Mission and Pastoral etc. (Amendment) Measure 2018

2018 No. 4

A Measure passed by the General Synod of the Church of England to amend and simplify certain provisions of the Mission and Pastoral Measure 2011, the Endowments and Glebe Measure 1976 and the Patronage (Benefices) Measure 1986; to make minor clarificatory amendments; and for connected purposes. [10th May 2018]

1 Pastoral schemes and orders: consultation

(1) In section 6 of the Mission and Pastoral Measure 2011 (pastoral schemes and pastoral orders: formulation and submission of draft proposals), in subsection (1), after "their views" insert "—

(a) on the recommendations the committee proposes to make, or

(b) if the committee has yet to formulate recommendations, on the issues which the committee considers need to be addressed."

(2) In each of subsections (2), (3) and (4) of that section, after "any recommendations," insert " plans, ".

(3) After subsection (8) of that section insert—

"(8A) The duties under subsections (1), (5) and (6) do not apply in relation to a plan for pastoral reorganisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan if—

(a) the plan has also been approved by the mission and pastoral committee,

(b) the draft proposals submitted under subsection (7) are to the same effect, or substantially the same effect, as proposals included in the plan as so approved,

(c) the interested parties have been consulted on the plan, and

(d) any person holding office under Common Tenure whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee.

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Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

(8B) The duty under subsection (8) does not apply in the case of draft proposals which relate to a plan of the kind referred to in subsection (8A).”

(4) After subsection (9) of that section insert—

“(10) The reference in subsection (1) to the interested parties includes a reference to any other person who the mission and pastoral committee considers might be affected by the matters in question; and the references in subsections (5), (6), (8) and (8A) to the interested parties are accordingly to be read as including a reference to those other persons.”

(5) In section 7 of that Measure (approval by bishop of draft proposals), in subsection (3), after “the statement referred to in section 6(8)” insert “ (unless, as a result of section 6(8B), it is not required) ”.

(6) In section 21 of that Measure (pastoral church building schemes: formulation etc. of draft proposals), in subsection (1), after “their views” insert “—

(a) on the recommendations the committee proposes to make, or

(b) if the committee has yet to formulate recommendations, on the issues which the committee considers need to be addressed.”

(7) In each of subsections (2) and (3) of that section, after “any recommendations,” insert “ plans, ”.

(8) In subsection (6)(a) of that section, before “ascertain” insert “ so far as may be practicable ”.

(9) After subsection (9) of that section insert—

“(9A) The duties under subsections (1), (4) and (5) do not apply in relation to a plan for pastoral organisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan if—

(a) the plan has also been approved by the mission and pastoral committee,

(b) the draft proposals submitted under subsection (8) are to the same effect, or substantially the same effect, as proposals included in the plan as so approved,

(c) the interested parties have been consulted on the plan, and

(d) any person holding office under Common Tenure whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee.

(9B) The duty under subsection (9) does not apply in the case of draft proposals which relate to a plan of the kind referred to in subsection (9A).”

(10) After subsection (10) of that section insert—

“(11) The reference in subsection (1) to the interested parties includes a reference to any other person who the mission and pastoral committee considers might be affected by the matters in question; and the references in subsections (4), (5), (9) and (9A) to the interested parties are accordingly to be read as including a reference to those other persons.”

Commencement Information

I1 S. 1 in force at 1.10.2018 by S.I. 2018/722, **art. 3(a)**

2 Pastoral schemes and orders: preparation by the Commissioners

(1) In section 7 of the Mission and Pastoral Measure 2011 (approval by bishop of draft proposals and preparation of draft scheme), in subsection (1)—

(a) after "he shall" insert "—

(a)",

and

(b) at the end insert ", or

(b) send the proposals to the Commissioners, with any amendments, for the preparation of a draft scheme or order and, having done that, inform the mission and pastoral committee."

(2) In subsection (2) of that section, after "the mission and pastoral committee" insert " or the Commissioners (as the case may be) ".

(3) In subsection (3) of that section, for the words from the beginning to "shall prepare" substitute " Where the proposals are returned to the mission and pastoral committee under subsection (1)(a), the committee shall, on receipt of the proposals, prepare ".

(4) After subsection (3) of that section insert—

"(4) Where the proposals are sent to the Commissioners under subsection (1)(b), the Commissioners shall, on receipt of the proposals, consider whether the procedures set out in section 6 have been properly applied.

(5) If the Commissioners consider that the procedures set out in section 6 have been properly applied, they shall—

(a) prepare a draft scheme or order giving effect to the proposals, with any amendments, and

(b) send a copy of the draft scheme or order to the mission and pastoral committee.

(6) If the Commissioners consider that the procedures set out in section 6 have not been properly applied, they shall return the proposals to the bishop; and the bishop, having received the proposals from the Commissioners, shall return them to the mission and pastoral committee for further consideration."

(5) In section 8 of the Mission and Pastoral Measure 2011 (consideration of draft scheme or order by Commissioners), in subsection (1), for "under section 7" substitute " by the mission and pastoral committee under section 7(3), ".

(6) In subsection (7) of that section, after "prepare a new draft scheme or order under section 7" insert " or request the Commissioners to do so ".

Commencement Information

I2 S. 2 in force at 1.10.2018 by S.I. 2018/722, **art. 3(b)**

Status: *This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

3 Pastoral schemes and orders: notice, publication and amendment

(1) In section 9 of the Mission and Pastoral Measure 2011 (pastoral schemes and orders: notice and publication), in subsection (1), for "prepared under section 7" substitute " prepared by it under section 7(3) ".

