

**DIOCESES COMMISSION**

**THE DIOCESES OF BRADFORD, RIPON AND LEEDS AND WAKEFIELD  
REORGANISATION SCHEME 201-**

**Explanatory Memorandum**

1. This explanatory memorandum summarises the effect of the draft Bradford, Ripon and Leeds and Wakefield Reorganisation Scheme 201- (“the Scheme”), explains the procedural background to it, describes the nature of the amendments that have been made to it as a result of consultation and goes on to explain in detail the provisions contained in the Scheme.

**Summary of the Scheme**

2. In summary, the Scheme—
  - dissolves the three existing dioceses of Bradford, Ripon and Leeds, and Wakefield
  - establishes in their place a single new diocese of Leeds
  - provides for the three existing cathedrals of Bradford, Ripon and Wakefield to be cathedrals of the new diocese
  - contains provision for establishing a pro-cathedral in Leeds
  - creates two new suffragan sees
  - reorganises archdeaconries and deaneries
  - makes arrangements relating to patronage, property, ecclesiastical courts and other matters in consequence of the diocesan reorganisation that the Scheme provides for
  - abolishes various offices in the dioceses that are to be dissolved and confers rights to compensation
  - transfers a small number of parishes to two neighbouring dioceses
  - makes provision to facilitate the transition from the three existing dioceses to one new diocese
  - makes provision for other purposes connected with the diocesan reorganisation that the Scheme provides for.

**Procedural background**

3. The Scheme has been prepared by the Dioceses Commission pursuant to section 6 of the Dioceses, Pastoral and Mission Measure 2007 (“the Measure”).
4. The making of reorganisation schemes by the Dioceses Commission is subject to a two-stage consultation process. First, the Commission must consult “interested parties” before beginning to prepare a draft scheme.
5. Once the Commission has prepared a draft scheme a second, more formal, consultation process has to be undertaken. The second stage of consultation must last between 3 and 6

months and interested parties must be invited to make written representations to the Commission within the period of the consultation. The Commission is also required to afford the representatives of the diocesan synod of any diocese affected by a draft scheme to make oral representations to the Commission.

6. After considering any representations made to it during the second stage consultation, the Commission has to decide whether to proceed with the draft scheme and, if so, whether to make any amendments to it as a result of representations it received.
7. The first stage consultation was carried out during 2010 and 2011. An initial draft of the Scheme was then prepared in the light of that consultation.
8. That draft of the Scheme was sent to interested parties in November 2011 and the second stage consultation lasted until April 2012.
9. Having considered the written representations that were made to it during that six-month period, and having received and considered oral representations from representatives of diocesan synods in June 2012, the Commission decided to proceed with the Scheme.
10. As a result of representations received the Commission made some amendments to the original draft Scheme. The Commission removed a number of parishes from Schedule 1 (which transfers a number of parishes out of the area of the new diocese and into neighbouring dioceses).
11. Some of the parishes that had originally been included for transfer were subject to a separate Pastoral Scheme transferring them to the Diocese of Carlisle and were therefore omitted from the Scheme. The other parishes which were removed from Schedule 1 will not now transfer to neighbouring dioceses but will form part of the new diocese of Leeds when the Scheme comes into operation.
12. Eight parishes remain in Schedule 1 and will be transferred when the Scheme comes into operation, six of them to the diocese of Blackburn and two to the diocese of Sheffield.
13. The other amendments that were made to the original draft Scheme were to improve the drafting in a number of places and to make a number of the provisions of the Scheme easier to read by breaking up over-long provisions. Provisions relating to property and trusts were moved to a later point in the main body of the Scheme and provisions concerning the transfer of rights and liabilities of the former dioceses were expanded.
14. In October 2012 the Commission submitted to the amended Scheme to the diocesan synods of every diocese which would be affected by the Scheme for their consent, as required by section 6(6) of the Measure. The diocesan synods of Blackburn, Bradford, Ripon and Leeds and Sheffield gave their consent to the Scheme. The Wakefield diocesan synod did not give its consent.
15. The Archbishop of York has authorised the Commission to lay the Scheme before the General Synod for its approval even though Wakefield diocesan synod has not given its consent to the Scheme. He has done so in the exercise of his powers under section 7(2) of the Measure, on the basis that “there are wider considerations affecting the province of York that require the Scheme to be submitted to the General Synod”.
16. The Commission has laid the Scheme before the General Synod accordingly.

