

- 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 5
- (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”. 10 15
- (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. 20
- 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 – 25
- (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 – 30
- (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; 35
- (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 40
- (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 – 45
- (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. 50

(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. 5

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. 10

(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. 15

(4) Where this paragraph applies the scheme shall provide for rights to compensation in accordance with paragraph 16 below.

(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. 20

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. 25

(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.

(3) 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. 30

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. 35

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. 40

(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. 45

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. 5
- (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. 10
- (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. 15
- 11 A scheme by which a new diocese is to be created shall make provision— 20
- (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; 25
- (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; 30
- (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. 35
- 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. 40
- (3) In sub-paragraph (1) above “diocesan body” has the same meaning as in section 19 above. 45

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). 5
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. 15

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. 20

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. 25

Provisions relating to compensation 30

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 – 35

- (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; 40
- (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. 45

(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. 5
- (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, 10
- 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. 15
- 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. 20
- Provisions relating to supplementary, etc matters* 25
- 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. 30
- (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. 35
- (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. 40

SCHEDULE 3

Section 52(4)

CONSTITUTION AND PROCEDURE OF THE MISSION AND PASTORAL COMMITTEE

- 1 There shall be a person to be known as “the Chair”.
- 2 The bishop, if he so wishes, may be a member and may also be the Chair.
- 3 Unless the bishop is the Chair, the Chair shall be appointed by the bishop. 5
- 4 All the archdeacons in the diocese shall be members or, if there is only one archdeacon, that archdeacon shall be a member.
- 5 Subject to paragraphs 1 to 4 above, the members of the committee shall be such number of persons and appointed or elected in such manner and for such period of office as the diocesan synod shall determine, but so as to secure that the number of members who are of the clergy and the number of members who are of the laity are, as nearly as possible, the same. 10
- 6 The written constitution of the committee shall provide for a quorum.
- 7 Subject to paragraph 6 above, the committee may act notwithstanding any vacancy in its membership or any defect in its composition. 15
- 8 The committee shall have power to appoint sub-committees and to appoint thereto persons who are not members of the committee but the constitution may prescribe the minimum numbers or proportion of members of a sub-committee who are members of the committee.
- 9 The committee may delegate any of its functions to a sub-committee except its duty under section 3(5) of the 1983 Measure to afford opportunities to incumbents of benefices and vicars in team ministries to meet the committee itself **and its functions under Schedule 4 to that Measure**. 20
- 10 The committee and any sub-committee shall have power to appoint persons who have appropriate expertise whether or not as members of another body to provide advice on any of their functions. 25
- 11 The committee shall have power to make provision for the appointment of a secretary to the committee and any sub-committee.
- 12 Subject to the preceding provisions of this Schedule and to any directions given by the diocesan synod, the committee shall have power to regulate its own procedure and that of any sub-committee and to provide for any other matters which it thinks fit. 30

SCHEDULE 4

Section 54(2)

THE CHURCH BUILDINGS COUNCIL

Membership

35

- 1 The Council shall consist of a person who shall be known as the Chair of the Council who shall be appointed by the Archbishops of Canterbury and York after consultation with the Appointments Committee of the Church of England and not more than 23 other members.