(2) After subsection (1) of that section insert—

"(1A) The Commissioners shall serve a copy of any draft scheme or order prepared by them under section 7(5) on each of the interested parties, together with such a notice as is mentioned in subsection (1)."

(3) After subsection (1A) (inserted by subsection (2)) insert—

"(1B) The Commissioners shall, in the case of every draft scheme or order, publish the draft online together with a notice stating the objects of the draft and that written representations may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after such publication."

(4) In subsection (2) of that section—

(a) after "the mission and pastoral committee" insert " or the Commissioners (whichever of them prepared the draft scheme) ",

(b) in paragraph (b), after "stating the objects of the draft scheme" insert " , specifying the address online at which the notice is published under subsection (1B) ", and

(c) in that paragraph, for the words from "a date not less than" to the end substitute " the date specified for the purposes of subsection (1B) ".

(5) In subsection (3) of that section—

(a) after "every draft scheme or order" insert " prepared by it, and the Commissioners shall, in the case of every draft scheme or order prepared by them ",

(b) after "require him or her" insert "—

(a)",

and

(c) at the end insert ",

(b) to ensure, in the case of each of those churches or buildings at which a service is held on a Sunday in the period in which representations may be made in accordance with the notice, that at every service held on each of those Sundays the person conducting the service informs the congregation of the contents of the notice, and

(c) to ensure, in the case of each of those churches or buildings at which a service is held in that period only on a day other than a Sunday, that at every service held in that period the person conducting the service informs the congregation of the contents of the notice."

(6) After subsection (3) of that section insert—

"(3A) A reference in subsection (3)(b) or (c) to a service held at a church or building does not include a reference to any of the services known as occasional offices."

(7) In section 10 of the Mission and Pastoral Measure 2011 (power of Commissioners to amend draft scheme or order), after subsection (2) insert—

"(3) The power under subsection (1) to amend a draft scheme or order includes power to amend it so that it would give effect instead to proposals included in representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind—

(a) subsection (2) does not apply, and

(b) the Commissioners shall instead carry out such consultation on the amended draft scheme or order as they think appropriate."

(8) In section 24 of that Measure (church building schemes: notice and publication), in subsection (2)—

(a) after paragraph (a) (but before the following "and") insert—

"(aa) publish the draft scheme or notice online together with a notice stating the objects of the draft scheme and that written representations may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after such publication;",

(b) in paragraph (b), after "stating the objects of the draft scheme" insert " , specifying the address online at which the notice is published under paragraph (aa) ", and

(c) in that paragraph, for the words from "a date not less than" to the end substitute " the date specified for the purposes of paragraph (aa) ".

(9) In subsection (3) of that section—

(a) after "require him or her" insert "—

(a)",

and

(b) at the end insert ",

(b) to ensure, in the case of each of those churches or buildings at which a service is held on a Sunday in the period in which representations may be made in accordance with the notice, that at every service held on each of those Sundays the person conducting the service informs the congregation of the contents of the notice, and

(c) to ensure, in the case of each of those churches or buildings at which a service is held in that period only on a day other than a Sunday, that at every service held in that period the person conducting the service informs the congregation of the contents of the notice."

(10) After subsection (3) of that section insert—

"(3A) A reference in subsection (3)(b) or (c) to a service held at a church or building does not include a reference to any of the services known as occasional offices."

(11) In section 25 of the Mission and Pastoral Measure 2011 (power of Commissioners to amend draft scheme), after subsection (2) insert—

"(3) The power under subsection (1) to amend a draft scheme includes power to amend it so that it would give effect instead to proposals included in

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representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind—

(a) subsection (2) does not apply, and

(b) the Commissioners shall instead carry out such consultation on the amended draft scheme as they think appropriate."

Commencement Information

I3 S. 3(1)-(4)(7)(8)(11) in force at 1.10.2018 by S.I. 2018/722, **art. 3(c)** (with Sch. para. 1)

I4 S. 3(5)(a) in force at 1.10.2018 by S.I. 2018/1032, **art. 2**

I5 S. 3(5)(b)(c)(6)(9)(10) in force at 1.3.2019 by S.I. 2019/66, **art. 2(a)**

4 Pastoral schemes and orders: presumption in favour of deanery plan

(1) In section 11 of the Mission and Pastoral Measure 2011 (making of schemes and orders), after subsection (4) insert—

"(4A) In the case of a draft scheme which gives effect to proposals included in a deanery plan to which this section applies, the Commissioners, having considered any representations made with respect to the draft scheme, shall seal a copy of the draft scheme and so make the scheme, unless they consider that there are material considerations which indicate that it should not be made.

(4B) Subsections (1) to (4) have effect subject to subsection (4A)."

(2) In that section, after subsection (6) insert—

"(6A) In the case of a draft order which gives effect to proposals included in a deanery plan to which this section applies, the Commissioners, having considered any representations made with respect to the draft order, shall issue a certificate that the order should be made and submit the draft order and certificate to the bishop, unless they consider that there are material considerations which indicate that the order should not be made.

(6B) Subsections (5) and (6) have effect subject to subsection (6A)."

(3) In that section, after subsection (7) insert—

"(8) In this section, "deanery plan" means a plan for pastoral reorganisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan; and a deanery plan is one to which this section applies if—

(a) the persons who are the interested parties for the purposes of section 6(8A) have been consulted on the plan,

(b) any person holding office under Common Tenure, and any incumbent or archdeacon not subject to Common Tenure, whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee, and

(c) the proposals to which the draft scheme or order gives effect are to the same effect, or substantially the same effect, as proposals included in the plan."

