



Mission and Pastoral Measure 2011

2011 No. 3

PART 4

PROCEDURE FOR MAKING PASTORAL CHURCH BUILDINGS SCHEMES

Procedure for schemes

26 Making of schemes

- (1) Where no representations with respect to any such draft scheme have been duly made and the Commissioners are of the opinion that any such draft scheme should be made, and do not propose to amend or further amend it under section 25, they shall submit it to the bishop for his consent and, when he has given his consent, they shall seal a copy of the draft scheme and so make the scheme.
- (2) Where representations with respect to any such draft scheme have been duly made and the Commissioners, having considered those representations, are of opinion that the draft scheme should be made, and do not propose to amend or further amend it under section 25, they shall so far as practicable—
 - (a) serve on the persons who duly made written representations with respect to the draft scheme notice of the Commissioners' decision with respect to the representations together with a statement in writing of the reasons therefor; and
 - (b) serve on any other persons, being interested parties, a copy of the notice.
- (3) A notice under subsection (2) shall inform persons who have duly made written representations with respect to the draft scheme of their rights, on obtaining the leave of the Judicial Committee of the Privy Council, to appeal to Her Majesty in Council and shall specify the date, being a date not less than twenty-eight days after the service of the notice, on or before which notice of intention to apply for such leave must be given.

*Changes to legislation: There are currently no known outstanding effects for the
Mission and Pastoral Measure 2011, Section 26. (See end of Document for details)*

- (4) When serving a notice under subsection (2) the Commissioners shall send a copy to the Registrar of the Privy Council together with a copy of the draft scheme and a copy of the statement in writing referred to in that subsection.
- [^{F1}(5) In the case of a draft scheme which gives effect to proposals included in a deanery plan to which this section applies, the Commissioners, having considered any representations made with respect to the draft scheme [^{F2}and unless they consider that there are material considerations which indicate that it should not be made, shall comply with the duties imposed by subsection (2)(a) and (b); and references in this Measure to a notice under subsection (2) shall be read accordingly.]
- (6) Subsections (1) to (4) have effect subject to subsection (5).
- (7) In this section, “deanery plan” means a plan for pastoral reorganisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan [^{F3}and by the mission and pastoral committee]; and a deanery plan is one to which this section applies if—
- (a) the persons who are the interested parties for the purposes of section 21(9A) have been consulted on the plan,
 - (b) any person holding office under Common Tenure, and any incumbent or archdeacon not subject to Common Tenure, whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee, and
 - (c) the proposals to which the draft scheme gives effect are to the same effect, or substantially the same effect, as proposals included in the plan.]

Textual Amendments

- F1** S. 26(5)-(7) inserted (1.10.2018 for specified purposes, 1.3.2019 in so far as not already in force) by [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 4(4)**, 14(3); S.I. 2018/722, art. 3(d); S.I. 2019/66, art. 2(b)
- F2** Words in s. 26(5) substituted (1.3.2019 immediately after the provisions of Church Measure 2018 No. 4 commenced by S.I. 2019/66, art. 2 come into force) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), **ss. 15(2)**, 17(3); S.I. 2019/67, art. 2(1)(n)(2)
- F3** Words in s. 26(7) inserted (1.3.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), **ss. 15(3)**, 17(3); S.I. 2019/67, art. 2(1)(n)

Commencement Information

- I1** S. 26 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 26.