



# Dioceses Measure 1978

## 1978 No. 1

A Measure passed by the General Synod of the Church of England to make provision for enabling alterations to be made in the diocesan structure of the provinces of Canterbury and York; to make further provision for enabling certain functions of diocesan bishops to be discharged by suffragan bishops; to abolish the power to commission suffragan bishops; to make provision for constituting separate synods for areas of a diocese; to make further provision with respect to the nomination of suffragan bishops; to make provision with respect to the discharge of the functions of certain diocesan bodies; and for purposes connected with those matters. [2nd February 1978]

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**Modifications etc. (not altering text)**

C1 Measure restricted (1.1.1999) by 1998 No. 1, s. 5(3)(6)(7); Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#)

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**Commencement Information**

II Measure wholly in force at 2.5.1978 see s. 25(2).

*Dioceses Commission*

### 1 **Dioceses Commission.**

- (1) The Standing Committee of the General Synod (hereafter referred to as “the Standing Committee”) shall appoint a Commission to be known as the Dioceses Commission (hereafter referred to as “the Commission”), and the Commission shall have such functions as are conferred or imposed on it by or under this Measure.
- (2) The Commission may appoint committees consisting of such of its members as it may designate and may delegate to any such committee such of the functions of the Commission as it thinks fit.
- (3) The Commission shall present annually to the General Synod a report of its activities during the preceding year.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C2** S. 1(1): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by **Archbishops of Canterbury and York**

**2 Advisory functions of the Commission.**

- (1) It shall be the duty of the Commission, on the instructions of the General Synod, the Standing Committee, or the House of Bishops of the General Synod, to advise on matters affecting the diocesan structure of the provinces of Canterbury and York or on the action which might be taken under this Measure to improve the episcopal oversight of any diocese therein or the administration of its affairs.
- (2) Where it appears to the Commission that there is any such matter as is mentioned in subsection (1) above on which it might usefully advise, it may bring that matter to the attention of the General Synod or the Standing Committee with a view to receiving instructions under that subsection.
- (3) The Commission shall be available to be consulted by any diocesan synod or the bishop of any diocese on any action which might be taken under this Measure in relation to the diocese.

**3 Preparation, etc. of reorganisation schemes by the Commission.**

- (1) It shall be the duty of the Commission to prepare and make schemes in accordance with sections 5 and 6 of this Measure, and a scheme made under the said section 6 and confirmed by Order in Council under section 7 is referred to in this Measure as a “reorganisation scheme”.
- (2) A reorganisation scheme may make provision for one or more of the following purposes:—
  - (a) the foundation of a new bishopric with a diocese constituted from existing dioceses and, if necessary, the dissolution of an existing diocese and the abolition of the bishopric 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 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 from one province to the other.
- (3) The Schedule to this Measure, which sets out the provisions which must or may be made by a reorganisation scheme, shall have effect.

*Status: Point in time view as at 01/02/1991.*

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### *Procedure for making reorganisation schemes*

#### **4 Application for reorganisation scheme.**

- (1) Subject to the provisions of this section, the bishop of a diocese may, with the consent of the Standing Committee, 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 an application by him for consent under that subsection shall set out the proposals which have been so prepared.
- (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 an application for consent under subsection (1) above shall be made by the said bishops acting jointly.
- (4) Section 4(4) of the <sup>M1</sup>Synodical Government Measure 1969 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.

#### **Modifications etc. (not altering text)**

- C3** S. 4(1): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

#### **Marginal Citations**

- M1** 1969 No. 2.

#### **5 Preparation of draft scheme by the Commission.**

- (1) In this section “interested parties”, in relation to any draft 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;
  - (b) every suffragan bishop, and every archdeacon, of every such diocese;
  - (c) the diocesan synod of every such diocese;
  - (d) the Commissioners;
  - (e) the Charity Commissioners;
  - (f) the body which for the purposes of the <sup>M2</sup>Cathedrals Measure 1976 is the consenting body of the cathedral church of each of the dioceses which would be affected by the implementing of such scheme;
  - (g) 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;
  - (h) the deanery synod of any deanery which would be particularly affected by the implementing of any provision of such scheme;
  - (i) the incumbent or priest in charge, and the parochial church council, of any parish or conventional district which would be particularly affected by the implementing of any such provision;
  - (j) such other persons, if any, who would be so affected as the Commission thinks fit.

