

Draft Dioceses, Pastoral and Mission Measure

CONTENTS

PART I

GENERAL PRINCIPLE

- 1 General Duty

PART II

PROVINCIAL AND DIOCESAN STRUCTURE

Composition and Duties of Dioceses Commission

- 2 Dioceses Commission
- 3 Review of provincial and diocesan structure

Reorganisation schemes

- 4 Preparation and making of reorganisation schemes

Procedures for making reorganisation schemes

- 5 Application for reorganisation scheme
- 6 Preparation of draft scheme by Commission
- 7 Making of reorganisation scheme
- 8 Confirmation of scheme by Order in Council and publication of scheme
- 9 Supplementary provisions with respect to reorganisation schemes

Power of General Synod to make temporary provision with respect to membership of convocations

- 10 Power of General Synod to make temporary provision with respect to membership of Convocations, etc.

Change of name of see

- 11 Change of name of see

General duty

- 12 Duty of the bishop to keep episcopal ministry under review

Provisions with respect to discharge of episcopal functions

- 13 Delegation by instrument of certain functions to suffragan bishop
 14 Discharge of certain functions of bishop
 15 Special provision with respect to rights of collation
 16 Provision with respect to Acts, etc. which confer functions on a diocesan bishop

Creation, revival and filling of suffragan sees

- 17 Provisions with respect to filling of suffragan sees
 18 Provisions with respect to creation of suffragan sees

Provisions with respect to discharge of functions of certain bodies corporate, etc

- 19 Schemes with respect to discharge of functions of diocesan bodies corporate, etc.
 20 Further provisions with respect to schemes under s.19

Miscellaneous and Supplemental

- 21 Power of Commissioners to pay stipend, etc. of certain bishops
 22 Interpretation of Part II

PART III**PROCEDURE FOR MAKING PASTORAL SCHEMES AND ORDERS AND PASTORAL CHURCH SCHEMES***Introduction*

- 23 Amendment of Part I of Pastoral Measure 1983

Pastoral schemes and orders

- 24 Pastoral schemes and orders
 25 Formulation and submission to bishop of draft proposals
 26 Approval by bishop of draft proposals and preparation of draft scheme
 27 Consideration of draft scheme or order by Commissioners
 28 Notice and publication of draft scheme or order
 29 Amendment of draft scheme or order
 30 Making of scheme or order
 31 Transmission of copies of scheme or order

Supplementary

- 32 Withdrawal of scheme or order at request of bishop
 33 Supplementary powers of Commissioners and pastoral committees

Pastoral church schemes

- 34 Pastoral church schemes
- 35 Formulation and submission to bishop of draft proposals
- 36 Amendment of proposals and preparation of draft scheme by Commissioners
- 37 Notice and publication of draft scheme
- 38 Transmission of copies of scheme

PART IV

CHURCHES CLOSED FOR REGULAR PUBLIC WORSHIP

Introduction

- 39 Amendment of Part III of Pastoral Measure 1983

Functions of pastoral committee concerning buildings closed for regular public worship

- 40 Functions of pastoral committee concerning buildings closed for regular public worship

Pastoral church schemes

- 41 Provision by pastoral church scheme for appropriation or demolition of church to be closed for regular public worship to be replaced by new church
- 42 Other provision by pastoral church scheme for church closed for regular public worship

Pastoral (church disposal) schemes

- 43 Use seeking period
- 44 Procedure for making pastoral (church disposal) schemes
- 45 Contents of pastoral (church disposal) schemes

PART V

MISSION

Mission initiatives

- 46 Mission initiatives
- 47 Visitors
- 48 Supplementary Provisions
- 49 Review of duration of mission initiatives and further provisions
- 50 Code of Practice

PART VI**PASTORAL AND CHURCHES USES FUNCTIONS***Pastoral committees*

- 51 Appointment of pastoral committees
- 52 Functions of pastoral committees

PART VII**OTHER PROVISIONS***Care of churches*

- 53 Council for the Care of Churches
- 54 Functions of Council in relation to churches, etc. in use
- 55 Functions of Council in relation to churches proposed for closure for regular public worship
- 56 General functions of the Council

Pastoral orders

- 57 Powers exercisable by pastoral order

Churches Conservation Trust

- 58 Composition of Churches Conservation Trust

Team Ministries and Team Councils

- 59 Amendment of Schedule 3 to 1983 Measure

Compensation of Clergy

- 60 Amendment of Schedule 4 to 1983 Measure

Assistant curates

- 61 Assistant curates

PART VIII**MISCELLANEOUS***Miscellaneous*

- 62 Interpretation
- 63 Amendment of Measures
- 64 Transitional provisions
- 65 Repeals
- 66 Citation, commencement and extent

- Schedule 1 – The Dioceses Commission
- Schedule 2 – Contents of Reorganisation Schemes
- Schedule 3 – Constitution and Procedure of the Pastoral Committee
- Schedule 4 – The Council for the Care of Churches
- Schedule 5 – Amendment of Pastoral Measure 1983
- Schedule 6 – Transitional Provisions
- Schedule 7 – Repeals

A DRAFT OF A MEASURE

To further the mission of the Church of England and, in particular, to make new provision, in place of the Dioceses Measure 1978 and section 8 of the Church of England (Miscellaneous Provisions) Measure 1983, for reviewing the provincial and diocesan structure of the Church of England and for making reorganisation schemes, for the nomination of suffragan bishops and the delegation of functions to them and to other persons in episcopal orders and for the discharge of functions of certain diocesan bodies; to amend the Pastoral Measure 1983 in respect of the making of pastoral schemes and orders and of schemes for the closure of churches for regular public worship; to enable a diocesan bishop, by order, to endorse and make provision for mission initiatives; to make new provision for pastoral committees and for the Council for the Care of Churches; to make provision for the description of assistant curates and for their functions; to make other amendments to the Pastoral Measure 1983; and for connected purposes.

PART I

GENERAL PRINCIPLE

1 General Duty

It shall be the duty of any person or body carrying out functions under this Measure or the Pastoral Measure 1983 to have due regard to the mission of the Church of England.

PART II

PROVINCIAL AND DIOCESAN STRUCTURE

*Composition and Duties of Dioceses Commission***2 Dioceses Commission**

- (1) There shall be established a body known as the Dioceses Commission which shall have the functions conferred on it by or under this Measure and the body of that name established under section 1 of the Dioceses Measure 1978 (1978 No. 1) shall cease to exist.
- (2) The provisions of Schedule 1 to this Measure shall have effect with regard to the Commission, its members and its procedures.

- (3) The Commission shall present annually to the General Synod a report of its activities during the preceding year.

3 Review of provincial and diocesan structure

- (1) It shall be the duty of the Commission to keep under review the provincial and diocesan structure of the Church of England and, in particular, – 5
- (a) the size, boundaries and number of provinces,
 - (b) the size, boundaries and number of dioceses and their distribution between the provinces, and
 - (c) the number and distribution of episcopal offices and the arrangements for episcopal oversight. 10
- (2) The Commission shall, when carrying out its duties under subsection (1) above –
- (a) ensure that it is kept informed of views within the Church of England on the matters referred to in subsection (1) and of any changes in the structure of the Church which may take place, so far as these are relevant to its functions, and consult such persons and bodies as it thinks fit; 15
 - (b) without prejudice to its duties under sections 4, 6 and 7 below, consider whether changes are required, put forward proposals for discussion, where appropriate, and encourage detailed and reasoned responses from those persons and bodies consulted; 20
 - (c) disseminate, to the extent that the Commission thinks necessary and in whatever form the Commission thinks fit, guidance and information about good practice to persons and bodies involved in the administration of dioceses; 25
 - (d) give appropriate advice, when requested on particular issues, to such persons and bodies; and
 - (e) make and publish from time to time reports on its activities.
- (3) Any report published under subsection (2)(e) above shall be laid before the General Synod either as part of the annual report required to be presented under section 2(3) above or otherwise. 30
- (4) The Commission may ask any person or body to provide any information which it considers necessary to enable it to carry out its functions.
- (5) Where the Commissioners, any diocesan bishop, any diocesan synod or any bishop's council and standing committee are consulted under this section or section 5(2), 6(2) or 6(4) below or are asked to give information under subsection (4) above, the person or body concerned shall be under a duty to respond, where practicable, to any requests for comments or information and to provide any information which that person or body is asked to provide. 35

Reorganisation schemes 40

4 Preparation and making of reorganisation schemes

- (1) It shall be the duty of the Commission to prepare and make schemes in accordance with sections 6 and 7 below, and a scheme made under the said section 7 and confirmed by Order in Council under section 8 below is referred to in this Measure as a "reorganisation scheme". 45

- (2) A reorganisation scheme may be made following proposals submitted to the Commission by a bishop under section 5 below or made by the Commission under section 6(3) below without the submission of any such proposals.
- (3) A reorganisation scheme may make provision for one or more of the following purposes— 5
- (a) the foundation of a new diocesan bishopric with a diocese constituted from one or more existing dioceses and, if necessary, the dissolution of an existing diocese and the abolition of the bishopric thereof;
 - (b) the transfer of the whole of the area of any diocese to another diocese and the dissolution of the first mentioned diocese and the abolition of the bishopric thereof; 10
 - (c) the transfer of parts of the area of any diocese to other dioceses and, if necessary, the dissolution of the first mentioned diocese and the abolition of the bishopric thereof;
 - (d) the transfer of a diocese from one province to another. 15
- (4) Schedule 2 to this Measure, which sets out the provisions which must or may be made by a reorganisation scheme, shall have effect.

