, which shall have regard to the need to include amongst the members of the Council persons who have expertise in history, architecture, archaeology, archives, art and liturgy.

**Commencement Information**

**I87** Sch. 4 para. 2 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 3 Not more than two persons may be co-opted by the Council to reflect such specialist interests, not otherwise represented, as the Council thinks fit.

**Commencement Information**

**I88** Sch. 4 para. 3 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 4 Three members shall be elected by the General Synod from among its members, who shall have knowledge of or expertise in matters relevant to the Council's work.

**Commencement Information**

**I89** Sch. 4 para. 4 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 5 The following persons shall not be eligible for membership of the Council—
- (a) for the purposes of paragraphs 1 to 4 above, a member or employee of the Commissioners, or a member of their Assets Committee, their Audit Committee or any other committee of the Commissioners constituted by the Board of Governors or otherwise established under section 5(4) of the Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) or any joint committee of the Commissioners and the Archbishops' Council appointed under that section or a member or employee of the Churches Conservation Trust, and
  - (b) for the purposes of paragraph 2(a) above, the persons referred to in subparagraph (a) above and a member or employee of the Archbishops' Council or a member of the General Synod or of any diocesan body within the meaning of section 56(2) above.

**Commencement Information**

**I90** Sch. 4 para. 5 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 6 The Chair of the Council shall hold office for such period as may be determined by the Archbishops of Canterbury and York, not exceeding five years and the Archbishops may determine that the Chair shall hold office for a second term not exceeding five years, and for the purposes of this paragraph the periods for which the Chair may serve shall include any period as Chair of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date.

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**Commencement Information**

**I91** Sch. 4 para. 6 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 7 Subject to paragraph 8 below, the other members of the Council shall take office on the first day of June immediately following the termination of the period of office of the persons in whose place those persons were appointed or elected and shall hold office until the thirty first day of May following the year in which the General Synod is next dissolved and a new Synod come into being.

**Commencement Information**

**I92** Sch. 4 para. 7 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 8 The first appointments and elections of the members of the Council shall take place as soon as practicable after the coming into force of section 54(2) above and—
- (a) they shall take immediate effect, and
  - (b) the members shall hold office until the date specified in paragraph 7 above, except that if the period which elapses between the coming into force of section 54(2) above and that date is less than three years they shall hold office until the thirty first day of May following the year in which the second subsequent dissolution of the General Synod occurs and the new Synod comes into being following that dissolution.

**Commencement Information**

**I93** Sch. 4 para. 8 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 9 A member (other than the Chair) shall on ceasing to hold office be eligible for re-appointment or re-election for a second term not exceeding five years and for the purposes of this paragraph the periods for which the member may serve shall include any period of membership of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date.

**Commencement Information**

**I94** Sch. 4 para. 9 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 10 A member of the Council appointed under paragraph 2(b) above or elected by the General Synod under paragraph 4 above shall cease to hold office on ceasing to be a member of the Synod, except that a member who is a member of the General Synod may continue to act as a member of the Council so long as that person is entitled to act during a period of dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No.2) and if, following the dissolution of the Synod, that person is not re-elected to the new Synod the Archbishops of Canterbury and York may, on the recommendation of the Appointments Committee, appoint that person as a member to hold office until the thirty-first day of May following the year in which the new Synod comes into being.

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**Commencement Information**

**I95** Sch. 4 para. 10 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Casual vacancies*

- 11 Where a casual vacancy occurs among the Chair or the other members of the Council appointed by the Archbishops of Canterbury and York the Archbishops may, having regard to any provision of paragraph 2 above relating to the knowledge or expertise of the person whose place is to be filled and after such consultation or nomination as may have been required by any such provision or by paragraph 1 above before that person was appointed, appoint a person to fill the vacancy.

**Commencement Information**

**I96** Sch. 4 para. 11 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 12 Where a casual vacancy occurs among the members of the Council elected by the General Synod, the General Synod may elect one of its members to fill the vacancy, being a person who has knowledge of or expertise in matters relevant to the Council's work.

**Commencement Information**

**I97** Sch. 4 para. 12 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 13 Where a casual vacancy occurs among the co-opted members of the Council the Council may co-opt a person to fill the vacancy to reflect such interests as are referred to in paragraph 3 above.

**Commencement Information**

**I98** Sch. 4 para. 13 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 14 Any person appointed or elected to fill a casual vacancy whether before or after the coming into force of this Measure shall hold office only for the unexpired portion of the term of office of the person in whose place he or she is appointed or elected, but shall be eligible to be re-appointed or re-elected for one further term of office, and if the Archbishops of Canterbury and York so direct, shall be eligible for re-appointment or re-election for a second further term.

