Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

A Measure passed by the General Synod of the Church of England to further the mission of the Church of England and, in particular, to make new provision, in place of the Dioceses Measure 1978 and section 8 of the Church of England (Miscellaneous Provisions) Measure 1983, for reviewing the provincial and diocesan structure of the Church of England and for making reorganisation schemes, for the change of name of sees, and for the creation and filling of suffragan sees, for the nomination of suffragan bishops and the delegation of functions to them and to other persons in episcopal orders and for the discharge of functions of certain diocesan bodies; to amend the Pastoral Measure 1983 in respect of the making of pastoral schemes and orders and of schemes for the closure of churches for regular public worship; to enable a diocesan bishop, by order, to endorse and make provision for mission initiatives; to make new provision for mission and pastoral committees; to replace the Council for the Care of Churches with a body named the Church Buildings Council and make new provision for it; to make provision for the description of assistant curates and for their functions; to make other amendments to the Pastoral Measure 1983; and for connected purposes. [30th October 2007]

PART I

GENERAL PRINCIPLE

1 General duty

It shall be the duty of any person or body carrying out functions under this Measure or the Pastoral Measure 1983 to have due regard to the furtherance of the mission of the Church of England.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Commencement Information

I1 S. 1 in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

VALID FROM 01/05/2008

PART II

PROVINCIAL AND DIOCESAN STRUCTURE

VALID FROM 01/09/2008

Composition and duties of Dioceses Commission

2 Dioceses Commission

(1) There shall be established a body known as the Dioceses Commission which shall have the functions conferred on it by or under this Measure and the body of that name established under section 1 of the Dioceses Measure 1978 (1978 No. 1) shall cease to exist.

(2) The provisions of Schedule 1 to this Measure shall have effect with regard to the Commission, its members and its procedures.

(3) The Commission shall present annually to the General Synod a report of its activities during the preceding year.

3 Review of provincial and diocesan structure

(1) It shall be the duty of the Commission to keep under review the provincial and diocesan structure of the Church of England and, in particular—

(a) the size, boundaries and number of provinces,

(b) the size, boundaries and number of dioceses and their distribution between the provinces, and

(c) the number and distribution of episcopal offices and the arrangements for episcopal oversight.

(2) The Commission shall, when carrying out its duties under subsection (1) above—

(a) ensure that it is kept informed of views within the Church of England on the matters referred to in subsection (1) and of any changes in the structure of the Church which may take place, so far as these are relevant to its functions, and consult such persons and bodies as it thinks fit;

(b) without prejudice to its duties under sections 4, 6 and 7 below, consider whether changes are required, put forward proposals for discussion, where appropriate, and encourage detailed and reasoned responses from those persons and bodies consulted;

(c) disseminate, to the extent that the Commission thinks necessary and in whatever form the Commission thinks fit, guidance and information about

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good practice to persons and bodies involved in the administration of dioceses;

(d) give appropriate advice, when requested on particular issues, to such persons and bodies; and

(e) make and publish from time to time reports on its activities.

(3) If, when carrying out its functions under subsections (1) and (2) above, the Commission publishes proposals to alter the number of provinces, it shall also include, in those proposals, recommendations concerning the method of achieving the changes required by the proposals.

(4) Any report published under subsection (2)(e) above shall be laid before the General Synod either as part of the annual report required to be presented under section 2(3) above or otherwise.

(5) The Commission may ask any person or body to provide any information which it considers necessary to enable it to carry out its functions.

(6) Where the Commissioners, any diocesan bishop, any diocesan synod or any bishop's council and standing committee are consulted under this section or section 5(2), 5(3), 6(2), 6(3), 6(4) or 6(6) below or are asked to give information under subsection (5) above, the person or body concerned shall be under a duty to respond, where practicable, to any requests for comments or information and to provide any information which that person or body is asked to provide.

VALID FROM 01/09/2008

Reorganisation schemes

4 Preparation and making of reorganisation schemes

(1) It shall be the duty of the Commission to prepare and make schemes in accordance with sections 6 and 7 below, and a scheme made under the said section 7 and confirmed by Order in Council under section 8 below is referred to in this Measure as a “reorganisation scheme”.

(2) A reorganisation scheme may be made following proposals submitted to the Commission by a bishop under section 5 below or prepared by the Commission under section 6(3) below without the submission of any such proposals.

(3) A reorganisation scheme may make provision for one or more of the following purposes—

(a) the foundation of one or more new diocesan bishoprics with one or more dioceses constituted from one or more existing dioceses and, if necessary, the dissolution of one or more existing dioceses and the abolition of the bishopric or bishoprics 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 one or more other dioceses and, if necessary, the dissolution of the first mentioned diocese and the abolition of the bishopric thereof;

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(d) the transfer of a diocese or parts of the area of any diocese from one province to another.

(4) Schedule 2 to this Measure, which sets out the provisions which must or may be made by a reorganisation scheme, shall have effect.

VALID FROM 01/09/2008

Procedure for making reorganisation schemes

5 Application for reorganisation scheme

(1) Subject to the provisions of this section, the bishop of a diocese may 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 such other consultation as he thinks fit.

(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 with such persons or bodies as each of them thinks fit, and a submission under subsection (1) above shall be made by the said bishops acting jointly.

(4) Section 4(4) of the Synodical Government Measure 1969 (1969 No. 2) 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.

6 Preparation of draft scheme by Commission

(1) In this section "interested parties", in relation to any draft reorganisation 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 situated;

(b) the diocesan synod of every such diocese;

(c) the bishop's council and standing committee of every such diocesan synod;

(d) the Chapter of the cathedral of every diocese which would be affected by the implementing of such scheme;

(e) the Commissioners;

(f) 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;

(g) the Archbishops' Council;

(h) the Charity Commission;

(i) to the extent that the Commission thinks fit, such other persons or bodies, if any, as would be particularly affected by the implementing of such scheme.

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(2) On receiving proposals submitted to it under section 5 of this Measure, the Commission shall, after consultation with the interested parties, first prepare a statement of the effect of the proposals, if implemented, on the mission of the Church of England and 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) if it considers that the objectives of the proposals can be better achieved without a scheme or for any other reason it considers that it would not be appropriate to make a scheme, report 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 has not received proposals under section 5 above, the Commission may, after consulting the interested parties, prepare a draft reorganisation scheme and, if it does so, shall also prepare the statement referred to in subsection (2) above and, after first consulting the Commissioners, a financial estimate.

(4) Where the Commission decides to proceed under subsection (2)(a) or (3) above it shall send a copy of the draft scheme and of the statement referred to in subsection (2) above and 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 and the Commission shall afford an opportunity to representatives of the diocesan synod of any diocese affected by the draft scheme to make oral representations to the Commission, whether or not that diocesan synod has made written representations.

(5) After considering any representations made to it under subsection (4) above the Commission shall, as it thinks fit, either proceed under subsection (6) below or report 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.

(6) Where the Commission decides to proceed under this subsection, it shall make such amendments, if any, to the draft scheme as it thinks fit as a result of such representations, and such amendments, if any, to the statement referred to in subsection (2) above and the financial estimate as, after consultation with the Commissioners in the case of the financial estimate, 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.

(7) 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.

(8) The report referred to in subsection (7) above shall include the statement referred to in subsection (2) above and the financial estimate, as amended (if at all) under subsection (6) above, and a summary of any representations made to the Commission under subsection (4) above which the Commission thinks should be brought to the attention of the diocesan synod.

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7 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 6 above gives its consent under subsection (6) thereof, the Commission shall lay the draft scheme before the General Synod for its approval.

(2) If the diocesan synod of any of those dioceses does not give its consent under section 6(6) above and the archbishop of the province in which the diocese is situated is satisfied that—

(a) 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, or

(b) there are wider considerations affecting the province or the Church of England as a whole which require the draft scheme to be submitted to the General Synod,

the archbishop 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 6(7) of this Measure and, where subsection (2) above applies, of a statement by the archbishop of the reasons for his decision 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 (8) below and the Commission shall thereby make the scheme.

(5) Except where subsection (2) above applies, where the Business Committee of the General Synod determines that the draft scheme does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that that member wishes the draft scheme to be debated, the draft scheme shall, for the purposes of subsection (4) above, be deemed to have been approved by the General Synod.

(6) If, in accordance with its Standing Orders, a motion is carried in the General Synod that any matter contained in the draft scheme and specified in the motion should be reconsidered by the Commission the Commission shall withdraw the draft scheme, in which case the Commission may decide either not to proceed with the draft scheme or to re-submit the draft scheme to the General Synod, with or without amendment.

(7) If the Commission decides to re-submit the draft scheme under subsection (6) above with amendments, section 6(3) to (8) and subsections (1) to (6) above shall apply in relation to the amended draft scheme.

(8) A copy of the draft scheme shall be signed by the chair of the Commission on its behalf or, in the case of the absence or incapacity of the chair, 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 chair 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.

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8 Confirmation of scheme by Order in Council and publication of scheme

(1) As soon as possible after a scheme is made under section 7 above, 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.

9 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 8 above.

(2) A reorganisation scheme may be varied or revoked by a subsequent reorganisation scheme and sections 5, 6, 7 and 8 above and subsection (1) above shall apply to such a scheme as they applied to the original scheme.

(3) Any Order in Council confirming a reorganisation scheme may revoke any other Order in Council confirming such a scheme.

VALID FROM 01/09/2008

Power of General Synod to make temporary provision with respect to membership of Convocations

10 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 during that period of any such diocese in the House of Laity of the General Synod.

(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

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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 or she 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.

(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 7 above.

(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.

VALID FROM 01/09/2008

Change of name of see

11 Change of name of see

(1) Without prejudice to any other powers of Her Majesty in Council in relation to sees, Her Majesty in Council, on receipt of a petition from the bishop of the diocese concerned under this section, shall have power to change the name of any diocesan or suffragan see.

(2) Before submitting a petition under subsection (1) above, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned and shall then, if he decides to proceed with the petition, lay the

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petition, together with a report thereon from the Commission, before the General Synod for its approval.

(3) Where the Business Committee of the General Synod determines that any such petition does not need to be debated by the Synod, then, unless notice is given by a member of the Synod in accordance with its Standing Orders that that member wishes the petition to be debated, the petition shall for the purposes of subsection (2) above be deemed to have been approved by the Synod.

(4) Where the petition is approved by the General Synod the bishop of the diocese may forward it to Her Majesty in Council.

VALID FROM 01/01/2011

General duty

12 Duty of the bishop to keep episcopal ministry under review

Each bishop of a diocese shall keep under review the provision of episcopal ministry and oversight in his diocese and shall, in carrying out that duty, consult widely such persons and bodies as he thinks fit.

Provisions with respect to discharge of episcopal functions

13 Delegation by instrument of certain functions to suffragan bishop or assistant 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 except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No. 6) or functions under section 2 of the Priests (Ordination of Women) Measure 1993 (1993 No. 2).

(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 it shall not prevent the making of a fresh instrument at the expiration of that period.

(6) Such instrument may provide for it to continue to have effect for a period specified in the instrument after either the bishop of the diocese or the suffragan bishop ceases to hold that office (with the substitution for the suffragan bishop of his successor).

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(7) Subject to subsection (9) 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) or (6) above expires, or

(b) if subsection (6) above does not apply, the bishop of the diocese ceases to hold that office, or

(c) if subsection (6) above does not apply, the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office.

(8) The bishop shall obtain the approval of the diocesan synod of the diocese before making an instrument made under this section but, except where subsection (6) above applies, where the bishop is of the opinion that the matter is urgent and it is not practicable to obtain the approval of the diocesan synod, he may, instead, obtain the approval of the bishop's council and standing committee of that diocesan synod.

(9) Where but for this subsection such instrument would cease to have effect on the date on which the bishop of the diocese or the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office, it shall, except as provided by section 15 of this Measure, continue to have effect until the date of the expiration of a period of six months beginning with the date on which another person becomes the bishop of that diocese or the date on which the suffragan bishop ceases to hold that office, whichever first occurs.