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- (2) On receiving proposals submitted to it under section 4 of this Measure the Commission shall, in consultation with the Commissioners, first prepare 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) report to the Standing Committee and 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 decides to proceed under subsection (2)(a) above it shall send a copy of the draft scheme and of 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.
- (4) After considering any representations made to it under subsection (3) above the Commission shall, as it thinks fit, either proceed under subsection (5) below or report to the Standing Committee and 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.
- (5) Where the Commission decides to proceed under this subsection, it shall make such amendments, if any, in the draft scheme as it thinks fit as a result of such representations, and such amendments, if any, in the financial estimate as, after consultation with the Commissioners, 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.
- (6) 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.
- (7) The report referred to in subsection (6) above shall include the financial estimate, as amended (if at all) under subsection (5) above, and a summary of any representations made to the Commission under subsection (3) above which the Commission thinks should be brought to the attention of the diocesan synod.

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**Modifications etc. (not altering text)**

**C4** [S. 5\(2\)\(4\)](#): functions transferred (1.1.1999) by [S.I. 1998/1715](#), arts. 1(2)(4), 2, [Sch. 1](#); Instrument dated 14.10.1998 made by [Archbishops of Canterbury and York](#)

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**Marginal Citations**

**M2** [1976 No. 1](#).

## 6 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 5 of this Measure gives its consent under

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subsection (5) thereof, the Commission shall lay the draft scheme before the General Synod for its approval.

- <sup>F1</sup>(2) If, in the case of a draft scheme which affects two or more dioceses, the diocesan synod of any of those dioceses does not give its consent under the said section 5(5) and it appears to the Standing Committee, on an application made to it by the Commission, that 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, the Standing Committee 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 5(6) of this Measure 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 (5) below and the Commission shall thereby make the scheme.
- (5) A copy of the draft scheme shall be signed by the chairman of the Commission on its behalf or, in the case of the absence or incapacity of the chairman, 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 chairman 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.

#### Textual Amendments

- F1** S. 6(2): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

## 7 Confirmation of scheme by Order in Council.

- (1) As soon as possible after a scheme is made under section 6 of this Measure 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.

## 8 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 7 of this Measure.

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- (2) A reorganisation scheme may be varied or revoked by a subsequent reorganisation scheme.
- (3) Any Order in Council confirming a reorganisation scheme under this Measure may revoke any Order in Council confirming such a scheme made thereunder.

*Temporary provisions with respect to membership of Convocations,  
etc. after coming into force of reorganisation scheme*

## **9 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 in the House of Laity of the General Synod during that period of any such diocese.
- (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 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.

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- (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 6 of this Measure.
- (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.
- (8) The <sup>M3</sup> New Dioceses (Transitional Provisions) Measure 1927 is hereby repealed.

**Modifications etc. (not altering text)**

- C5** The text of Ss. 9(8) and 15(2)(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M3** 1927 No. 3.

*Provisions with respect to the discharge of episcopal functions*

**10 Temporary delegation by instrument of certain functions to suffragan 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 [<sup>F2</sup>except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964].
- (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 if the instrument so provides, it shall not prevent the making of a fresh instrument at the expiration of that period.
- (6) Subject to subsection (7) 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) above expires, or
  - (b) the bishop of the diocese ceases to hold that office, or
  - (c) the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office,

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whichever first occurs.

- (7) Where but for this subsection such instrument would cease to have effect on the date on which the bishop of the diocese ceases to hold that office, it shall, except as provided by section 14 of this Measure, continue to have effect until the date of the expiration of a period of two months beginning with the date on which another person becomes the bishop of that diocese or the date on which the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office, whichever first occurs.
- (8) Subject to subsection (9) below, the bishop of a diocese may vary or revoke an instrument made by him under this section by a subsequent instrument made thereunder.
- (9) Subject to subsection (10) below, the bishop shall not make an instrument under this section without the consent of the diocesan synod.
- (10) Where either or both of the following functions, namely, the administration of the rite of confirmation and the holding of ordinations, is or are the only functions to be specified in an instrument under this section, the bishop may make the instrument without the consent of the diocesan synod.
- (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 and to the registrar of the diocese, and the registrar shall file it in the diocesan registry.
- [<sup>F3</sup>(12A) 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.
- (12B) 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.]
- (13) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.

