

*Status: Point in time view as at 01/09/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 4(4)

#### CONTENTS OF REORGANISATION SCHEMES

##### *Preliminary*

- 1 In this Schedule a “scheme” means a reorganisation scheme, “the 1533 Act” means the Appointment of Bishops Act 1533 (25 Hen. 8 c. 20) and “the 1999 Measure” means the Cathedrals Measure 1999 (1999 No. 1).

##### **Commencement Information**

- I1** Sch. 2 para. 1 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

##### *Provisions relating to bishops*

- 2 A scheme by which a new bishopric is to be founded and a new diocese is created shall specify the see of the bishop of the diocese and provide for—
- (a) constituting the bishop of the diocese a corporation sole and investing him with all such rights, privileges and jurisdictions as are possessed by any other diocesan bishop in England;
  - (b) subjecting the bishop to the metropolitan jurisdiction of one of the archbishops; and
  - (c) the election of a bishop of the diocese.

##### **Commencement Information**

- I2** Sch. 2 para. 2 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 3 A scheme by which a diocese is to be dissolved shall provide for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese in accordance with paragraph 16 below.

##### **Commencement Information**

- I3** Sch. 2 para. 3 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

##### *Provisions relating to cathedral church etc.*

- 4 (1) Where the scheme creates a new diocese or where the area in which a cathedral is situated is transferred to another diocese the scheme shall provide—
- (a) for the establishment of a cathedral for the diocese, or

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- (b) for the establishment of a church to be known as the pro-cathedral of the diocese.
- (2) Where sub-paragraph (1)(a) above applies, the scheme shall either designate an existing church as the cathedral church, whether or not that church was previously a cathedral church for another diocese or provide for a new church to be the cathedral church.
- (3) Where sub-paragraph (1)(a) above applies, the scheme shall—
- (a) provide for the establishment of a provisional council whose function shall be to prepare a constitution and statutes for the cathedral in accordance with the 1999 Measure and for the application of Schedule 1 to that Measure as if the provisional council were a Transitional Council established under Schedule 1 to that Measure subject to such modifications as may be made by the scheme;
  - (b) provide for the governance of the cathedral and for its worship and administration and, so far as is appropriate, for the appointment of persons to hold office in the cathedral and for its ownership and the ownership of any assets belonging to or used for the purposes of the cathedral until the constitution and statutes have effect;
  - (c) constitute a body which shall consist of the holders of such offices in the cathedral as the scheme shall specify and which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and which shall perform the functions conferred on the Chapter of a cathedral under the 1533 Act, which shall have effect accordingly;
  - (d) apply any provision of the 1999 Measure, subject to such modifications as may be specified in the scheme, including any provision which may be appropriate in respect of the coming into force of the constitution and statutes; and
  - (e) provide, as necessary, relating to the jurisdiction of the consistory court.
- (4) Where sub-paragraph (1)(b) above applies the scheme shall either designate an existing church as or provide for a new church to be the seat of the bishop and to be known as the pro-cathedral of the diocese and sub-paragraphs (3)(b) and (c) and (e) above shall apply as they apply in relation to the establishment of a cathedral church, but with the omission, in sub-paragraph (b), of the words “until the constitution and statutes have effect” and, in sub-paragraph (c), of the words “which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and”.
- (5) Where sub-paragraph (1)(b) applies the scheme shall include provision enabling a cathedral church to be established for the diocese if the bishop's council and standing committee of the diocesan synod at any time, with the consent of the bishop and after consulting the Commissioners, the Dioceses Commission and any person holding office in the pro-cathedral, so decides and may make provision for any of the matters referred to in sub-paragraph (3) above in the event of a cathedral church being established.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

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- 5 (1) Where a scheme dissolves a diocese or the area in which the cathedral is situated is transferred to another diocese the scheme shall provide that the cathedral shall—
- (a) cease to be a cathedral, or
  - (b) become the sole cathedral of another diocese, or
  - (c) become one of the cathedrals in another diocese.
- (2) Where sub-paragraph (1)(a) above applies the scheme shall provide—
- (a) for the status of the cathedral church to be altered;
  - (b) if appropriate, for the precinct and other land owned by the cathedral and surrounding the cathedral church to become a new parish, to be included in another parish or to become an extra-parochial place;
  - (c) for dissolving the Chapter and all other bodies, dignities and offices in the cathedral;
  - (d) for conferring appropriate rights to compensation on persons holding any such office in accordance with paragraph 16 below;
  - (e) for transferring any property (including rights of patronage) vested in the corporate body of the cathedral to such person or body as may be specified in the scheme and vesting such property in that person or body without any conveyance or other assurance; and
  - (f) as necessary, relating to the jurisdiction of the consistory court.
- (3) Where sub-paragraph (1)(c) above applies, the constitution and statutes of each cathedral for which the scheme makes provision—
- (a) may provide for specified offices in each cathedral to be held or specified functions to be discharged by the same person or by joint bodies; and
  - (b) shall provide for one College of Canons to discharge functions for all of those cathedrals in accordance with section 5 of the 1999 Measure.
- (4) Where sub-paragraph (3) above applies, the scheme shall provide for the constitution and statutes of any existing cathedral to be modified so as to make the like provision as is mentioned in that sub-paragraph.
- (5) Where sub-paragraph (1)(b) or (c) above applies, paragraph 4(3) above shall apply, so far as appropriate, and subject to any necessary modifications.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to abolition of bishoprics*