- 2 The following members shall be appointed by the Archbishops of Canterbury and York—
- (a) four members shall be appointed on the nomination of the Secretary of State, who shall include persons who, between them, have special knowledge of or expertise in history, architecture, archaeology and aesthetics; 5
 - (b) three members of the General Synod shall be appointed on the nomination of the Appointments Committee, who shall have knowledge of or expertise in matters relevant to the Council’s work;
 - (c) three other persons having such knowledge or expertise shall be appointed on the nomination of the Council (including the Council for the Care of Churches as constituted immediately before the coming into force of this Schedule); 10
 - (d) three persons shall be appointed on the nomination of an annual meeting of the Chairmen and Secretaries of the Diocesan Advisory Committees; 15
 - (e) one person shall be appointed on the nomination of the Cathedrals Fabric Commission for England;
 - (f) one person shall be appointed on the nomination of the Appointments Committee, who shall have expertise in the innovative use of churches and former churches, including their management and development; and 20
 - (g) three persons shall be appointed on the nomination of the Appointments Committee, which shall have regard to the need to include amongst the members of the Council persons who have expertise in history, architecture, archaeology, archives, art and liturgy. 25
- 3 Not more than two persons may be co-opted by the Council to reflect such specialist interests, not otherwise represented, as the Council thinks fit.
- 4 Three members shall be elected by the General Synod from among its members, who shall have knowledge of or expertise in matters relevant to the Council’s work. 30
- 5 The following persons shall not be eligible for membership of the Council—
- (a) for the purposes of paragraphs 1 to 4 above, a member or employee of the Commissioners, or a member of **their Assets Committee, their Audit Committee or any other committee of the Commissioners constituted by the Board of Governors or otherwise established under section 5(4) of the Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) or any joint committee of the Commissioners and the Archbishops’ Council appointed under that section** or a member or employee of the Churches Conservation Trust, and 35
 - (b) for the purposes of paragraph 2(a) above, the persons referred to in subparagraph (a) above and a member or employee of the Archbishops’ Council or a member of the General Synod or of any diocesan body within the meaning of section 56(2) above. 40
- 6 The Chair of the Council shall hold office for such period as may be determined by the Archbishops of Canterbury and York, not exceeding five years and the Archbishops may determine that the Chair shall hold office for a second term not exceeding five years, and for the purposes of this paragraph the periods for which the Chair may serve shall include any 50

- period as Chair of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date.
- 7 The other members of the Council shall hold office for a term of five years ending on the thirty-first day of May in the year following the year in which the General Synod in being when they were appointed is dissolved and a new Synod comes into being. 5
- 8 A member (other than the Chair) shall on ceasing to hold office be eligible for re-appointment or re-election for a second term not exceeding five years and for the purposes of this paragraph the periods for which the member may serve shall include any period of membership of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date. 10
- 9 A member of the Council appointed under paragraph 2(b) above or elected by the General Synod under paragraph 4 above shall cease to hold office on ceasing to be a member of the Synod, except that a member who is a member of the General Synod may continue to act as a member of the Council so long as that person is entitled to act during a period of dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No.2) and if, following the dissolution of the Synod, that person is not re-elected to the new Synod the Archbishops of Canterbury and York may, on the recommendation of the Appointments Committee, appoint that person as a member to hold office until the thirty-first day of May following the year in which the new Synod comes into being. 15
20
25

Casual Vacancies

- 10 Where a casual vacancy occurs among the Chair or the other members of the Council appointed by the Archbishops of Canterbury and York the Archbishops may, having regard to any provision of paragraph 2 **above** relating to the knowledge or expertise of the person whose place is to be filled and after such consultation or nomination as may have been required by any such provision **or by paragraph 1 above** before that person was appointed, appoint a person to fill the vacancy. 30
- 11 Where a casual vacancy occurs among the members of the Council elected by the General Synod the General Synod may elect one of its members to fill the vacancy, being a person who has knowledge of or expertise in matters **relevant** to the Council's work. 35
- 12 Where a casual vacancy occurs among the co-opted members of the Council the Council may co-opt a person to fill the vacancy to reflect such interests as are referred to in paragraph 3 above. 40
- 13 Any person appointed or elected to fill a casual vacancy whether before or after the coming into force of this Measure, shall hold office only for the unexpired portion of the term of office of the person in whose place he or she is appointed or elected, but shall be eligible to be re-appointed or re-elected for one further term of office, and if the Archbishops of Canterbury and York so direct, shall be eligible for re-appointment or re-election for a second further term. 45

