



# 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*Status: Point in time view as at 01/07/2012.*

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## **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,

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- (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;

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- (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

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- (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*

**F1 58 Powers exercisable by pastoral order**

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**Textual Amendments**

**F1** S. 58 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**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*

**F2 59 Amendment of Schedule 3 to 1983 Measure**

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**Textual Amendments**

**F2** S. 59 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

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**Commencement Information**

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

*Compensation of Clergy*

**F<sup>3</sup>60** **Amendment of Schedule 4 to 1983 Measure**

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**Textual Amendments**

**F3** S. 60 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

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

*Assistant curates*

**F<sup>4</sup>61** **Assistant curates**

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**Textual Amendments**

**F4** S. 61 repealed (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 9](#) (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

**Commencement Information**

**I8** S. 61 in force at 1.2.2008 by [2007 No. 3](#), Instrument made by Archbishops

**Status:**

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**Changes to legislation:**

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