



Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

PART III

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

Pastoral schemes and orders

24 Pastoral schemes and orders

In its application to pastoral schemes which do not contain a declaration of closure of a church for regular public worship and to pastoral orders Part I of the 1983 Measure shall be amended in accordance with sections 25 to 34 below.

25 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows—

- (a) in subsection (1), the words “, subject to subsection (7)(a) in the case of interested parties being local planning authorities,” shall be omitted;
- (b) in subsection (2), for the words “subsections (3) and (4)” there shall be substituted the words “subsection (3)”, the word “and” shall be inserted after paragraph (d) and the word “and” after paragraph (e) and paragraph (f) shall be omitted;
- (c) subsections (4), (7) and (8) shall be omitted; and
- (d) in subsection (10), the words from “and, if those proposals include” to the end shall be omitted.

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

For section 4 there shall be substituted the following section—

“4 Approval by bishop of draft proposals and preparation of draft scheme

- (1) If the bishop approves, either with or without amendments, draft proposals submitted to him under section 3(9) he shall return the draft proposals to the mission and pastoral committee, with any amendments, for the preparation of a draft scheme or order.
- (2) On receipt of the draft proposals the mission and pastoral committee shall prepare a draft scheme or order giving effect to the draft proposals, with any amendments, and shall submit the draft scheme or order to the Commissioners.”.

27 Consideration of draft scheme or order by Commissioners

For section 5 there shall be substituted the following section—

“5 Consideration of draft scheme or order by Commissioners

- (1) On receipt of a draft scheme or order submitted to them under section 4 the Commissioners shall consider whether the draft scheme or order is in the correct form and is within the powers conferred on the bishop and the mission and pastoral committee and whether the procedures set out in sections 3 and 4 have been properly applied.
- (2) Where the Commissioners consider that, in accordance with subsection (1), any amendments should be made to the draft scheme or order, they may make such amendments as they think appropriate.
- (3) If the Commissioners make any such amendments they shall, unless they consider that the amendments are such as are described in section 16(1A), refer the draft scheme or order, with their amendments, together with an explanation of the reasons for the amendments, to the mission and pastoral committee for further consideration.
- (4) The mission and pastoral committee shall, after consulting the bishop, consider the draft scheme or order, as amended by the Commissioners, and may, with the agreement of the bishop, make any amendments which it thinks fit, after taking account of the Commissioners' amendments.
- (5) The mission and pastoral committee shall, after considering the draft scheme or order in accordance with subsection (4), re-submit it to the Commissioners, with any amendments, together with an explanation of the action which it has taken on the Commissioners' amendments and subsection (2) and, if appropriate, subsections (3), (4) and this subsection shall apply to any such draft scheme or order.
- (6) If the Commissioners consider that it is not possible to amend the draft scheme or order in a way which would enable it to proceed in the correct form or that the procedures set out in sections 3 and 4 have not been properly applied they shall return it to the mission and pastoral committee for further consideration.
- (7) If the draft scheme or order is returned to the mission and pastoral committee under subsection (6), the mission and pastoral committee shall take no further steps in relation to the draft scheme or order but, shall, after consulting the

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bishop, consider whether to make new recommendations under section 3 or prepare a new draft scheme or order under section 4 or take any further steps specified by the Commissioners.

- (8) If the Commissioners do not refer the draft scheme or order to the mission and pastoral committee for further consideration as provided above, they shall return the draft scheme or order to the mission and pastoral committee to proceed with the draft scheme or order under section 6 below.”

28 Notice and publication of draft scheme or order

Section 6 shall be amended as follows—

- (a) in subsection (1), for the word “Commissioners”, in the first place where it occurs, there shall be substituted the words “mission and pastoral committee”, for “5” there shall be substituted “4” and after the words “interested parties” there shall be inserted the words “and the Commissioners”;
- (b) in subsection (3), for the words from the beginning to the end of paragraph (a), there shall be inserted the words

“If a draft scheme is a scheme to which section 30 applies the mission and pastoral committee shall—

- (a) also serve a copy thereof on the Commonwealth War Graves Commission; and”

and the words beginning with “and the provisions of paragraph (a)” to the end shall be omitted;

- (c) in subsection (4), for “Commissioners” there shall be substituted the words “mission and pastoral committee” and after the word “scheme”, in both places, there shall be inserted the words “or order”; and
- (d) in subsection (5) the words “to their representative” shall be omitted.

29 Amendment of draft scheme or order

Section 7 shall be amended as follows—

- (a) in subsection (1), after the word “may”, there shall be inserted the words “, at any time after a copy of the draft scheme or order has been served on them under section 6(1),” and for the word “them” there shall be substituted the words “the committee”; and
- (b) in subsection (2), after the words “any such amendments” there shall be inserted the words “, other than any amendments which, in the opinion of the Commissioners, are such as are described in section 16(1A),”.

30 Making of scheme or order

Section 8 shall be amended as follows—

- (a) for subsection (2) there shall be substituted the following subsection—

“(2) Where no representations with respect to any such draft order have been made and the Commissioners are of the opinion that the draft order should be made and do not propose to amend or further amend it under section 7, the Commissioners shall issue a certificate to that effect and submit the draft order and the certificate to the bishop.”;

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- (b) in subsection (3), for the words “seal a copy thereof and submit it to the bishop” there shall be substituted the words “issue a certificate to that effect and submit the draft order and the certificate to the bishop”; and
- (c) in subsection (4), for the words “copy of an” there shall be substituted the word “draft”.

31 Transmission of copies of scheme or order

Section 10 shall be amended as follows—

- (a) in subsection (1) for the word “Commissioners” there shall be substituted the words “mission and pastoral committee”, for the word “them” there shall be substituted the words “the Commissioners” and the words after “interested parties” shall be omitted; and
- (b) in subsection (2), for the word “Commissioners” there shall be substituted the words “mission and pastoral committee”.