Procedure for making reorganisation schemes

5 Application for reorganisation scheme

- (1) Subject to the provisions of this section, the bishop of a diocese may submit to the Commission proposals to be implemented by a reorganisation scheme relating to that diocese. 20
- (2) The proposals referred to in subsection (1) above shall be prepared by the bishop of the diocese concerned after preliminary consultation with the diocesan synod of that diocese and such other consultation as he thinks fit. 25
- (3) Where such proposals would, if implemented, affect two or more dioceses, the proposals shall be prepared by the bishops of those dioceses after preliminary consultation by each of them with the diocesan synod of his diocese and with such persons or bodies as each of them thinks fit, and a submission under subsection (1) above shall be made by the said bishops acting jointly. 30
- (4) Section 4(4) of the Synodical Government Measure 1969 (1969 No. 2) shall not be taken as permitting the consultative functions of a diocesan synod under this section to be discharged on its behalf by the bishop's council and standing committee of that synod.

6 Preparation of draft scheme by Commission

- (1) In this section "interested parties", in relation to any draft reorganisation scheme, means— 35
- (a) the bishop of every diocese which would be affected by the implementing of such scheme and the archbishop of the province in which that diocese is situated; 40
 - (b) the diocesan synod of every such diocese;
 - (c) the bishop's council and standing committee of every such diocesan synod;
 - (d) the Chapter of the cathedral of every diocese which would be affected by the implementing of such scheme; 45

- (e) the Commissioners;
 - (f) where the implementing of such scheme would result in the transfer of a diocese from one province to the other, the archbishop of that other province;
 - (g) the Archbishops' Council; 5
 - (h) to the extent that the Commission thinks fit, such other persons or bodies, if any, as would be particularly affected by the implementing of such scheme.
- (2) On receiving proposals submitted to it under section 5 of this Measure the Commission shall, after consultation with the interested parties, first prepare a statement of the effect of the proposals on the mission of the Church of England and a detailed estimate of the financial effect of the proposals ("the financial estimate") and shall then, as it thinks fit, either – 10
- (a) prepare a draft scheme to give effect to the proposals with such amendments, if any, as the Commission thinks should be made therein; 15
or
 - (b) if it considers that the objectives of the proposals can be better achieved without a scheme or for any other reason it considers that it would not be appropriate to make a scheme, report to the bishop of every diocese concerned that it has decided not to proceed with the preparation of such a scheme, giving the reasons for that decision. 20
- (3) Whether or not the Commission has received proposals under section 5 above, the Commission may prepare a draft reorganisation scheme and, if it does so, shall also prepare the statement referred to in subsection (2) above and, after first consulting the Commissioners, a financial estimate. 25
- (4) Where the Commission decides to proceed under subsection (2)(a) or (3) above it shall send a copy of the draft scheme and of the statement referred to in subsection (2) above and the financial estimate to every interested party together with a notice stating that written representations with respect to the draft scheme may be made to the Commission not later than a date specified in the notice, being a date not less than three, nor more than six, months after the service of the notice. 30
- (5) After considering any representations made to it under subsection (4) above the Commission shall, as it thinks fit, either proceed under subsection (6) below or report to the bishop of every diocese concerned that it has decided not to proceed further with the scheme in question, giving the reasons for that decision. 35
- (6) Where the Commission decides to proceed under this subsection, it shall make such amendments, if any, to the draft scheme as it thinks fit as a result of such representations, and such amendments, if any, to the statement referred to in subsection (2) above and the financial estimate as, after consultation with the Commissioners in the case of the financial estimate, it thinks necessary, and shall then submit the draft scheme to the diocesan synod of every diocese which would be affected by the implementing of that scheme for its consent. 40
- (7) A copy of the draft scheme and of a report thereon by the Commission shall be sent to every member of every such synod at least six weeks before the session at which the draft scheme is considered. 45
- (8) The report referred to in subsection (7) above shall include the statement referred to in subsection (2) above and the financial estimate, as amended (if at all) under subsection (6) above, and a summary of any representations made to 50

the Commission under subsection (4) above which the Commission thinks should be brought to the attention of the diocesan synod.

7 Making of reorganisation scheme

- (1) Subject to subsection (2) below, if the diocesan synod of every diocese affected by a draft scheme prepared under section 6 above gives its consent under subsection (6) thereof, the Commission shall lay the draft scheme before the General Synod for its approval. 5
- (2) If the diocesan synod of any of those dioceses does not give its consent under section 6(6) above and it appears to the archbishop of the province in which the diocese is situated that— 10
 - (a) the interest of that diocese in the scheme is so small that the withholding of consent by the diocesan synod thereof should not prevent the submission of the draft scheme to the General Synod, or
 - (b) there are wider considerations affecting the province or the Church of England as a whole which require the draft scheme to be submitted to the General Synod 15

the archbishop may authorise the Commission to lay the draft scheme before the General Synod
- (3) A copy of the draft scheme and of the report referred to in section 6(7) of this Measure and, where subsection (2) above applies, of a statement by the Archbishop of the reasons for his decision shall be sent to every member of the General Synod at least fourteen days before the beginning of the group of sessions at which the draft scheme is considered. 20
- (4) If the General Synod approves such a scheme a copy of the draft scheme shall be signed in accordance with subsection (8) below and the Commission shall thereby make the scheme. 25
- (5) Except where subsection (2) above applies, where the Business Committee of the General Synod determines that the draft scheme does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with Standing Orders that that member wishes the draft scheme to be debated, the draft scheme shall, for the purposes of subsection (4) above, be deemed to have been approved by the General Synod. 30
- (6) If, in accordance with Standing Orders, a motion is carried in the General Synod that any matter contained in the draft scheme and specified in the motion should be reconsidered by the Commission the Commission shall withdraw the draft scheme, in which case the Commission may decide either not to proceed with the draft scheme or to re-submit the draft scheme to the General Synod, with or without amendment. 35
- (7) If the Commission decides to re-submit the draft scheme under subsection (6) above with amendments, section 6(3) to (8) and subsections (1) to (6) above shall apply in relation to the amended draft scheme. 40
- (8) A copy of the draft scheme shall be signed by the chair of the Commission on its behalf or, in the case of the absence or incapacity of the chair, by two other members of the Commission nominated by the Commission for that purpose and the signing of the copy of the draft scheme by the chair or by two members nominated as aforesaid shall be conclusive evidence that the provisions of this Measure relating to the draft scheme have been complied with. 45

- 8 Confirmation of scheme by Order in Council and publication of scheme**
- (1) As soon as possible after a scheme is made under section 7 above the Commission shall submit the scheme for confirmation by Her Majesty in Council, who may confirm the scheme by Order in Council.
- (2) As soon as possible after a scheme is confirmed by Order in Council under this section there shall be published in the London Gazette a notice sufficiently identifying the scheme and stating that it has been confirmed and where a copy of the Order in Council may be obtained. 5
- (3) The Commission shall send a copy of every such Order in Council to the Commissioners and to the registrar of every diocese affected by the scheme, and the registrar shall file it in the diocesan registry. 10
- 9 Supplementary provisions with respect to reorganisation schemes**
- (1) Except in so far as a reorganisation scheme, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation on the first day of the month next following the confirmation of the scheme by Order in Council under section 8 above. 15
- (2) A reorganisation scheme may be varied or revoked by a subsequent reorganisation scheme and sections 5, 6, 7 and 8 above and subsection (1) above shall apply to such a scheme as they applied to the original scheme.
- (3) Any Order in Council confirming a reorganisation scheme may revoke any other Order in Council confirming such a scheme. 20
- Power of General Synod to make temporary provision with respect to membership of Convocations*
- 10 Power of General Synod to make temporary provision with respect to membership of Convocations, etc.** 25
- (1) The General Synod may, by resolution, make provision with respect to –
- (a) the representation in the Convocations of Canterbury and York or either of them, as the circumstances require, during the transitional period of any new diocese created by a reorganisation scheme, any diocese the area of which is altered by such a scheme or any diocese transferred by such a scheme from one province to the other; and 30
- (b) the representation during that period of any such diocese in the House of Laity of the General Synod.
- (2) In exercising its powers under subsection (1) above the General Synod –
- (a) shall, as respects any new diocese created by the scheme, determine the number of elected members who are to represent that diocese in a Convocation or in the House of Laity; 35
- (b) may, as respects any diocese the area of which is altered by the scheme, alter the number of elected members fixed for that diocese by a determination of the General Synod in force at the passing of a resolution under this section; 40
- but the General Synod shall not have power by virtue of this subsection to increase, as respects the Convocations, the total number of proctors elected for all the dioceses, or, as respects the House of Laity, the total number of members elected by the diocesan electors of all the dioceses, being the numbers fixed by 45