(10) The bishop of a diocese may vary or revoke an instrument made under this section by a subsequent instrument made thereunder.

(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, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.

(13) 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.

(14) 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.

(15) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.

(16) In this section and sections 15 and 16 below, “suffragan bishop” includes an assistant bishop.

14 Discharge of certain functions of bishop

(1) If—

(a) the bishop of a diocese has executed an irreversible instrument of resignation as bishop or the bishop considers that he will be unable to discharge any or

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all of his functions by reason of disability, illness or absence from his diocese or by reason of his forthcoming translation to another see; and

(b) there is no person in episcopal orders in the diocese who is for the time being authorised to discharge the relevant functions of the bishop,

the bishop may (in the case of resignation or translation before the resignation or translation takes effect) by an instrument under his hand delegate to a person holding office as a diocesan, suffragan or assistant bishop in the Church of England, without the consent of the diocesan synod, but after consultation with the bishop's council and standing committee of that synod, unless the bishop is unable to consult the bishop's council and standing committee by reason of his disability or illness, such of his functions as may be specified in the instrument, except functions to which an instrument made under section 13 above relates and functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No. 6) or functions under section 2 of the Priests (Ordination of Women) Measure 1993 (1993 No. 2).

(2) Subject to section 15 below, the instrument made by a bishop under subsection (1) above shall remain in operation for a period specified in the instrument, which shall not be longer than twelve months but which may be extended by the archbishop of the province.

(3) Where a see is vacant or where, by virtue of any circumstances mentioned in subsection (1) above, the bishop of a diocese is not able to, or does not otherwise, exercise the power conferred on him by that subsection to delegate all of his functions which he may delegate, the archbishop of the province shall exercise the power in lieu of the bishop without the consultation with the bishop's council and standing committee required by subsection (1) of this section; and if that archbishop is unable by reason of disability, illness or absence from his province to exercise the power under this subsection or if the see of that archbishop is vacant the power shall be exercised, in like manner, by the senior bishop of the province.

(4) An instrument made 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.

(5) A power of delegation under subsection (1) or (3) above may be exercised by the appointment of two or more persons qualified for such appointment and by the division among them, whether territorially or otherwise, of the functions to be performed.

(6) Where a function which has been delegated 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 to whom the function has been delegated.

(7) A statement in a document issued by a person to whom a function has been delegated under this section that the function has been so delegated to him shall be conclusive evidence of that fact.

(8) An instrument made under this section may be varied or revoked by a subsequent instrument similarly made.

(9) On making an instrument under this section or on making an irreversible instrument of resignation the person making the document shall send a copy to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.

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(10) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.

(11) In this section—

"irreversible instrument" means an instrument duly executed and completed by the bishop which has been accepted by the archbishop of the province;

"senior bishop" means, in the province of Canterbury, the bishop of London and after him the bishop of Winchester and, in the province of York, the bishop of Durham and subject thereto the diocesan bishop who has held office as diocesan bishop in the province in question without interruption from any cause for the longest time.

15 Special provision with respect to rights of collation

Where by virtue of any provision of an instrument made under section 13 or 14 above or 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.

16 Provision with respect to Acts, etc. which confer functions on a 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 13 or 14 above 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.

VALID FROM 01/09/2008

Creation and filling of suffragan sees

VALID FROM 01/01/2011

17 Provisions with respect to filling of suffragan sees

(1) Where the bishop is aware that a see of a suffragan bishop has become vacant or is shortly to become vacant and the bishop thinks, after taking into account the duty imposed on him under section 12 above, that a proposal to fill the vacancy should be considered he shall consult the diocesan synod as to whether the vacancy should be filled, unless the bishop is of the opinion that the matter is urgent and it is not practicable to consult the diocesan synod, in which case he may, instead, consult the bishop's council and standing committee of that diocesan synod.

(2) Where, after consulting the diocesan synod or the bishop's council and standing committee, as the case may be, under subsection (1) above, the bishop decides

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that the vacancy should be filled he shall notify the archbishop of the province and the Commission of his proposal and give his reasons for it.

(3) The Commission, within the period of two months of being notified as provided in subsection (2) above, shall notify the bishop and the archbishop either that it agrees with the bishop's proposal or that it considers that the bishop's proposal requires further consideration.

(4) If the archbishop informs the bishop within the period of two months of being notified by the Commission as provided in subsection (3) above that he agrees with the Commission's view that the bishop's proposal requires further consideration the provisions of subsections (6) and (7) below shall apply.

(5) If the Commission has notified the bishop and the archbishop under subsection (3) above—

(a) that it agrees with the bishop's proposal, or

(b) that it considers that the proposal needs further consideration and the archbishop has informed the bishop that he does not agree with the Commission's view,

then the bishop may petition Her Majesty to exercise her powers to appoint a suffragan bishop to fill the vacancy under the Suffragan Bishops Act 1534 (26 Hen. 8 c. 14).

(6) Where subsection (4) above applies, the Commission shall prepare a statement of the effect of the proposal to fill the vacancy on the mission of the Church of England if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and report on the proposal to the bishop, including the statement and estimate in its report.

(7) Section 18(4) to (8) below shall apply to a proposal to which subsection (4) above applies as it applies to a draft scheme under that section.

(8) Nothing in this section shall apply to the see of the suffragan bishop of Dover or to any see intended to be held by a suffragan bishop appointed to act as a provincial episcopal visitor under the Episcopal Ministry Act of Synod 1993.

18 Provisions with respect to creation of suffragan sees

(1) No bishop of a diocese shall petition Her Majesty in Council to direct under the Suffragans Nomination Act 1888 (51 & 52 Vict. c. 56) 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 Suffragan Bishops Act 1534 (26 Hen. 8 c. 14) unless his proposal to do so is approved by the diocesan synod and the General Synod.

(2) After consulting (if the bishop is not an archbishop) the archbishop of the province the bishop shall 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 a proposal, the Commission shall prepare a statement of the effect of the proposal on the mission of the Church of England if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and shall include the statement and estimate in its report.

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(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 three 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.

(8) Where the Business Committee of the General Synod determines that the proposal does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that that member wishes the proposal to be debated, the proposal shall, for the purposes of subsection (6) above, be deemed to have been approved by the General Synod.

VALID FROM 01/09/2008

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 unincorporate 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 diocesan synod.

(2) A scheme under this section may make provision for one or more of the following purposes—

(a) for constituting a body corporate or unincorporate 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.

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(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 obtain the consent of the Commission to proceed with it.

(4) If the draft scheme would, if implemented, affect a charity, not being an exempt charity, the bishops of the participating dioceses shall cause a copy of the draft to be sent to the Charity Commission for it to advise and comment thereon.

(5) After any advice or comments made by the Charity Commission on the draft scheme have been received by the bishops of the participating dioceses and the bishops have made such amendments, if any, as they think fit, the bishops shall lay the draft scheme before the diocesan synod of every participating diocese for its approval unless the Charity Commission objects to the scheme including any amendments made in consequence of their advice or comments and, in such a case, the bishops shall not proceed with the scheme, but without prejudice to the making of a new scheme under this section.

(6) A copy of the draft scheme and of any advice or comments thereon made by the Charity Commission 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 Commission and to the registrar of his diocese, and the registrar shall file it in the diocesan registry.

20 Further provisions with respect to schemes under s.19

(1) A scheme under section 19 above 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 unincorporate 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 section 19 above 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 body or committee is, under a scheme under section 19 above, to discharge, whether jointly or otherwise, functions previously discharged by a diocesan body

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established by or under a Measure, that Measure shall have effect subject to section 19 above and this section and the scheme may make such incidental, consequential or other amendments to the Measure as appear to the bishops of the participating dioceses necessary to give effect to the scheme.

(4) A scheme under section 19 above may be varied or revoked by a subsequent scheme made thereunder.

Miscellaneous and supplemental

VALID FROM 01/09/2008

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 the diocesan synod of that diocese.

22 Interpretation of Part II

In this Part of this Measure—

"the Commission" means the Dioceses Commission established under section 2 above; and

"reorganisation scheme" means a scheme made under section 7 above.

VALID FROM 11/06/2008

PART III

PROCEDURE FOR MAKING PASTORAL SCHEMES AND ORDERS AND PASTORAL CHURCH BUILDINGS SCHEMES

Introduction

23 Amendment of Part I of Pastoral Measure 1983

(1) Part I of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure.

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(2) Any provision in a pastoral scheme for the closure of a church for regular public worship shall be known as a declaration of closure for regular public worship and a scheme containing any such declaration shall be known as a pastoral church buildings scheme.

(3) Sections 24 to 34 below contain amendments to the said Part I so as to apply it to pastoral schemes or pastoral orders and recommendations or proposals for such schemes or orders which do not contain a declaration of closure of a church for regular public worship.

(4) Sections 35 to 39 below contain amendments to the said Part I so as to apply it to pastoral church buildings schemes and recommendations or proposals for such schemes.

Pastoral schemes and orders

24 Pastoral schemes and orders

In its application to pastoral schemes which do not contain a declaration of closure of a church for regular public worship and to pastoral orders Part I of the 1983 Measure shall be amended in accordance with sections 25 to 34 below.

25 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows—

(a) in subsection (1), the words “, subject to subsection (7)(a) in the case of interested parties being local planning authorities,” shall be omitted;

(b) in subsection (2), for the words “subsections (3) and (4)” there shall be substituted the words “ subsection (3) ”, the word “ and ” shall be inserted after paragraph (d) and the word “and” after paragraph (e) and paragraph (f) shall be omitted;

(c) subsections (4), (7) and (8) shall be omitted; and

(d) in subsection (10), the words from “and, if those proposals include” to the end shall be omitted.

26 Approval by bishop of draft proposals and preparation of draft scheme

For section 4 there shall be substituted the following section—

“**4 Approval by bishop of draft proposals and preparation of draft scheme**

(1) If the bishop approves, either with or without amendments, draft proposals submitted to him under section 3(9) he shall return the draft proposals to the mission and pastoral committee, with any amendments, for the preparation of a draft scheme or order.

(2) On receipt of the draft proposals the mission and pastoral committee shall prepare a draft scheme or order giving effect to the draft proposals, with any amendments, and shall submit the draft scheme or order to the Commissioners.”.

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27 Consideration of draft scheme or order by Commissioners

For section 5 there shall be substituted the following section—

"**5 Consideration of draft scheme or order by Commissioners**

(1) On receipt of a draft scheme or order submitted to them under section 4 the Commissioners shall consider whether the draft scheme or order is in the correct form and is within the powers conferred on the bishop and the mission and pastoral committee and whether the procedures set out in sections 3 and 4 have been properly applied.

(2) Where the Commissioners consider that, in accordance with subsection (1), any amendments should be made to the draft scheme or order, they may make such amendments as they think appropriate.

(3) If the Commissioners make any such amendments they shall, unless they consider that the amendments are such as are described in section 16(1A), refer the draft scheme or order, with their amendments, together with an explanation of the reasons for the amendments, to the mission and pastoral committee for further consideration.

(4) The mission and pastoral committee shall, after consulting the bishop, consider the draft scheme or order, as amended by the Commissioners, and may, with the agreement of the bishop, make any amendments which it thinks fit, after taking account of the Commissioners' amendments.

(5) The mission and pastoral committee shall, after considering the draft scheme or order in accordance with subsection (4), re-submit it to the Commissioners, with any amendments, together with an explanation of the action which it has taken on the Commissioners' amendments and subsection (2) and, if appropriate, subsections (3), (4) and this subsection shall apply to any such draft scheme or order.

(6) If the Commissioners consider that it is not possible to amend the draft scheme or order in a way which would enable it to proceed in the correct form or that the procedures set out in sections 3 and 4 have not been properly applied they shall return it to the mission and pastoral committee for further consideration.