(4) In section 26 of the Mission and Pastoral Measure 2011 (making of schemes and orders), after subsection (4) insert—

"(5) In the case of a draft scheme which gives effect to proposals included in a deanery plan to which this section applies, the Commissioners, having considered any representations made with respect to the draft scheme, shall seal a copy of the draft scheme and so make the scheme, unless they consider that there are material considerations which indicate that it should not be made.

(6) Subsections (1) to (4) have effect subject to subsection (5).

(7) In this section, "deanery plan" means a plan for pastoral reorganisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan; and a deanery plan is one to which this section applies if—

(a) the persons who are the interested parties for the purposes of section 21(9A) have been consulted on the plan,

(b) any person holding office under Common Tenure, and any incumbent or archdeacon not subject to Common Tenure, whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee, and

(c) the proposals to which the draft scheme gives effect are to the same effect, or substantially the same effect, as proposals included in the plan."

Commencement Information

I6 S. 4(1) in force at 1.3.2019 by S.I. 2019/66, **art. 2(b)**

I7 S. 4(2)(3) in force at 1.10.2018 by S.I. 2018/722, **art. 3(d)**

I8 S. 4(4) in force at 1.10.2018 for specified purposes by S.I. 2018/722, **art. 3(d)**

I9 S. 4(4) in force at 1.3.2019 for specified purposes by S.I. 2019/66, **art. 2(b)**

5 Team and group ministries

(1) In section 34 of the Mission and Pastoral Measure 2011 (establishment of team ministries), in subsection (6) (responsibility of rector), omit from "; and the scheme" to the end.

(2) In subsection (7) of that section (authority of vicar)—

(a) omit "the scheme or, subject to the scheme,", and

(b) omit "(subject to the scheme)".

(3) In subsection (8) of that section (responsibility of certain team ministry members for pastoral care)—

(a) for the words from the beginning to "any member of the team" substitute " The bishop's licence may assign to any member of a team ministry ", and

(b) omit "(subject to the scheme)".

(4) Omit the following provisions of that section—

(a) subsection (11) (duty of rector to convene meetings);

(b) subsection (12) (right of members to request meetings);

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(c) subsection (15) (duty of rector to inform members of statutory notices);

(d) subsection (18) (definition of expressions used in subsection (15)).

(5) In subsection (16) of that section (appointment of vicar to act as rector when vacancy arises), for “, (6) and (11)” substitute “ and (6) ”.

(6) In paragraph 1 of Schedule 3 to the Mission and Pastoral Measure 2011 (supplementary provisions relating to pastoral schemes etc: team and group ministries), in sub-paragraph (1), for the words from “either” to the end substitute “ by a patronage board constituted by the scheme ”.

(7) In sub-paragraph (3) of that paragraph, omit “or the diocesan board of patronage”.

(8) Omit sub-paragraph (11) of that paragraph.

(9) In paragraph 2 of that Schedule, in sub-paragraph (1), omit “or by the diocesan board of patronage”.

(10) In sub-paragraph (2) of that paragraph, omit the words from “and shall be entitled” to the end.

(11) Omit sub-paragraphs (3) and (4) of that paragraph.

(12) In sub-paragraph (10) of that paragraph, omit “, (3), (4)”.

Commencement Information

I10 S. 5 in force at 1.10.2018 by S.I. 2018/722, **art. 3(e)** (with Sch. para. 2)

6 Compensation of office-holders

(1) For section 40 of the Mission and Pastoral Measure 2011 substitute—

“**40 Compensation of office-holders**

Schedule 4 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure and incumbents and archdeacons who are not) has effect.”

(2) For Schedule 4 to that Measure substitute—

“SCHEDULE 4

COMPENSATION OF OFFICE-HOLDERS

Persons entitled to compensation

1 (1) Each of the following is entitled to compensation under this Schedule—

(a) the holder of an ecclesiastical office who is subject to Common Tenure whose office is abolished by or as the result of a pastoral scheme or order;

(b) the incumbent of a benefice dissolved by a pastoral scheme, or deemed to be vacated by virtue of section 39, who is not subject to Common Tenure;

(c) the archdeacon of an archdeaconry dissolved by a pastoral scheme who is not subject to Common Tenure.

(2) But a person who comes within sub-paragraph (1) is not entitled to compensation under this Schedule if the pastoral scheme or order also provides for the person's appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

2 (1) This paragraph applies if the holder of an ecclesiastical office who is subject to Common Tenure, or the incumbent of a benefice or an archdeacon who is not so subject, agrees with the mission and pastoral committee that compensation will be payable if he or she resigns from the office in question to enable a pastoral scheme or order to come into operation or to facilitate its coming into operation.

(2) The person is entitled, on resignation following the making of the scheme or order, to compensation under this Schedule.

(3) But an agreement to the effect mentioned in sub-paragraph (1) is of no effect, and sub-paragraph (2) accordingly does not apply, in a case where the pastoral scheme or order also provides for the person's appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

Amount of compensation

3 (1) The amount of compensation payable to a person under this Schedule is—

(a) twelve months' stipend, and

(b) the amount that would be required by way of contribution under section 4(1) of the Pensions Measure 1997 for twelve months' service by the person in the office in question on that stipend.

(2) In sub-paragraph (1), the references to a stipend are to the stipend that the person was receiving immediately before ceasing to hold the office in question.

Payments of compensation

4 (1) A payment of compensation under this Schedule is to be made as a lump sum by the diocesan board of finance.

(2) The payment is to be charged—

(a) on the capital account or the income account of the diocesan stipends fund, or

(b) if the board considers it would be more appropriate for the payment to be charged on another of the accounts it holds, on that other account.