- a determination of the General Synod in force at the passing of the said resolution.
- (3) In exercising its powers under subsection (1) above the General Synod may allocate any members of a Convocation, or of the House of Laity, who were originally elected by the diocesan electors of— 5
- (a) a diocese dissolved by the scheme or an electoral area thereof, or
- (b) a diocese part of which is by virtue of the scheme to become part of another diocese or an electoral area of the first-mentioned diocese, to such diocese, being a new diocese created by the scheme or a diocese the area of which is altered by the scheme, as the Synod may determine. 10
- (4) Any member of a Convocation or of the House of Laity allocated to a diocese in accordance with a determination of the General Synod under subsection (3) above shall be in the same position as if he or she had been elected by the diocesan electors of that diocese.
- (5) A resolution under this section may make provision with respect to any matter incidental to, or consequential on, the other matters with respect to which provision may be made by such a resolution. 15
- (6) The power of the General Synod to make provision in pursuance of this section shall be exercisable on or after the date on which the reorganisation scheme in question is approved by the Synod under section 7 above. 20
- (7) In this section “transitional period” means the period beginning with the date of the commencement of the relevant provision of the reorganisation scheme in question and ending with the date of the dissolution of the General Synod which is in being on the first mentioned date, and “relevant provision” means the provision creating a new diocese, altering the area of a diocese or transferring a diocese from one province to the other, as the circumstances require. 25

Change of name of see

11 Change of name of see

- (1) Without prejudice to any other powers of Her Majesty in Council in relation to sees, Her Majesty in Council, on receipt of a petition from the bishop of the diocese concerned under this section, shall have power to change the name of any diocesan or suffragan see. 30
- (2) Before submitting a petition under subsection (1) above, the bishop shall first consult the Commission and obtain the approval of the diocesan synod of the diocese concerned and shall then, if he decides to proceed with the petition, lay the petition, together with a report thereon from the Commission, before the General Synod for its approval. 35
- (3) Where the Business Committee of the General Synod determines that any such petition does not need to be debated by the Synod, then, unless notice is given by a member of the Synod in accordance with its Standing Orders of a wish for the petition to be debated, the petition shall for the purposes of subsection (2) above be deemed to have been approved by the Synod. 40
- (4) Where the petition is approved by the General Synod the bishop of the diocese may forward it to Her Majesty in Council. 45

General Duty

12 Duty of the bishop to keep episcopal ministry under review

Each bishop of a diocese shall keep under review the provision of episcopal ministry and oversight in his diocese and shall, in carrying out that duty, consult widely such persons and bodies as he thinks fit. 5

Provisions with respect to discharge of episcopal functions

13 Delegation by instrument of certain functions to suffragan bishop

- (1) Subject to the provisions of this section, the bishop of a diocese may by an instrument under his hand delegate to a suffragan bishop of the diocese such of his functions as may be specified in the instrument except functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No.6) or functions under section 2 of the Priests (Ordination of Women) Measure 1993 (1993 No.2). 10
- (2) Such instrument may provide for the discharge of any function specified therein to be subject to such conditions as may be so specified. 15
- (3) Such instrument may provide that the functions thereby delegated may be discharged by the suffragan bishop throughout the diocese or only in a particular area thereof specified in the instrument.
- (4) Such instrument may provide that any function specified therein shall be discharged by the bishop of the diocese and the suffragan bishop acting jointly. 20
- (5) Such instrument may provide for the delegation to be for a period specified in the instrument, but it shall not prevent the making of a fresh instrument at the expiration of that period.
- (6) Such instrument may provide for it to continue to have effect for a period specified in the instrument after either the bishop of the diocese or the suffragan bishop ceases to hold that office (with the substitution for the suffragan bishop of his successor). 25
- (7) Subject to subsection (9) below, such instrument shall cease to have effect on the date on which—
 - (a) the period, if any, specified in the instrument in accordance with subsection (5) or (6) above expires, or 30
 - (b) if subsection (6) above does not apply, the bishop of the diocese ceases to hold that office, or
 - (c) if subsection (6) above does not apply, the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office. 35
- (8) The bishop shall obtain the approval of the diocesan synod of the diocese before making an instrument made under this section but, except where subsection (6) above applies, where the bishop is of the opinion that the matter is urgent and it is not practicable to obtain the approval of the diocesan synod, he may, instead, obtain the approval of the bishop's council and standing committee of that diocesan synod. 40
- (9) Where but for this subsection such instrument would cease to have effect on the date on which the bishop of the diocese or the suffragan bishop to whom functions are delegated by the instrument ceases to hold that office, it shall,

except as provided by section 15 of this Measure, continue to have effect until the date of the expiration of a period of six months beginning with the date on which another person becomes the bishop of that diocese or the date on which the suffragan bishop ceases to hold that office, whichever first occurs.

- (10) The bishop of a diocese may vary or revoke an instrument made under this section by a subsequent instrument made thereunder. 5
- (11) An instrument under this section shall come into operation on the day after the day on which it is made or on such later date as may be specified therein.
- (12) On making an instrument under this section the bishop shall send a copy of the instrument to the Commissioners and to the registrar of the diocese, and the registrar shall file it in the diocesan registry. 10
- (13) Where any function specified in an instrument under this section requires the application of the bishop's seal to a document, the document shall be issued as though it were a deed and be executed by the person authorised by the instrument to discharge that function. 15
- (14) A statement in a document issued in discharging any such function that the person by whom the document is signed or executed has been duly authorised by an instrument under this section to discharge that function shall be conclusive evidence of that fact.
- (15) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions. 20

14 Discharge of certain functions of bishop

- (1) If—
- (a) the bishop of a diocese has executed an irreversible instrument of resignation as bishop or the bishop considers that he will be unable to discharge any or all of his functions by reason of disability, illness or absence from his diocese or by reason of his forthcoming translation to another see; and 25
- (b) there is no person in episcopal orders in the diocese who is for the time being authorised to discharge the relevant functions of the bishop, 30
- the bishop may (in the case of resignation or translation before the resignation or translation takes effect) by an instrument under his hand delegate to a person holding office as a diocesan, suffragan or assistant bishop in the Church of England, without the consent of the diocesan synod, but after consultation with the bishop's council and standing committee of that synod, unless the bishop is unable to consult the bishop's council and standing committee by reason of his disability or illness, such of his functions as may be specified in the instrument, except functions to which an instrument made under section 13 above relates and functions under any Canon made under section 9(2) of the Clergy (Ordination and Miscellaneous Provisions) Measure 1964 (1964 No. 6) or functions under section 2 of the Priests (Ordination of Women) Measure 1993 (1993 No. 2). 35 40
- (2) Subject to section 15 below, the instrument made by a bishop under subsection (1) above shall remain in operation for a period specified in the instrument, which shall not be longer than twelve months but which may be extended by the archbishop of the province. 45

- (3) Where a see is vacant or where, by virtue of any circumstances mentioned in subsection (1) above, the bishop of a diocese is not able to, or does not otherwise, exercise the power conferred on him by that subsection to delegate all of his functions which he may delegate, the archbishop of the province shall exercise the power in lieu of the bishop without the consultation with the bishop's council and standing committee required by subsection (1) of this section; and if that archbishop is unable by reason of disability, illness or absence from his province to exercise the power under this subsection or if the see of that archbishop is vacant the power shall be exercised by the senior bishop of the province. 5
- (4) An instrument made under this section shall come into operation on the day after the day on which it is made or on such later date as may be specified therein. 10
- (5) A power of delegation under subsection (1) or (3) above may be exercised by the appointment of two or more persons qualified for such appointment and by the division among them, whether territorially or otherwise, of the functions to be performed. 15
- (6) Where a function which has been delegated under this section requires the application of the bishop's seal to a document, the document shall be issued as though it were a deed and be executed by the person to whom the function has been delegated. 20
- (7) A statement in a document issued by a person to whom a function has been delegated under this section that the function has been so delegated to him shall be conclusive evidence of that fact.
- (8) An instrument made under this section may be varied or revoked by a subsequent instrument similarly made. 25
- (9) On making an instrument under this section or on making an irreversible instrument of resignation the person making the document shall send a copy to the Commissioners and to the registrar of the diocese, and the registrar shall file it in the diocesan registry. 30
- (10) The making of an instrument under this section shall not be taken as divesting the bishop of the diocese of any of his functions.
- (11) In this section –
- “irreversible instrument” means an instrument duly executed and completed by the bishop which has been accepted by the archbishop of the province; 35
- “senior bishop” means, in the province of Canterbury, the bishop of London and after him the bishop of Winchester and, in the province of York, the bishop of Durham and subject thereto the diocesan bishop who has held office as diocesan bishop in the province in question without interruption from any cause for the longest time. 40

15 Special provision with respect to rights of collation

Where by virtue of any provision of an instrument made under section 13 or 14 above or a reorganisation scheme the right to collate to any benefice upon a vacancy is exercisable by a suffragan bishop of the diocese to which the instrument or scheme relates, that provision shall be of no effect during a vacancy in the see of the bishop of that diocese. 45