(7) If the draft scheme or order is returned to the mission and pastoral committee under subsection (6), the mission and pastoral committee shall take no further steps in relation to the draft scheme or order but, shall, after consulting the bishop, consider whether to make new recommendations under section 3 or prepare a new draft scheme or order under section 4 or take any further steps specified by the Commissioners.

(8) If the Commissioners do not refer the draft scheme or order to the mission and pastoral committee for further consideration as provided above, they shall return the draft scheme or order to the mission and pastoral committee to proceed with the draft scheme or order under section 6 below.".

28 Notice and publication of draft scheme or order

Section 6 shall be amended as follows—

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(a) in subsection (1), for the word "Commissioners", in the first place where it occurs, there shall be substituted the words " mission and pastoral committee ", for "5" there shall be substituted " 4 " and after the words "interested parties" there shall be inserted the words " and the Commissioners ";

(b) in subsection (3), for the words from the beginning to the end of paragraph (a), there shall be inserted the words "If a draft scheme is a scheme to which section 30 applies the mission and pastoral committee shall—

(a) also serve a copy thereof on the Commonwealth War Graves Commission; and"

and the words beginning with "and the provisions of paragraph (a)" to the end shall be omitted;

(c) in subsection (4), for "Commissioners" there shall be substituted the words " mission and pastoral committee " and after the word "scheme", in both places, there shall be inserted the words " or order "; and

(d) in subsection (5) the words "to their representative" shall be omitted.

29 Amendment of draft scheme or order

Section 7 shall be amended as follows—

(a) in subsection (1), after the word "may", there shall be inserted the words " , at any time after a copy of the draft scheme or order has been served on them under section 6(1), " and for the word "them" there shall be substituted the words " the committee "; and

(b) in subsection (2), after the words "any such amendments" there shall be inserted the words " , other than any amendments which, in the opinion of the Commissioners, are such as are described in section 16(1A), ".

30 Making of scheme or order

Section 8 shall be amended as follows—

(a) for subsection (2) there shall be substituted the following subsection—

"(2) Where no representations with respect to any such draft order have been made and the Commissioners are of the opinion that the draft order should be made and do not propose to amend or further amend it under section 7, the Commissioners shall issue a certificate to that effect and submit the draft order and the certificate to the bishop.";

(b) in subsection (3), for the words "seal a copy thereof and submit it to the bishop" there shall be substituted the words " issue a certificate to that effect and submit the draft order and the certificate to the bishop "; and

(c) in subsection (4), for the words "copy of an" there shall be substituted the word " draft ".

31 Transmission of copies of scheme or order

Section 10 shall be amended as follows—

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(a) in subsection (1) for the word "Commissioners" there shall be substituted the words " mission and pastoral committee ", for the word "them" there shall be substituted the words " the Commissioners " and the words after "interested parties" shall be omitted; and

(b) in subsection (2), for the word "Commissioners" there shall be substituted the words " mission and pastoral committee ".

Supplementary

32 Power of bishop to formulate and submit proposals on certain matters

In section 14, after subsection (1), there shall be inserted the following subsection—

"(1A) Any interested party shall be deemed to have consented to the proposals if the interested party has been provided with a copy of the proposals and notified in writing by the mission and pastoral committee—

(a) that the mission and pastoral committee should be informed in writing whether or not the interested party objects to the proposals within the period, not less than twenty-eight days after the service of the notice, specified in the notice,

(b) that, if the interested party does not inform the mission and pastoral committee as required by paragraph (a), that party will be deemed to have consented to the proposals, and

(c) that, if every interested party consents or is deemed to consent to the proposals, the mission and pastoral committee may proceed with the preparation of a draft order to give effect to the proposals, and the bishop may make the order, without further consultation.".

33 Withdrawal of scheme or order at request of bishop

For section 15 there shall be substituted the following section—

"**15 Withdrawal of scheme or order at request of bishop**

If the bishop of the diocese concerned or, in a case to which section 12, 13 or 14(2) applies, the bishops of the dioceses concerned, consider that any proposals or draft scheme or order should not be proceeded with, he or they may, after consulting the mission and pastoral committee or committees or (in a case to which section 13 applies) the joint boundary committee for the dioceses concerned, direct the committee or committees or, if a draft scheme or order is being considered by the Commissioners under section 5 or the Commissioners have been notified of a draft scheme or order under section 6(1), the Commissioners, not to proceed with the proposals or draft scheme or order, as the case may be, but without prejudice to the making of fresh proposals.".

34 Supplementary powers of Commissioners and mission and pastoral committees

For section 16(1) there shall be substituted the following subsections—

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"(1) The mission and pastoral committee may—

(a) at any time before it gives notice to the Commissioners of a draft scheme or order under section 6(1), except at any time after it has been submitted to the Commissioners under section 4(2) and before the Commissioners have discharged their functions under section 5, or

(b) where the mission and pastoral committee proceeds with the preparation of a draft order under section 14, at any time,

make such amendments to the proposals or the draft scheme or order as may appear to the committee to be necessary for the purpose of correcting any drafting mistake or omission.

(2) The Commissioners may—

(a) at any time after a draft scheme or order has been submitted to them under section 4(2) and before the Commissioners have discharged their functions under section 5, or

(b) at any time after notice is given to the Commissioners of a draft scheme or order under section 6,

make such amendments to the draft scheme or order as may appear to the Commissioners to be necessary for the purpose of correcting any drafting mistake or omission.".

Pastoral church buildings schemes

35 Pastoral church buildings schemes

(1) In its application to pastoral church buildings schemes Part I of the 1983 Measure shall be amended in accordance with sections 36 to 39 below.

(2) In its application as aforesaid, except in proviso (ii) to section 5(4), any reference, however expressed, to a pastoral order shall be omitted.

36 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows—

(a) in subsection (2), the words "subject to subsections (3) and (4)" shall be omitted, the word "and" shall be omitted after sub-paragraph (e), the word " and " shall be added after sub-paragraph (f) and at the end there shall be added the following sub-paragraph—

"(g) the parish council of the parish in which the building to which a declaration of closure for regular public worship relates is situated or, if there is no parish council for that parish, the chairman of the parish meeting.";

(b) subsections (3) and (4) shall be omitted;

(c) in subsection (7) for the word "redundancy" there shall be substituted the words " closure for regular public worship " and for the words "Council for the Care of Churches" there shall be substituted the words " Church Buildings Council ";

(d) in subsection (8), after paragraph (c) there shall be inserted the following paragraph—

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"(d) any information or advice which the Council thinks appropriate to give concerning possible architectural or structural changes in each church mentioned in the notice in the event of its closure for regular public worship or, in the event that the church is not so closed, concerning any such changes which would facilitate its use for purposes which are consistent with use for regular public worship;" and

(e) for subsection (10) there shall be substituted the following subsection—

"(10) The committee shall annex to the draft proposals formulated by it a statement of the views of the interested parties and a copy of the report prepared by the Council under subsection (8).".

37 Amendment of proposals and preparation of draft scheme by Commissioners

Section 5 shall be amended as follows—

(a) in subsection (2), the words "provide for a declaration of redundancy and also" shall be omitted;

(b) in subsection (2), for the words "Advisory Board" there shall be substituted the words " Church Buildings Council "; and

(c) for subsection (4) there shall be substituted the following subsection—

"(4) The Commissioners shall prepare a draft scheme to give effect to the proposals, with any amendments made under subsection (3): Provided that—

(i) the Commissioners may, with the agreement of the bishop, given after consultation with the mission and pastoral committee, decide to proceed with some but not all of the proposals, and in that case this subsection shall apply as if they were the only proposals;

(ii) if, as a result of the Commissioners' decision under proviso (i), the proposals no longer contain a declaration of closure for regular public worship, the Commissioners shall refer the proposals to the mission and pastoral committee and the committee shall proceed as if the proposals related to a draft pastoral scheme which does not contain such a declaration or draft order, as the case may be.".

38 Notice and publication and amendment of draft scheme

(1) Section 6 shall be amended as follows—

(a) in subsection (3), for the words from the beginning to the end of paragraph (a) there shall be substituted the following words "The Commissioners shall—

(a) also serve a copy thereof on the Church Buildings Council, English Heritage and the Joint Committee of the National Amenity Societies and on the Commonwealth War Graves Commission and, if the draft scheme provides for the care and maintenance of the building proposed to be closed for regular public worship by the Churches Conservation Trust, that Trust; and",

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and all the words following paragraph (b) shall be omitted; and

(b) in subsection (5), the words "to their representative" shall be omitted.

(2) In section 7(2), after the words "any such amendments" there shall be inserted the words " , other than any amendments which, in the opinion of the Commissioners, are such as are described in section 16(1A), ".

39 Transmission of copies of scheme

In section 10(1) for the words ", in the case of a scheme containing a declaration of redundancy, to the Advisory Board" there shall be substituted the words " to the Church Buildings Council ".

VALID FROM 11/06/2008

PART IV

CHURCH BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

Introduction

40 Amendment of Part III of Pastoral Measure 1983

(1) Part III of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure.

(2) For any reference in the said Part III to a pastoral scheme there shall be substituted a reference to a pastoral church buildings scheme.

Functions of mission and pastoral committee concerning buildings closed for regular public worship

41 Functions of mission and pastoral committee concerning buildings closed for regular public worship

For section 42 there shall be substituted the following section—

"**42 Functions of mission and pastoral committee concerning buildings closed for regular public worship**

(1) The mission and pastoral committee shall be under a duty, in respect of each church proposed to be closed or building closed for regular public worship (except where it is proposed to close a church and make provision for the future of the building under section 46)—

(a) in the case of a listed building or a building situated in a conservation area, to make every endeavour to find a suitable alternative use or suitable alternative uses for the building, and

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(b) in the case of any other building, to develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and the disposal of its site.

(2) In carrying out its functions under this section the mission and pastoral committee shall obtain advice from the Commissioners, persons having expertise in the management, development and disposal of property and such other professional advisers as it thinks fit.

(3) The mission and pastoral committee shall report to the Commissioners at such times as it thinks appropriate on the progress made in discharging its duties under subsection (1) and, in any case, within the period of six months from its last report, and also when required to do so by the Commissioners.

(4) When the mission and pastoral committee has found a suitable alternative use or suitable alternative uses for the building or has reached the conclusion that no such use can be found or has developed proposals in accordance with subsection (1)(b) above it shall report to the Commissioners with its recommendations or proposals.

(5) The Commissioners may, in the case of any building closed for regular public worship, require the mission and pastoral committee to refer the case to them and, thereupon, the duties under subsection (1) shall be discharged by the Commissioners instead of the committee, but the Commissioners shall, in carrying out that duty, consult the committee.”.

Pastoral church buildings schemes

42 Provision by pastoral church buildings scheme for appropriation or demolition of church to be closed for regular public worship to be replaced by new church

Section 46 shall be amended as follows—

(a) in subsection (1), for the words from the beginning of the subsection to the beginning of paragraph (a) there shall be substituted the following words “ Where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a church building or church buildings in that area which should thereupon be declared closed for regular public worship and where the Commissioners, after consulting the Church Buildings Council, are satisfied with the proposals made for the future of the church building or any of the church buildings to be closed, then a pastoral church buildings scheme may further provide— ”;

(b) in subsection (2), all the words following the words “diocesan board of finance”, where they first appear, shall be omitted; and

(c) subsections (3) to (6) shall be omitted.

43 Other provision by pastoral church buildings scheme for church closed for regular public worship

Section 47 shall be amended as follows—

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(a) in subsection (2), for the words "Advisory Board" there shall be substituted the words " Church Buildings Council "; and

(b) after subsection (3) there shall be inserted a new subsection—

"(3A) Where a pastoral church buildings scheme contains a declaration of closure of a church for regular public worship and the church is neither a listed building nor situated in a conservation area, and the Commissioners are satisfied with the proposals for the future of the building, the scheme may provide for the demolition of the building closed for regular public worship and for any of the matters for which section 51(4) makes provision and section 51(5) to (11) shall apply accordingly.".

