Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

PART II

PROVINCIAL AND DIOCESAN STRUCTURE

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.

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.

(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.

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.

(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.

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.

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.