Committees

- 14 The Council shall have power to appoint such committees and may delegate to them such functions as it thinks fit, provided that this paragraph shall not apply to the Statutory Advisory Committee.
- 15 Persons who are not members of the Council may be appointed to any committee thereof, provided that this paragraph shall not apply to the Statutory Advisory Committee. 5
- 16 Without prejudice to paragraph 14 above there shall be a Committee of the Council, which shall be known as the “Statutory Advisory Committee”, which shall have the functions set out in paragraphs 18 to 20 below. 10
- 17 The Statutory Advisory Committee shall consist of a person who shall be known as the Chair who shall be the Chair of the Council and the following members –
- (a) the four members of the Council appointed under paragraph 2(a) above; and 15
 - (b) three other members, who shall be appointed by the Council from among its members.
- 18 The Statutory Advisory Committee shall, on behalf of the Council, discharge the functions described in section 56(1)(b) and (c) above.
- 19 The Council may delegate such other functions to and seek the advice of the Statutory Advisory Committee on such other matters, as it thinks fit and may do so, generally, or in relation to specified categories of matter, or in relation to specified matters. 20
- 20 The Statutory Advisory Committee shall report to the Council on the discharge of its functions from time to time and, in any event, at least every six months and at such times or intervals as the Council may direct. 25
- 21 The procedure of the Statutory Advisory Committee shall be as follows –
- (a) the quorum shall be four members, of whom not less than two members shall be members by virtue of paragraph 17(a) above, and
 - (b) the Chair shall not be entitled to vote and any person chosen to 30
preside, in the absence of the Chair, shall not have a second or casting vote,
- but, save as aforesaid, paragraphs 23 to 26 below shall apply to the proceedings of the Committee as they apply to the proceedings of the Council **with the substitution, in paragraphs 24 and 26, of the word “Committee” for the word “Council”.** 35

Proceedings

- 22 The quorum of the Council shall be eight members.
- 23 The business of the Council shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the person presiding shall have a second or casting vote. 40
- 24 The Chair, if present, shall preside over meetings but, if the Chair is not present or, if the Chair declines to preside on any occasion when he or she considers it preferable not to do so, the Council shall choose another member to preside. 45

- 25 Subject to paragraph 22 above the Council may act notwithstanding any vacancy in its membership.
- 26 Subject to the preceding provisions of this Schedule the Council shall have power to regulate its own procedure.

SCHEDULE 5

Section 63(1)

5

AMENDMENT OF PASTORAL MEASURE 1983

- 1 The Pastoral Measure 1983 (1983 No. 1) shall be amended as follows.
- 2 **In section 12(1)(b) for the words from the words “shall not submit” to the words “the Commissioners” there shall be substituted the words “shall not take any action in relation to such recommendations”.** 10
- 3 In section 20(4), for the word “designate” there shall be substituted the words “provide for the designation or selection of”.
- 4 In section 21(3) for the word “designate” there shall be substituted the words “provide for the designation or selection of”.
- 5 In section 24— 15
- (a) after subsection (1) there shall be inserted the following subsection—
“(1A) A pastoral scheme providing for the transfer, under section 17(1)(c), of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for the designation or selection of the incumbent of that benefice and for restricting rights of presentation on the vacancy.”; and 20
- (b) in subsection (3), after the word “(1)” there shall be inserted the words “, (1A)”.
- 6 In section 44— 25
- (a) any reference to the Advisory Board shall be construed as a reference to the Church Buildings Council;
- (b) in subsection (2) for the word “six” there shall be substituted the word “nine”; and
- (c) after subsection (9A) there shall be inserted the following subsections— 30
- “(9B) If—
- (a) the Church Buildings Council has prepared a report, under section 3(8), about a church in respect of which the **mission and** pastoral committee is considering whether to make a recommendation that a declaration of closure for regular public worship be made, and 35
- (b) the Commissioners, after consulting the Council, are of the opinion that, in the event of the church being closed for regular public worship and no suitable alternative use being found for it, it is likely that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England, 40