Pastoral (church buildings disposal) schemes

44 Use seeking period

Section 49 shall be amended as follows—

(a) for the heading there shall be substituted the following heading " Use seeking period ";

(b) in subsection (1), the words from ", and the Commissioners" to the end of the subsection and the provisos shall be omitted;

(c) at the end of that subsection the following words shall be added— " Provided that the Commissioners shall not prepare a pastoral (church buildings disposal) scheme in respect of a building closed for regular public worship for a period of six months after the declaration takes effect if the scheme provides for the demolition of a building which is either a listed building or situated in a conservation area, unless the Commissioners are satisfied, after consulting the Church Buildings Council, that, at that stage, there is no objection to the demolition taking place. ";

(d) in subsection (2)(b) after the word "faculty" there shall be inserted the words " , but after consulting the Diocesan Advisory Committee and the chancellor of the diocese unless the board considers that, having regard to the urgency of the need to safeguard the contents, it is not practicable to do so, ";

(e) subsection (2)(d) shall be omitted; and

(f) in subsection (4) for the words "Advisory Board" there shall be substituted the words " Church Buildings Council ".

45 Procedure for making pastoral (church buildings disposal) schemes

Section 50 shall be amended as follows—

(a) in subsection (1), for the words from the beginning to the word "fulfilled" there shall be substituted the words " The Commissioners may at any time or, where the proviso to section 49(1) applies, after the period of six months mentioned therein has expired ";

(b) in subsection (1), for the word "three", in both places where it occurs, there shall be substituted the word " two ";

(c) in subsection (2), for the words from the beginning to "Advisory Board" there shall be substituted the words " Before preparing any such draft

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scheme which provides for the demolition or the care and maintenance by the Churches Conservation Trust of the building closed for regular public worship or any part thereof the Commissioners shall consult the Church Buildings Council ", for the words "said Board" there shall be substituted the word " Council ", for the word "their" there shall be substituted the word " its " and the words "paragraph (b) of" shall be omitted;

(d) after subsection (2) there shall be inserted the following subsection—

"(2A) After preparing the draft scheme and before proceeding under the following provisions of this section the Commissioners shall consult the bishop.";

(e) in subsection (3) there shall be inserted, at the beginning, the words " After taking into account any comments made by the bishop, if they decide to proceed with the draft scheme, ", after the word "concerned," there shall be inserted the words " , the parish council or parish meeting concerned, " and for the words "Advisory Board" there shall be substituted the words " Church Buildings Council ";

(f) After subsection (4) there shall be inserted the following subsection—

"(4A) Where the draft scheme makes or is to make any such provision as is referred to in section 51(1)(a) and it is proposed to make any architectural or structural changes in the building closed for regular public worship or any part thereof to facilitate the use or uses referred to in that section, the Commissioners shall not make the scheme unless they have first consulted the Church Buildings Council on those proposed changes.";

(g) after subsection (5) there shall be added the following subsections—

"(5A) The Commissioners may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations with respect to the draft scheme.

(5B) The Commissioners may, before or after the period within which written representations may be made under this section, extend that period, and any representations made within the period so extended shall be deemed to be duly made.

(5C) The Commissioners may at any time make such amendments to the draft scheme as may appear to them to be necessary for the purposes of correcting any drafting mistake or omission."; and

(h) in subsection (9) for the words "pastoral schemes" there shall be substituted the words " pastoral church buildings schemes ".

46 Contents of pastoral (church buildings disposal) schemes

Section 51 shall be amended as follows—

(a) in subsection (1)(b), for the words "Advisory Board" there shall be substituted the words " Church Buildings Council ";

(b) in subsection (2)(c), after the word "Commissioners" there shall be inserted the words " or the diocesan board of finance ";

(c) in subsection (7), for the words "(2) or (3)" there shall be substituted the words " (2), (3) or (4) "; and

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Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(d) in subsection (9), after the words "makes provision", there shall be inserted the words " , within the period of three years from the declaration of closure or such longer period as the Commissioners may allow, ".

PART V

MISSION

Mission initiatives

VALID FROM 31/03/2008

47 Mission initiatives

(1) Where a person or group of persons is carrying out or is proposing or wishes to carry out an initiative in any diocese or any part thereof (in this section and sections 48, 49 and 50 below referred to as a "mission initiative") and—

(a) that person or group or any other person or body exercising ecclesiastical functions in the diocese requests the bishop of the diocese to make an order under this section, or

(b) the bishop, without any such request being made, considers that it would be appropriate to make an order under this section,

then, if the bishop is satisfied that the initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it, he may make such an order.

(2) An order under this section shall endorse the initiative and make provision for it in accordance with this section and sections 48 to 50 below and shall be known as a bishop's mission order.

(3) Where any mission initiative is being or is to be carried out in more than one diocese the bishop's mission order shall be made jointly by the bishop of each diocese affected by the order and subsection (1) above shall have effect accordingly.

(4) Any bishop's mission order shall specify the objectives of the mission initiative and the areas in which it is being or is to be carried out and specify a person or persons or a group of persons who or which is to lead the mission initiative and be responsible to the bishop or bishops, as the case may be, for the conduct of it (in this section and sections 48 to 51 below referred to as the "leader" or "leaders") and the role of the leader or leaders and the bishop or bishops shall make such provision in the order as he thinks fit or they think fit for the administration of the Sacraments in accordance with the enactments and other laws relating thereto.

(5) Any bishop's mission order may include provision—

(a) for participation in a local ecumenical project (commonly known as a "local ecumenical partnership"),

(b) for other ecumenical co-operation with other Churches, and

(c) for collaboration with any religious organisations,

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and in this section and sections 48 to 50 below any provision mentioned in this subsection is referred to as a "co-operation provision".

(6) Before making any bishop's mission order the bishop or bishops, as the case may be, shall—

(a) consult such other Churches and religious organisations as he thinks fit or they think fit,

(b) consult any person or group of persons who or which appear to him or them to have a significant interest in or to be likely to be significantly affected by the order, including any body which he or they consider would adequately represent the interests of any such person or group,

(c) consult the mission and pastoral committee in the diocese or each diocese affected by the order, and

(d) obtain the consent of the proposed leader or leaders.

(7) For the purposes of subsection (6)(b) above, the following shall be deemed to have an interest in the order—

(a) any person having or sharing in the cure of souls in the area of any benefice affected by the order, and

(b) any other person or body, including a parochial church council or registered patron, who may have an interest in the cure of souls in any such area,

and in considering whether a person or body has a significant interest in or would be likely to be significantly affected by the order, the bishop or bishops shall have regard to the objectives of the initiative endorsed by the order and any other circumstances which he or they think relevant.

(8) Without prejudice to subsection (6) above, where it is proposed to include a co-operation provision in a bishop's mission order, the bishop or bishops, as the case may be, shall, as well as carrying out such consultation as is referred to in that subsection, consult the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.

(9) The bishop, or bishops, as the case may be, may authorise a person or body to carry out the consultation referred to in subsections (6) and (8) above on his or their behalf.

(10) No person may officiate in any place in accordance with a bishop's mission order unless—

(a) if that person is ordained as a priest or deacon, he or she has received authority from the bishop by virtue of being instituted to a benefice or licensed by the bishop to serve or having written permission to officiate in any diocese affected by the order or may, otherwise, under any Canon of the Church of England, officiate in that place without the authority of the bishop, or

(b) if that person is a deaconess, reader or lay worker, he or she is authorised, under any Canon, to do so.

(11) Subject to subsection (10) above, any bishop's mission order may include provision authorising a minister to exercise his or her ministry in any place for the purposes of or in connection with the mission initiative in any manner specified in the order and, where he or she is not the minister who has the cure of souls in that place, without obtaining the permission of the minister who has that cure but, before including any such provision, the bishop or bishops shall consult—

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(a) if the order affects one parish only, the incumbent or priest in charge of that parish,

(b) subject to paragraphs (c) to (e) below, if the order affects more than one parish in a diocese, either the incumbents or priests in charge of those parishes or the House of Clergy of the Deanery Synod of the deanery in which the parishes are situated, as the bishop or bishops thinks or think fit,

(c) if the order affects all the parishes situated in a deanery, the House of Clergy of the Deanery Synod of that deanery,

(d) if the order affects parishes situated in more than one deanery, the House of Clergy of the Deanery Synod of each deanery affected or the House of Clergy of the Diocesan Synod of the diocese in which the parishes are situated, as the bishop or bishops thinks fit or think fit, and

(e) if the order affects parishes situated in more than one diocese, the House of Clergy of the Deanery Synod of each deanery affected or the House of Clergy of the Diocesan Synod of each diocese affected, as the bishop or bishops thinks fit or think fit.

(12) Any alms collected in the course of or in connection with an office or service performed in accordance with the order shall be disposed of in such manner as the minister performing the office or service may, subject to the direction of the bishop or bishops of the diocese or dioceses affected, determine.

(13) Subject to subsection (10) above, any bishop's mission order may include provision authorising the performance of divine service, including Holy Communion, if so specified, in any building other than a parish church, parish centre of worship or place licensed for public worship in accordance with section 29(1) of the 1983 Measure or a guild church, with the consent of the person who has the general management and control of the building.

(14) Subject to subsection (10) above, any bishop's mission order may include provision authorising the performance of any divine service, including Holy Communion, in any parish church or place excluded from subsection (13) above with the consent of any minister having the cure of souls in that place.

(15) Nothing in this section shall authorise any act done in contravention of a resolution passed under section 3(1) or 4(1) of the Priests (Ordination of Women) Measure 1993 (1993 No. 2).

VALID FROM 31/03/2008

48 Visitors

(1) A bishop's mission order shall designate a person, to be known as “the Visitor”, who shall, on behalf of the bishop or bishops—

(a) exercise oversight of the mission initiative and advise and encourage and, so far as practicable, provide support for it;

(b) review the mission initiative at intervals of not more than eighteen months or such lesser period as may be specified in the bishop's mission order and report to the bishop or bishops, as the case may be, on the outcome of the reviews and send copies of the reports to the leader or leaders;

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(c) report regularly to the bishop or bishops on the discharge of his or her duties and the progress of the mission initiative and send copies of the reports to the leader or leaders;

(d) at the end of the period of the bishop's mission order report to the bishop or bishops and send copies of the report to the leader or leaders and the mission and pastoral committee or committees;

(e) ensure that proper accounting records of the mission initiative are kept and accounts are prepared annually which show a true and fair view of all activities carried out in accordance with professional practice and standards; and

(f) advise the bishop or bishops and the leader or leaders on initiating and developing appropriate methods of governance of the mission initiative.

(2) The leader or leaders shall—

(a) consult the Visitor regularly about the general direction and development of the mission initiative, and

(b) supply the Visitor with a copy of the annual accounts and any other information which the Visitor requires in order to carry out his or her functions.

(3) Any person may draw to the Visitor's attention any matter relating to the mission initiative of which he or she thinks the Visitor should be aware.

VALID FROM 31/03/2008

49 Supplementary Provisions

(1) A bishop's mission order may contain such supplementary provisions as the bishop or bishops, as the case may be, thinks or think fit and, if he or they thinks or think fit, he or they may include any such provisions in a supplementary instrument being provisions which, in his or their opinion, would further the objectives of the mission initiative.

