



# Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

## PART VII

### OTHER PROVISIONS

#### *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.

#### **Commencement Information**

**II** [S. 54](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **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 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,

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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—
- (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.

#### Commencement Information

**I2** S. 55 in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

## 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;

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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—
- (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.

#### Commencement Information

**I3** [S. 56](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

## 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

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

#### Commencement Information

**I4** [S. 57](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

### *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.

#### Commencement Information

**I5** [S. 58](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

### *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) ”.

---

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (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 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.”.

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 ”.

#### Commencement Information

**I6** [S. 59](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

### Compensation of Clergy

#### 60 Amendment of Schedule 4 to 1983 Measure

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

- (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.”.

#### Commencement Information

**I7** [S. 60](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

*Status: Point in time view as at 11/06/2008.*

**Changes to legislation:** *Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *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—
  - (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**

**18** [S. 61](#) in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops



**Status:**

Point in time view as at 11/06/2008.

**Changes to legislation:**

Dioceses, Pastoral and Mission Measure 2007, Part VII is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.