#### Textual Amendments

- F2** Words inserted by [Clergy \(Ordination\) Measure 1990 \(No. 1, SIF 21:5\)](#), **s. 2(1)(a)**
- F3** Subsections (12A)(12B) inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\)](#), **s. 10**

## 11 Permanent provision by scheme with respect to discharge of episcopal functions.

- (1) A scheme under this section shall provide for the division of a diocese into areas and for specifying the bishop, either the bishop of the diocese or a suffragan bishop thereof, or the bishops, being the bishop of the diocese and a suffragan bishop thereof, who is to have, or are to share, the episcopal oversight of each such area.
- (2) A scheme under this section shall provide that any suffragan bishop who under the scheme is to have, or is to share with the bishop of the diocese, the episcopal oversight

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of an area of the diocese shall, in relation to that area, discharge such of the functions of the bishop of the diocese as may be specified in the scheme [F4 except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964]

- (3) A scheme under this section may provide for the discharge of any function specified therein to be subject to such conditions as may be so specified.
- (4) A scheme under this section may provide that any function specified therein shall be discharged by the bishop of the diocese and a suffragan bishop acting jointly.
- (5) Where by virtue of such a scheme the episcopal oversight of a diocese will be shared by more than two bishops, the scheme may require those bishops to meet together periodically as an episcopal chapter.
- (6) Subject to section 13(1) of this Measure, a scheme under this section shall bind the person who when the scheme is made is the bishop of the diocese to which the scheme relates and his successors in that office.
- (7) The making of a scheme under this section shall not be taken as divesting the bishop of the diocese to which the scheme relates of any of his functions.

#### Textual Amendments

F4 Words inserted by [Clergy \(Ordination\) Measure 1990 \(No. 1, SIF 21:5\), s. 2\(1\)\(b\)](#)

## 12 Making of scheme under s. 11.

- (1) The bishop of a diocese may, with the consent of the Standing Committee, prepare a draft of a scheme under section 11 of this Measure and submit it to the Commission for it to report thereon.
- (2) On receiving a draft scheme submitted to it under subsection (1) above the Commission shall, in consultation with the Commissioners, prepare an estimate of the financial effect of the scheme and shall include that estimate in its report on the scheme.
- (3) The bishop shall consider the report of the Commission on the draft scheme, and if he decides to proceed with the scheme he may either—
  - (a) lay the draft scheme before the diocesan synod for its approval; or
  - (b) make such amendments in that scheme as he thinks fit and submit the amended draft scheme to the Commission for it to make a further report thereon.
- (4) On receiving an amended draft scheme submitted to it under subsection (3) above the Commission shall, in consultation with the Commissioners, make such amendments, if any, in the estimate of the financial effect of the scheme as it thinks necessary and shall include that estimate as amended (if at all) in its report on the draft scheme.
- (5) Where the bishop has proceeded under subsection (3)(b) above, he shall consider the report of the Commission on the draft scheme, as amended by him, and if he decides to proceed with the scheme he shall lay the draft scheme as so amended before the diocesan synod for its approval.

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*Status: Point in time view as at 01/02/1991.*

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- (6) A copy of the draft scheme and of the report of the Commission thereon shall be sent to every member of the diocesan synod 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, the draft scheme shall be laid before the General Synod.
- (8) A copy of the draft scheme 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 it is laid.
- (9) If the General Synod resolves that such scheme be not made no further proceedings shall be taken thereon, but without prejudice to the laying before the General Synod of a new draft.
- (10) If—
  - (a) no resolution under subsection (9) above is tabled before the end of the group of sessions during which the draft scheme was laid before the Synod; or
  - (b) such a resolution is so tabled but is defeated or withdrawn during the group of sessions during which it is considered,
 a copy of the draft scheme shall be signed by the bishop of the diocese who shall thereby make the scheme.
- (11) A scheme under section 11 of this Measure shall come into operation on the day after the day on which it is made or on such later date as may be specified in the scheme.
- (12) On making a scheme under the said section 11 the bishop shall send a copy of the scheme to the Commissioners and to the registrar of the diocese, and the registrar shall file it in the diocesan registry.

