Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

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

I1 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 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

I2 S. 3(1)-(4) in force at 1.2.2009 by 2008 No. 4, Instrument made by Archbishops

I3 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;

(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.

[[F1](e) the re-naming of a diocesan or suffragan see;

(f) the creation of a new suffragan bishopric.**]**

[[F2](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

F1 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

F2 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

I4 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.

Commencement Information

I5 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.

(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

I6 S. 6(1)-(2)(4)-(8) in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

I7 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.

(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

I8 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

I9 S. 8 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

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

I10 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,

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

I11 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 **[**[F3]to change the name of a diocesan see**]**, 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.

[[F4](2A) Before submitting a petition under subsection (1) to change the name of a suffragan see, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned; the bishop may then, if the bishop decides to proceed with the petition, forward it to His Majesty in Council.**]**

(3) Where the Business Committee of the General Synod determines that **[**[F5]a petition under subsection (1) to change the name of a diocesan see**]** 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.

Textual Amendments

F3 Words in s. 11(2) inserted (17.5.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 4(1)**, 22(4); S.I. 2024/631, art. 2

F4 S. 11(2A) inserted (17.5.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 4(2)**, 22(4); S.I. 2024/631, art. 2

F5 Words in s. 11(3) substituted (17.5.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 4(3)**, 22(4); S.I. 2024/631, art. 2

Commencement Information

I12 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

I13 S. 12 in force at 1.1.2011 by 2010 No. 4, **art. 2(a)**

Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part II. (See end of Document for details)*

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[F6]....

(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

(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

F6 Words in s. 13(1) omitted (25.1.2024) by virtue of Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(2)**, 22(2)(e)

Commencement Information

I14 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[F7]....

(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.

(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

F7 Words in s. 14(1) omitted (25.1.2024) by virtue of Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(3)**, 22(2)(e)

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

I15 S. 14 in force at 1.5.2008 by 2008 No. 1, Instrument made by Archbishops

[[F8]14A Delegation of archbishop's functions

(1) Either archbishop may by an instrument made under hand delegate to the other archbishop, or to such diocesan, suffragan or assistant bishop as may be specified in the instrument, the exercise of the archbishop's functions at any time when the archbishop is unable to exercise them.

(2) An instrument under this section may not delegate a function which is capable of being delegated by an instrument under section 13 as a function which the archbishop has in the capacity as bishop of the diocese of Canterbury or, as the case may be, the diocese of York.

(3) Subsections (2) to (7) and (9) to (15) of section 13 apply to an instrument under this section as they apply to an instrument under that section; and for that purpose—

(a) a reference to the bishop, or to the diocese of the bishop, is to be read as a reference to the archbishop, or to the province of the archbishop, making the delegation,

(b) a reference to the suffragan bishop is to the archbishop or other bishop to whom the delegation is made,

(c) a reference to the registrar of the diocese is a reference to—

(i) the registrar of the province of the archbishop making the delegation, and

(ii) (if the delegation is to the other archbishop) the registrar of the other province or (if the delegation is to a diocesan, suffragan or assistant bishop) the registrar of the diocese concerned, and

(d) a reference to the diocesan registry is to be construed consistently with a reference to the registrar of the diocese (as to which, see paragraph (c)).**]**

Textual Amendments

F8 S. 14A inserted (25.1.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(1)**, 22(2)(e)

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

I16 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 [F9or an archbishop]

[F10(1)**]** 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.

[F11(2) Any Act, Measure or Canon which confers or imposes on an archbishop functions which by virtue of an instrument made under section 14A may be discharged by the other archbishop, or by the bishop specified in the instrument, has effect in the province subject to the provisions of the instrument for the time being in force, and references in that Act, Measure or Canon to the archbishop are to be construed accordingly.**]**

Textual Amendments

F9 Words in s. 16 heading inserted (25.1.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(5)**, 22(2)(e)

F10 S. 16 renumbered as s. 16(1) (25.1.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(4)**, 22(2)(e)

F11 S. 16(2) inserted (25.1.2024) by Church of England (Miscellaneous Provisions) Measure 2024 (No. 1), **ss. 6(4)**, 22(2)(e)

Commencement Information

I17 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 [F12]....

Textual Amendments

F12 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

I18 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

I19 S. 18 in force at 1.9.2008 by 2008 No. 1, Instrument made by Archbishops

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 **[**[F13]or a Diocesan Board of Education**]**.

(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.

(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.

Textual Amendments

F13 Words in s. 19(1) inserted (29.6.2021) by Diocesan Boards of Education Measure 2021 (No. 1), **ss. 4(10)**, 24(3) (with Sch. 2 para. 6)

Commencement Information

I20 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

I21 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

(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

I22 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

I23 S. 22 in force at 1.5.2008 by 2008 No. 1, Instrument made by Archbishops

Changes to legislation:
There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part II.