16 Provision with respect to Acts, etc. which confer functions on a diocesan bishop

Any Act, Measure or Canon which confers or imposes on the bishop of a diocese any functions which by virtue of an instrument made under section 13 or 14 above or a reorganisation scheme may be discharged by a suffragan bishop shall have effect in any diocese subject to the provisions of any such instrument or scheme relating to that diocese and for the time being in force, and references in that Act, Measure or Canon to the bishop of a diocese shall be construed accordingly. 5

Creation, revival and filling of suffragan sees 10

17 Provisions with respect to filling of suffragan sees

- (1) Where the bishop is aware that a see of a suffragan bishop has become vacant or is shortly to become vacant and the bishop thinks, after taking into account the duty imposed on him under section 12 above, that a proposal to fill the vacancy should be considered he shall consult the diocesan synod as to whether the vacancy should be filled. 15
- (2) Where, after consulting the diocesan synod under subsection (1) above, the bishop decides that the vacancy should be filled he shall notify the archbishop of the province and the Commission of his proposal and give his reasons for it.
- (3) The Commission, within the period of two months of being notified as provided in subsection (2) above, shall notify the bishop and the archbishop either that it agrees with the bishop's proposal or that it considers that the bishop's proposal requires further consideration. 20
- (4) If the archbishop informs the bishop within the period of two months of being notified by the Commission as provided in subsection (3) above that he agrees with the Commission's view that the bishop's proposal requires further consideration the provisions of subsections (6) and (7) below shall apply. 25
- (5) If the Commission has notified the bishop and the archbishop under subsection (3) above—
 - (a) that it agrees with the bishop's proposal, or 30
 - (b) that it considers that the proposal needs further consideration and the archbishop has informed the bishop that he does not agree with the Commission's view,

then the bishop may petition Her Majesty to exercise her powers to appoint a suffragan bishop to fill the vacancy under the Suffragan Bishops Act 1534 (26 Hen. 8 c. 14). 35
- (6) Where subsection (4) above applies, the Commission shall prepare a statement of the effect of the proposal to fill the vacancy on the mission of the Church of England if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and report on the proposal to the bishop, including the statement and estimate in its report. 40
- (7) Section 18(4) to (8) below shall apply to a proposal to which subsection (4) above applies as it applies to a proposal under that section.
- (8) Nothing in this section shall apply to the see of the suffragan bishop of Dover or to any see intended to be held by a suffragan bishop appointed to act as a provincial episcopal visitor under the Episcopal Ministry Act of Synod 1993. 45

18 Provisions with respect to creation of suffragan sees

- (1) No bishop of a diocese shall petition Her Majesty in Council under the Suffragans Nomination Act 1888 (51 & 52 Vict. c 56) to direct that a town in his diocese shall be taken and accepted for a see of a suffragan bishop as if it had been included in the Suffragan Bishops Act 1534 (26 Hen. 8 c. 14) unless his proposal to do so is approved by the diocesan synod and the General Synod 5
- (2) After consulting (if the bishop is not an archbishop) the archbishop of the province the bishop shall send a copy of his proposal, together with a statement of his reasons for making it, to the Commission for it to report thereon. 10
- (3) On receiving such a proposal, the Commission shall prepare a statement of the effect of the proposal on the mission of the Church of England, if implemented and, in consultation with the Commissioners, an estimate of the financial effect of the proposal and shall include the statement and estimate in its report.
- (4) The bishop shall consider the report of the Commission on the proposal and if he decides to proceed with it he shall lay the proposal before the diocesan synod for its approval. 15
- (5) A copy of the proposal and of the report of the Commission thereon shall be sent to every member of the diocesan synod at least three weeks before the session at which the proposal is considered. 20
- (6) If the proposal is approved by the diocesan synod, the bishop shall lay the proposal before the General Synod for its approval.
- (7) A copy of the proposal and of the report of the Commission thereon shall be sent to every member of the General Synod at least fourteen days before the beginning of the group of sessions at which the proposal is considered. 25
- (8) Where the Business Committee of the General Synod determines that the proposal does not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with Standing Orders that that member wishes the proposal to be debated, the proposal shall, for the purposes of subsection (6) above, be deemed to have been approved by the General Synod. 30

Provisions with respect to discharge of functions of certain bodies corporate, etc.

19 Schemes with respect to discharge of functions of diocesan bodies corporate, etc.

- (1) In this and the next following section “diocesan body” means any body corporate or committee established for a diocese or any part thereof, other than a diocesan synod or the bishop’s council and standing committee of a diocesan synod. 35
- (2) A scheme under this section may make provision for one or more of the following purposes – 40
- (a) for constituting a body corporate or committee to discharge in respect of such dioceses as are specified in the scheme the functions previously discharged in respect of each of those dioceses by such diocesan body as is so specified and for winding up or dissolving each such body;
- (b) for empowering such diocesan body for such dioceses, or such parts of such dioceses, as are so specified to discharge any of their functions 45

- jointly and, in particular, to establish a joint committee to discharge any of the functions of each such body;
- (c) for empowering such a diocesan body for such diocese as is so specified to arrange for any of its functions to be discharged by the corresponding diocesan body for such other diocese as is so specified or by a committee or sub-committee of that body. 5
- (3) The bishops of the dioceses to which a scheme under this section is to apply (“the participating dioceses”) shall prepare a draft of such scheme and shall, after obtaining the consent of the Commission, send a copy of the draft to the Commissioners for them to advise and comment thereon. 10
- (4) If the draft scheme would, if implemented, affect a charity, within the meaning of the Charities Act 1993 (1993 c. 10) not being an exempt charity, the bishops of the participating dioceses shall cause a copy of the draft to be sent to the Charity Commissioners for them to advise and comment thereon.
- (5) After any comments made by the Commissioners or the Charity Commissioners on the draft scheme have been received by the bishops of the participating dioceses and the bishops have made such amendments, if any, as they think fit, the bishops shall lay the draft scheme before the diocesan synod of every participating diocese for its approval unless the Charity Commissioners object to the scheme including any amendments made in consequence of their comments and, in such a case, the bishops shall not proceed with the scheme, but without prejudice to the making of a new scheme under this section. 15
20
- (6) A copy of the draft scheme and of any comments thereon made by the Commissioners or the Charity Commissioners shall be sent to every member of the diocesan synod of every participating diocese at least six weeks before the session at which the draft scheme is considered. 25
- (7) If the draft scheme is approved by the diocesan synod of every participating diocese, a copy of the draft scheme shall be signed by the bishops of the participating dioceses who shall thereby make the scheme. 30
- (8) A scheme under this section shall come into operation on the first day of the month next following the making of the scheme or on such later date as may be specified therein.
- (9) The bishop of each participating diocese shall send a copy of the scheme to the Commissioners and to the registrar of his diocese, and the registrar shall file it in the diocesan registry. 35

20 Further provisions with respect to schemes under s.19

- (1) A scheme under section 19 above which makes provision for either of the purposes mentioned in subsection (2)(a) or (b) thereof may provide for regulating the term of office of members of the body corporate or committee referred to therein, for regulating the proceedings of that body or committee and for determining the manner in which its expenses are to be defrayed. 40
- (2) A scheme under section 19 above may contain such incidental, consequential and supplementary provisions as appear to the bishops by whom the scheme is to be made to be necessary or expedient for bringing the scheme into operation and giving full effect thereto and, in particular, but without prejudice to the generality of the foregoing words, provisions— 45

- (a) for the transfer of property and liabilities;
 - (b) for the adjustment of accounts and apportionment of liabilities; and
 - (c) for the settlement of any differences arising in consequence of the operation of the scheme.
- (3) Where a scheme under section 19 above is in force, any enactment relating to the functions to which the scheme applies or the diocesan bodies by which or the dioceses in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the persons by whom and the dioceses in respect of which (whether in pursuance of the scheme or otherwise) they are to be discharged. 5
10
- (4) A scheme under section 19 above may be varied or revoked by a subsequent scheme made thereunder.

Miscellaneous and Supplemental

21 Power of Commissioners to pay stipend, etc. of certain bishops

Where a new bishopric is founded and a new diocese created by a reorganisation scheme, the Commissioners shall have power – 15

- (a) to pay out of their general fund to the bishop of that diocese, and to any suffragan bishop thereof, such a stipend and such annual sum in respect of the expenses incurred by him in connection with the performance of the duties attaching to his office as they think fit; and 20
- (b) to provide the bishop of that diocese with a suitable residence;

but before exercising the power conferred on them by paragraph (b) above the Commissioners shall consult the bishop’s council and standing committee of that diocese.

22 Interpretation of Part II 25

In this Part of this Measure –

“the Commission” means the Dioceses Commission established under section 2 above; and

“reorganisation scheme” means a scheme made under section 7 above.