- the Commissioners may, with the consent of the **mission and** pastoral committee, and subject to any conditions or limitations which they may specify, request the Churches Conservation Trust to give advice to them and, if specified, advice or assistance to any other specified person or body, in identifying and developing proposals for any use or uses of the church, or any part of it, which would be consistent with the primary use of the church as a whole as a place of worship and which would have the object of ensuring the continuance of that use. 5
- (9C) Notwithstanding subsection (4), the Trust shall have power to give such advice and assistance as is described in subsection (9B).” 10
- 7 In section 52, that section shall become subsection (1) and at the end there shall be added the following subsection –
- “(2) In exercising their duty to allocate moneys under subsection (1) the Commissioners may decide not to allocate moneys to any or all of the accounts mentioned in that subsection, in which case all the moneys not so allocated shall be paid to the Churches Conservation Trust.” 15
- 8 In section 53 –
- (a) in subsection (1)(a), for the words following the words “funding period” to the end there shall be substituted the words “the total amount (comprising grants made under section 44(10) and moneys allocated under section 52(1)) to be paid by the Commissioners to the Churches Conservation Trust”; and 20
- (b) Subsections (1)(c) and (4) are hereby repealed.
- 9 In section 54(2), for the words “, made and confirmed” there shall be substituted the words “and made” and for the words “subsections (8) and” there shall be substituted the word “subsection”. 25
- 10 In section 57(4) the words “or (c)” shall be omitted.
- 11 Section 64 of the 1983 Measure shall be amended as follows –
- (a) For subsection (1) there shall be substituted the following subsection – 30
- “(1) Where a pastoral church buildings scheme or pastoral (church buildings disposal) scheme makes provision for a church or part of a church to be demolished or appropriated to any use specified or described in the scheme the bishop shall, unless the scheme makes other provision, give directions as to how the font, communion table and plate used for the purpose of Holy Communion shall be dealt with but, if the church or part thereof is so demolished or appropriated before any such directions are given or fully implemented, the diocesan board of finance shall, subject to any provision of the scheme, be responsible for the care, maintenance and safeguarding of any such items.”; and 35
- (b) After subsection (2) there shall be inserted the following subsection – 40
- “(2A) Where any items are disposed of in accordance with subsection (1) or (2) above the bishop shall, subject to any provision of the scheme, give directions as to how any proceeds of their sale are to be applied.” 45
- 12 In section 67 –

- (a) after subsection (5), there shall be inserted the following subsection –
“(5A) After the expiration of a suspension period, the bishop may, by a further notice, given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy and, if he does so, subsections (1), (3), (4) and (5) shall apply in relation to any notice given and any suspension period declared under this subsection as they apply to a notice given and a suspension period declared under subsection (1).”;
- (b) in subsection (6), before paragraph (a) there shall be inserted the following paragraph –
“(a) the designated officer within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No.3),” and the other paragraphs of that subsection shall be re-numbered “(b) to (f)”;
- (c) after subsection (6) there shall be inserted the following subsection –
“(6A) The designated officer shall, not earlier than six months, and not later than three months, before any suspension period declared under this section is due to expire, other than a suspension period which comes to an end before the date on which it would otherwise expire under subsection (4), give notice to the bishop and, unless the designated officer is also the secretary of the **mission and** pastoral committee, to that secretary, of the date on which the suspension period is due to expire.”.
- 13 For the heading to section 68 substitute –
“During suspension period sequestration of profits, appointment of priest in charge and management of property”.
- 14 In section 70 –
(a) in the heading for “Benefices (Exercise of Rights of Presentation) Measure 1931” substitute “Patronage (Benefices) Measure 1986”;
(b) in paragraph (c), at the end there shall be added the following words “, but if a further suspension period is declared, the benefice shall no longer be deemed to be vacant”; and
(c) in paragraph (d), for the words from the beginning to “that Measure” there shall be substituted the words “as soon as practicable after he becomes aware of the vacancy, the bishop shall give notice of that fact to the designated officer (within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No.3)) and, unless he is the designated officer, to the registrar of the diocese and section 7(4) of that Measure shall apply as it applies to a notice under section 7(1) or (2)”.
- 15 In section 78(3) there shall be added at the end the following words “; or
(d) transfer those moneys to one or more other accounts or funds held by the board or apply or transfer them partly to such other accounts or funds and partly as provided in paragraphs (a) to (c)”.
- 16 In section 86(1), in the definition of “parish”, after the word “means” there shall be inserted the words “, except in section 3(2)(g), in its application to pastoral church buildings schemes, and section 50(3),”.
- 17 In section 87 –