(2) Without prejudice to the generality of subsection (1) above the bishop's mission order or supplementary instrument may make provision—

(a) for the stipends, remuneration, pensions or housing and other expenses of any persons exercising functions under the bishop's mission order;

(b) for any other offices or functions which such persons may hold or perform in conjunction with their functions under the order;

(c) for the replacement, where necessary, of any persons or bodies exercising functions under the order by other persons or bodies;

(d) for the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order;

(e) for any measures required for the protection of children, young persons and other vulnerable persons and for health and safety and insurance;

(f) for relationships between persons involved with the mission initiative and persons who have the cure of souls within any area to which the bishop's mission order relates and with other churches, institutions and religious organisations; and

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(g) after consulting the Visitor and such other person or body as the bishop or bishops thinks or think fit, for representation of persons to whom the order relates on such deanery synod as he thinks or they think fit in accordance with a scheme made by the diocesan synod of the diocese in which the deanery is situated and subsection (4) below shall have effect in connection with any such provision.

(3) Where a co-operation provision is included or is to be included in a bishop's mission order, and without prejudice to section 47(6) above, the bishop or bishops, as the case may be and the Visitor shall discharge all their functions under this Part of this Measure after consultation with the appropriate authority of each Church or religious organisation which is to participate in the local ecumenical project, or which is otherwise concerned.

(4) In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969 (1969 No. 1), after rule 27 there shall be inserted the following rule—

"27A **Representation of persons to whom mission orders relate**

(1) Any diocesan synod may, at the request of the bishop or bishops who has or have made a bishop's mission order under section 47 of the Dioceses, Pastoral and Mission Measure 2007 which is in force, provide by scheme for representation on such deanery synod as may be determined by or under the scheme of such persons to whom the order relates as may be specified in or under the scheme.

(2) The provisions of rule 26(2) shall apply to schemes made under this rule.".

(5) The bishop or bishops may vary any bishop's mission order or any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so except after consulting the mission and pastoral committee or committees of the diocese or dioceses concerned and the leader or leaders, the Visitor, any relevant person having the cure of souls and any other person or body which he thinks or they think fit and section 47(8) or (11) or subsection (3) above shall apply if any variation relates to any such provision as is referred to in any of those subsections.

(6) The bishop or bishops may revoke any bishop's mission order and any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so without carrying out the like consultation as is referred to in subsection (5) above.

(7) Any leader shall have the right to make written or oral representations (or both) to the mission and pastoral committee or committees in respect of any order varying or revoking a bishop's mission order and any such order may include provision in respect of the management or disposal of property and of any other matters for which it is, in the opinion of the bishop or bishops, expedient to make provision.

(8) Any bishop's mission order or supplementary instrument shall specify its duration, but, subject to section 50 below, no such order, taken together with any order varying it, shall extend beyond the period of five years from the date on which it is made.

(9) Any order under section 47 above or this section and any instrument under this section shall be signed by the bishop or bishops, as the case may be, or by a person authorised by him or them and shall also (except in the case of an order or instrument varying or revoking an order or instrument) be signed by the leader or leaders and

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contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.

(10) In section 47 above "ecumenical co-operation" means co-operation in matters affecting the ministry, congregational life or buildings of the Churches concerned and "local ecumenical project" has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988 (1988 No. 3).

VALID FROM 31/03/2008

50 Review of duration of mission initiatives and further provisions

(1) Without prejudice to section 48(1)(b) above, the Visitor shall conduct a review of the mission initiative not less than six months before the expiry of the bishop's mission order under section 49(8) above, in consultation with the leader or leaders, the mission and pastoral committee of each diocese affected by the order and such other persons or organisations referred to in section 47(6) as the Visitor thinks fit and, where relevant, any such authority as is referred to in section 49(3) above.

(2) The Visitor shall report to the bishop or bishops on the outcome of the review conducted under subsection (1) above and the report shall contain the Visitor's recommendations on whether the mission initiative should continue and, if so, whether the bishop's mission order should be renewed and, if it should, on the period (not exceeding five years) of the renewal or, if not, how the mission initiative or its objectives should be continued.

(3) The Visitor's report may contain such other recommendations or comments as the Visitor may think fit and copies of the report shall be sent to such other persons or bodies as the bishop or bishops may direct.

(4) The bishop or bishops, after considering the report, may, if he or they consider that the mission initiative should continue, after consulting the mission and pastoral committee or committees and after carrying out such further consultation as he thinks or they think fit make a further bishop's mission order continuing the mission initiative and, if he thinks or they think fit, a further supplementary instrument.

(5) The further order and supplementary instrument, if any, shall specify the duration of the order and instrument and the order shall continue in force—
   (a) for a period of up to five years, or
   (b) for a period of up to eighteen months so as to enable arrangements to be made for the mission initiative or its objectives to be continued by other means.

(6) If the bishop or bishops make a further order under subsection (5)(a) above the Visitor shall be under the like duty to review and report on the mission initiative as is conferred on the Visitor by subsections (1), (2) and (3) above and section 48(1)(b) above shall not apply.

(7) The bishop or bishops, after considering the report referred to in subsection (6) above, may, if he or they consider—
   (a) that the mission initiative should continue, and
   (b) that there are no other suitable means by which the mission initiative or its objectives can be achieved,

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after consulting the mission and pastoral committee or committees, make a further mission order and, if he thinks or they think fit, a further supplementary instrument.

(8) Where a bishop's mission order contains or is to contain a provision for participation in a local ecumenical project the order or supplementary instrument may, with the agreement of the appropriate authority of each Church which is to participate in the ecumenical project, provide that the reports referred to in subsections (2) and (6) above and the functions of the bishop or bishops under subsections (3), (4), (5) and (7) above and (9), (11) and (12) below shall, in the case of the reports, be made to and, in the case of the functions, be performed by, or on behalf of, a body of persons which shall include the bishop or bishops and one or more representatives of the appropriate authorities mentioned above and may include persons otherwise representing the Church of England and any functions of the Visitor which, under section 48 above or this section, are performed on behalf of the bishop or bishops shall be performed, instead, on behalf of that body.

(9) Any order or supplementary instrument made under subsection (7) above shall continue without limit of time, unless revoked or varied by a further order or instrument.

(10) Any order or supplementary instrument made under this section shall, so far as appropriate, make provision for any of the matters mentioned in sections 47 to 49 above and those sections shall apply accordingly.

(11) Any order or supplementary instrument may be varied or revoked by a further order or instrument and section 49(5), (6) and (7) above shall apply in relation to any such order or instrument as it applies to orders and instruments made under that section.

(12) Any order or instrument under this section shall be signed in like manner as is provided by section 49(9) above and shall include the like requirement to contain a declaration of acceptance by the leader or leaders.

51 Code of Practice

(1) The House of Bishops shall draw up and promulgate guidance in a Code of Practice as to the exercise of the functions conferred by sections 47 to 50 above.

(2) The House of Bishops may amend or replace any Code issued under subsection (1) above by a further Code of Practice issued in accordance with this section.

(3) A Code of Practice shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.

(4) Where the Business Committee of the General Synod determines that a Code of Practice does not need to be debated by the General Synod then, unless—

(a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the Code to be debated, or

(b) notice is so given by any such member that he or she wishes to move an amendment to the Code,

the Code shall, for the purposes of subsection (3) above, be deemed to have been approved by the General Synod without amendment.

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(5) The bishop or bishops who make any order or instrument under section 47, 49 or 50 above, any leader, any Visitor and any mission and pastoral committee shall be under a duty to have regard to any Code of Practice issued under this section.

Commencement Information

I2 S. 51 in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

PART VI

MISSION AND PASTORAL COMMITTEES

Mission and pastoral committees

52 Appointment of mission and pastoral committees

(1) The diocesan synod of every diocese shall, within the period of eighteen months beginning with the date of the coming into force of this subsection, establish a committee which shall have the functions conferred on it under this Measure.

(2) The committee established under subsection (1) above may be called by such name as the diocesan synod may decide but, in this Measure and in any other enactment, instrument or document, shall be known as the mission and pastoral committee.

(3) The mission and pastoral committee shall not be the same body as the pastoral committee established under section 1 of the 1983 Measure unless it is reconstituted in accordance with subsection (4) below but, otherwise, subject to that subsection, may be an existing body or a new body established to carry out the functions referred to in subsection (1) above and may have other functions in addition to those functions.

(4) The diocesan synod shall provide the mission and pastoral committee with a written constitution or, if the committee is reconstituted as mentioned in subsection (3) above, an amended or new written constitution, which shall comply with the provisions of Schedule 3 to this Measure.

(5) The mission and pastoral committee shall present annually to the diocesan synod a report on its activities during the preceding year and shall also present annually to the Commissioners a report on the exercise of its functions under section 53(3)(e) below.

(6) There shall no longer be a diocesan redundant churches uses committee for any diocese.

Commencement Information

I3 S. 52 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

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VALID FROM 11/06/2008

53 Functions of mission and pastoral committees

(1) In carrying out any of its functions the mission and pastoral committee shall, without prejudice to section 1 above, have regard to worship, mission and community as central to the life and work of the Church of England.

(2) In carrying out any of its functions the mission and pastoral committee shall also have regard to—

(a) the financial implications for the diocese and the Church of England as a whole;

(b) subject to subsection (5) below, the need to allocate appropriate spheres of work and to ensure that appropriate conditions of service are enjoyed by those employed or holding office in the diocese and, where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls;

(c) the traditions, needs and characteristics of particular parishes; and

(d) any other aspects of the policies of the diocesan synod to which the synod has requested the committee to have regard in discharging its responsibilities.

(3) It shall be the duty of the mission and pastoral committee—

(a) to make or assist in making better provision for the cure of souls in the diocese as a whole and, to the extent that the committee thinks appropriate, in particular parts of the diocese or in particular parishes;

(b) from time to time, as the bishop may direct, or as the committee thinks fit, to review arrangements for pastoral supervision and care in the diocese as a whole and, to the extent that the committee thinks appropriate, in particular parts of the diocese or in particular parishes (including sharing agreements in respect of a church or parsonage house and any proposals for sharing agreements);

(c) from time to time, as the bishop may direct, or as the committee thinks fit, to prepare strategies or proposals for carrying out the committee's functions under paragraphs (a) and (b) above for submission to the bishop and the diocesan synod for their approval;

(d) to maintain an overview of matters relating to church buildings in the diocese and their use, other than matters which are within the jurisdiction of the consistory court or within the functions of the Diocesan Advisory Committee;

(e) in the case of listed buildings or buildings in a conservation area, to make every endeavour to find a suitable alternative use or suitable alternative uses for churches which are proposed to be closed and buildings which have been closed for regular public worship in the diocese under a pastoral church buildings scheme and, in the case of any other such building, to develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and the disposal of its site;

(f) where it considers it desirable, to make recommendations to the bishop in accordance with section 3 of the 1983 Measure for any of the matters for which provision may be made under that Measure (other than section 36) by a pastoral scheme or order; and

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(g) to carry out any other functions conferred upon a pastoral committee or a redundant churches uses committee of a diocese by or under the 1983 Measure or any other enactment.

(4) The mission and pastoral committee shall, in carrying out any of its functions, to the extent that it thinks appropriate, consult any other persons or bodies, whether within the Church of England or not, which exercise functions or carry out activities relevant to the functions of the committee.

(5) Nothing in this section shall enable the mission and pastoral committee—

(a) to exercise functions conferred on any other person or body by or under any enactment, or

(b) to fix or alter the terms of service of any person employed or holding office in the diocese.

PART VII

OTHER PROVISIONS

VALID FROM 11/06/2008

Care of church buildings

54 Church Buildings Council

(1) There shall be established a body known as the Church Buildings Council (in this section and sections 55 to 57 below referred to as "the Council") which shall have the functions set out in those sections and the body named the Council for the Care of Churches shall cease to exist.

(2) Schedule 4 to this Measure shall have effect with respect to the membership and proceedings of the Council.

(3) In carrying out its functions the Council shall have due regard to the role of a church as a local centre of worship and mission and, where appropriate, to the provisions of the 1983 Measure, including, in particular, those relating to the making of pastoral church buildings schemes and pastoral (church buildings disposal) schemes and to proposals for the closure of churches for regular public worship.