### **13 Variation, etc. of scheme under s. 11.**

- (1) Subject to the provisions of this section, a scheme under section 11 of this Measure may be varied or revoked by a subsequent scheme made thereunder.
- (2) If, on the application of the bishop of a diocese, the Commission so directs, subsections (4) to (6) below shall apply in relation to a scheme which the bishop proposes to make under the said section 11 (hereinafter referred to as “the amending scheme”) and the purpose of which is to make minor amendments of a scheme under that section (hereinafter referred to as “the original scheme”), and section 12 of this Measure, except subsections (6), (11) and (12), shall not so apply.
- (3) An application for a direction under subsection (2) above shall specify the amendments which it is proposed should be made by the amending scheme, and the Commission shall issue the direction if, but only if, it is satisfied that none of the amendments is of substantial importance and that the effect of the amendments, if made, will be neither—
  - (a) to alter the areas into which the diocese was divided by the original scheme, nor
  - (b) to increase significantly the cost of operating that scheme.
- (4) The bishop of the diocese concerned shall prepare a draft of the amending scheme to which a direction under subsection (3) above relates and submit it to the Commission for it to report thereon.

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- (5) The bishop shall consider the report of the Commission on the draft scheme and if he decides to proceed with the scheme he shall lay the draft scheme before the diocesan synod for its approval.
- (6) If the draft scheme is approved by the diocesan synod, a copy thereof shall be signed by the bishop of the diocese who shall thereby make the scheme.
- (7) In this section “amendment” includes revocation.

#### **14 Special provision with respect to rights of collation.**

Where by virtue of any provision of an instrument made under section 10 of this Measure, or of a scheme made under section 11 thereof, or of 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.

#### **15 Abolition of power to commission suffragan bishop.**

- (1) The power of the bishop of a diocese to give a commission to a suffragan bishop is hereby abolished.
- (2) The following provision of<sup>M4</sup> the Suffragan Bishops Act 1534, that is to say, —
  - (a) in section 2 (powers of suffragan bishops), the words from “and have such capacitie” to the end, and
  - (b) in section 4 (authority, etc. of suffragan bishops limited by their commissions), the words from “nor use” to the end,are hereby repealed.
- (3) Neither the abolition by subsection (1) above of the power mentioned therein nor any repeal effected by subsection (2) above shall invalidate any commission given to a suffragan bishop which is in force immediately before the commencement of this Measure.
- (4) Where but for this subsection any such commission would cease to have effect, that commission shall continue in force until—
  - (a) the date on which the suffragan bishop to whom the commission was given ceases to hold that office, or
  - (b) the date on which the commission is revoked by the bishop of the diocese, whichever first occurs.
- (5) So long as any such commission remains in force so much of section 2 of the said Act of 1534 as is repealed by subsection (2) above shall, notwithstanding the repeal, continue to apply to the suffragan bishop to whom the commission was given.
- (6) In section 6 of the said Act of 1534 (residence of suffragan bishops), for the words “where he shall have comysyon” there shall be substituted the words “of the bishop to whom he shall be suffragan”.

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**Modifications etc. (not altering text)**

- C6** The text of Ss. 9(8) and 15(2)(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M4** 1534 c.14.

**16 Provision with respect to Acts, etc. which confer functions on diocesan bishop.**

Any Act, Measure or Canon which confers or imposes on the bishop of a diocese any functions which by virtue of an instrument made under section 10 of this Measure, a scheme made under section 11 thereof 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.

*Area Synods*

**17 Provision for constituting area synods for episcopal areas.**

- (1) In this section “episcopal area”, in relation to a diocese, means any of the areas into which the diocese is to be, or is for the time being, divided by a provision included in a reorganisation scheme by virtue of paragraph 7(1) of the Schedule to this Measure or by a scheme under section 11 thereof.
- (2) Any of the following schemes, that is to say, a reorganisation scheme, a scheme under the said section 11 and a scheme under this section, may make provision—
  - (a) for constituting an area synod for each of the episcopal areas of a diocese; and
  - (b) for empowering the diocesan synod from time to time to delegate to each area synod so constituted such of its functions in respect of the episcopal area for which that synod is to act as may be specified in a resolution of the diocesan synod.
- (3) Part IV of the Church Representation Rules as for the time being in force and any other provisions of those rules relating to diocesan synods, the election of members of such synods and the vacation of the seats of those members shall apply in relation to an area synod constituted by any such scheme as is mentioned in subsection (2) above, the election of members thereof and the vacation of the seats of those members with such modifications, adaptations and exceptions as the scheme may provide.
- (4) The bishop’s council and standing committee of a diocesan synod may with the consent of the bishop of the diocese delegate to the bishop’s council and standing committee of an area synod constituted for an episcopal area of the diocese such of its functions in respect of that area as it may from time to time determine.
- (5) Sections 11(6), 12 and 13 of this Measure shall apply in relation to a scheme under this section as they apply in relation to a scheme under the said section 11.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