(3) The board has the function of deciding on a case by case basis which account to charge under sub-paragraph (2).

Housing

5 (1) This paragraph applies where a person entitled to compensation under this Schedule was, immediately before ceasing to hold the office in question,

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occupying a parsonage house or other official residence for the better performance of the duties of the office.

(2) The diocesan board of finance must provide the person with accommodation which is suitable for him or her, and the family members with whom he or she lives, for a period of twelve months beginning with the date on which the person ceases to hold the office in question.

(3) In sub-paragraph (2), the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation.

(4) The diocesan board of finance may, instead of acting as mentioned in sub-paragraph (2), make a payment to the person concerned of an amount agreed by the board and the person; and where the board does so, it is to be treated as having discharged the duty under sub-paragraph (2).

(5) Paragraph 4 applies to a payment under sub-paragraph (4) as it applies to a payment of compensation under this Schedule.

Additional payment

6 (1) Where a person is entitled to compensation under this Schedule, the bishop may authorise an additional payment to be made to the person of such amount as the bishop may determine.

(2) The person concerned may apply for a review of—
- (a) a decision of the bishop not to authorise a payment to the person under sub-paragraph (1), or
- (b) where the bishop decides to authorise a payment under sub-paragraph (1), the amount authorised.

(3) The only grounds on which an application may be made under sub-paragraph (2) are that the bishop's decision, if implemented, would cause exceptional hardship to the person concerned or one or more of the family members with whom he or she lives.

(4) The Archbishops of Canterbury and York must appoint a person to carry out reviews under this paragraph; and the person so appointed ("the reviewer")—
- (a) may be removed from office by the Archbishops on the grounds of incapacity or serious misconduct, but
- (b) subject to that, holds office for such period and on such other terms as the Archbishops decide.

(5) An application for a review under this paragraph—
- (a) must be made in writing to the reviewer,
- (b) must be copied to the bishop,
- (c) must be made within four weeks of the date on which the applicant was notified of the bishop's decision, and
- (d) must explain the nature of the hardship on the basis of which the application is being made.

(6) In carrying out a review under this paragraph, the reviewer must decide whether the grounds for the application are made out; and in so doing, the reviewer must act impartially.

(7) Having carried out a review under this paragraph, the reviewer must give written notification of the decision on the review to the applicant and to the bishop; and the notification must—

(a) include the reasons for the decision, and

(b) if the decision is that the grounds for the application are made out—

(i) specify the amount of the payment which the reviewer considers should be made under this paragraph, or

(ii) direct that the matter is to be remitted to the bishop for reconsideration.

(8) In the case of a notification within sub-paragraph (7)(b)(i), the bishop must authorise payment of the amount so specified to be made to the person.

(9) In the case of a notification within sub-paragraph (7)(b)(ii), the bishop must reconsider the matter; and the preceding provisions of this paragraph apply accordingly.

(10) Paragraph 4 applies to a payment under this paragraph as it applies to a payment of compensation under this Schedule.

(11) The functions of the Archbishops under this paragraph are to be exercised jointly; but if either Archbishop is incapacitated, or there is a vacancy in either see, the functions are instead to be exercised by the other Archbishop.

Power to amend

7 (1) Where the Archbishops' Council considers, in the light of experience, that it is necessary or appropriate to make adjustments to the way in which the scheme under this Schedule operates, it may by order—

(a) amend the preceding provisions of this Schedule so as to give effect to those adjustments, and

(b) amend this or any other Measure or any instrument made under this or any other Measure in consequence of provision under paragraph (a).

(2) An order under this paragraph may not vary—

(a) the requirements for entitlement to compensation, or

(b) the amount of compensation payable.

(3) An order under this paragraph may not be made unless—

(a) a draft of the order has been laid before the General Synod and approved by it with or without amendment, and

(b) the draft so approved has been referred to the Archbishops' Council.

(4) On referral of the draft, the Council must—

(a) if the draft was approved without amendment, make the order by applying its seal, or

(b) if the draft was approved with amendment—

(i) make the order by applying its seal, or

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(ii) withdraw the draft for further consideration.

(5) An order under this paragraph comes into force when it is sealed by the Council.

(6) If the Business Committee of the General Synod determines that a draft of an order under this paragraph does not need to be debated by the General Synod, the draft is to be treated as approved for the purposes of this paragraph unless a member of the General Synod gives notice in accordance with its Standing Orders that he or she—

(a) wishes the draft order to be debated, or

(b) wishes to move an amendment to it.

(7) The power to make an order under this paragraph is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—

(a) as if the order had been made by a Minister of the Crown, and

(b) as if this Measure were an Act of Parliament providing for the instrument containing the order to be subject to annulment in pursuance of a resolution of either House of Parliament."

(3) In Schedule 1 to the Mission and Pastoral Measure 2011 (constitution and procedure of the mission and pastoral committee), in paragraph 9 (which specifies functions which the committee may not delegate to a sub-committee), omit "and its functions under Schedule 4".

(4) The Schedule to this Measure (which makes consequential amendments to the Incumbents (Vacation of Benefices) Measure 1977 and certain other enactments) has effect.

