



# Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

## PART II

### PROVINCIAL AND DIOCESAN STRUCTURE

#### *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>F1</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).

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**Changes to legislation:** *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Cross Heading: Provisions with respect to discharge of episcopal functions. (See end of Document for details)*

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- (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
  - (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**

- F1** 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

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#### Commencement Information

**II** 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—
- (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>F2</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.

*Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Cross Heading: Provisions with respect to discharge of episcopal functions. (See end of Document for details)*

- (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.
- (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

- F2** 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

- I2** 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

- I3** S. 15 in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

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**Changes to legislation:** *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Cross Heading: Provisions with respect to discharge of episcopal functions. (See end of Document for details)*

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## **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.

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### **Commencement Information**

**I4** [S. 16](#) in force at 1.5.2008 by [2008 No. 1](#), Instrument made by Archbishops

**Changes to legislation:**

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