17. If the Scheme is approved by the General Synod the Commission will formally make the Scheme and it will then be submitted to Her Majesty in Council for confirmation by Order in Council.

## **Explanation of the provisions of the Scheme**

### **Preamble**

18. The first paragraph of the preamble recites that the Scheme has been laid in draft, and approved by, the General Synod. That has not yet happened as this is currently a draft scheme. The words in question are there in order to show what a final scheme will need to say.
19. The second paragraph of the preamble sets out the statutory powers under which the Dioceses Commission will make the Scheme if it is approved by the General Synod.

### **Article 1 – Citation and commencement**

20. Article 1(1) gives the Scheme the formal name “the Dioceses of Bradford, Ripon and Leeds and Wakefield Reorganisation Scheme 201-”. (The year will be completed when the Scheme is made.)
21. Paragraphs (2) to (6) of article 1 make provision for the coming into operation of the Scheme. Different provisions of the Scheme will come into operation on different days. Article 1 itself will come into operation immediately when the Scheme is confirmed by Order in Council. Most of the other provisions of the Scheme will come into operation on a day to be specified by the Archbishop of York. Articles 3 and 4 – which abolish the three existing dioceses and create the new diocese – have to come into operation at the same time. Article 6 – which transfers the parishes specified in Schedule 1 to neighbouring dioceses – must come into operation no later than the day on which articles 3 and 4 come into operation.
22. Exceptionally, article 8 – which contains provision for establishing Leeds parish church as a pro-cathedral<sup>1</sup> – does not come into operation until a day is appointed for that purpose by the bishop of the new diocese. That means it will be for the bishop of Leeds to decide when there will be a pro-cathedral in Leeds. He might bring article 8 into force at an early stage. Alternatively he might take the view that it should not come into operation for the time being. Were he to take that view, he would need to keep under review whether article 8 should come into operation but he would not be obliged to bring it into operation at any point.

### **Article 2 - Interpretation**

23. Because the Scheme is made under statutory powers contained in a Measure – the Dioceses, Pastoral and Mission Measure 2007 – expressions used in the Scheme automatically have the same meaning as they have in the Measure unless the contrary intention appears (by virtue of section 11 of the Interpretation Act 1978). It is not therefore necessary for the Scheme to define expressions that are already defined in the Measure. For example, “reorganisation scheme” is defined in section 4(1) of the Measure and “charity” has the meaning assigned to it by section 10 of the Charities Act 2011 (by virtue of section 62(1) of the Measure). Moreover, it is not necessary to define words that are intended to bear their ordinary meaning. But the Scheme does employ a number of shorthand, and technical, expressions which it is necessary to define. Article 2 contains those definitions and makes other interpretative provision.

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<sup>1</sup> See further below in relation to a pro-cathedral.

### **Article 3 – Dissolution of dioceses of Bradford, Ripon and Leeds and Wakefield**

24. Article 3(1) dissolves the dioceses of Bradford, Ripon and Leeds and Wakefield and abolishes their diocesan bishoprics.
25. Article 3(2) provides for the automatic vacation of the office of diocesan bishop of each of those dioceses.

### **Article 4 – Foundation of new bishopric and diocese of Leeds**

26. Article 4(1) founds the new diocesan bishopric, and creates the new diocese, of Leeds.
27. The name of the new diocese is the diocese of Leeds (because a diocese takes its name from the diocesan see) but article 4(2) additionally allows for the use of the working name of “West Yorkshire and the Dales”.
28. Article 4(3) establishes the new bishop of Leeds on the same legal footing as other diocesan bishops, places him under the metropolitan jurisdiction of the Archbishop of York and provides for him to be elected, following nomination by The Queen, by the College of Canons that is constituted for the new diocese by the Scheme. (See below in relation to the establishment and constitution of the College of Canons.)
29. Article 4(4) provides that during a vacancy in the see of Leeds the Archbishop of York is to be the guardian of the spiritualities of the see. The “spiritualities” of a see are those things which comprise the spiritual jurisdiction of the diocese. In practice most of the functions that are encompassed by the spiritualities of a see are now delegated under statutory powers to an ‘acting bishop’ during a vacancy in see. However, there remain certain residual functions that are exercisable by the guardian of the spiritualities during a vacancy in see and provision for the guardianship therefore needs to be made.