### *Creation or revival of suffragan sees*

## **18 Provisions with respect to creation or revival of suffragan sees.**

- (1) No bishop of a diocese shall—
  - (a) petition Her Majesty in Council under the <sup>M5</sup>Suffragans Nomination Act 1888 to direct 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 <sup>M6</sup>Suffragan Bishops Act 1534, or
  - (b) petition Her Majesty to make an appointment under the said Act of 1534 to a see in his diocese which has been vacant and to which no appointment has been made thereunder during at least the preceding five years.unless his proposal to do so is approved by the diocesan synod and the General Synod under this section.
- (2) After consulting (if the bishop is not also an archbishop) the archbishop of the province the bishop shall, with the consent of the Standing Committee, 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 proposal, the Commission shall, in consultation with the Commissioners, prepare an estimate of the financial effect of the proposal, if implemented, and shall include the 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 six 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.

#### **Modifications etc. (not altering text)**

**C7** S. 18(2): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

#### **Marginal Citations**

**M5** 1888 c. 56.

**M6** 1534 c. 14.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

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*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 committee established for a diocese or any part thereof, other than a diocesan synod or the bishop’s council and standing committee of a diocese.
- (2) A scheme under this section may make provision for one or more of the following purposes:—
  - (a) for constituting a body corporate 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, with the consent of the Standing Committee, send copies of the draft to the Commission and the Commissioners for them to advise and comment thereon.
- (4) If the draft scheme would, if implemented, affect a charity established for ecclesiastical purposes of the Church of England, not being an exempt charity within the meaning of the Charities Act 1960, the bishops of the participating dioceses shall cause a copy of the draft to be sent to the Charity Commissioners.
- (5) After any comments made by the Commission or the Commissioners on the draft scheme have been received by the bishops of the participating dioceses and such amendments, if any, as the said bishops think fit have been made therein, the draft scheme shall be laid before the diocesan synod of every participating diocese for its approval.
- (6) A copy of the draft scheme and of any comments thereon made by the Commission or the Commissioners 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 Commissioners and to the registrar of his diocese, and the registrar shall file it in the diocesan registry.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

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## **20 Further provisions with respect to schemes under s. 19.**

- (1) A scheme under section 19 of this Measure 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 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 the said section 19 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 scheme under the said section 19 is in force, any enactment relating to the functions to which the scheme applies or the diocesan bodies by which or the dioceses in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the persons by whom and the dioceses in respect of which (whether in pursuance of the scheme or otherwise) they are to be discharged.
- (4) A scheme under the said section 19 may be varied or revoked by a subsequent scheme made thereunder.

### *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 that diocese.

## **22 Provisions with respect to cathedral church of new diocese.**

- (1) The <sup>M7</sup>Cathedrals Measures 1963 and <sup>M8</sup>1976, with any necessary modifications, shall apply to a church which in accordance with a reorganisation scheme is to be or has become the cathedral church of a new diocese created by that scheme as if it—
  - (a) were a cathedral church to which those Measures apply and a cathedral church within the meaning of those Measures; and

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*Status: Point in time view as at 01/02/1991.*

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- (b) were a dean and chapter cathedral or a parish church cathedral within the meaning of those Measures, as that scheme determines in accordance with paragraph 4(1) of the Schedule to this Measure.
- (2) Sections 16 and 17 of the <sup>M9</sup>said Measure of 1963 (which respectively relate to property vested in provosts of parish church cathedrals and to property of benefices of such cathedrals) shall have effect in relation to a church to which by virtue of subsection (1) above that Measure applies as if it were a parish church cathedral within the meaning thereof, and section 27 thereof (plans for inspection and care of cathedral property) shall have effect in relation to a cathedral church to which by virtue of that subsection that Measure applies, subject, in each case, to the following modification, that is to say, for any reference therein to the passing of that Measure there shall be substituted a reference to the coming into force of the constitution and statutes provided for the church in question by virtue of paragraph 4(1) of the Schedule to this Measure.

