

Status: Point in time view as at 01/01/2002.

Changes to legislation: There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), Cross Heading: Transitional Provisions. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Transitional Provisions

- 1 (a) Any pastoral scheme, pastoral order or redundancy scheme which is pending at the commencement of this Measure shall continue to be dealt with up to and including the date of confirmation of the scheme or the making of the Order as though this Measure had not been passed.
- (b) Section 24(3) of the ^{M1}Pastoral Measure 1968 shall continue to apply to a pastoral scheme which is pending at the commencement of this Measure, and section 25(3) of this Measure shall not apply thereto.

Marginal Citations

M1 1968 No. 1.

- 2 If before the commencement of this Measure any notice has been served under paragraph 1(c) of Schedule 6 to the Pastoral Measure 1968, containing the statement required by paragraph 2(c) of that Schedule, the requirements of paragraphs 1(c) and 2(c) of Schedule 6 of this Measure shall be treated as having been complied with for the purposes of section 65 of this Measure.
- 3 Where immediately before the commencement of this Measure any person lawfully held more than one office by virtue of the first paragraph of section 88(5) of the Pastoral Measure 1968, he shall be entitled to continue to hold those offices, in accordance with that paragraph, notwithstanding anything in section 85 of this Measure; but if he accepts and is admitted to another office this paragraph shall cease to apply to him and, if he then holds offices in contravention of section 85, he shall be deemed to vacate the office or offices held by him before his admission to the new office.
- 4 Section 15 of the ^{M2}Reorganisation Areas Measure 1944 shall continue to apply to annuities granted thereunder and still payable immediately before the commencement of this Measure.

Marginal Citations

M2 1944 No. 1.

- 5 Where any such scheme or order as is mentioned in paragraph 9(1) is not in operation at the commencement of this Measure because its operation is dependent on the occurrence of a vacancy or vacancies in any benefice or benefices, and the incumbent of the benefice or any of the benefices concerned agrees with the pastoral committee that, if he resigns the benefice, compensation will be payable for any loss suffered by him in consequence of his resignation, he shall be entitled

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on resignation to compensation determined in accordance with Schedule 4 to the ^{M3}Pastoral Measure 1968 for any such loss.

Marginal Citations

M3 1968 No. 1.

- 6 Where a building has been declared redundant before the commencement of this Measure in a case falling within section 49(1), the period which must elapse before the Commissioners prepare a redundancy scheme shall be twelve months and in such a case, for the reference in section 50(1) to six months, there shall be substituted a reference to twelve months.
- 7 In any case where, before the commencement of this Measure—
- (a) proposals have been submitted to the Commissioners under Part I of the Pastoral Measure 1968, or
 - (b) a request has been made for an enquiry under Part I of the Incumbents (Vacation of Benefices) Measure 1977,
- the right of any person to compensation for any loss suffered in consequence thereof and the amount of any such compensation shall be determined as though this Measure had not been passed.
- 8 The requirements of paragraph 5 of Schedule 1, that not less than one-half of all the members of the pastoral committee of a diocese shall be elected and that the number of such members who are of the clergy and the number thereof who are of the laity shall, as nearly as may be, be the same, and that not more than one-third of such members shall be ex-officio members appointed under paragraph 3 of that Schedule shall not apply to a pastoral committee until the date of the election of members of that committee next held after the commencement of this Measure.
- 9 (1) Subject to sub-paragraph (2) the powers conferred by section 39 shall be exercisable in relation to instruments, schemes or orders made and confirmed before 1st April 1969 under section 22 of the ^{M4}New Parishes Measure 1943, the Reorganisation Areas Measure 1944 or the ^{M5}Pastoral Reorganisation Measure 1949 as if such instruments or orders were orders made under this Measure and as if such schemes were schemes made under this Measure.
- (2) Sub-paragraph (1) shall not apply to a scheme or part of a scheme providing for the closure, demolition or appropriation to a use or uses of a church or part of a church but such scheme or part shall for the purposes of section 57 of this Measure be deemed to be a redundancy scheme made under this Measure and any deeds or regulations made under section 24 of the ^{M6}Union of Benefices Measure 1923 relating to such scheme or part shall be deemed to be provisions contained in that scheme or part; but section 61(1) of this Measure shall not apply unless an amending redundancy scheme so provides.

Marginal Citations

M4 1943 No. 1.

M5 1949 No. 3.

M6 1923 No. 2.

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- 10 If any difficulty or question arises as to the effect of anything given or done under section 22 of the ^{M7}New Parishes Measure 1943, the ^{M8}Reorganisation Areas Measure 1944 or the ^{M9}Pastoral Reorganisation Measure 1949, it shall be determined by directions of the Commissioners given under their seal.

Marginal Citations

- M7** 1943 No. 1.
M8 1944 No. 1.
M9 1949 No. 3.

- 11 For the purposes of this Schedule,
- (a) a pastoral scheme or pastoral order shall be deemed to be pending at the commencement of this Measure if it has at least reached the following stage of the procedure applicable to that scheme or order, that is to say, the submission to the Commissioners of proposals—
- (i) under section 3(6), or section 13(1) or (5) of the ^{M10}Pastoral Measure 1968
- (ii) under the said section 3(6), as applied by section 12(5) of that Measure;
- (b) a redundancy scheme shall be deemed to be pending at the commencement of this Measure if the Commissioners have served a copy of the draft scheme on the bodies referred to in section 50(3) of the Pastoral Measure 1968.

Marginal Citations

- M10** 1968 No. 1.

- 12 Any right of patronage created under any of the provisions repealed by the Pastoral Measure 1968 or created under that Measure shall continue to be incapable of sale and any transfer thereof for valuable consideration shall be void.
- 13 In this Schedule references to the Pastoral Measure 1968 are references to that Measure disregarding the amendments made by the ^{M11}Pastoral (Amendment) Measure 1982.

Marginal Citations

- M11** 1982 No. 1

- 14 Nothing in this Schedule shall be taken as prejudicing the application of Sections 16 and 17 of the ^{M12}Interpretation Act 1978.

Marginal Citations

- M12** 1978 c. 30.

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