(4) The Advisory Board for Redundant Churches shall cease to exist.

55 Functions of Council in relation to churches, etc. in use

(1) It shall be the duty of the Council—

(a) to advise the Archbishops' Council and the General Synod, when requested to do so, on matters relating to churches;

(b) to consider consultation by and requests for advice from judges and registrars of the ecclesiastical courts and from Diocesan Advisory Committees in relation to applications or possible applications for the grant of a faculty, any other matter referred to in section 6(1)(b) or (bb) of the Ecclesiastical

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Jurisdiction Measure 1963 (1963 No. 1) and any matter to which any provision in Part III of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1) relates and, to the extent that the Council thinks appropriate, respond to such requests or consultation;

(c) to promote the care and conservation of churches and greater knowledge, understanding and enjoyment of and artistic activity relating to churches both within the Church of England and more widely among the general public or sections of the public on its own or in conjunction with other persons and bodies;

(d) to promote, in consultation with such other persons and organisations as it thinks fit, by means of guidance or otherwise, standards of good practice in relation to the use, care, conservation, repair, planning, design and development of churches; and

(e) to convene, annually, a meeting of the chairmen and secretaries of Diocesan Advisory Committees and, so far as practicable, to maintain regular contact with those committees.

(2) The Council shall have power to give information and advice, whether or not requested to do so—

(a) to any person or body having, within the Church of England, either nationally or within a diocese or part thereof or a parish or any other area, responsibility for or functions relating to the use, care, conservation, repair, planning, design and development of churches on such matters either generally or in relation to particular buildings;

(b) to any person or body other than one within the Church of England having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to particular buildings therein mentioned; and

(c) to any person or body having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to particular places used for Christian worship by Churches other than the Church of England.

(3) The Council shall have power to charge such fee as it thinks fit and to recover expenses when responding for a request for advice under subsection (2)(b) or (c) above.

(4) The Council shall also have power—

(a) to liaise, co-operate and exchange information with and hold conferences with or for government departments, local authorities and other bodies or persons, whether within or outside the British Isles and, where appropriate, advise them, in relation to—

(i) the use, care, conservation, repair, planning, design and development of churches and corresponding buildings used by Churches other than the Church of England,

(ii) the obtaining or granting of funds or permission for the carrying out of works in relation to such matters, and

(iii) the formulation of policy or of proposals for legislation in relation to them; and

(b) where requested to do so by any body which makes available funds for the care and conservation of churches, to allocate funds on behalf of that body or give advice in relation to such care and conservation.

(5) In this section and section 57 below “church” includes a part of a church and—

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(a) any other place of worship according to the rites and ceremonies of the Church of England, including any building to which a sharing agreement within the meaning of the Sharing of Church Buildings Act 1969 (c. 38) applies,

(b) any curtilage of such a church or place of worship and any churchyard or burial ground or part thereof annexed thereto,

(c) any other parochial burial ground, or part thereof, whether or not so annexed, and

(d) any contents of such a church or place of worship or any other articles appertaining thereto,

but does not include a cathedral.

56 Functions of Council in relation to churches proposed for closure for regular public worship

(1) The Council shall be under a duty—

(a) to prepare the reports referred to in section 3(8) of the 1983 Measure and send copies of the reports to the bodies referred to therein;

(b) in response to consultation by or requests for advice from the Commissioners under section 5(2), 44(5)(bb), 44(5A)(a), 44(9B)(b), 46(1), 47(2)(a), 49(1), 50(2), 50(4A) or 51(1)(b) of the 1983 Measure or otherwise to give information and advice to the Commissioners about—

(i) the historic and archaeological interest and architectural quality of any church to which this section applies;

(ii) the historic and architectural interest and aesthetic qualities of the contents of any such church;

(iii) the value of any such church as part of its setting and surrounding landscape;

(iv) the overall importance of the church; and

(v) having regard to the matters referred to in sub-paragraphs (i) to (iv) above, the potential impact of any architectural or structural changes or other physical alterations to the church;

(c) in response to consultation by or requests for advice from the Churches Conservation Trust under section 44(5)(bbb) or (7B) of the 1983 Measure to give information and advice to the Trust about any of the matters referred to in paragraph (b) above;

(d) to consider and, to the extent that the Council considers appropriate, make representations on any draft pastoral church buildings scheme or pastoral (church buildings disposal) scheme of which a copy is sent to it under section 6(3) or 50(3) of the 1983 Measure; and

(e) when requested to do so by the Archbishops' Council, the Commissioners or the General Synod, to give information and advice on any of the matters referred to in paragraph (b) above in relation, generally, to churches to which this section applies or in relation to particular categories of such churches.

(2) The Council shall have power, when requested to do so, to give information and advice to any diocesan body or other body or person on any of the matters referred to in subsection (1)(b) above in relation to a church or group of churches to which this section applies:

Provided that—

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(i) the Council shall not give any such information or advice to a person or body other than a diocesan body in a case where the Commissioners have informed it that they have received proposals from the bishop under section 4(1) of the 1983 Measure unless it has first consulted the Commissioners and had regard to any views expressed by them and in this subsection "diocesan body" means any body corporate or unincorporate or committee established for a diocese or dioceses or part thereof; and

(ii) the Commissioners and the Council may, by agreement in writing, exclude from the operation of proviso (i) above any information or advice relating to any such categories of matters as may be specified in the agreement.

(3) This section applies to a church or part of a church as respects which the question arises whether it ought to be closed for regular public worship or as respects which questions arise as to its use, demolition, or preservation on or in the event of its being closed for regular public worship or as respects which questions arise as to a proposed acquisition of a building closed for regular public worship under section 44(5A) of the 1983 Measure and references in this section to a church include part of a church and include references to its curtilage and to any churchyard or burial ground annexed thereto.

57 General functions of the Council

(1) The Council shall also be under a duty—

(a) to maintain jointly with the Cathedrals Fabric Commission for England (in this section referred to as the "the Commission") a library of books, plans, drawings, photographs and other material relating to churches and cathedrals and the objects in them;

(b) to work closely with the Commission on matters of common concern;

(c) to present annually to the General Synod a report of its activities during the year and to send copies of the report to the Archbishops' Council, the Commissioners and the Secretary of State and, if the Council and the Commission think fit, the Council's report may be combined with an annual report of the Commission; and

(d) to carry out any duties or consider whether to exercise any powers imposed or conferred upon the Council by or under any other enactment.

(2) The Council shall have power, in connection with the carrying out of its functions, to acquire, on behalf of the Archbishops' Council, books, plans, drawings, photographs and other materials relating to churches and their contents and corresponding buildings used by Churches other than the Church of England and lands annexed thereto and their contents.

(3) The Council shall have power to act as a trustee or administer charities and trusts for any purpose connected with the carrying out of its functions.

(4) The Commissioners may make grants out of their general fund in respect of the expenses incurred by the Council—

(a) in providing information or advice to them whether at their request or otherwise, and

(b) in discharging any other functions of the Council under section 56(1)(b) to (d) above.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

VALID FROM 11/06/2008

Pastoral orders

58 Powers exercisable by pastoral order

(1) In section 37(1)(e) of the 1983 Measure for sub-paragraph (vi) there shall be substituted the following sub-paragraph—

"(vi) establish a group ministry under section 21(1) and terminate and alter a group ministry under section 22(1)(d) and (e);".

(2) Any reference in Schedule 3 to the 1983 Measure to a pastoral scheme shall, where it relates to provisions which may be included in a pastoral order by virtue of subsection (1) above, be construed as including a reference to a pastoral order.

VALID FROM 11/06/2008

Team ministries, team councils and new parishes

59 Amendment of Schedule 3 to 1983 Measure

(1) Schedule 3 to the 1983 Measure shall have effect subject to the following amendments.

(2) In paragraph 1(4) after the word "chairman" there shall be inserted the following words " , subject to paragraph 2(2), the rector, every vicar in a team ministry, any member of a team to whom section 20(3A) applies, any person having a special responsibility for pastoral care under section 20(8A) ".

(3) In paragraph 1(7) for the words "sub-paragraph (7A) and paragraph 2(3)" there shall be substituted the words " sub-paragraphs (7A) and (7B) and paragraphs 2(3) and (3A) ".

(4) For paragraph 1(7A) there shall be substituted the following sub-paragraphs—

"(7A) Every vicar in a team ministry, any member of a team to whom section 20(3A) applies and any person having a special responsibility for pastoral care under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.

(7B) Every person referred to in sub-paragraph (7A) above other than a person who wishes to be considered for presentation shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be presented as rector of the team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (7A).".

(5) In paragraph 2(2) for the words after "team ministry" to the end there shall be substituted the words " shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that ministry is considered

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

and chosen and shall be entitled to attend and vote at meetings of the diocesan board of patronage for the like purpose ".

(6) For paragraph 2(3) there shall be substituted the following sub-paragraphs—

"(3) Every vicar in a team ministry, any member of a team to whom section 20(3A) applies and any person having a special responsibility for pastoral care under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.

(3A) Every person referred to in sub-paragraph (3) above other than a person who wishes to be considered for appointment shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be chosen as vicar in a team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (3).".

(7) Subsections (2) to (6) above shall apply only—

(a) where a team ministry established by a pastoral scheme comes into existence after the coming into force of those subsections, or

(b) in the case of a team ministry in existence before that date, the pastoral scheme establishing the team ministry is amended by a pastoral scheme or order made after that date which makes express provision for the application of the provisions of subsections (2) to (6) above.

(8) In paragraph 2(7), at the beginning, there shall be inserted the words " Subject to sub-paragraph (7A) below " and after sub-paragraph (7) there shall be inserted the following sub-paragraph—

"(7A) Where a team council has been established by a pastoral scheme or by a scheme made under the Church Representation Rules in respect of a benefice comprising more than one parish, the team council shall appoint two lay members to represent the council in connection with the selection of vicars in the team ministry and, in sub-paragraph (6), the words "parish representatives" shall be construed accordingly.".

(9) In paragraph 2(8), for "(3), (5) and (6)" there shall be substituted " (3), (3A) and (5) to (7A) ".

(10) In paragraph 12(2), for the words from "such period" to "comes into being" there shall be substituted the words " the period of five years from the date on which the new parish comes into being or such lesser period as may be specified in the scheme or instrument ".

VALID FROM 11/06/2008

Compensation of Clergy

60 Amendment of Schedule 4 to 1983 Measure

Schedule 4 to the 1983 Measure shall be amended as follows—

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(a) in paragraph 14(2), for the words after "include" to the end there shall be substituted the words "either the bishop or a suffragan bishop if the bishop or that suffragan bishop is a member of the committee";

(b) after paragraph 14(2) there shall be inserted the following sub-paragraphs—

"(2A) The diocesan board of finance shall nominate a person who is not a member of the mission and pastoral committee to attend any such meeting as is referred to in sub-paragraph (2) and the person so nominated shall be entitled to be present throughout and speak, but not vote, at the meeting.

(2B) If neither the bishop nor a suffragan bishop is a member of the committee or is able to attend any such meeting as is referred to in sub-paragraph (2) the bishop shall nominate himself or any suffragan bishop to attend the meeting and the person so nominated shall be entitled to be present throughout and speak, but not vote, at the meeting.";

(c) for paragraph 15(3) there shall be substituted the following sub-paragraphs—

"(3) The registrar of each province shall appoint a secretary to the Appeal Tribunal for that province, who may be the registrar.

(3A) The same person may be appointed by both registrars as secretary to both Tribunals and the registrars of both provinces may agree that one of them shall be the secretary to both Tribunals.".

Assistant curates

61 Assistant curates

(1) The bishop of a diocese may by an instrument under his hand direct that any office of assistant curate in his diocese may be described in such terms as may be specified in the instrument and, where an instrument is in force under this section, any licence issued to a person to exercise the office shall refer to the assistant curate by that description and any reference in any enactment, Canon or other instrument to an assistant curate shall be construed accordingly.

