



# Pastoral Measure 1983 (repealed)

1983 No. 1

## PART I **E**

### PROCEDURE FOR MAKING PASTORAL SCHEMES AND ORDERS

#### *Pastoral committees*

#### **9 Confirmation of schemes by Order in Council. **E****

- (1) As soon as possible after a scheme is submitted for confirmation by Her Majesty in Council under section 8, the Commissioners shall—
- (a) so far as practicable serve on the persons who duly made written representations with respect to the draft scheme notice of such submission, together with a statement in writing of the Commissioners' decision with respect to those representations and the reasons therefor; and
  - (b) serve on any other persons, being interested parties, notice of such submission; and a notice under this subsection shall inform persons who have duly made such representations of their rights, on obtaining the leave of the Judicial Committee of the Privy Council, to appeal to Her Majesty in Council and shall specify the date, being a date not less than twenty-eight days after the service of the notice, on or before which notice of intention to apply for such leave must be given.

When submitting a scheme for confirmation by Her Majesty in Council the Commissioners shall inform the Clerk of the Privy Council of the date which is to be specified in notices under this subsection relating to the scheme.

- (2) Any person who has duly made written representations with respect to the draft scheme may appeal to Her Majesty in Council against the scheme or any provisions thereof, but only with the leave of the Judicial Committee of the Privy Council.
- (3) The provisions of Schedule 2 shall apply to applications for leave to appeal, and to appeals, to Her Majesty in Council under this section.
- (4) If—

*Status: Point in time view as at 01/09/1995. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), Section 9. (See end of Document for details)*

- (a) no notice of intention to apply for leave to appeal is given on or before the date specified in subsection (1), or
- (b) no application for such leave is made within the period prescribed by paragraph 4 of Schedule 2, or
- (c) the Judicial Committee refuses to grant such leave, or
- (d) the appeal stands dismissed for non-prosecution by virtue of paragraph 11 of that Schedule,
- [<sup>F1</sup>(e) no person has duly made written representations with respect to the draft scheme; or
- (f) written representations with respect to the draft scheme have been duly made but it has not been practicable to serve any notice under subsection (1)(a),]

Her Majesty may by Order in Council confirm the scheme.

- (5) An Order in Council made under this section shall not be a statutory instrument as defined by section 1 of the <sup>M1</sup>Statutory Instruments Act 1946, and the provisions of that Act shall accordingly not apply thereto.
- (6) If leave to appeal is granted, the Judicial Committee of the Privy Council shall hear the appeal, and the Judicial Committee shall make a report thereon and may propose to Her Majesty in Council that the appeal should be allowed or dismissed or that the scheme should be returned to the Commissioners for reconsideration, and Her Majesty in Council may accordingly—
  - (a) allow the appeal, in which case the scheme shall be of no effect, but without prejudice to the making and submission of a further scheme, or
  - (b) dismiss the appeal and confirm the scheme, or
  - (c) return the scheme to the Commissioners for reconsideration.
- (7) Where a scheme is returned to the Commissioners for reconsideration as aforesaid, they may—
  - (a) withdraw the scheme, or
  - (b) re-submit the scheme without any amendment thereof, or
  - (c) amend the scheme with the agreement of the bishop given after consultation with the pastoral committee.
- (8) Where the Commissioners re-submit a scheme without amendment, the Judicial Committee of the Privy Council, without any further hearing, may propose to Her Majesty in Council that the appeal should be allowed or dismissed, and the like effect shall follow on that proposal as if it has been made under subsection (6).
- (9) Where the Commissioners amend the scheme, it shall be treated as a draft scheme amended under section 7 and the provisions of this Part shall apply thereto accordingly, and if the amended scheme is submitted to Her Majesty in accordance with those provisions, it shall, on such submission, be treated as a new scheme.

#### Textual Amendments

**F1** S. 9(4)(e)(f) inserted (1.9.1995) by 1995 No. 2, s. 11(a); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York

#### Marginal Citations

**M1** 1946 c. 36.

**Status:**

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**Changes to legislation:**

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