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**Marginal Citations**

- M7** 1963 No. 2.  
**M8** 1976 No. 1.  
**M9** 1963 No. 2.

**23 Amendment of certain provisions of reorganisation scheme by other schemes.**

- (1) Sections 11(6) and 13 of this Measure shall apply to provisions included in a reorganisation scheme by virtue of paragraph 7 of the Schedule to this Measure as if those provisions were a scheme made under section 11 by the bishop of the diocese concerned who is in office at the date on which those provisions come into operation.
- (2) Section 40 of the <sup>M10</sup>Pastoral Measure 1968 (amendment and revocation of pastoral schemes and orders) shall apply to provisions included in a reorganisation scheme by virtue of paragraph 8 of the said Schedule as if those provisions were a pastoral scheme or pastoral order made under that Measure.

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**Marginal Citations**

- M10** 1968 No. 1.

**24 Interpretation.**

- (1) In this Measure the following expressions have the meanings hereby respectively assigned to them:—
- “the Commission” has the meaning assigned by section 1(1) of this Measure;
  - “the Commissioners” means the Church Commissioners;
  - “functions” include powers and duties;
  - “reorganisation scheme” has the meaning assigned by section 3(1) of this Measure;
  - “Standing Committee” has the meaning assigned by section 1(1) of this Measure.

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- (2) Any reference in this Measure to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

**25 Short title, commencement and extent.**

- (1) This Measure may be cited as the Dioceses Measure 1978.
- (2) This Measure shall come into operation at the expiration of a period of three months beginning with the date on which it is passed.
- (3) This Measure shall extend to the provinces of Canterbury and York except the Channel Islands, but may be applied to the Channel Islands or either of them, as defined in the <sup>M11</sup>Channel Islands (Church Legislation) Measures 1931 and <sup>M12</sup>1957, in accordance with those Measures.

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**Marginal Citations**

**M11** 1931 No. 4.

**M12** 1957 No. 1.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

## SCHEDULE

Section 3.

### CONTENTS OF REORGANISATION SCHEMES

#### *Preliminary*

- 1 In this Schedule, except where the context otherwise requires, “a scheme” means a reorganisation scheme.

#### *Provisions relating to bishopric*

- 2 A scheme by which a new bishopric is to be founded and a new diocese created shall provide for—
- (a) constituting the bishop of the diocese a corporation sole and investing him with all such rights, privileges and jurisdictions as are possessed by any other bishop in England;
  - (b) subjecting the bishop of the diocese to the metropolitan jurisdiction of one of the archbishops;
  - (c) designating the church which is to be the cathedral church of the diocese;
  - (d) empowering Her Majesty, until a cathedral chapter for the cathedral church of the diocese is established, to grant to a body constituted by the scheme and styled the provisional chapter of the diocese a licence under the Great Seal to proceed to the election of a bishop of the diocese with a letter missive as provided by the <sup>M13</sup>Appointment of Bishops Act 1533 and conferring on the last mentioned chapter the right of proceeding to an election in manner provided by that Act.

#### **Marginal Citations**

**M13** 1533 c. 20.

- 3 The Schedule to this Measure, which sets out the provisions for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese.

#### *Provisions relating to cathedral church, etc.*

- 4 (1) A scheme by which a new diocese is to be created shall determine whether the church which is to be the cathedral church of the diocese shall be a dean and chapter cathedral or a parish church cathedral for the purposes of the <sup>M14</sup>Cathedrals Measures 1963 and <sup>M15</sup>1976 and shall provide—
- (a) for applying those Measures to that church with such modifications specified in the scheme as are necessary to enable a constitution and statutes to be provided for that church by a scheme under the said Measure of 1976; and
  - (b) for constituting a body to be the consenting body of that church for the purposes of that Measure unless and until a scheme thereunder provides that some other body shall be the consenting body thereof for those purposes.
- (2) A scheme by which a new diocese is to be created may provide for founding honorary canonries in the cathedral church of the diocese with power to dispense with the consent of the cathedral chapter of that church so long as there is no such chapter

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and, if necessary, altering the number of such canonries in the cathedral church of any other diocese affected by the scheme.