**Commencement Information**

**I99** Sch. 4 para. 14 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Committees*

- 15 The Council shall have power to appoint such committees and may delegate to them such functions as it thinks fit, provided that this paragraph shall not apply to the Statutory Advisory Committee.

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**Commencement Information**

**I100** Sch. 4 para. 15 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 16 Persons who are not members of the Council may be appointed to any committee thereof, provided that this paragraph shall not apply to the Statutory Advisory Committee.

**Commencement Information**

**I101** Sch. 4 para. 16 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 17 Without prejudice to paragraph 15 above, there shall be a Committee of the Council, which shall be known as the “Statutory Advisory Committee”, which shall have the functions set out in paragraphs 19 to 21 below.

**Commencement Information**

**I102** Sch. 4 para. 17 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 18 The Statutory Advisory Committee shall consist of a person who shall be known as the Chair who shall be the Chair of the Council and the following members—
- (a) the four members of the Council appointed under paragraph 2(a) above; and
  - (b) three other members, who shall be appointed by the Council from among its members.

**Commencement Information**

**I103** Sch. 4 para. 18 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 19 The Statutory Advisory Committee shall, on behalf of the Council, discharge the functions described in section 56(1)(b) and (c) above.

**Commencement Information**

**I104** Sch. 4 para. 19 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 20 The Council may delegate such other functions to and seek the advice of the Statutory Advisory Committee on such other matters, as it thinks fit and may do so, generally, or in relation to specified categories of matter, or in relation to specified matters.

**Commencement Information**

**I105** Sch. 4 para. 20 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 21 The Statutory Advisory Committee shall report to the Council on the discharge of its functions from time to time and, in any event, at least every six months and at such times or intervals as the Council may direct.

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#### Commencement Information

**I106** Sch. 4 para. 21 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 22 The procedure of the Statutory Advisory Committee shall be as follows—
- (a) the quorum shall be four members, of whom not less than two members shall be members by virtue of paragraph 18(a) above, and
  - (b) the Chair shall not be entitled to vote and any person chosen to preside, in the absence of the Chair, shall not have a second or casting vote,
- but, save as aforesaid, paragraphs 24 to 27 below shall apply to the proceedings of the Committee as they apply to the proceedings of the Council with the substitution, in paragraphs 25 and 27, of the word “Committee” for the word “Council”.

#### Commencement Information

**I107** Sch. 4 para. 22 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

#### *[<sup>F26</sup>Delegation to officers*

#### Textual Amendments

**F26** Sch. 4 para. 22A and cross-heading inserted (1.3.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), ss. **12(2)**, 17(3); S.I. 2019/67, art. 2(1)(k)

- 22A The Council may delegate to an officer such functions as it thinks fit.]

#### *Proceedings*

- 23 The quorum of the Council shall be eight members.

#### Commencement Information

**I108** Sch. 4 para. 23 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 24 The business of the Council shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the person presiding shall have a second or casting vote.

#### Commencement Information

**I109** Sch. 4 para. 24 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

- 25 The Chair, if present, shall preside over meetings but, if the Chair is not present or, if the Chair declines to preside on any occasion when he or she considers it preferable not to do so, the Council shall choose another member to preside.



*Status: Point in time view as at 01/03/2019.*

*Changes to legislation: Dioceses, Pastoral and Mission Measure 2007 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I110** Sch. 4 para. 25 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

26 Subject to paragraph 23 above, the Council may act notwithstanding any vacancy in its membership.

**Commencement Information**

**I111** Sch. 4 para. 26 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

27 Subject to the preceding provisions of this Schedule, the Council shall have power to regulate its own procedure.

**Commencement Information**

**I112** Sch. 4 para. 27 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

<sup>F27</sup>SCHEDULE 5

Section 63(1)

**Textual Amendments**

**F27** Sch. 5 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

SCHEDULE 6

Section 64

TRANSITIONAL PROVISIONS

1 In this Schedule “the 1978 Measure” means the Dioceses Measure 1978 (1978 No. 1).

**Commencement Information**

**I113** Sch. 6 para. 1 in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops

2 Any reorganisation scheme made under section 6 and confirmed by Order in Council under section 7 of the 1978 Measure which is in force immediately before the coming into force of sections 7 and 8 above shall have effect as if it had been made under section 7 and confirmed by Order in Council under section 8 above.

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#### Commencement Information

**I114** Sch. 6 para. 2 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 3 Any instrument made by a bishop under section 10 of the 1978 Measure or made under section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 (1983 No. 2) which is in force immediately before the coming into force of sections 13 and 14 above shall have effect as if it had been made under section 13 or 14 above, as the case may be.