### **Article 5 – Composition of new diocese of Leeds**

30. The new diocese of Leeds covers the same area as the three former dioceses that are abolished by the Scheme with the exclusion of the small number of parishes and benefices (referred to in the Scheme as “excluded parishes” and “excluded benefices”) that are being transferred to one of the two neighbouring dioceses of Blackburn or Sheffield. Article 5(1) accordingly provides that the new diocese is made up of every archdeaconry, deanery, benefice, parish or other place (including any extra-parochial place) that was part of a former diocese except for the excluded benefices and parishes.
31. Article 5(2) provides for existing suffragan sees in the former dioceses to become suffragan sees of the new diocese.

### **Article 6 – Transfer of excluded parishes and benefices**

32. Article 6 provides for the transfer of eight parishes to two neighbouring dioceses, six of them to Blackburn and two to Sheffield. The parishes that are transferred, and details of the dioceses, archdeaconries and deaneries to which they are transferred, are set out in a table in Schedule 1 to the Scheme.

### **Article 7 – Cathedrals**

33. The Scheme does not affect the continuing existence of the cathedrals of Bradford, Ripon or Wakefield each of which will become a cathedral of the new diocese under article 7(1).

34. Article 7(2) provides for the Cathedrals Measure 1999 to apply to the three cathedrals subject to modifications that are specified in Part 1 of Schedule 2 to the Scheme.
35. In accordance with the requirements of the Dioceses, Pastoral and Mission Measure 2007, article 7(3) provides for there to be a single College of Canons for the diocese. That single College will exercise the functions that are normally exercised in relation to a cathedral for all three of the cathedrals of the diocese. It will also elect the bishop of the diocese in accordance with the provisions of the Appointment of Bishops Act 1533.
36. Article 7(4) makes provision modifying the constitutions of the three cathedrals of the diocese to take account of the fact that there is to be a single College of Canons for all three. The modifications are set out in Part 2 of Schedule 2 to the Scheme.
37. Article 7(5) provides for the bishop of Leeds to take over the functions that the bishops of the former dioceses had in relation to their respective cathedrals.

### **Article 8 – Pro-cathedral**

38. Article 8(1) to (4) contains provision for establishing Leeds parish church as a pro-cathedral<sup>2</sup>. As explained above in relation to article 1, nothing in Article 8 will come into operation until such time as the bishop of Leeds determines that it should. Article 8 makes the minimal necessary provision for establishing Leeds parish church as a seat of the bishop. The fact that it became a pro-cathedral would not bring Leeds parish church within the Cathedrals Measure 1999 or the Care of Cathedrals Measure 2011. It would continue to be governed and administered in the same way as any other parish church (with an incumbent and parochial church council) and would remain subject to the jurisdiction of the consistory court.
39. Article 8(5) provides for the incumbent of Leeds parish church to be an ex officio member of the College of Canons.
40. Article 8(6)–(8), which provides for the establishment of a cathedral in place of the pro-cathedral in the event that there is no cathedral in the diocese, has been included in order to comply with the requirements of the Dioceses, Pastoral and Mission Measure 2007. As there are already three cathedrals in the diocese, it is extremely unlikely that this provision could ever be engaged.

### **Article 9 – Creation of suffragan bishoprics of Bradford and Huddersfield**

41. Article 9 creates new suffragan bishoprics of Bradford and Huddersfield.

### **Article 10 – Archdeaconries**

42. Article 10, in conjunction with Schedule 3, makes provision reorganising the archdeaconries that are to be comprised in the new diocese. A number of parishes are transferred between

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<sup>2</sup> Establishing a pro-cathedral involves designating a church – which may be an existing church – as a ‘seat of the bishop’. That church is then known as the pro-cathedral of the diocese. As a seat of the bishop, a pro-cathedral functions as a centre of worship and mission and, in particular, of episcopal ministry. But a pro-cathedral is not subject to the legal framework that applies specifically to cathedral churches. It is left to the reorganisation scheme establishing the pro-cathedral to provide for its governance and for its worship and administration. That may mean simply providing that it should continue to be governed in the same manner as any other parish church. Or it could involve establishing offices and bodies having functions that are analogous to those exercised in respect of cathedral churches by the Chapter, the College of Canons and the Council. The pro-cathedral for which provision is contained in the draft scheme is conceived on the former basis.

existing archdeaconries. The archdeaconry of Craven is dissolved and the archdeaconry of Richmond renamed the archdeaconry of Richmond and Craven.