- 6 (1) A scheme which abolishes a suffragan bishopric shall provide for vacating the office of that bishopric.
- (2) A scheme which provides for abolishing a suffragan bishopric and creating a diocesan bishopric shall provide for vacating the office of that suffragan bishopric.
- (3) A scheme which provides for abolishing a diocesan bishopric and creating a suffragan bishopric shall provide for vacating the office of that diocesan bishopric.
- (4) Where this paragraph applies the scheme shall provide for rights to compensation in accordance with paragraph 16 below.

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- (5) Where sub-paragraph (3) above applies the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 (51 and 52 Vict. c. 56) directing that the town concerned be taken and accepted for the see of a suffragan bishop.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to archdeaconries and deaneries*

- 7 (1) A scheme by which a new diocese is to be created shall make provision, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes comprised in the diocese.
- (2) A scheme may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme.

Section 39 of the 1983 Measure shall apply to provisions included in a scheme by virtue of this paragraph as if those provisions were or were included in a pastoral scheme or order made under that Measure.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 8 A scheme by which a diocese or archdeaconry is to be dissolved shall make provision for conferring rights to compensation on an archdeacon whose office is to be abolished by the scheme, in accordance with paragraph 16 below.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to patronage*

- 9 (1) A scheme shall provide for transferring to the bishop of a diocese, or to the diocesan board of patronage thereof, any right of patronage of a benefice which by virtue of the scheme is to become a benefice in that diocese, being a right which immediately before the commencement of the scheme was vested in the bishop, or the diocesan board of patronage, of another diocese affected by the scheme.
- (2) A scheme may also provide for appointing a new person or the holder of an existing office to replace any person who holds office in a diocese or cathedral and who is a registered patron in relation to such a benefice or one of a number of such patrons or who is a trustee of such a right of patronage or a member of a corporate body holding such a right.

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**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to diocesan synods and other bodies*

- 10
- (1) A scheme by which a new diocese is to be created shall make provision with respect to the membership of the diocesan synod of the new diocese during the transitional period.
  - (2) Any other scheme may make provision for altering the numbers of elected members of the diocesan synod of a diocese affected by the scheme, the alteration to have effect only during the transitional period.
  - (3) Where a diocese is to be dissolved by a scheme, the provision to be made under this paragraph shall include such provision as is necessary to ensure that all persons who immediately before the transitional period begins were members of the diocesan synod of that diocese, having been elected thereto by the houses of clergy or the houses of laity of the deanery synods in that diocese, will during the transitional period be members of the appropriate house of the diocesan synod of a diocese created or affected by the scheme.
  - (4) In this paragraph “transitional period” means the period beginning with the date of the taking effect of the scheme in question and ending with the first day of August next following the election of members of diocesan synods next held after the first mentioned date in accordance with the Church Representation Rules as for the time being in force.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 11
- A scheme by which a new diocese is to be created shall make provision—
- (a) requiring the diocesan synod thereof, at its first meeting, to appoint the bishop's council and standing committee of the synod and to constitute the diocesan board of finance for the diocese in accordance with the Diocesan Boards of Finance Measure 1925 (15 & 16 Geo. 5 No. 3) and, at that or the next following meeting, to appoint every other board, committee or panel which such a synod is required by any Measure to appoint;
  - (b) authorising those persons who were members of the bishop's council and standing committee of the diocesan synod of any diocese any part of the area of which is to be comprised in the new diocese to act as bishop's council and standing committee of the diocesan synod of the new diocese until such a council and committee is appointed in accordance with a provision made by virtue of sub-paragraph (a) above;
  - (c) requiring the persons referred to in sub-paragraph (b) above to make the necessary arrangements for the first meeting of such synod and to settle the agenda for that meeting.