**Marginal Citations**

**M14** 1963 No. 2.

**M15** 1976 No. 1.

- 5 (1) A scheme by which a diocese is to be dissolved shall provide for—
- (a) altering the status of the cathedral church of the diocese and abolishing the dean and chapter or cathedral chapter of that church and any other body, dignity or office therein;
  - (b) conferring rights to compensation on the dean or provost of that church and any residentiary canon holding office in it;
  - (c) transferring any property (including rights of patronage) vested in the dean and chapter, or cathedral chapter, of that church to such persons as may be specified in the scheme and vesting such property in those persons without any conveyance or other assurance.
- (2) Without prejudice to sub-paragraph (1)(c) above, a scheme may provide for transferring any property (including rights of patronage) vested in the dean and chapter, or cathedral chapter, of the cathedral church of any diocese affected by the scheme to such persons as may be specified in the scheme and vesting such property in those persons without any conveyance or other assurance.
- (3) A scheme by which a diocese is to be dissolved may provide that any moneys held by the Commissioners on behalf of the dean and chapter, or the cathedral chapter, of the cathedral church of the diocese shall be held by them on behalf of such other persons as may be specified in the scheme.

*Provisions relating to suffragan bishoprics, etc.*

- 6 A scheme may provide for vacating the office of a suffragan bishop, and a scheme which does so shall also provide for conferring rights to compensation on the holder of that office.
- 7 (1) A scheme may make the like provision as may be made by a scheme under section 11 of this Measure.
- (2) A scheme may provide for abolishing or altering an episcopal area and may accordingly revoke or amend a scheme under the said section 11.
- (3) In this paragraph “episcopal area” means any of the areas into which a diocese is divided by a scheme under the said section 11 or by any provision included in a scheme by virtue of subparagraph (1) above.

*Provisions relating to archdeaconries and deaneries*

- 8 (1) A scheme by which a new diocese is to be created shall make provision, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes comprised in the diocese.

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- (2) A scheme may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme.
- 9 A scheme by which a diocese or archdeaconry is to be dissolved shall make provision for conferring rights to compensation on an archdeacon whose office is to be abolished by the scheme.

*Provisions relating to patronage*

- 10 A scheme shall provide for transferring to the bishop of a diocese, or to the diocesan board of patronage thereof, any right of patronage of a benefice or canonry which by virtue of the scheme is to become a benefice or canonry in that diocese, being a right which immediately before the commencement of the scheme was vested in the bishop, or the diocesan board of patronage, of another diocese affected by the scheme, . . . <sup>F5</sup>

**Textual Amendments**

**F5** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

*Provisions relating to diocesan synods and other bodies*

- 11 (1) A scheme by which a new diocese is to be created shall make provision with respect to the membership of the diocesan synod of the new diocese during the transitional period.
- (2) Any other scheme may make provision for altering the numbers of elected members of the diocesan synod of a diocese affected by the scheme, the alteration to have effect only during the transitional period.
- (3) Where a diocese is to be dissolved by a scheme, the provision to be made under this paragraph shall include such provision as is necessary to ensure that all persons who immediately before the transitional period begins were members of the diocesan synod of that diocese, having been elected thereto by the houses of clergy or the houses of laity of the deanery synods in that diocese, will during the transitional period be members of the appropriate house of the diocesan synod of a diocese created or affected by the scheme.
- (4) In this paragraph “transitional period” means the period beginning with the date of the commencement of the scheme in question and ending with the 1st September next following the election of members of diocesan synods next held after the first mentioned date in accordance with the Church Representation Rules as for the time being in force.
- 12 A scheme by which a new diocese is to be created shall make provision—
- (a) requiring the diocesan synod thereof, at its first meeting, to appoint the bishop’s council and standing committee of the synod and to constitute the diocesan board of finance for the diocese in accordance with the <sup>M16</sup>Diocesan Boards of Finance Measure 1925 and, at that or the next following meeting, to appoint every other board, committee or panel which such a synod is required by any Measure to appoint;
- (b) authorising those persons who were members of the bishop’s council and standing committee of any diocese any part of the area of which is to

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be comprised in the new diocese to act as bishop's council and standing committee of the diocesan synod of the new diocese until such a council and committee is appointed in accordance with a provision made by virtue of sub-paragraph (a) above;

- (c) requiring the persons referred to in sub-paragraph (b) above to make the necessary arrangements for the first meeting of such synod and to settle the agenda for that meeting.

#### Marginal Citations

M16 1925 No. 3.

