



Diocesan Boards of Education Measure 2021

2021 No. 1

Preliminary steps

22 Preparatory steps

- (1) Before the commencement of a provision of this Measure, the DBE, the Board of Finance and the diocesan synod for a diocese may each take such steps as it considers necessary or appropriate, and the bishop of a diocese may take such steps as he or she considers necessary or appropriate, for facilitating the implementation of that provision.
- (2) If, before the passing of this Measure, the DBE, the Board of Finance or the diocesan synod for a diocese has taken steps which it, or the bishop of a diocese has taken steps which he or she, considers necessary or appropriate for facilitating the implementation of a provision of this Measure, those steps are to be treated as if they had been taken in reliance on subsection (1) after the passing of this Measure.
- (3) Subsections (1) and (2) do not affect the operation of section 13 of the Interpretation Act 1978 (anticipatory exercise of powers) in relation to this Measure.

23 Steps for making first scheme

- (1) If the Archbishops' Council is satisfied that a diocesan synod is ready to make the first scheme under section 3 in relation to that diocese in time for the scheme to come into operation by 1 January 2023, the Archbishops' Council must certify to the diocesan synod that—
 - (a) the scheme will come into operation on the date specified in or determined in accordance with the certificate, and
 - (b) section 3(10) and Schedule 2 will come into force in relation to that diocese on that date.

Status: This is the original version (as it was originally enacted).

- (2) If, on 1 November 2022, the Archbishops' Council is not satisfied as mentioned in subsection (1) in relation to a diocese, it must refer the matter to the archbishop of the province in which the diocese is situated.
- (3) The archbishop, on receiving a referral under subsection (2), must make a scheme for the diocese in such terms as the archbishop considers appropriate in all the circumstances.
- (4) Before making a scheme under subsection (3), the archbishop must consult the Charity Commission on the proposed terms of the scheme; and if the Charity Commission does not respond within the period of 90 days beginning with the day on which the proposed terms are sent to the Charity Commission for that purpose, the Charity Commission is to be regarded as having no comments on the proposed terms.
- (5) A scheme made under subsection (3) is to be treated for the purposes of this Measure as the first scheme made under section 3 in relation to the diocese concerned.
- (6) The DBE for a diocese continues, pending the coming into operation of the first scheme under section 3 in relation to the diocese, to be constituted as it was immediately before the commencement of this section.
- (7) Accordingly, the period of office of each person who, at the end of 2021, is serving as a member of the DBE for a diocese continues pending the coming into operation of the first scheme under section 3 in relation to the diocese, even if, in the case of an elected member of the DBE, that person ceases to be a member of the diocesan synod after the end of 2021.
- (8) Sections 1 and 10 of, and the Schedule to, the Diocesan Boards of Education Measure 1991, and any order of the Secretary of State under section 1 of that Measure in force immediately before the coming into operation of the first scheme under section 3 in relation to a diocese, continue in force so far as necessary for the purposes of subsections (6) and (7) of this section, in spite of the repeals made by section 21.