### **Article 11 - Deaneries**

43. Article 11, in conjunction with Part 3 of Schedule 3, makes provision reorganising the deaneries that are to be comprised in the new diocese.

### **Articles 12 and 13 - Patronage**

44. Articles 12 and 13 make provision for transferring rights of patronage. Where the bishop of a former diocese was the patron of a benefice and that benefice is to remain in the new diocese, the right of patronage is transferred to the bishop of Leeds.
45. Where the bishop of a former diocese was the patron of a benefice and that benefice is to be transferred to a neighbouring diocese, the right of patronage is transferred to the bishop of the neighbouring diocese.
46. Equivalent provision is made where the bishop of a former diocese was one of a number of registered patrons, or was a trustee of a right of patronage, or was a member of a body corporate holding such a right. Equivalent provision is also made in respect of patronage exercisable by archdeacons.
47. The position of Her Majesty in relation to *sede vacante* patronage is expressly preserved.

### **Article 14 – Constitution of Diocesan Synod during transitional period**

48. Article 14 makes provision for the constitution of the diocesan synod of the new diocese during the transitional period that begins when the new diocese comes into being and ends when a diocesan synod is elected for the new diocese and begins functioning as such.
49. In particular, article 14 makes provision (in accordance with a requirement contained in the Measure) that all those who were elected to the diocesan synod of a former diocese by one of the houses of a deanery synod in that diocese are, during the transitional period, to be members of the appropriate house of the diocesan synod of the new diocese or, in the case of parishes transferred to a neighbouring diocese, the diocesan synod of that neighbouring diocese.

### **Article 15 – Duties of Diocesan Synod of new diocese**

50. Article 15 sets out various duties of the diocesan synod of the new diocese.
51. At its first meeting (which will be during the transitional period referred to in relation to article 14) it is required to appoint the bishop's council and standing committee, constitute the diocesan board of finance and determine the manner and terms of appointment of the diocesan secretary.
52. At its first meeting, or at the next meeting, the diocesan synod is required to appoint every other diocesan body which a diocesan synod is required by any Measure to appoint.

### **Article 16 – Dissolution of diocesan bodies of former dioceses**

53. The diocesan bodies of the former dioceses (including their respective diocesan boards of finance) are to be wound up or dissolved.

## **Article 17 – Abolition of offices in former dioceses**

54. Article 17 abolishes various statutory and ecclesiastical offices in the former dioceses, including the offices of bishop, chancellor, registrar and diocesan secretary of each former diocese.
55. Rights to compensation (in accordance with the provisions of the Reorganisation Schemes Compensation Rules 2011) are conferred on those whose offices are abolished, except where the office holder is an employee (in which case statutory, and any contractual, redundancy provisions will be engaged instead).

## **Article 18 – Filling of offices in new diocese**

56. Article 18 makes provision for the appointment of a chancellor of the new diocese, a diocesan registrar and a director of education. (Provision is made in article 15 in relation to the appointment of a diocesan secretary.)

## **Article 19 – Records**

57. Article 19 makes provision for the transfer of records from the diocesan registries of the former dioceses to the registry of the new diocese or, in the case of records that relate to transferring benefices and parishes, to the registry of the neighbouring diocese to which they are transferred. It makes similar provision in respect of records in the custody of a diocesan body of a former diocese.
58. Each diocesan record office of a former diocese will, initially, become a record office of the new diocese. The bishop of the new diocese may, if he thinks fit, make different arrangements in due course. Records that relate to parishes or benefices that are being transferred to neighbouring dioceses will be transferred to the relevant record office in the neighbouring diocese.

## **Article 20 – Consistory courts**

59. The consistory courts of the former dioceses are abolished. This is subject to transitional provision (in Schedule 4) that provides for those courts to continue to hear and determine any proceedings that are pending when the new diocese comes into being.