(2) Before issuing an instrument under this section the bishop shall consult the incumbent or priest in charge of the benefice or in the case of a team ministry, the team chapter of the team ministry in which the assistant curate exercises or is to exercise the office.

(3) An instrument under this section may be varied or revoked by a further instrument after carrying out the like consultation as is referred to in subsection (2) above and after consulting the assistant curate (if any) exercising the office.

(4) On making an instrument under this section the bishop shall send a copy to the registrar of the diocese, and the registrar shall file it in the diocesan registry.

(5) When a bishop issues a licence to an assistant curate to exercise his or her office in any benefice the bishop, after carrying out the like consultation as is referred to in subsection (2) above, may, in the licence, assign to the assistant curate—

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Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(a) a special cure of souls in a part of the area of the benefice, whether or not with responsibility for a particular church, or

(b) a special responsibility for a particular pastoral function,

but any such provision is without prejudice to—

(i) the general duties and responsibilities of the incumbent or priest in charge, or

(ii) in the case of an assistant curate who exercises or is to exercise the office in a team ministry, any duties or responsibilities, under section 20 of the 1983 Measure, of any member of the team chapter or any other member of the team, including any vicar appointed to act as rector under subsection (14) of that section.

Commencement Information

I4 S. 61 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

PART VIII

MISCELLANEOUS

Miscellaneous

62 Interpretation

(1) In this Measure, unless the context otherwise requires—

"the 1983 Measure" means the Pastoral Measure 1983 (1983 No. 1);

"charity" has the meaning assigned to it by section 78(2) of the Charities Act 2006 (c. 50);

"the Commissioners" means the Church Commissioners;

"functions" includes powers and duties;

"mission" means the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical;

"mission and pastoral committee" means the committee established under section 52(1) above;

"pastoral church buildings scheme" has the meaning assigned to it by section 23(2) above; and

"pastoral scheme" and "pastoral order" have the same meanings as in the 1983 Measure.

(2) Without prejudice to subsection (1) above, other expressions in Parts VI, VII and this Part of this Measure shall, unless the context otherwise requires, have the same meaning as in the 1983 Measure.

(3) Section 83 of the 1983 Measure shall apply to any documents required to be sent under this Measure as it applies to the documents referred to in that section and where any document is required to be sent under this Measure or under the 1983 Measure to the Commissioners it shall be addressed to the Secretary of the Commissioners.

(4) Any reference in any Measure or other enactment or in any instrument or document to the Council for the Care of Churches shall be construed as a reference to the Church

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Buildings Council and any rights, powers and duties exercisable by or imposed on the Council for the Care of Churches immediately before the coming into force of section 54(1) above shall, from that date, be exercisable by or imposed on the Church Buildings Council.

(5) Any reference in any Measure or other enactment or in any instrument or document to the pastoral committee or a redundant churches uses committee of a diocese shall be construed as a reference to the mission and pastoral committee.

(6) Any reference in the 1983 Measure or in any other enactment or instrument or document to redundancy, in relation to a church, declaring a church redundant, a declaration of redundancy or redundant church, building or property shall be construed as a reference to closure for regular public worship, declaring a building closed for regular public worship, a declaration of closure for regular public worship or a building closed for regular public worship, as the case may be and any reference to a redundancy scheme shall be construed as a reference to a pastoral (church buildings disposal) scheme.

Commencement Information

I5 S. 62(1)(2)(3) in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

I6 S. 62(5) in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

63 Amendment of Measures

(1) The 1983 Measure shall have effect subject to the further amendments set out in Schedule 5 to this Measure.

(2) In section 38(3) of the Endowments and Glebe Measure 1976 (1976 No. 4), the word “immediately” shall be omitted and after the word “follows” there shall be inserted the words “, whether immediately or after an interval,”.

(3) In section 16(2)(b) of the Patronage (Benefices) Measure 1986 (1986 No. 3), after “1983,” there shall be inserted the words “or any period during which the benefice is vacant immediately before the declaration of a suspension period or between suspension periods,”.

(4) In section 2(2) of the Church of England (Ecumenical Relations) Measure 1988 (1988 No. 3)—

(a) after the words “Extra-Parochial Ministry Measure 1967” there shall be inserted the words “or the bishop or bishops who make a bishop's mission order under section 47 of the Dioceses, Pastoral and Mission Measure 2007”; and

(b) in paragraphs (a) and (b) after the words “that institution” there shall be inserted, in each case, the words “or in connection with the initiative endorsed by the bishop's mission order”.

(5) In section 3(2)(e) of the Care of Cathedrals Measure 1990 (1990 No. 2) after the word “cathedral” there shall be inserted the words “and other”.

(6) In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969, in rule 24(6)(b), for the words from “a diocesan synod” to the end there shall be substituted the words “or a diocesan synod whose names are entered on the roll of any parish in the deanery”.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(7) In rule 106 of the Clergy Discipline Rules 2005 (S.I. 2005/2002) for the definition of "bishop" there shall be substituted the following definition—

""bishop" includes the suffragan, area or assistant bishop, as the case may be, where—

(a) disciplinary functions have been delegated in a diocese under an instrument made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007 or in an instrument having effect as if made under either of those sections by virtue of paragraph 3 of Schedule 6 to that Measure; or

(b) such functions are discharged under a scheme made under section 11 of the Dioceses Measure 1978 which continues in force under paragraph 5 of that Schedule.".

Commencement Information

I7 S. 63(1) in force at 1.1.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops

I8 S. 63(5) in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

64 Transitional provisions

The transitional provisions set out in Schedule 6 to this Measure shall have effect.

Commencement Information

I9 S. 64 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

65 Repeals

The enactments mentioned in Schedule 7 to this Measure are hereby repealed to the extent specified in the second column of that Schedule.

Commencement Information

I10 S. 65 in force at 1.2.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops

66 Citation, commencement and extent

(1) This Measure may be cited as the Dioceses, Pastoral and Mission Measure 2007.

(2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions.

(3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, except that the provisions thereof may be extended to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures, and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Commencement Information

I11 S. 66 in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

SCHEDULES

VALID FROM 01/09/2008

SCHEDULE 1

Section 2(2)

THE DIOCESES COMMISSION

. . . . . .

VALID FROM 01/09/2008

SCHEDULE 2

Section 4(4)

CONTENTS OF REORGANISATION SCHEMES

. . . . . .

SCHEDULE 3

Section 52(4)

CONSTITUTION AND PROCEDURE OF THE MISSION AND PASTORAL COMMITTEE

1 There shall be a person to be known as "the Chair".

Commencement Information
I12 Sch. 3 para. 1 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

2 The bishop, if he so wishes, may be a member and may also be the Chair.

Commencement Information
I13 Sch. 3 para. 2 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

3 Unless the bishop is the Chair, the Chair shall be appointed by the bishop.

Commencement Information
I14 Sch. 3 para. 3 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

4 All the archdeacons in the diocese shall be members or, if there is only one archdeacon, that archdeacon shall be a member.

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Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Commencement Information
I15 Sch. 3 para. 4 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

5 Subject to paragraphs 1 to 4 above, the members of the committee shall be such number of persons and appointed or elected in such manner and for such period of office as the diocesan synod shall determine, but so as to secure that the number of members who are of the clergy and the number of members who are of the laity are, as nearly as possible, the same.

Commencement Information
I16 Sch. 3 para. 5 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

6 The written constitution of the committee shall provide for a quorum.

Commencement Information
I17 Sch. 3 para. 6 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

7 Subject to paragraph 6 above, the committee may act notwithstanding any vacancy in its membership or any defect in its composition.

Commencement Information
I18 Sch. 3 para. 7 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

8 The committee shall have power to appoint sub-committees and to appoint thereto persons who are not members of the committee but the constitution may prescribe the minimum numbers or proportion of members of a sub-committee who are members of the committee.

Commencement Information
I19 Sch. 3 para. 8 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

9 The committee may delegate any of its functions to a sub-committee except its duty under section 3(5) of the 1983 Measure to afford opportunities to incumbents of benefices and vicars in team ministries to meet the committee itself and its functions under Schedule 4 to that Measure.

Commencement Information
I20 Sch. 3 para. 9 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

10 The committee and any sub-committee shall have power to appoint persons who have appropriate expertise whether or not as members of another body to provide advice on any of their functions.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Commencement Information

I21 Sch. 3 para. 10 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

11 The committee shall have power to make provision for the appointment of a secretary to the committee and any sub-committee.

Commencement Information

I22 Sch. 3 para. 11 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

12 Subject to the preceding provisions of this Schedule and to any directions given by the diocesan synod, the committee shall have power to regulate its own procedure and that of any sub-committee and to provide for any other matters which it thinks fit.

Commencement Information

I23 Sch. 3 para. 12 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

VALID FROM 11/06/2008

SCHEDULE 4

Section 54(2)

THE CHURCH BUILDINGS COUNCIL

. . . . . .

SCHEDULE 5

Section 63(1)

AMENDMENT OF PASTORAL MEASURE 1983

VALID FROM 11/06/2008

1 The Pastoral Measure 1983 (1983 No. 1) shall be amended as follows.

VALID FROM 11/06/2008

2 In section 12(1)(b) for the words from the words “shall not submit” to the words “the Commissioners” there shall be substituted the words “ shall not take any action in relation to such recommendations ”.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

VALID FROM 11/06/2008

3 Any joint pastoral committee established or to be established under section 13 of the 1983 Measure shall be re-named the joint boundary committee and any reference to that committee shall have effect accordingly and that section shall be amended as follows—

(a) for subsection (4) there shall be substituted the following subsections—

"(4) The instrument which provides for the establishment of a joint boundary committee may also make such provision as the bishops of the dioceses concerned think fit for the procedure of the committee and any such provision as is referred to in subsection (4A) and, when deciding whether to make any such provision, and, if so, what provision, the bishops shall have regard to the provisions of Schedule 3 to the Dioceses, Pastoral and Mission Measure 2007.

(4A) The provision referred to in subsection (4) is provision for paying the expenses of the joint boundary committee out of the diocesan pastoral accounts of the dioceses concerned."; and

(b) for subsection (5)(b) there shall be substituted the following paragraph—

"(b) no action may be taken to prepare or implement such proposals by way of a draft order or orders.".

VALID FROM 11/06/2008

4 In section 20(4), for the word "designate" there shall be substituted the words " provide for the designation or selection of ".

VALID FROM 11/06/2008

5 In section 21(3) for the word "designate" there shall be substituted the words " provide for the designation or selection of ".

VALID FROM 11/06/2008

6 In section 24—

(a) after subsection (1) there shall be inserted the following subsection—

"(1A) A pastoral scheme providing for the transfer, under section 17(1)(c), of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for the designation or selection of the incumbent of that benefice and for restricting rights of presentation on the vacancy."; and

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(b) in subsection (3), after the word "(1)" there shall be inserted the words " , (1A) ".

7 In section 44—

(a) any reference to the Advisory Board shall be construed as a reference to the Church Buildings Council;

(b) in subsection (2) for the word "six" there shall be substituted the word " nine "; and

(c) after subsection (9A) there shall be inserted the following subsections—

"(9B) If—

(a) the Church Buildings Council has prepared a report, under section 3(8), about a church in respect of which the mission and pastoral committee is considering whether to make a recommendation that a declaration of closure for regular public worship be made, and

(b) the Commissioners, after consulting the Council, are of the opinion that, in the event of the church being closed for regular public worship and no suitable alternative use being found for it, it is likely that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England,

the Commissioners may, with the consent of the mission and pastoral committee, and subject to any conditions or limitations which they may specify, request the Churches Conservation Trust to give advice to them and, if specified, advice or assistance to any other specified person or body, in identifying and developing proposals for any use or uses of the church, or any part of it, which would be consistent with the primary use of the church as a whole as a place of worship and which would have the object of ensuring the continuance of that use.

