

Draft Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure

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A DRAFT OF A MEASURE

To amend the law with respect to the appointment of suffragan bishops; and with respect to appointments to fill vacancies in certain ecclesiastical offices to which Her Majesty has the right of presentation.

1 Amendment of Suffragan Bishops Act 1534

Section 1 of the Suffragan Bishops Act 1534 (26 Hen. 8 c.14) shall have effect as if it required only one person to be presented to Her Majesty for appointment to a suffragan see and any reference in that section to two persons or to one of those persons shall be construed as a reference to the single person presented to Her Majesty

2 Appointments by the Crown during certain vacancies

- (1) This section applies where Her Majesty has the right of presentation to an ecclesiastical office which is vacant during a vacancy in the see of a diocesan bishop and to which the right of presentation would, but for that vacancy, be exercisable by that bishop.
- (2) Where this section applies and subject to subsection (3), the right of presentation to the vacant ecclesiastical office shall be exercisable on behalf of Her Majesty by the relevant bishop.
- (3) Her Majesty may give notice in writing to the relevant bishop for the diocese whose see is vacant within twenty eight days of that vacancy arising that she wishes to exercise her right of presentation to any office where this section applies and, where any such notice is given, subsection (2) shall not apply.
- (4) In this section—
 - (a) “relevant bishop” means—
 - (i) the suffragan or assistant bishop, if any, of the diocese to whom the right of **collation or institution** to the vacant ecclesiastical office has been delegated by an instrument in force under section 13 of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1) (“the 2007 Measure”) or under section 10 of the Dioceses Measure 1978 (1978 No. 1) (“the 1978 Measure”) as it has effect by virtue of paragraph 3 of Schedule 6 to the 2007 Measure or by a scheme in force under section 11 of the 1978 Measure, as it has effect by virtue of paragraph 5 of Schedule 6 to the 2007 Measure;

- (ii) if sub-paragraph (i) does not apply, the bishop to whom the **right to institute to the ecclesiastical office has been delegated by an instrument in force under section 14 of the 2007 Measure**; or
 - (iii) if neither sub-paragraph (i) nor sub-paragraph (ii) applies in circumstances where a new bishop is appointed to fill the vacancy in the see, the bishop whose **election** to that see has been confirmed;
- (b) “vacant ecclesiastical office” means any ecclesiastical office to which Her Majesty has the right of presentation in the circumstances described in subsection (1); **and**
- (c) **the vacancy of a see shall be deemed to continue until the new bishop appointed to fill the vacancy has received the restitution of the temporalities of the see from Her Majesty.**
- (5) This section shall have effect notwithstanding section 15 of the 2007 Measure or, in the case of a scheme under section 11 of the 1978 Measure, section 14 of that Measure.

3 Abolition of Crown’s rights in relation to cession

The rules of law by which Her Majesty has the right of presentation to—

- (a) an ecclesiastical office which is vacant following the appointment of the holder of the office to a diocesan see; and
 - (b) an ecclesiastical office which is vacant and to which the right of presentation is exercisable by the holder of another ecclesiastical office, following the appointment of that holder to a diocesan see,
- are abolished

4 Citation, commencement and extent

- (1) This Measure may be cited as the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 200.
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York shall jointly appoint, and different days may be appointed for different provisions
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, but—
 - (a) this Measure may be extended to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1937, or either of them, in accordance with those Measures; and
 - (b) sections 1 and 3 and this section shall extend to the Isle of Man, and if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, section 2 shall extend to the Isle of Man subject to such exceptions, adaptations or modifications as may be specified in the Act of Tynwald or instrument.