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**Commencement Information**

**I11** Sch. 2 para. 11 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 12 (1) A scheme by which a diocese is to be dissolved shall provide for the winding up or dissolution of every diocesan body for the diocese.
- (2) A scheme may provide for the abolition of any office for which provision is made by any Measure and for creating and filling any new office and shall provide for conferring rights to compensation on any person whose office is abolished in accordance with paragraph 16 below.
- (3) In sub-paragraph (1) above “diocesan body” has the same meaning as in section 19 above.

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to property*

- 13 (1) A scheme by which a new diocese is to be created may provide for transferring any property vested in or held by a diocesan body for a former diocese to the corresponding body for the new diocese, when constituted, and vesting such property in that body without any conveyance or other assurance.
- In this paragraph “diocesan body” has the same meaning as in section 19 above.
- (2) Such a scheme may provide for the trusts of any charity the property of which is vested in, or under the management or control of any person holding office in or any diocesan body of the former diocese, with or without, in any case, other persons, to have effect with the substitution, for that person, of the person holding the corresponding office in the new diocese and, for that body, of the corresponding body in that diocese, and for any change under any such provision in the vesting of property to have effect without any conveyance or other assurance and this sub-paragraph shall also apply in relation to any person who is a charity trustee within the meaning of the Charities Act 1993 (1993 c. 10).
- (3) In this paragraph “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 14 Paragraph 13 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese or by which a diocese is dissolved and its area is transferred to one or more existing dioceses as if the diocese in which any part of the area of another diocese is to be comprised were the new diocese.

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**Commencement Information**

**I14** Sch. 2 para. 14 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to records*

- 15 A scheme may make provision for the transfer to the registrar of a diocese or to any other person or body specified by the scheme of the records and other documents relating to the benefices or parishes which by virtue of the scheme are to be comprised in that diocese and to the clergy who are to hold office therein or to any other diocesan office or body or the holders or members of any such office or body in existence before the scheme takes effect.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to compensation*

- 16 (1) A scheme which provides for the abolition or reduction in status of any office in a cathedral or diocese shall make provision for conferring rights to compensation on the holder of that office who has suffered loss in consequence thereof (unless he or she is also an employee in relation to the same function) and shall also make provision with respect to—
- (a) the manner in which claims to, and the amount of, such compensation are to be determined;
  - (b) the matters to be taken into account in determining whether any claimant has suffered loss giving a right to compensation;
  - (c) the circumstances in which payments of such compensation consisting of periodical payments may be suspended, renewed or terminated or the amount thereof increased or reduced;
  - (d) the body by which, and the resources from which, such compensation is to be paid;
- and different provision may be made for different cases.
- (2) The Commission shall make rules regarding the general principles to be applied in determining rights of compensation under this paragraph and may amend or replace any rules by further rules made in accordance with this paragraph.
- (3) Rules made under this paragraph 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 any rules do 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 rules to be debated, or
  - (b) notice is so given by any such member that he or she wishes to move an amendment to the rules,

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the rules shall, for the purposes of sub-paragraph (3) above, be deemed to have been approved by the General Synod without amendment.

- (5) Any person or body exercising functions in relation to the conferring of rights of compensation or to the payment of compensation under this paragraph shall be under a duty to have regard to any rules made thereunder.

**Commencement Information**

**I16** Sch. 2 para. 16 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provision relating to proceedings in consistory court*

- 17 A scheme by which a diocese is dissolved or under which any church or other building or land is transferred to a new diocese may make provision for any proceedings pending in the consistory court of the first mentioned diocese or the diocese in which the building or other land is situated on the date when the scheme takes effect to be heard and determined in the court where the proceedings are pending.

**Commencement Information**

**I17** Sch. 2 para. 17 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

*Provisions relating to supplementary, etc. matters*

- 18 (1) A scheme may make such supplementary, incidental, consequential or transitional provisions as appear to the Commission to be necessary or expedient for giving effect to the purposes of the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme may make provision for preserving the effect of any thing of whatever nature done by a body established for a diocese which is to be dissolved by the scheme or any part of which is to be transferred to another diocese or by the holder of an office in such a diocese in his or her capacity as such.
- (3) A scheme may amend or repeal any provision of any Order in Council made under any Act or Measure which provided for the foundation of a bishopric if it appears to the Commission that that provision is inconsistent with or rendered unnecessary by the provisions of the scheme.
- (4) A scheme shall, where the Commission considers it appropriate, have annexed thereto a map showing the changes to be made by the scheme.
- (5) A scheme may provide that the scheme shall come into operation on a specified date, or on the happening of a specified event or contingency and different dates, events or contingencies may be specified for different provisions.

**Commencement Information**

**I18** Sch. 2 para. 18 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops



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