## **Articles 21-23 – Property and Trusts**

60. Article 21 contains provision for transferring property held by the bishop, the diocesan board of finance and any other diocesan body of a former diocese to the corresponding body of the new diocese.
61. An exception is made in the case of property held on trusts relating to a parish or benefice that is being transferred to a neighbouring diocese. Where that is the case, the property in question is transferred to the corresponding body in the neighbouring diocese.
62. Any glebe land of a former diocese that is situated in a parish which is being transferred to a neighbouring diocese is transferred to that diocese along with the parish.
63. The trusteeship of charities is altered by article 22 so that where charitable property is controlled by a diocesan office holder or diocesan body of a former diocese, the office holder or body is substituted by the corresponding office holder or body of the new diocese (or

where the charity relates to a parish or benefice which is being transferred to a neighbouring diocese, by the corresponding office holder of body of the neighbouring diocese).

64. Under article 23 assets are to be transferred from the capital account of the diocesan stipends fund of each former diocese to the capital account of the stipends fund of each diocese to which parishes and benefices are to be transferred. The value of the assets to be transferred depends on the proportion of the benefices of that former diocese that are being transferred to the neighbouring diocese.
65. Article 23 also makes other supplementary provision relating to property and trusts.

#### **Article 24 – Transfer of rights and liabilities etc.**

66. Article 24(1) provides that where a document (e.g. a deed or a will) refers to one of the former dioceses, that reference is to be read as a reference to the new diocese of Leeds.
67. Similarly, where a document refers to a diocesan body of a former diocese (such as the diocesan board of finance), that reference is to be read as a reference to the equivalent diocesan body (“the corresponding body”) in the diocese of Leeds.
68. Subject to exceptions relating to pension liabilities and to excluded parishes and benefices, the rights and liabilities of the bishop or a diocesan body of a former diocese are transferred to the bishop, or to the corresponding body, of the new diocese.
69. Pension liabilities will be dealt with separately, under the rules of the relevant pension schemes, by way of flexible apportionment arrangements. (A description of flexible apportionment arrangements would be beyond the scope of this explanatory memorandum. However one can be found in GS 1867X.)
70. Rights and liabilities that relate exclusively to a parish or benefice that is being transferred to a neighbouring diocese will transfer to that diocese.

#### **Article 25 – Transitional Provisions**

71. Article 25 gives effect to the detailed transitional provisions that are set out in Schedule 4.

#### **Article 26 – Repeals**

72. Article 26 repeals the Orders in Council that established the dioceses of Bradford, Ripon and Leeds, and Wakefield in so far as they are inconsistent with the provisions of the Scheme.

#### **Article 27 – Supplementary**

73. Any question as to the interpretation of the Scheme is to be determined by the Vicar-General of the province of York.
74. Functions exercisable by the Archbishop of York under the Scheme (e.g. bringing provisions of the Scheme into operation) are to be exercised by the Archbishop of Canterbury in circumstances where the Archbishop of York is unable to exercise them. If the Archbishop of Canterbury is unable to do so, they are to be exercised by the Bishop of Durham or by the next most senior bishop in the province of York.

## **Schedule 1**

75. Schedule 1 specifies the parishes and benefices that are being transferred to one of the two neighbouring dioceses of Blackburn or Sheffield.

## **Schedule 2**

76. Part 1 of Schedule 2 makes modifications to the Cathedrals Measure 1999 as it is to apply to the three cathedrals of the new diocese.
77. Part 2 of Schedule 2 makes consequential modifications to the constitutions of those cathedrals.

## **Schedule 3**

78. Schedule 3 specifies the transfer of parishes between archdeaconries within the new diocese.

## **Schedule 4**

79. Schedule 4 contains detailed transitional provisions. These are to facilitate the transition from the three former dioceses to the single new diocese and for related purposes.
80. Schedule 4 includes provision for transitional diocesan bodies, an acting chancellor, an acting registrar, an acting diocesan secretary and an acting director of education. It also includes provision preserving the position of beneficed and licensed clergy and of licensed deaconesses, readers and layworkers and of churchwardens.
81. The effect of any authorizations (including faculties and licences), approvals, consents and other things done by anyone acting in an official capacity in a former diocese is preserved after the former dioceses are dissolved and the new diocese comes into being. But existing arrangements for the delegation of episcopal functions will lapse and need to be replaced by the bishop of the new diocese.

## **Schedule 5**

82. Schedule 5 lists the Orders in Council that are repealed by virtue of article 26.

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June 2013