



# Dioceses Measure 1978 (repealed)

1978 No. 1

## *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)**

- C1** 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—

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- (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) [<sup>F1</sup>the Charity Commission];
  - (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.
- (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.

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- (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.

#### Textual Amendments

- F1** Words in s. 5(1)(e) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 63; S.I. 2007/309, art. 2, Sch.](#)

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

- C2** 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](#)

#### 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 subsection (5) thereof, the Commission shall lay the draft scheme before the General Synod for its approval.
- <sup>F2</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

- F2** 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](#)

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## **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.
- (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.

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