PART III 30

PROCEDURE FOR MAKING PASTORAL SCHEMES AND ORDERS AND
PASTORAL CHURCH SCHEMES

Introduction

23 Amendment of Part I of Pastoral Measure 1983

- (1) Part I of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure. 35
- (2) Any provision in a pastoral scheme for the closure of a church for regular public worship shall be known as a declaration of closure for regular public worship and a scheme containing any such declaration shall be known as a pastoral church scheme. 40

- (3) Sections 24 to 33 below contain amendments to the said Part I so as to apply it to pastoral schemes or pastoral orders and recommendations or proposals for such schemes or orders which do not contain a declaration of closure of a church for regular public worship.
- (4) Sections 34 to 38 below contain amendments to the said Part I so as to apply it to pastoral church schemes and recommendations or proposals for such schemes. 5

Pastoral schemes and orders

24 Pastoral schemes and orders

In its application to pastoral schemes which do not contain a declaration of closure of a church for regular worship and to orders Part I of the 1983 Measure shall be amended in accordance with sections 25 to 33 below. 10

25 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows –

- (a) in subsection (1), the words “, subject to subsection (7)(a) in the case of interested parties being local planning authorities,” shall be omitted; 15
- (b) in subsection (2), the word “and” after paragraph (e) and paragraph (f) shall be omitted;
- (c) subsections (4), (7) and (8) shall be omitted; and
- (d) in subsection (10), the words from “and, if those proposals include” to the end shall be omitted. 20

26 Approval by bishop of draft proposals and preparation of draft scheme

For section 4 there shall be substituted the following section –

“4. Approval by bishop of draft proposals and preparation of draft scheme

- (1) If the bishop approves, either with or without amendments, draft proposals submitted to him under section 3(9) he shall return the draft proposals to the pastoral committee, with any amendments, for the preparation of a draft scheme or order. 25
- (2) On receipt of the draft proposals the pastoral committee shall prepare a draft scheme or order giving effect to the draft proposals, with any amendments, and shall submit the draft scheme or order to the Commissioners.”. 30

27 Consideration of draft scheme or order by Commissioners

For section 5 there shall be substituted the following section –

“5. Consideration of draft scheme or order by Commissioners 35

- (1) On receipt of a draft scheme or order submitted to them under section 4 the Commissioners shall consider whether the draft scheme or order is in the correct form and is within the powers conferred on the bishop and the pastoral committee and whether the procedures set out in sections 3 and 4 have been properly applied. 40

- (2) Where the Commissioners consider that, in accordance with subsection (1), any amendments should be made to the draft scheme or order, they may make such amendments as they think appropriate.
- (3) If the Commissioners make any such amendments they shall, unless they consider that the amendments are of such a minor nature that further consideration is not required, refer the draft scheme or order, with their amendments, together with an explanation of the reasons for the amendments, to the pastoral committee for further consideration. 5
- (4) The pastoral committee shall, after consulting the bishop, consider the draft scheme or order, as amended by the Commissioners, and may, with the agreement of the bishop, make any amendments which it thinks fit, after taking account of the Commissioners' amendments. 10
- (5) The pastoral committee shall, after considering the draft scheme or order in accordance with subsection (4), re-submit it to the Commissioners, with any amendments, together with an explanation of the action which it has taken on the Commissioners' amendments and subsection (2) and, if appropriate, subsections (3), (4) and this subsection shall apply to any such draft scheme or order. 15
- (6) If the Commissioners consider that it is not possible to amend the draft scheme or order in a way which would enable it to proceed in the correct form or that the procedures set out in sections 3 and 4 have not been properly applied they may return it to the pastoral committee for further consideration. 20
- (7) If the draft scheme or order is returned to the pastoral committee under subsection (6), the pastoral committee shall, after consulting the bishop, consider whether to prepare a new draft scheme or order under section 4. 25
- (8) If the Commissioners do not refer the draft scheme or order to the pastoral committee for further consideration as provided above, they shall return the draft scheme or order to the pastoral committee to proceed with the draft scheme or order under section 6 below." 30

28 Notice and publication of draft scheme or order

Section 6 shall be amended as follows—

- (a) in subsection (1), for the word "Commissioners", in the first place where it occurs, there shall be substituted the words "pastoral committee", for "5" there shall be substituted "4" and after the words "interested parties" there shall be inserted the words "and the Commissioners"; 35
- (b) in subsection (3), for the words from the beginning to the end of paragraph (a), there shall be inserted the words "If a draft scheme is a scheme to which section 30 applies the pastoral committee shall—
"(a) also serve a copy thereof on the Commonwealth War Graves Commission; and" and the words beginning with "and the provisions of paragraph (a)" to the end shall be omitted; and 40
- (c) in subsection (4), for "Commissioners" there shall be substituted the words "pastoral committee" and after the word "scheme", in both places, there shall be inserted the words "or order". 45

29 Amendment of draft scheme or order

Section 7 shall be amended as follows—

- (a) in subsection (1), after the word “may”, there shall be inserted the words “, at any time after a copy of the draft scheme or order has been served on them under section 6(1),” and for the word “them” there shall be substituted the words “the committee”; and 5
- (b) in subsection (2), after the words “any such amendments” there shall be inserted the words “, other than minor drafting amendments,”.

30 Making of scheme or order

Section 8 shall be amended as follows— 10

- (a) in subsection (2), for the words “seal a copy thereof and submit it to the bishop” there shall be substituted the words “issue a certificate to that effect and submit the draft order and the certificate to the bishop”; 10
- (b) in subsection (3), for the words “seal a copy thereof and submit it to the bishop” there shall be substituted the words “issue a certificate to that effect and submit the draft order and the certificate to the bishop”; and 15
- (c) in subsection (4), for the words “copy of an” there shall be substituted the word “draft”.

31 Transmission of copies of scheme or order

Section 10 shall be amended as follows— 20

- (a) in subsection (1) for the word “Commissioners” there shall be substituted the words “pastoral committee”, for the word “them” there shall be substituted the words “the Commissioners” and the words after “interested parties” shall be omitted; and
- (b) in subsection (2), for the word “Commissioners” there shall be substituted the words “pastoral committee”. 25

*Supplementary***32 Withdrawal of scheme or order at request of bishop**

For section 15 there shall be substituted the following section

“15 Withdrawal of scheme or order at request of bishop 30

If the bishop of the diocese concerned or, in a case to which section 12, 13 or 14(2) applies, the bishops of the dioceses concerned, consider that any proposals or draft scheme or order should not be proceeded with, he or they may, after consulting the pastoral committee or committees or (in a case to which section 13 applies) the joint pastoral committee for the dioceses concerned, direct the pastoral committee or, if a draft scheme or order is being considered by the Commissioners under section 5 or the Commissioners have been notified of a draft scheme or order under section 6(1), the Commissioners, not to proceed with the proposals or draft scheme or order, as the case may be, but without prejudice to the making of fresh proposals.”. 35 40

33 Supplementary powers of Commissioners and pastoral committees

For section 16(1) there shall be substituted the following subsection—

“(1) At any time before the notice is given to the Commissioners of a draft scheme or order under section 6(1), the pastoral committee, and at any time after such notice is given, the Commissioners, may make such amendments to the proposals or draft scheme or order, in the case of the pastoral committee, or to the draft scheme or order, in the case of the Commissioners, as may appear to the pastoral committee or the Commissioners, as the case may be, to be necessary for the purpose of correcting any drafting mistake or omission.”. 5

Pastoral church schemes

34 Pastoral church schemes

- (1) In its application to pastoral church schemes Part I of the 1983 Measure shall be amended in accordance with sections 35 to 38 below. 10
- (2) In its application as aforesaid, except in proviso (ii) to section 5(4), any reference, however expressed, to a pastoral order shall be omitted.

35 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows— 15

- (a) subsection (4) shall be omitted;
- (b) in subsection (7) for the word “redundancy” there shall be substituted the words “closure for regular public worship”;
- (c) in subsection (8), after paragraph (c) there shall be inserted the following paragraph— 20
 “(d) any information or advice which the Council thinks appropriate to give concerning possible architectural or structural changes in each church mentioned in the notice in the event of its closure for regular public worship or, in the event that the church is not so closed, concerning any such changes which would facilitate its use for purposes which are consistent with use for regular public worship;” 25
 and
- (d) for subsection (10) there shall be substituted the following subsection—
 “(10) The committee shall annex to the draft proposals formulated by it a statement of the views of the interested parties and a copy of the report prepared by the Council under subsection (8).” 30

36 Amendment of proposals and preparation of draft scheme by Commissioners

Section 5 shall be amended as follows—

- (a) in subsection (2), the words “provide for a declaration of redundancy and also” shall be omitted; 35
- (b) in subsection (2), for the words “Advisory Board” there shall be substituted the words “Council for the Care of Churches”; and
- (c) for subsection (4) there shall be substituted the following subsection—
 “(4) The Commissioners shall prepare a draft scheme to give effect to the proposals, with any amendments made under subsection (3): 40
 Provided that—
- (i) the Commissioners may, with the agreement of the bishop, given after consultation with the pastoral committee, decide to proceed with some but not all of the proposals, and in that

- case this subsection shall apply as if they were the only proposals;
- (ii) if, as a result of the Commissioners' decision under proviso (i), the proposals no longer contain a declaration of closure for regular public worship, the Commissioners shall refer the proposals to the pastoral committee and the pastoral committee shall proceed as if the proposals related to a draft pastoral scheme or order, as the case may be.”. 5
- 37 Notice and publication of draft scheme**
- In section 6 (3), for the words from the beginning to the end of paragraph (a) there shall be substituted the following words “The Commissioners shall – 10
- (a) also serve a copy thereof on the Council for the Care of Churches, English Heritage and the Joint Committee of the National Amenity Societies and on the Commonwealth War Graves Commission and, if the draft scheme provides for the care and maintenance of the building proposed to be closed for regular public worship by the Churches Conservation Trust, that Trust;” 15
- 38 Transmission of copies of scheme**
- In section 10(1) for the words “, in the case of a scheme containing a declaration of redundancy, to the Advisory Board” there shall be substituted the words “to the Council for the Care of Churches”. 20

PART IV

CHURCHES CLOSED FOR REGULAR PUBLIC WORSHIP

Introduction

- 39 Amendment of Part III of Pastoral Measure 1983**
- (1) Part III of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure. 25
- (2) For any reference in the said Part III to a pastoral scheme there shall be substituted a reference to a pastoral church scheme.