- 13 A scheme by which a diocese is to be dissolved shall provide for the winding up or dissolution of every diocesan body for the diocese.

In this paragraph “diocesan body” has the same meaning as in section 19 of this Measure.

#### *Provisions relating to chancellors and registrars*

- 14 A scheme by which a diocese is to be dissolved shall provide for conferring rights to compensation on the chancellor of the diocese and the registrar thereof.

#### *Provisions relating to property*

- 15 (1) A scheme by which a new diocese is to be created shall provide for transferring any property vested in or held by a diocesan body for a former diocese to the corresponding body for the new diocese, when constituted, and vesting such property in that body without any conveyance or other assurance.

In this sub-paragraph “diocesan body” has the same meaning as in section 19 of this Measure.

- (2) Without prejudice to the provisions of the <sup>M17</sup>Bishops Trusts Substitution Act 1858, such a scheme may provide for the trusts of any charity established for ecclesiastical purposes of the Church of England the property of which is vested in, or under the management or control of,—

- (a) any of the following persons, that is to say, the bishop of a former diocese, any archdeacon of a former diocese and any rural dean thereof, or
- (b) any of the following bodies, that is to say, the dean and chapter or cathedral chapter of the cathedral church of a former diocese, the diocesan board of finance therefor and any other diocesan authority therefor,

with or without, in any case, other persons, to have effect with the substitution, for that person, of the person holding the corresponding office in the new diocese and, for that body, of the corresponding body in that diocese, and for any change under any such provision in the vesting of property to have effect without any conveyance or other assurance.

- (3) In this paragraph “diocesan authority” has the same meaning as in the <sup>M18</sup>Parochial Church Councils (Powers) Measure 1956 and “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.

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*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

**Marginal Citations**

**M17** 1858 c. 71.

**M18** 1956 No. 3.

- 16 A scheme by which a new diocese is to be created shall provide for authorising the Commissioners to hold for the new diocese any fund held by them for a former diocese or to make such apportionment of that fund as between the new diocese and a former diocese as they think fit.

In this paragraph “former diocese” has the same meaning as in paragraph 15 above.

- 17 Paragraphs 15 and 16 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese as if the diocese in which any part of the area of another diocese is to be comprised were the new diocese.

*Provisions relating to records*

- 18 A scheme may make provision for the transfer to the registrar of a diocese of the records and other documents relating to the benefices or parishes which by virtue of the scheme are to be comprised in that diocese and to the clergy who are to hold office therein.

*Provisions relating to compensation*

- 19 A scheme which provides for conferring rights to compensation on any person shall make provision with respect to—
- (a) the persons by whom, and the manner in which, claims to, and the amount of, such compensation are to be determined;
  - (b) the matters to be taken into account in determining whether any claimant has suffered loss giving a right to compensation;
  - (c) the circumstances in which payment of such compensation consisting of periodical payments may be suspended, renewed or terminated or the amount thereof increased or reduced;
  - (d) the body by which, and the resources from which, such compensation is to be paid;

and different provision may be made in relation to different cases.

*Provisions relating to proceedings in consistory court*

- 20 A scheme by which a diocese is to be dissolved may make provision for enabling any proceedings in the consistory court of that diocese or any proceedings under the Faculty Jurisdiction Measure <sup>M19</sup>1964 before an archdeacon of that diocese, being proceedings which are pending at the commencement of the scheme, to be heard and determined notwithstanding the dissolution of the diocese.

**Marginal Citations**

**M19** 1965 No. 5.

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*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

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*Provisions relating to supplementary, etc. matters*

- 21 (1) A scheme may make such supplementary, incidental, consequential or transitional provisions as appear to the Commission to be necessary or expedient for giving effect to the purposes of the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme may make provision for preserving the effect of any thing of whatever nature done by a body established for a diocese which is to be dissolved by the scheme or any part of which is to be transferred to another diocese or by the holder of an office in such a diocese in his capacity as such.
- (3) A scheme may amend or repeal any provision of any Order in Council made under any Act or Measure which provided for the foundation of a bishopric if it appears to the Commission that that provision is inconsistent with or rendered unnecessary by the provisions of the scheme.
- (4) A scheme shall, where the Commission considers it appropriate, have annexed thereto a map showing the changes to be made by the scheme.
- (5) A scheme may provide that the scheme shall 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.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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