- (a) the definition of “the Advisory Board” shall be omitted;
- (b) for the definition of “Council for the Care of Churches” there shall be substituted the following definition –
“the Church Buildings Council” means the body of that name constituted in accordance with section 54 of the Dioceses, Pastoral and Mission Measure 200...; 5
- (c) in the definition of “Dioceses Commission” for the words “the Dioceses Measure 1978” there shall be substituted “section 2 of the Dioceses, Pastoral and Mission Measure 200...”; 10
- (d) after the definition of “interested parties” there shall be inserted the following definition –
“listed building” and “conservation area” have the meanings respectively assigned to them by sections 1(5) and 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);”;
- (e) in the definition of “mission and pastoral committee” for the words “under, or by virtue of, this Measure” there shall be substituted the words “in accordance with section 52 of the Dioceses, Pastoral and Mission Measure 200...” **and the words “, but does not include a joint pastoral committee” shall be omitted;** 15
- (f) in the definition of “pastoral scheme” there shall be added at the end the words “and a pastoral church buildings scheme”; 20
- (g) after the definition of “pastoral scheme” there shall be inserted the following definitions –
““pastoral church buildings scheme” means a pastoral scheme which contains a declaration of closure for regular public worship; 25
“pastoral (church buildings disposal) scheme” has the meaning assigned to it by section 48;” and
- (h) the definitions of “redundant building” and “redundancy scheme” shall be omitted.
- 18 **In section 90(3) after the words “section 3(1)” there shall be inserted the words “, as it applies to recommendations for a pastoral scheme which does not contain a declaration of closure of a church for regular public worship,”.** 30
- 19 **In paragraph 5(2) of Schedule 3 after the words “new benefice”, in the first place where they occur, there shall be inserted the words “, transfers a parish from one benefice to another”.** 35
- 20 In paragraph 4 of Schedule 4, for the words “confirmation of the scheme by Order in Council or the making of the order, as the case may be,” there shall be substituted the words “making of the scheme or order,”.
- 21 Schedule 7 shall be amended as follows – 40
- (a) in paragraph 4, after the word “vacant” there shall be inserted the words “whether or not a further suspension period is declared” and after the words “at the beginning of the” there shall be inserted the words “first”; and
- (b) in paragraph 6, the word “immediately” shall be omitted, after the word “follows” there shall be inserted the words “, whether immediately or after an interval,” and after the words “sequestered, the” there shall be inserted the word “original”. 45

- 22 **The redundant churches temporary maintenance account shall be renamed “the temporary maintenance account” and any reference to the account shall have effect accordingly.**