Functions of pastoral committee concerning buildings closed for regular public worship

- 40 Functions of pastoral committee concerning buildings closed for regular public worship** 30
- For section 42 there shall be substituted the following section –
- “42 Functions of pastoral committee concerning buildings closed for regular public worship**
- (1) The pastoral committee shall be under a duty, in respect of each church closed or proposed to be closed for regular public worship – 35
- (a) in the case of a listed building or a building situated in a conservation area, to make every endeavour to find a suitable alternative use or suitable alternative uses for the building, and

(b) in the case of any other building, to develop proposals for the suitable use or demolition of the building or the disposal of the site of the building.

(2) In carrying out its functions under this section the pastoral committee shall obtain advice from the Commissioners, persons having expertise in the management, development and disposal of property and such other professional advisers as it thinks fit. 5

(3) The pastoral committee shall report to the Commissioners at such times as it thinks appropriate on the progress made in discharging its duties under subsection (1) and, in any case, within the period of six months from its last report, and also when required to do so by the Commissioners. 10

(4) When the pastoral committee has found a suitable alternative use or suitable alternative uses for the building or has reached the conclusion that no such use can be found it shall report to the Commissioners with its recommendations. 15

(5) The Commissioners may, in the case of any church closed for regular public worship, require the pastoral committee to refer the case to them and, thereupon, the duties under subsection (1) shall be discharged by the Commissioners instead of the committee, but the Commissioners shall, in carrying out that duty, consult the committee.”. 20

Pastoral church schemes

41 Provision by pastoral church scheme for appropriation or demolition of church to be closed for regular public worship to be replaced by new church

Section 46 shall be amended as follows –

- (a) in subsection (1), for the words from the beginning of the subsection to the beginning of paragraph (a) there shall be substituted the following words “Where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a church or churches in that area which should thereupon be closed for regular public worship and where the Commissioners, after consulting the Council for the Care of Churches, are satisfied with the proposals made under section 42(1) for the future of the church to be closed, then a pastoral church scheme may further provide”; and 25
30
- (b) subsections (3) to (6) shall be omitted.

42 Other provision by pastoral church scheme for church closed for regular public worship 35

Section 47 shall be amended as follows –

- (a) in subsection (2), for the words “Advisory Board” there shall be substituted the words “Council for the Care of Churches”; and
- (b) after subsection (2) there shall be inserted a new subsection – 40
45
“(2A) Where a pastoral church scheme contains a declaration of closure of a church for regular public worship and the church is neither a listed building nor situated in a conservation area, the scheme may provide for the demolition of the church and for any of the matters for which section 51(4) makes provision.”.

*Pastoral (church disposal) schemes***43 Use seeking period**

Section 49 shall be amended as follows –

- (a) for the heading there shall be substituted the following heading “Use seeking period”; 5
- (b) in subsection (1), the words from “, and the Commissioners” to the end of the subsection and the provisos shall be omitted;
- (c) at the end of the subsection the following words shall be added –
 “Provided that the Commissioners shall not prepare a pastoral (church disposal) scheme in respect of a church closed for regular public worship for a period of six months after the declaration takes effect if the scheme provides for the demolition of a church which is either a listed building or is situated in a conservation area, unless the Commissioners are satisfied, after consulting the Council for the Care of Churches, that, at that stage, there is no objection to the demolition taking place.”; 10
- (d) in subsection (2)(b) after the word “faculty” there shall be inserted the words “, but after consulting the Diocesan Advisory Committee and the chancellor of the diocese unless the board considers that, having regard to the urgency of the need to safeguard the contents, it is not practicable to do so,”; and 15
- (e) in subsection (4) for the words “Advisory Board” there shall be substituted the words “Council for the Care of Churches”.

44 Procedure for making pastoral (church disposal) schemes

Section 50 shall be amended as follows –

- (a) in subsection (1), for the words from the beginning to the word “fulfilled” there shall be substituted the words “The Commissioners may at any time or, where the proviso to section 49(1) applies, after the period of six months mentioned therein has expired”; 25
- (b) in subsection (1), for the word “three”, in both places where it occurs, there shall be substituted the word “two”; and 30
- (c) in subsections (2) and (3), for the words “Advisory Board” there shall be substituted the words “Council for the Care of Churches” and, in subsection (2), for the words “said Board” there shall be substituted the word “Council”. 35

45 Contents of pastoral (church disposal) schemes

Section 51 shall be amended as follows –

- (a) in subsection (1)(b), for the words “Advisory Board” there shall be substituted the words “Council for the Care of Churches”; 40
- (b) in subsection (2)(c), after the word “Commissioners” there shall be inserted the words “or the diocesan board of finance”; and
- (c) in subsection (9), after the words “makes provision”, there shall be inserted the words “, within the period of three years from the declaration of closure or such longer period as the Commissioners may allow,”. 45

PART V

MISSION

*Mission initiatives***46 Mission initiatives**

- (1) Where a person or group of persons is carrying out or is proposing or wishes to carry out an initiative in any diocese or any part thereof (in this section and sections 47, 48 and 49 below referred to as a “mission initiative”) and – 5
- (a) that person or group or any other person or body exercising ecclesiastical functions in the diocese requests the bishop of the diocese to make an order under this section, or 10
- (b) the bishop, without any such request being made, considers that it would be appropriate to make an order under this section, then, if the bishop is satisfied that the initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it, he may make such an order. 15
- (2) An order under this section shall endorse the initiative and make provision for it in accordance with this section and sections 47 and 48 below and shall be known as a bishop’s mission order.
- (3) Where any mission initiative is being or is to be carried out in more than one diocese the bishop’s mission order shall be made jointly by the bishop of each diocese affected by the order and subsection (1) above shall have effect accordingly. 20
- (4) Any bishop’s mission order shall specify the objectives of the mission initiative and the areas in which it is being or is to be carried out and specify a person or persons or a group of persons who or which is to lead the mission initiative and be responsible to the bishop for the conduct of it (in this section and sections 47 to 50 below referred to as the “leader” or “leaders”) and the role of the leader or leaders. 25
- (5) Before making any bishop’s mission order the bishop or bishops, as the case may be, must – 30
- (a) obtain the consent of the pastoral committee in the diocese or each diocese affected by the order and the leader or leaders,
- (b) consult any person or group of persons who or which appears to him or them to have an interest in or be likely to be affected by the order and any other person or body which he or they think fit including any body which he or they consider would adequately represent the interests of any such person or group; and 35
- (c) consult such other Churches and religious organisations as he thinks or they think fit.
- (6) The bishop, or bishops, as the case may be, may authorise a person or body to carry out the consultation referred to in subsection (5)(b) and (c) above on his or their behalf. 40
- (7) No person may officiate in any place in accordance with a bishop’s mission order unless –
- (a) if that person is ordained as a priest or deacon, he or she has received authority from the bishop by virtue of being instituted to a benefice or 45