Commencement Information

I11 S. 6 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

7 Bishop's pastoral order

(1) After Part 5 of the Mission and Pastoral Measure 2011 insert—

"**PART 5A**

BISHOP'S PASTORAL ORDER

54A Bishop's pastoral order

(1) The bishop may by order provide for any of the following matters—

(a) the alteration or definition of the boundaries of an extra- parochial place;

(b) the alteration of the name of a benefice or parish;

(c) the holding in plurality of two or more benefices;

(d) the creation or alteration of an archdeaconry;

(e) the dissolution of a vacant archdeaconry;

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(f) the creation, alteration or dissolution of a deanery;

(g) the alteration of the name of an archdeaconry or deanery;

(h) the termination of a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 35;

(i) the alteration of a team ministry by abolishing an office of vicar which is vacant or increasing the number of the offices of vicar;

(j) the alteration of a team ministry by transferring a right of patronage held by the diocesan board of patronage;

(k) the designation of the first incumbent of a new benefice or of two or more benefices to be held in plurality;

(l) the designation of a house as the place of residence of a vicar in a team ministry;

(m) the designation of a parsonage house as such.

(2) An order under this section is referred to as a “bishop's pastoral order”.

(3) A bishop's pastoral order which provides for the creation of a new archdeaconry or deanery must name the archdeaconry or deanery.

(4) Before making a bishop's pastoral order, the bishop must consult—

(a) the mission and pastoral committee in the diocese, and

(b) such other persons, groups of persons or organisations as the bishop thinks fit.

54B Supplementary provisions

(1) A bishop's pastoral order may contain such supplementary or consequential provisions as appear to the bishop to be necessary or expedient for giving effect to the purposes of the order.

(2) A bishop's pastoral order must, where the bishop considers it appropriate, have a map or plan annexed showing the changes made by the order.

(3) A bishop's pastoral order may provide that the order, or a specified provision of it, is to 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.

(4) A bishop's pastoral order must be signed by the bishop or a person authorised by the bishop.

(5) The bishop must send a copy of a bishop's pastoral order to the Commissioners.

(6) Where a bishop's pastoral order makes provision for the holding in plurality of two or more benefices, section 32 applies in relation to the order as it applies in relation to a pastoral scheme making such provision.

54C Amendment and revocation

(1) A bishop's pastoral order may be amended or revoked by a subsequent bishop's pastoral order.

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(2) An amending order may provide for any matters for which provision could have been made by the order to be amended.

(3) A bishop's pastoral order, or a specified provision of it, may be amended or revoked under this section before it comes into operation.

(4) Where a bishop's pastoral order has made provision for the holding in plurality of two or more benefices and the provision has been terminated, the bishop may, by instrument, make such consequential amendments to the order as the bishop thinks fit.

(5) The bishop must send a copy of an instrument under subsection (4) to the Commissioners."

(2) In section 87 of the Mission and Pastoral Measure 2011 (the title to which becomes " Restrictions on presentation pending making of pastoral schemes or orders or bishop's pastoral orders "), after subsection (3) insert—

"(3A) Where the bishop proposes to make a bishop's pastoral order containing provision under section 54A(1)(k) (designation of first incumbent of a new benefice or of two or more benefices to be held in plurality)—

(a) the bishop must give notice of the proposal to the patron concerned, and

(b) the patron's right of presentation to the new benefice or benefices may not be exercised after the date on which the bishop gives notice under paragraph (a) until the order containing the provision comes into operation."

Commencement Information

I12 S. 7 in force at 1.10.2018 by S.I. 2018/722, **art. 3(f)**

8 Churches Conservation Trust: number of members

In section 57 of the Mission and Pastoral Measure 2011 (appointment of Churches Conservation Trust), in subsection (2), for "nor more than nine other members" substitute " nor more than eleven other members ".

Commencement Information

I13 S. 8 in force at 1.7.2018 by S.I. 2018/722, **art. 2(b)**

9 Pastoral church buildings scheme: severance

In section 60 of the Mission and Pastoral Measure 2011 (restriction on cases which may be dealt with by pastoral church building schemes), the text to which becomes subsection (1) of that section, at the end insert—

"(2) Accordingly, where a pastoral church buildings scheme makes a declaration of closure for regular public worship in respect of a church or part of a church, but the Commissioners are not satisfied with the proposals for the future use of the building—

(a) the scheme may nevertheless have effect but only in so far as it provides for closure of the church or part, and

(b) provision as to the use of the building shall instead be made in accordance with the following provisions of this Part."

Commencement Information

I14 S. 9 in force at 1.10.2018 by S.I. 2018/722, **art. 3(g)**

10 Bishop's mission order

(1) In section 81 of the Mission and Pastoral Measure 2011 (the Visitor), in subsection (1) (functions)—

(a) omit ", on behalf of the bishop or bishops",

(b) in paragraph (a), at the beginning insert " on behalf of the bishop or bishops ", and

(c) omit paragraphs (b) and (d) to (f).

(2) After that subsection insert—

"(1A) The Visitor may take such other steps as the Visitor thinks fit for ensuring the proper governance of the mission initiative."

(3) Omit subsection (3) of that section.

(4) In section 82 of that Measure (supplementary provisions), in subsection (7) (duration of order)—

(a) after "shall specify its duration" insert " (which may be defined or indefinite) ", and

(b) omit the words from ", but" to the end.

(5) After subsection (8) of that section—

"(8A) The bishop or bishops shall send a copy of each of the following to the Commissioners—

(a) any bishop's mission order;

(b) any order varying or revoking a bishop's mission order;

(c) any supplementary instrument;

(d) any instrument varying or revoking a supplementary instrument."

(6) In section 83 of that Measure (review of duration of mission initiatives), in subsection (1), for the words from the beginning to "under section 82(7)," substitute " In the case of a bishop's mission order of defined duration, the Visitor shall conduct a review of the mission initiative not less than six months before the expiry of the order, ".

(7) In subsection (2) of that section (Visitor's recommendations), for "the period (not exceeding five years) of the renewal" substitute " the duration of the renewal (which may be defined or indefinite) ".