#### Commencement Information

**I115** Sch. 6 para. 3 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 4 Where any proposal has been made by a bishop under section 18 of the 1978 Measure to create a suffragan see which has not been approved by the General Synod under that section at the time of the coming into force of section 18 above the proposal shall be treated as if it had been made under section 18 above and the provisions of that section shall apply to the proposal accordingly.

#### Commencement Information

**I116** Sch. 6 para. 4 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 5 <sup>[F28(1)]</sup> Any scheme made under section 11 of the 1978 Measure and in force immediately before the coming into force of section 13 above shall, notwithstanding the repeal of that section, continue in force, but the bishop of the diocese to which the scheme relates may, with the consent of the diocesan synod of that diocese, vary or revoke the scheme by an instrument in writing and—
- (a) the said section 11 shall apply to an instrument varying the scheme as if it were a scheme made under section 11, and
  - (b) sections 12 and 13 of the 1978 Measure shall not apply to such an instrument.
- <sup>[F29(2)]</sup> On making an instrument under sub-paragraph (1) the bishop shall send a copy of the instrument to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.]

#### Textual Amendments

- F28** Sch. 6 para. 5(1): Sch. 6 para. 5 renumbered as Sch. 6 para. 5(1) (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 16**; S.I. 2014/1369, art. 2
- F29** Sch. 6 para. 5(2) added (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 16**; S.I. 2014/1369, art. 2

#### Commencement Information

**I117** Sch. 6 para. 5 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 6 Where, on the coming into force of Parts III and IV of this Measure—
- (a) any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or

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- (b) any such proposals have been formulated, or
- (c) any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or
- (d) any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,

but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been made, but, thereafter, any such scheme or order shall have effect as if it had been made under the 1983 Measure, as amended by this Measure.

**Commencement Information**

**I118** Sch. 6 para. 6 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 7 Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into force of Parts III and IV of this Measure shall have effect as if made under the 1983 Measure as amended by this Measure.

**Commencement Information**

**I119** Sch. 6 para. 7 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

F30g .....

**Textual Amendments**

**F30** Sch. 6 para. 8 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

**I120** Sch. 6 para. 8 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

SCHEDULE 7

Section 65

REPEALS

**Commencement Information**

- I121** Sch. 7 in force at 1.2.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops
- I122** Sch. 7 in force at 1.5.2008 for specified purposes by 2008 No. 1, Instrument made by Archbishops
- I123** Sch. 7 in force at 11.6.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops
- I124** Sch. 7 in force at 1.9.2008 for specified purposes by 2008 No. 1, Instrument made by Archbishops
- I125** Sch. 7 in force at 1.1.2011 in so far as not already in force by 2010 No. 4, art. 2(d)

*Measure*

*Extent of repeal*

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*Status: Point in time view as at 01/03/2019.*

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1964 No. 5, The Faculty Jurisdiction Measure 1964	In section 15, the definition of “council”.
1969 No. 2, The Synodical Government Measure 1969	In the Church Representation Rules contained in Schedule 3, in rule 34(1)(c) the words after “being” to “any other diocese”.
1978 No. 1, The Dioceses Measure 1978	The whole Measure.
1983 No. 1, The Pastoral Measure 1983	Section 1. Section 2. Section 41. Section 45. In section 87(1), in the definition of “mission and pastoral committee”, the words “, but does not include a joint pastoral committee”. Schedule 1. In Schedule 5, paragraphs 1 to 12.
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Section 8. Section 10.
1986 No. 1, The Bishops (Retirement) Measure 1986	Section 11(2).
1988 No. 1, The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988	Section 6.
1990 No. 1, The Clergy (Ordination) Measure 1990	Section 2.
1990 No. 2, The Care of Cathedrals Measure 1990	In section 20(1), the definition of “Council for the Care of Churches”.
1991 No. 1, The Care of Churches and Ecclesiastical Jurisdiction Measure 1991	In section 31(1), the definition of “Council for the Care of Churches”.
1992 No. 1, The Church of England (Miscellaneous Provisions) Measure 1992	In Schedule 3, paragraph 18.
1994 No. 1, The Pastoral (Amendment) Measure 1994	Section 1.
1995 No. 2, The Church of England (Miscellaneous Provisions) Measure 1995	In section 11, paragraph (e). Section 12.
1999 No. 1, The Cathedrals Measure 1999	In Schedule 2, paragraph 7.
1999 No. 2, The Care of Places of Worship Measure 1999	In section 6(1), the definition of “Council for the Care of Churches”.
2000 No. 1, The Church of England (Miscellaneous Provisions) Measure 2000	Section 18.
2003 No. 1, The Synodical Government (Amendment) Measure 2003	In section 2, subsections (3), (4) and (5).
2005 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005	In Schedule 4, paragraphs 10 and 13.

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**Status:**

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**Changes to legislation:**

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