- licensed by the bishop to serve or having written permission to officiate in any diocese affected by the order or may, otherwise, under any Canon of the Church of England, officiate in that place without the authority of the bishop, or
- (b) if that person is a deaconess, reader or lay worker, he or she is authorised, under any Canon, to do so. 5
- (8) Subject to subsection (7) above, any bishop's mission order may include provision authorising a minister to exercise his or her ministry in any place for the purposes of or in connection with the mission initiative in any manner specified in the order and, where he or she is not the minister who has the cure of souls in that place, without obtaining the permission of the minister who has that cure but, before including any such provision, the bishop shall consult – 10
- (a) if the order affects one parish only, the incumbent or priest in charge of that parish,
- (b) subject to paragraphs (c) to (e) below, if the order affects more than one parish in a diocese, either the incumbents or priests in charge of those parishes or the House of Clergy of the Deanery Synod of the deanery in which the parishes are situated, as the bishop or bishops thinks or think fit, 15
- (c) if the order affects all the parishes situated in a deanery, the House of Clergy of the Deanery Synod of that deanery, 20
- (d) if the order affects parishes situated in more than one deanery, the House of Clergy of the Deanery Synod of each deanery affected or the House of Clergy of the Diocesan Synod of the diocese in which the parishes are situated, as the bishop or bishops thinks fit or think fit, and 25
- (e) if the order affects parishes situated in more than one diocese, the House of Clergy of the Deanery Synod of each deanery affected or the House of Clergy of the Diocesan Synod of each diocese affected, as the bishop or bishops thinks fit or think fit.
- (9) Any alms collected in the course of or in connection with an office or service performed in accordance with the order shall be disposed of in such manner as the minister performing the office or service may, subject to the direction of the bishop or bishops of the diocese or dioceses affected, determine. 30
- (10) Subject to subsection (7) above any bishop's mission order may include provision authorising the performance of divine service, including Holy Communion, if so specified, in any building other than a parish church, parish centre of worship or place licensed for public worship in accordance with section 29(1) of the 1983 Measure or a guild church with the consent of the person who has the general management and control of the building. 35
- (11) Subject to subsection (7) above, any bishop's mission order may include provision authorising the performance of any divine service, including Holy Communion, in any parish church or place excluded from subsection (10) above with the consent of any minister having the cure of souls in that place. 40
- (12) Nothing in this section shall authorise any act done in contravention of a resolution passed under section 3(1) or 4(1) of the Priests (Ordination of Women) Measure 1993 (1993 No. 2). 45

47 Visitors

- (1) A bishop's mission order shall designate a person, to be known as "the Visitor", who shall, on behalf of the bishop or bishops, –

- (a) exercise oversight of the mission initiative and advise and encourage and, so far as practicable, provide support for it;
 - (b) review the mission initiative at intervals of not more than eighteen months or such lesser period as may be specified in the bishop's mission order and report to the bishop or bishops, as the case may be, on the outcome of the reviews and send copies of the report to the leader or leaders; 5
 - (c) report regularly to the bishop or bishops on the discharge of his or her duties and the progress of the mission initiative and send copies of the reports to the leader or leaders; 10
 - (d) at the end of the period of the bishop's mission order report to the bishop or bishops and send copies of the report to the leader or leaders and the pastoral committee;
 - (e) ensure that proper accounting records of the mission initiative are kept and accounts are prepared annually which show a true and fair view of all activities carried out in accordance with professional practice and standards; and 15
 - (f) advise the bishop or bishops and the leader or leaders on initiating and developing appropriate methods of governance of the mission initiative. 20
- (2) The leader or leaders shall—
- (a) consult the Visitor regularly about the general direction and development of the mission initiative, and
 - (b) supply the Visitor with a copy of the annual accounts and any other information which the Visitor requires in order to carry out his or her functions. 25
- (3) Any person may draw to the Visitor's attention any matter relating to the mission initiative of which he or she thinks the Visitor should be aware.

48 Supplementary Provisions

- (1) A bishop's mission order may contain such supplementary provisions as the bishop or bishops, as the case may be, thinks or think fit and, if he or they thinks or think fit, they may include any such provisions in a supplementary instrument being provisions which, in his or their opinion, would further the objectives of the mission initiative. 30
- (2) Without prejudice to the generality of subsection (1) above the bishop's mission order or supplementary instrument may make provision— 35
- (a) for the stipends, remuneration, pensions or housing and other expenses of any persons exercising functions under the bishop's mission order;
 - (b) for any other offices or functions which such persons may hold or perform in conjunction with their functions under the order; 40
 - (c) for the replacement, where necessary, of any persons or bodies exercising functions under the order by other persons or bodies;
 - (d) for the organisation, governance and financing of the mission initiative including the management and control of any property used by those exercising functions under the order; 45
 - (e) for any measures required for the protection of children, young persons and other vulnerable persons and for health and safety and insurance;
 - (f) for relationships between persons involved with the mission initiative and persons who have the cure of souls within any area to which the

- bishop's mission order relates and with other churches, institutions and religious organisations,
- (g) for ecumenical co-operation with other Churches; and
- (h) after consulting the Visitor and such other person or body as the bishop or bishops thinks or think fit, for representation by persons to whom the order relates on such deanery synod as he thinks or they think fit in accordance with a scheme made by the diocesan synod of the diocese in which the deanery is situated and subsection (3) below shall have effect in connection with any such provision. 5
- (3) Where, in pursuance of subsection (2)(g) above, it is proposed to include in a bishop's mission order provision for participation in a local ecumenical project, the bishop or bishops shall as well as carrying out such consultation as is referred to in section 46(5) above, consult appropriate authority of each Church participating in the project or proposed project. 10
- (4) In the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure (1969 No.1), after rule 27 there shall be inserted the following rule— 15
- “27A Representation of persons to whom mission orders relate**
- (1) Any diocesan synod may, at the request of the bishop or bishops who has or have made a bishop's mission order under section 46 of the Pastoral and Dioceses Measure 200... which is in force, provide by scheme for representation on such deanery synod as may be determined by or under the scheme of such persons to whom the order relates as may be specified in or under the scheme. 20
- (2) The provisions of rule 26(2) shall apply to schemes made under this rule.”.
- (5) The bishop or bishops may vary any bishop's mission order or any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so except with the consent of the pastoral committee or committees of the diocese or dioceses concerned and after consulting the leader or leaders, the Visitor, any relevant person having the cure of souls and any other person or body which he thinks or they think fit and section 46(8) or subsection (3) above shall apply if any variation relates to any such provision as is referred to in either of those subsections. 25 30
- (6) The bishop or bishops may revoke any bishop's mission order and any supplementary instrument by a further order or instrument but, in the case of an order, shall not do so without obtaining the like consents and carrying out the like consultation as is referred to in subsection (5) above. 35
- (7) Any leader shall have the right to make written or oral representations (or both) to the pastoral committee or committees in respect of any order varying or revoking a bishop's mission order and any such order may include provision in respect of the management or disposal of property and of any other matters for which it is, in the opinion of the bishop or bishops, expedient to make provision. 40
- (8) Any bishop's mission order or supplementary instrument shall specify its duration, but, subject to section 49 below, no such order, taken together with any order varying it, shall extend beyond the period of five years from the date on which it is made. 45
- (9) Any order under section 46 above or this section and any instrument under this section shall be signed by the bishop or bishops, as the case may be, or by a person authorised by him or them and shall also (except in the case of an order or instrument varying or revoking an order or instrument) be signed by the 50

leader or leaders and shall contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.

- (10) In this section “ecumenical co-operation” means co-operation in matters affecting the ministry, congregational life or buildings of the Churches concerned and “local ecumenical project” has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988 (1988 No. 3). 5

49 Review of duration of mission initiatives and further provisions

- (1) Without prejudice to section 47(1)(b) above, the Visitor shall conduct a review of the mission initiative not less than six months before the expiry of the bishop’s mission order under section 48(8) above, in consultation with the leader or leaders, the pastoral committee of each diocese affected by the order and such other persons or organisations referred to in section 46(5)(b) and (c) as the Visitor thinks fit. 10
- (2) The Visitor shall report to the bishop or bishops on the outcome of the review conducted under subsection (1) above and the report shall contain the Visitor’s recommendations on whether the mission initiative should continue and, if so, whether the bishop’s mission order should be renewed and, if it should, on the period (not exceeding five years) of the renewal or, if not, how the mission initiative or its objectives should be continued. 15
- (3) The Visitors report may contain such other recommendations or comments as the Visitor may think fit. 20
- (4) The bishop or bishops, after considering the report, may, if he or they consider that the mission initiative should continue, with the consent of the pastoral committee and after carrying out such further consultation as he thinks or they think fit make a further bishop’s mission order continuing the mission initiative and, if he thinks or they think fit, a further supplementary instrument. 25
- (5) The further order and supplementary instrument, if any, shall specify the duration of the order and instrument and the order shall continue in force— 30
- (a) for a period of up to five years, or
 - (b) for a period of up to eighteen months so as to enable arrangements to be made for the mission initiative or its objectives to be continued by other means.
- (6) If the bishop or bishops make a further order under subsection (5)(a) above the Visitor shall be under the like duty to review and report on the mission initiative as is conferred on him by subsections (1), (2) and (3) above and section 47(1)(b) above shall not apply. 35
- (7) The bishop or bishops, after considering the report may, if he or they consider that the mission initiative should continue, with the consent of the pastoral committee, make a further mission order and, if he thinks or they think fit, a further supplementary instrument, if he or they consider that there are no other suitable means by which the mission initiative or its objectives can be achieved. 40
- (8) Any order or supplementary instrument made under subsection (7) above shall continue without limit of time, but may be revoked or varied by a further order or instrument. 45

- (9) Any order or supplementary instrument made under this section may, so far as appropriate, make provision for any of the matters mentioned in sections 46 to 48 above and those sections shall apply accordingly.
- (10) Any order or supplementary instrument may be varied or revoked by a further order or instrument and section 48(4), (5) and (6) above shall apply in relation to any such order or instrument as it applies to orders and instruments made under that section. 5
- (11) Any order or instrument under this section shall be signed in like manner as is provided by section 48(9) above and shall include the like requirement to contain a declaration of acceptance by the leader or leaders. 10