(8) In subsection (5) of that section (duration of further order etc.), for the words from "and the order shall continue" to the end substitute " (which may be defined or indefinite) and the order shall continue in force accordingly. "

Status: *This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

(9) In subsection (6) of that section (duty to report on further orders)—

(a) after "a further order under subsection (4)" insert " that is of defined duration, ", and

(b) omit "and section 81(1)(b) shall not apply".

(10) In subsection (8) of that section (orders containing provision for participation in local ecumenical project), after "Where a bishop's mission order" insert " of defined duration ".

(11) In subsection (11) of that section (orders and supplementary instruments: procedural requirements etc.), for "and (6)" substitute " , (6) and (8A) ".

Commencement Information

I15 S. 10 in force at 1.7.2018 by S.I. 2018/722, **art. 2(c)**

11 Dealings in glebe land: removal of duty to consider representations

(1) In section 20 of the Endowments and Glebe Measure 1976 (powers of diocesan boards of finance to deal with diocesan glebe land), omit subsections (6B), (7) and (8) (which require the Church Commissioners to consider representations made on a proposed transaction).

(2) In subsection (2A) of that section, omit "Subject to subsection (6B) below and".

(3) In subsection (5) of that section, omit the words from ", and stating" to the end.

(4) In consequence of the repeals made by this section, omit the following—

(a) in Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2000, paragraph 5(e) to (g), and

(b) in Schedule 3 to the Church of England (Miscellaneous Provisions) Measure 2005, paragraph 2(d) and (e).

Commencement Information

I16 S. 11 in force at 1.7.2018 by S.I. 2018/722, **art. 2(d)** (with Sch. para. 4)

12 Right of patronage to lapse to diocesan bishop

(1) In section 16 of the Patronage (Benefices) Measure 1986 (presentation to benefices remaining vacant for nine months), for subsection (1) substitute—

"(1) This section applies where a benefice becomes vacant and, at the end of the period of twelve months beginning with the day on which the vacancy arose or (if later) the day on which the bishop gave the notice under section 7, the bishop has not received—

(a) a notice of presentation under section 13(6), or

(b) if the bishop is the registered patron, an acceptance of any offer made by the bishop to collate a priest to the benefice.

(1A) The right of presentation to the benefice shall be exercisable by the bishop in accordance with this section."

(2) In subsection (2) of that section, for "nine months" substitute " twelve months ".

(3) Omit subsections (3) and (4) of that section.

(4) In subsection (5) of that section—

(a) for the words from the beginning to "the bishop," substitute " Before deciding on the priest to whom an offer to be collated to the benefice is to be made, the bishop shall consult ",

(b) for "nine months" substitute " twelve months ",

(c) omit "the bishop or", and

(d) for the words from "the archbishop shall" to "as the case may be," substitute " the bishop shall not make any offer to that priest under this section unless the consent of ".

(5) After subsection (5) of that section insert—

"(5A) Before the bishop has decided on the priest to whom an offer to be collated to the benefice is to be made, the parochial church council may resolve that the archbishop should instead make the decision; and where the parochial church council so resolves, the secretary to the council shall send a copy of the resolution to the archbishop.

(5B) Having received a copy of a resolution made under subsection (5A), the archbishop shall proceed to decide to whom an offer to be collated to the benefice is to be made; and once a priest accepts such an offer made by the archbishop, the archbishop shall send the bishop a notice presenting the priest to the bishop for admission to the benefice."

(6) Omit subsection (6) of that section.

(7) This section applies only in relation to a vacancy arising in a benefice after the commencement of this section.

Commencement Information

I17 S. 12 in force at 1.7.2018 by S.I. 2018/722, **art. 2(e)**

PROSPECTIVE

[F1]13 Age limit on appointments of licensed office-holders after retirement age: clarificatory provision

. . . . . .

Textual Amendments

F1 S. 13 repealed (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 6(15)**, 17(3); S.I. 2019/67, art. 2(1)(e)

Status: *This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

14 Short title, commencement and extent

(1) This Measure may be cited as the Mission and Pastoral etc. (Amendment) Measure 2018.

(2) This section comes into force on the day on which this Measure is passed.

(3) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

(4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

(5) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament.

(6) This Measure extends to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man (but see subsections (7) and (8)).

(7) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them.

(8) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure extends to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.

Status: *This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

SCHEDULE

Section 6(4)

COMPENSATION OF OFFICE-HOLDERS: CONSEQUENTIAL AMENDMENTS

Incumbents (Vacation of Benefices) Measure 1977

1 In section 7 of the Incumbents (Vacation of Benefices) Measure 1977 (the title to which becomes " Panels and tribunals "), for subsection (1) substitute—

"(1) Panels of persons for the purposes of this Measure are to be appointed in accordance with Part 1 of Schedule 1; and provincial tribunals for the purposes of this Measure are to be constituted in accordance with Part 2 of Schedule 1, with certain of the members of provincial tribunals being appointed from the panels appointed in accordance with Part 1 of Schedule 1."

Commencement Information
I18 Sch. para. 1 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

2 In section 12A of that Measure (right of appeal against findings of provincial tribunal), in subsection (5), for the words from "in the same way" to the end substitute " in accordance with Part 3 of Schedule 1, with certain of the members of the Appeal Panels being appointed from the panels appointed in accordance with Part 1 of Schedule 1. "

Commencement Information
I19 Sch. para. 2 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

3 For Schedule 1 to that Measure (provincial tribunals) substitute the following—

"SCHEDULE 1

Sections 7 and 12A

PANELS AND TRIBUNALS

PART 1

GENERAL PANELS

Membership

1 (1) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of Canterbury by the Standing Committee of that House in such manner as that House may determine.