SCHEDULE 6

Section 64

TRANSITIONAL PROVISIONS

5

- 1 In this Schedule “the 1978 Measure” means the Dioceses Measure 1978 (1978 No. 1).
- 2 Any reorganisation scheme made under section 6 and confirmed by Order in Council under section 7 of the 1978 Measure which is in force immediately before the coming into force of sections 7 and 8 above shall have effect as if it had been made under section 7 and confirmed by Order in Council under section 8 above. 10
- 3 Any instrument made by a bishop under section 10 of the 1978 Measure or **made under** section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 (1983 No. 2) which is in force immediately before the coming into force of sections 13 and 14 above shall have effect as if it had been made under section 13 or 14 above, as the case may be. 15
- 4 Where any proposal has been made by a bishop under section 18 of the 1978 Measure to create a suffragan see which has not been approved by the General Synod under that section at the time of the coming into force of section 18 above the proposal shall be treated as if it had been made under section 18 above and the provisions of that section shall apply to the proposal accordingly. 20
- 5 Any scheme made under section 11 of the 1978 Measure and in force immediately before the coming into force of section 13 above shall, notwithstanding the repeal of that section, continue in force, but the bishop of the diocese to which the scheme relates may, with the consent of the diocesan synod of that diocese, vary or revoke the scheme by **an instrument in writing and—** 25
- (a) **the said section 11 shall apply to an instrument varying the scheme as if it were a scheme made under section 11, and** 30
- (b) **sections 12 and 13 of the 1978 Measure shall not apply to such an instrument.**
- 6 **Where, on the coming into force of Parts III and IV of this Measure—**
- (a) **any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or** 35
- (b) **any such proposals have been formulated, or**
- (c) **any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or** 40
- (d) **any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,**
- but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been** 45

- made, but, thereafter, any such scheme or order shall have effect as if it had been made under the 1983 Measure, as amended by this Measure.
- 7 Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into force of Parts III and IV of this Measure shall have effect as if made under the 1983 Measure as amended by this Measure. 5
- 8 Any pastoral committee or diocesan redundant churches uses committee for any diocese shall continue in existence until a mission and pastoral committee is established for that diocese under section 52 above and the 1983 Measure shall have effect accordingly. 10

SCHEDULE 7

Section 65

REPEALS

<i>Measure</i>	<i>Extent of repeal</i>	
1964 No.5, The Faculty Jurisdiction Measure 1964	In section 15, the definition of “council”.	15
1969 No. 2, The Synodical Government Measure 1969	In the Church Representation Rules contained in Schedule 3, in rule 34(1)(c) the words after “being” to “any other diocese”.	20
1978 No. 1, The Dioceses Measure 1978	The whole Measure.	
1983 No. 1, The Pastoral Measure 1983	Section 1. Section 2. Section 41. Section 45. In section 87(1), in the definition of “mission and pastoral committee”, the words “, but does not include a joint pastoral committee”.	25 30
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Schedule 1. In Schedule 5, paragraphs 1 to 12.	
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Section 8. Section 10.	35
1986 No. 1, The Bishops (Retirement) Measure 1986	Section 11(2).	40

<i>Measure</i>	<i>Extent of repeal</i>	
1988 No. 1, The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988	Section 6.	5
1990 No. 1, The Clergy (Ordination) Measure 1990	Section 2.	
1990 No. 2, The Care of Cathedrals Measure 1990	In section 20(1), the definition of “Council for the Care of Churches”.	10
1991 No. 1, The Care of Churches and Ecclesiastical Jurisdiction Measure 1991	In section 31(1), the definition of “Council for the Care of Churches”.	15
1992 No. 1, The Church of England (Miscellaneous Provisions) Measure 1992	In Schedule 3, paragraph 18.	20
1994 No. 1, The Pastoral (Amendment) Measure 1994	Section 1.	
1995 No. 2, The Church of England (Miscellaneous Provisions) Measure 1995	In section 11, paragraph (e). Section 12.	25
1999 No. 1, The Cathedrals Measure 1999	In Schedule 2, paragraph 7.	30
1999 No. 2, The Care of Places of Worship Measure 1999	In section 6(1), the definition of “Council for the Care of Churches”.	
2000 No. 1, The Church of England (Miscellaneous Provisions) Measure 2000	Section 18.	35
2003 No. 1, The Synodical Government (Amendment) Measure 2003	In section 2, subsections (3), (4) and (5).	40
2005 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005	In Schedule 4, paragraphs 10 and 13.	

<i>Measure</i>	<i>Extent of repeal</i>
2005 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005 – <i>cont</i>	