(9C) Notwithstanding subsection (4), the Trust shall have power to give such advice and assistance as is described in subsection (9B).".

Commencement Information

I24 Sch. 5 para. 7(b) in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops

VALID FROM 11/06/2008

8 In section 52, that section shall become subsection (1) and at the end there shall be added the following subsection—

"(2) In exercising their duty to allocate moneys under subsection (1) the Commissioners may decide not to allocate moneys to any or all of the accounts mentioned in that subsection, in which case all the moneys not so allocated shall be paid to the Churches Conservation Trust.".

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

VALID FROM 11/06/2008

9 In section 53—

(a) in subsection (1)(a), for the words following the words "funding period" to the end there shall be substituted the words " the total amount (comprising grants made under section 44(10) and moneys allocated under section 52(1)) to be paid by the Commissioners to the Churches Conservation Trust "; and

(b) subsections (1)(c) and (4) are hereby repealed.

VALID FROM 11/06/2008

10 In section 54(2), for the words ", made and confirmed" there shall be substituted the words " and made " and for the words "subsections (8) and" there shall be substituted the word " subsection ".

VALID FROM 11/06/2008

11 In section 57(4) the words "or (c)" shall be omitted.

VALID FROM 11/06/2008

12 Section 64 of the 1983 Measure shall be amended as follows—

(a) For subsection (1) there shall be substituted the following subsection—

"(1) Where a pastoral church buildings scheme or pastoral (church buildings disposal) scheme makes provision for a church or part of a church to be demolished or appropriated to any use specified or described in the scheme the bishop shall, unless the scheme makes other provision, give directions as to how the font, communion table and plate used for the purpose of Holy Communion shall be dealt with but, if the church or part thereof is so demolished or appropriated before any such directions are given or fully implemented, the diocesan board of finance shall, subject to any provision of the scheme, be responsible for the care, maintenance and safeguarding of any such items."; and

(b) after subsection (2) there shall be inserted the following subsection—

"(2A) Where any items are disposed of in accordance with subsection (1) or (2) above the bishop shall, subject to any provision of the scheme, give directions as to how any proceeds of their sale are to be applied.".

VALID FROM 11/06/2008

13 In section 67—

(a) after subsection (5), there shall be inserted the following subsection—

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

"(5A) After the expiration of a suspension period, the bishop may, by a further notice, given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy and, if he does so, subsections (1), (3), (4) and (5) shall apply in relation to any notice given and any suspension period declared under this subsection as they apply to a notice given and a suspension period declared under subsection (1).";

(b) in subsection (6), before paragraph (a) there shall be inserted the following paragraph—

"(za) the designated officer within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No. 3),"

and the other paragraphs of that subsection shall be re-numbered "(b) to (f)"; and

(c) after subsection (6) there shall be inserted the following subsection—

"(6A) The designated officer shall, not earlier than six months, and not later than three months, before any suspension period declared under this section is due to expire, other than a suspension period which comes to an end before the date on which it would otherwise expire under subsection (4), give notice to the bishop and, unless the designated officer is also the secretary of the mission and pastoral committee, to that secretary, of the date on which the suspension period is due to expire.".

VALID FROM 11/06/2008

14 For the heading to section 68 substitute— " During suspension period sequestration of profits, appointment of priest in charge and management of property ".

VALID FROM 11/06/2008

15 In section 70—

(a) in the heading for "**Benefices (Exercise of Rights of Presentation) Measure 1931**" substitute " **Patronage (Benefices) Measure 1986** ";

(b) in paragraph (c), at the end there shall be added the following words " , but if a further suspension period is declared, the benefice shall no longer be deemed to be vacant "; and

(c) in paragraph (d), for the words from the beginning to "that Measure" there shall be substituted the words " as soon as practicable after he becomes aware of the vacancy, the bishop shall give notice of that fact to the designated officer (within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No. 3)) and, unless he is the designated officer, to the registrar of the diocese and section 7(4) of that Measure shall apply as it applies to a notice under section 7(1) or (2) ".

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

VALID FROM 11/06/2008

16 In section 78(3) there shall be added at the end the following words "; or

(d) transfer those moneys to one or more other accounts or funds held by the board or apply or transfer them partly to such other accounts or funds and partly as provided in paragraphs (a) to (c)".

VALID FROM 11/06/2008

17 In section 86(1), in the definition of "parish", after the word "means" there shall be inserted the words " , except in section 3(2)(g), in its application to pastoral church buildings schemes, and section 50(3), ".

VALID FROM 11/06/2008

18 In section 87—

(a) the definition of "the Advisory Board" shall be omitted;

(b) for the definition of "Council for the Care of Churches" there shall be substituted the following definition—

""the Church Buildings Council" means the body of that name constituted in accordance with section 54 of the Dioceses, Pastoral and Mission Measure 2007";

(c) in the definition of "Dioceses Commission" for the words "the Dioceses Measure 1978" there shall be substituted " section 2 of the Dioceses, Pastoral and Mission Measure 2007 ";

(d) after the definition of "interested parties" there shall be inserted the following definition—

""listed building" and "conservation area" have the meanings respectively assigned to them by sections 1(5) and 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);";

(e) in the definition of "mission and pastoral committee" for the words "under, or by virtue of, this Measure" there shall be substituted the words " in accordance with section 52 of the Dioceses, Pastoral and Mission Measure 2007 " and the words ", but does not include a joint pastoral committee" shall be omitted;

(f) in the definition of "pastoral scheme" there shall be added at the end the words " and a pastoral church buildings scheme ";

(g) after the definition of "pastoral scheme" there shall be inserted the following definitions—

""pastoral church buildings scheme" means a pastoral scheme which contains a declaration of closure for regular public worship;

"pastoral (church buildings disposal) scheme" has the meaning assigned to it by section 48;"; and

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

(h) the definitions of "redundant building" and "redundancy scheme" shall be omitted.

VALID FROM 11/06/2008

19 In section 90(3) after the words "section 3(1)" there shall be inserted the words " , as it applies to recommendations for a pastoral scheme which does not contain a declaration of closure of a church for regular public worship, ".

VALID FROM 11/06/2008

20 In paragraph 5(2) of Schedule 3 after the words "new benefice", in the first place where they occur, there shall be inserted the words " , transfers a parish from one benefice to another ".

VALID FROM 11/06/2008

21 In paragraph 4 of Schedule 4, for the words "confirmation of the scheme by Order in Council or the making of the order, as the case may be," there shall be substituted the words " making of the scheme or order, ".

VALID FROM 11/06/2008

22 Schedule 7 shall be amended as follows—

(a) in paragraph 4, after the word "vacant" there shall be inserted the words " whether or not a further suspension period is declared " and after the words "at the beginning of the" there shall be inserted the word " first "; and

(b) in paragraph 6—

(i) the word "immediately" shall be omitted,

(ii) after the word "follows" there shall be inserted the words " , whether immediately or after an interval, ", and

(iii) after the words "sequestrated, the" there shall be inserted the word " original ".

VALID FROM 11/06/2008

23 The redundant churches temporary maintenance account shall be renamed "the temporary maintenance account" and any reference to the account shall have effect accordingly.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

SCHEDULE 6

Section 64

TRANSITIONAL PROVISIONS

1 In this Schedule "the 1978 Measure" means the Dioceses Measure 1978 (1978 No. 1).

Commencement Information
I25 Sch. 6 para. 1 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

2 Any reorganisation scheme made under section 6 and confirmed by Order in Council under section 7 of the 1978 Measure which is in force immediately before the coming into force of sections 7 and 8 above shall have effect as if it had been made under section 7 and confirmed by Order in Council under section 8 above.

Commencement Information
I26 Sch. 6 para. 2 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

3 Any instrument made by a bishop under section 10 of the 1978 Measure or made under section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 (1983 No. 2) which is in force immediately before the coming into force of sections 13 and 14 above shall have effect as if it had been made under section 13 or 14 above, as the case may be.

Commencement Information
I27 Sch. 6 para. 3 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

4 Where any proposal has been made by a bishop under section 18 of the 1978 Measure to create a suffragan see which has not been approved by the General Synod under that section at the time of the coming into force of section 18 above the proposal shall be treated as if it had been made under section 18 above and the provisions of that section shall apply to the proposal accordingly.

Commencement Information
I28 Sch. 6 para. 4 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

5 Any scheme made under section 11 of the 1978 Measure and in force immediately before the coming into force of section 13 above shall, notwithstanding the repeal of that section, continue in force, but the bishop of the diocese to which the scheme relates may, with the consent of the diocesan synod of that diocese, vary or revoke the scheme by an instrument in writing and—

(a) the said section 11 shall apply to an instrument varying the scheme as if it were a scheme made under section 11, and

(b) sections 12 and 13 of the 1978 Measure shall not apply to such an instrument.

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Commencement Information
I29 Sch. 6 para. 5 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

6 Where, on the coming into force of Parts III and IV of this Measure—

(a) any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or

(b) any such proposals have been formulated, or

(c) any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or

(d) any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,

but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been made, but, thereafter, any such scheme or order shall have effect as if it had been made under the 1983 Measure, as amended by this Measure.

Commencement Information
I30 Sch. 6 para. 6 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

7 Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into force of Parts III and IV of this Measure shall have effect as if made under the 1983 Measure as amended by this Measure.

Commencement Information
I31 Sch. 6 para. 7 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

8 Any pastoral committee or diocesan redundant churches uses committee for any diocese shall continue in existence until a mission and pastoral committee is established for that diocese under section 52 above and the 1983 Measure shall have effect accordingly.

Commencement Information
I32 Sch. 6 para. 8 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

SCHEDULE 7

Section 65

REPEALS

Commencement Information
I33 Sch. 7 in force at 1.2.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

Measure	***Extent of repeal***
1964 No. 5, The Faculty Jurisdiction Measure 1964	In section 15, the definition of "council".
1969 No. 2, The Synodical Government Measure 1969	In the Church Representation Rules contained in Schedule 3, in rule 34(1)(c) the words after "being" to "any other diocese".
1978 No. 1, The Dioceses Measure 1978	The whole Measure.
1983 No. 1, The Pastoral Measure 1983	Section 1. Section 2. Section 41. Section 45. In section 87(1), in the definition of "mission and pastoral committee", the words ", but does not include a joint pastoral committee". Schedule 1. In Schedule 5, paragraphs 1 to 12.
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Section 8. Section 10.
1986 No. 1, The Bishops (Retirement) Measure 1986	Section 11(2).
1988 No. 1, The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988	Section 6.
1990 No. 1, The Clergy (Ordination) Measure 1990	Section 2.
1990 No. 2, The Care of Cathedrals Measure 1990	In section 20(1), the definition of "Council for the Care of Churches".
1991 No. 1, The Care of Churches and Ecclesiastical Jurisdiction Measure 1991	In section 31(1), the definition of "Council for the Care of Churches".
1992 No. 1, The Church of England (Miscellaneous Provisions) Measure 1992	In Schedule 3, paragraph 18.
1994 No. 1, The Pastoral (Amendment) Measure 1994	Section 1.
1995 No. 2, The Church of England (Miscellaneous Provisions) Measure 1995	In section 11, paragraph (e). Section 12.
1999 No. 1, The Cathedrals Measure 1999	In Schedule 2, paragraph 7.
1999 No. 2, The Care of Places of Worship Measure 1999	In section 6(1), the definition of "Council for the Care of Churches".
2000 No. 1, The Church of England (Miscellaneous Provisions) Measure 2000	Section 18.
2003 No. 1, The Synodical Government (Amendment) Measure 2003	In section 2, subsections (3), (4) and (5).

Status: *Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007. (See end of Document for details)*

2005 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005	In Schedule 4, paragraphs 10 and 13.

Status:
Point in time view as at 01/02/2008. This version of this Measure contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007.