(2) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of York by the body of Assessors of that House in such manner as that House may determine.

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Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

(3) A panel of twelve persons is to be appointed from among the members of the House of Laity by the Standing Committee of that House in such manner as that House may determine.

Period of service

2 (1) An appointment under paragraph 1(1) or (2) is for the lifetime of the Convocation concerned; and an appointment under paragraph 1(3) is for the lifetime of that House of Laity.

(2) Where a casual vacancy arises, another member of the House concerned is to be appointed in place of the person vacating office, in such manner as that person was appointed, for the remainder of the lifetime of that House.

(3) A person appointed under paragraph 1 is, when a new House is to be elected, to continue to hold the appointment until the first session of the new House.

PART 2

PROVINCIAL TRIBUNALS

Membership

3 (1) A provincial tribunal is to consist of five persons appointed by the Vicar-General of the province in which the parish in question is situated.

(2) Of the five persons to be so appointed—

(a) one, who is to be the chair, shall be—

(i) the chancellor of a diocese in the province for which the tribunal is to be appointed, other than the diocese in which the parish in question is situated, or

(ii) a Queen's Counsel who is a communicant member of the Church of England;

(b) two are to be clerks in Holy Orders from the panel appointed under paragraph 1(1) or (2) for the province concerned;

(c) two are to be lay persons from the panel appointed under paragraph 1(3).

(3) But a person may not be appointed under this paragraph if—

(a) the person is ordinarily resident in the diocese in which the parish in question is situated,

(b) the person's name is entered on the electoral roll of a parish in that diocese, or

(c) the person is a clerk in Holy Orders authorised to exercise ministry in a parish in that diocese.

(4) Where, in the course of an enquiry being conducted by a provincial tribunal, a member of the tribunal other than the chair dies or becomes unable to act as a member by reason of illness or other incapacity, the tribunal may, with the consent of the parties, continue to conduct the enquiry in the absence of that member.

Status: *This version of this Measure contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

Requirement to constitute tribunals

4 (1) Where the secretary of a diocesan synod is required to institute an enquiry under this Measure, the secretary shall request the Vicar-General of the province—

(a) to constitute a provincial tribunal in accordance with paragraph 3, and

(b) to send the secretary a list of the names and addresses of the proposed members.

(2) A person appointed to serve as a member of the tribunal from a panel appointed under paragraph 1 may refuse to accept the appointment if, in that person's opinion, it would not be right for that person to serve as a member of the tribunal.

(3) On receiving the list under sub-paragraph (1)(b), the secretary shall—

(a) send a copy of it to the incumbent concerned, and

(b) inform the incumbent of the right of objection under paragraph 5 and the period in which the right may be exercised.

Right of objection

5 (1) The incumbent may, within three weeks after a list of the proposed members is sent under paragraph 4(3), object to one or more of them by sending the secretary of the diocesan synod a written notice—

(a) specifying the member or members to whom the incumbent objects, and

(b) stating, in relation to that member or in relation to each of them, the grounds of objection.

(2) If notice of objection is duly given under sub-paragraph (1), the secretary shall refer the matter to the Vicar-General of the province other than that for which the tribunal is to be appointed, for the Vicar-General to determine whether the objection is reasonable and should accordingly be allowed; and the Vicar-General's decision is final.

(3) For the purpose of deciding whether the objection is reasonable, the Vicar-General may require the incumbent to supply such information as the Vicar-General may specify.

(4) Where the Vicar-General decides that the objection to a member should be allowed, the secretary shall request the Vicar-General mentioned in paragraph 3(1)—

(a) to appoint another person having the appropriate qualifications to serve in place of that member, and

(b) to inform the secretary of the name and address of the person appointed.

(5) On receiving information under sub-paragraph (4)(b), the secretary shall inform the incumbent of the name and address of the person appointed.

(6) The incumbent may, within three weeks of receiving information under sub-paragraph (5), object to the person appointed by sending the secretary a

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written notice stating the grounds of objection; and sub-paragraphs (2) to (5) have effect in relation to the notice as if it were a notice given under sub-paragraph (1).

(7) But the incumbent is not entitled to object under sub-paragraph (6) to a person appointed from a panel appointed under paragraph 1 if, were the objection to be allowed, it would not be possible to constitute the tribunal because there would be no other person on that panel available for appointment as a member of the tribunal.

Circulation of list of members

6 As soon as the provincial tribunal which is to conduct an enquiry has been constituted, the secretary of the diocesan synod shall send a list of the members to—

(a) the incumbent concerned,
(b) the archdeacon concerned,
(c) the designated representative (if any),
(d) the secretary of the parochial church council of the parish to which the enquiry relates, and
(e) the secretary of the tribunal (see paragraph 7).

Secretary

7 (1) The Synodical Secretary of the Convocation of Canterbury, or a person nominated by the Synodical Secretary, shall act as secretary of a tribunal constituted under this Part of this Schedule to conduct an enquiry in relation to a parish in the province of Canterbury.

(2) The Synodal Secretary of the Convocation of York, or a person nominated by the Synodal Secretary, shall act as secretary of a tribunal so constituted to conduct an enquiry in relation to a parish in the province of York.

PART 3

APPEAL PANELS

Introductory

8 Each of the Appeal Panels established under section 12A is to be constituted as follows.

Membership

9 (1) The Dean of the Arches and Auditor is to be the chair, and the Vicar-General of the province of Canterbury and the Vicar-General of the province of York are to be the deputy chairs.

(2) Where an appeal is to be held under section 12A, one of those three is to sit on and preside over the appeal.

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Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

(3) But if there is not one of them available to preside over an appeal under that section, a chancellor of a diocese nominated by the Dean of the Arches and Auditor or, in the case of the Dean's absence or illness, by the Vicar-General of the province concerned is to preside.

(4) Where an appeal is to be held under section 12A, the following persons are to be nominated in the manner described in sub-paragraph (3) to sit on the appeal—

(a) three persons from the panel appointed under paragraph 1(1) or (2) for the province in question, and

(b) one person from the panel appointed under paragraph 1(3).

(5) But a person may not sit on an appeal under section 12A if the person—

(a) was a member of the provincial tribunal which conducted the enquiry which is the subject of the appeal, or

(b) was ineligible to be appointed to that tribunal under Part 2 of this Schedule.

Secretary

10 (1) The registrar of each province must appoint a secretary to the Appeal Panel for that province; and that person may be the registrar.

(2) The same person may be appointed by both registrars; and the two registrars may agree that one of them is to be the secretary to both Appeal Panels.

Expenses

11 The expenses of an Appeal Panel in connection with an appeal under section 12A are to be paid out of moneys standing to the credit of the diocesan pastoral account of the diocese from which the appeal is brought.

Rules

12 (1) The Rule Committee may make rules prescribing the procedure on an appeal under section 12A.

(2) Rules made under sub-paragraph (1) are to be treated for the purposes of section 94 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 as having been made under section 83 of that Measure.

PART 4

TRANSITIONAL PROVISIONS

Continuation of existing memberships

13 (1) Each person who, immediately before commencement, was a member of a panel appointed under paragraph 13(1)(b) of Schedule 4 to the Mission and Pastoral Measure 2011 in the form it then took—

(a) is to become a member of the panel for the province in question under paragraph 1(1) or (2) of this Schedule in its new form, and

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Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018. (See end of Document for details)*

(b) is accordingly to be treated as having been appointed under that provision.

(2) Each person who, immediately before commencement, was a member of the panel appointed under paragraph 13(1)(c) of Schedule 4 to the Mission and Pastoral Measure 2011 in the form it then took—

(a) is to become a member of the panel under paragraph 1(3) of this Schedule in its new form, and

(b) is accordingly to be treated as having been appointed under that provision.

(3) Each person who, immediately before commencement, was a member of a provincial tribunal under paragraph 1 of this Schedule in the form it then took—

(a) is to become a member of the provincial tribunal for the province in question under paragraph 3 of this Schedule in its new form,

(b) is accordingly to be treated as having been appointed under that provision, and

(c) if the tribunal was conducting an enquiry immediately before commencement, is to continue as a member of the Panel until the determination of the appeal.

(4) Each person who, immediately before commencement, was a member of an Appeal Panel constituted under section 12A in the form it then took—

(a) is to become a member of the Appeal Panel for the province in question under section 12A in its new form,

(b) is accordingly to be treated as having been appointed and nominated in accordance with paragraph 9 of this Schedule in its new form, and

(c) if an appeal was pending before the Appeal Tribunal immediately before commencement, is to continue as a member of the Panel until the determination of the appeal.

(5) In this paragraph, "commencement" means the commencement of section 6 of the Mission and Pastoral etc. (Amendment) Measure 2018; and in this paragraph—

(a) a reference to this Schedule in its new form is a reference to this Schedule as substituted by paragraph 3 of the Schedule to that Measure, and

(b) a reference to section 12A in its new form is a reference to that section as amended by paragraph 2 of the Schedule to that Measure."

Commencement Information

I20 Sch. para. 3 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

4 (1) This paragraph applies if sections 81 to 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 have not come into force before the commencement of section 6 of this Measure.

(2) In this paragraph, "the appointed day" means the day on which sections 81 to 83 of that Measure come into force under an order made under section 99 of that Measure.

(3) This Schedule has effect until the appointed day as if—

(a) in Schedule 1 to the Incumbents (Vacation of Benefices) Measure 1977 as substituted by paragraph 3 of this Schedule, for paragraph 12 there were substituted—

"12 (1) The Rule Committee established by section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 may make rules prescribing the procedure on an appeal under section 12A.

(2) Rules made under sub-paragraph (1) are to be treated for the purposes of section 27 of that Measure as having been made under section 26 of that Measure.", and

(b) after paragraph 3, there were inserted—

"Care of Churches and Ecclesiastical Jurisdiction Measure 1991

3A In section 25(2) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (members of Rule Committee), omit paragraph (d).

3B In section 26(1) of that Measure (provision which may be made by rules), omit the second paragraph (f)."

Commencement Information

I21 Sch. para. 4 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

Church of England (Legal Aid) Measure 1994

5 In Schedule 1 to the Church of England (Legal Aid) Measure 1994 (proceedings for which legal aid may be given), in the Table, omit paragraphs 3 and 4.

Commencement Information

I22 Sch. para. 5 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

Pensions Measure 1997

[F2]6 . . . . . .

Textual Amendments

F2 Sch. para. 6 repealed (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 5** (with Sch. 4); S.I. 2019/98, art. 2

Clergy Discipline Measure 2003

7 In section 41 of the Clergy Discipline Measure 2003 (compensation)—

(a) for "Schedule 4 to the Pastoral Measure 1983 (1983 No. 1)" substitute " Schedule 4 to the Mission and Pastoral Measure 2011 ", and

(b) for "section 25 of that Measure" substitute " section 39 of that Measure ".

Commencement Information

I23 Sch. para. 7 in force at 1.7.2018 by S.I. 2018/722, **art. 2(a)** (with Sch. para. 3)

Status:
This version of this Measure contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018.