50 Code of Practice

- (1) The House of Bishops shall draw up and promulgate guidance in a Code of Practice as to the exercise of the functions conferred by sections 46 to 49 above.
- (2) The House of Bishops may amend or replace any Code issued under subsection (1) above by a further Code of Practice issued in accordance with this section. 15
- (3) A Code of Practice shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (4) Where the Business Committee of the General Synod determines that a Code of Practice does not need to be debated by the General Synod then, unless – 20
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the Code to be debated, or
 - (b) notice is so given by any such member that he or she wishes to move an amendment to the Code, 25
- the Code shall, for the purposes of subsection (3) above, be deemed to have been approved by the General Synod without amendment.
- (5) The bishop or bishops who make any order or instrument under section 46, 48 or 49 above, any leader, any Visitor and any pastoral committee shall be under a duty to have regard to any Code of Practice issued under this section. 30

PART VI

PASTORAL AND CHURCHES USES FUNCTIONS

Pastoral committees

51 Appointment of pastoral committees

- (1) The diocesan synod of every diocese shall, within the period of eighteen months beginning with the date of the coming into force of this section, establish a committee which shall have the functions conferred on it under this Measure. 35
- (2) The committee established under subsection (1) above may be called by such name as the diocesan synod may decide but, in this Measure and in any other enactment, shall be known as the pastoral committee. 40

- (3) The pastoral committee shall not be the same body as the pastoral committee established under section 1 of the 1983 Measure unless it is reconstituted in accordance with subsection (4) below but, otherwise, subject to that subsection, may be an existing body or a new body established to carry out the functions referred to in subsection (1) above and may have other functions in addition to those functions. 5
- (4) The diocesan synod shall provide the pastoral committee with a written constitution or, if the committee is reconstituted as mentioned in subsection (3) above, an amended written constitution, which shall comply with the provisions of Schedule 3 to this Measure. 10
- (5) The pastoral committee shall present annually to the diocesan synod a report on its activities during the preceding year and shall also present annually to the Commissioners a report on the exercise of its functions under section 52(3)(e) below.
- (6) There shall no longer be a diocesan redundant churches uses committee for any diocese. 15

52 Functions of pastoral committees

- (1) In carrying out any of its functions the pastoral committee shall, without prejudice to section 1 above, have regard to worship, mission and community as central to the life and work of the Church of England. 20
- (2) In carrying out any of its functions the pastoral committee shall also have regard to—
- (a) the financial implications for the diocese and the Church of England as a whole;
 - (b) subject to subsection (5) below, the need to allocate appropriate spheres of work and to ensure that appropriate conditions of service are enjoyed by those employed or holding office in the diocese and, where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls; 25
 - (c) the traditions, needs and characteristics of particular parishes; and 30
 - (d) any other aspects of the policies of the diocesan synod to which the synod has requested the committee to have regard in discharging its responsibilities.
- (3) It shall be the duty of the pastoral committee—
- (a) to make or assist in making better provision for the cure of souls in the diocese as a whole and, to the extent that the committee thinks appropriate, in particular parts of the diocese or in particular parishes; 35
 - (b) from time to time, as the bishop may direct, or as the committee thinks fit, to review arrangements for pastoral supervision and care in the diocese or any part of it (including sharing agreements in respect of a church or parsonage house and any proposals for sharing agreements); 40
 - (c) from time to time, as the bishop may direct, or as the committee thinks fit, to prepare strategies or proposals for carrying out the committee's functions under paragraphs (a) and (b) above for submission to the bishop and the diocesan synod for their approval; 45
 - (d) to exercise oversight of matters relating to church buildings in the diocese and their use, other than matters which are the responsibility of the consistory court and the Diocesan Advisory Committee;

- (e) in the case of listed buildings or buildings in a conservation area, to make every endeavour to find suitable alternative uses for churches which have been or are proposed to be closed for regular public worship in the diocese and, in the case of any other building, to develop proposals for the suitable use or demolition of the building or the disposal of the site of the building; 5
 - (f) where it considers it desirable, to make recommendations to the bishop in accordance with section 3 of the 1983 Measure for any of the matters for which provision may be made under that Measure (other than section 36) by a pastoral scheme or order; and 10
 - (g) to carry out any other functions formerly conferred upon a pastoral committee or a redundant churches uses committee under the 1983 Measure or any other enactment.
- (4) The pastoral committee shall, in carrying out any of its functions, to the extent that it thinks appropriate, consult any other persons or bodies, whether within the Church of England or not, which exercise functions or carry out activities relevant to the functions of the committee. 15
- (5) Nothing in this section shall enable the pastoral committee—
- (a) to exercise functions conferred on any other person or body under any enactment, or 20
 - (b) to fix or alter the terms of service of any person employed or holding office in the diocese.

PART VII

OTHER PROVISIONS

Care of churches 25

53 Council for the Care of Churches

- (1) There shall be established a body known as the Council for the Care of Churches (in this section and sections 54 to 56 below referred to as “the Council”) which shall have the functions set out in those sections.
- (2) Schedule 4 to this Measure shall have effect with respect to the membership and proceedings of the Council. 30
- (3) In carrying out its functions the Council shall have due regard to the role of a church as a local centre of worship and mission and, where appropriate, to the provisions of the 1983 Measure, including, in particular, those relating to the making of pastoral church schemes and pastoral (church disposal) schemes and to proposals for the closure of churches for regular public worship. 35
- (4) The Advisory Board for Redundant Churches shall cease to exist.

54 Functions of Council in relation to churches, etc. in use

- (1) It shall be the duty of the Council—
 - (a) to advise the Archbishops’ Council and the General Synod, when requested to do so, on matters relating to churches; 40
 - (b) to consider consultation by and requests for advice from ecclesiastical courts, judges and registrars and from Diocesan Advisory Committees

- in relation to applications or possible applications for the grant of a faculty, any other matter referred to in section 6(1)(b) or (bb) of the Ecclesiastical Jurisdiction Measure 1963 (1963 No.1) and any matter to which any provision in Part III of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1) relates and, to the extent that the Council thinks appropriate, respond to such requests or consultation; 5
- (c) to promote the care and conservation of churches and greater knowledge, understanding and enjoyment of and artistic activity relating to churches both within the Church of England and more widely among the general public or sections of the public on its own or in conjunction with other persons and bodies; 10
- (d) to promote, in consultation with such other persons and organisations as it thinks fit, by means of guidance or otherwise, standards of good practice in relation to the use, care, conservation, repair, planning, design and development of churches; and 15
- (e) to convene, annually, a meeting of the chairmen and secretaries of Diocesan Advisory Committees and, so far as practicable, to maintain regular contact with those committees.
- (2) The Council shall have power to give information and advice, whether or not requested to do so— 20
- (a) to any person or body having, within the Church of England, either nationally or within a diocese or part thereof or a parish or any other area responsibility for or functions relating to the use, care, conservation, repair, planning, design and development of churches on such matters either generally or in relation to particular buildings; 25
- (b) to any person or body other than one within the Church of England having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to specific buildings therein mentioned; and 30
- (c) to any person or body having responsibility for or functions relating to the matters referred to in paragraph (a) above in relation to specific places used for Christian worship by Churches other than the Church of England.
- (3) The Council shall have power to charge such fee as it thinks fit and to recover expenses when responding for a request for advice under subsection (2) (b) or (c) above. 35
- (4) The Council shall also have power—
- (a) to liaise, co-operate and exchange information with and hold conferences with or for government departments, local authorities and other bodies or persons, whether within or outside the British Isles and, where appropriate, advise them, in relation to— 40
- (i) the use, care, conservation, repair, planning, design and development of churches and corresponding buildings used by Churches other than the Church of England, 45
- (ii) the obtaining or granting of funds or permission for the carrying out of works in relation to such matters, and
- (iii) the formulation of policy or of proposals for legislation in relation to them; and

- (b) where requested to do so by any body which makes available funds for the care and conservation of churches, to allocate funds on behalf of that body or give advice in relation to such care and conservation.
- (5) In this section and section 56 below “church” includes a part of a church and –
- (a) any other place of worship according to the rites and ceremonies of the Church of England, including any building to which a sharing agreement within the meaning of the Sharing of Church Buildings Act 1969 (1969 c. 38) applies, 5
 - (b) any curtilage of such a church or place of worship and any churchyard or burial ground or part thereof annexed thereto, 10
 - (c) any other parochial burial ground, or part thereof, whether or not so annexed, and
 - (d) any contents of such a church or place of worship or any other articles appertaining thereto, 15
- but does not include a cathedral.
- 55 Functions of Council in relation to churches proposed for closure for regular public worship**
- (1) The Council shall be under a duty –
- (a) to prepare the reports referred to in section 3(8) of the 1983 Measure and send copies of the reports to the bodies referred to therein; 20
 - (b) in response to consultation by or requests for advice from the Commissioners under section 5(2), 44(5)(bb), 44(5A)(a), 44(7B), 46(1), 47(2)(a), 49(1), 50(2)(b), 51(1)(b) of the 1983 Measure or otherwise to give information and advice to the Commissioners about –
 - (i) the historic and archaeological interest and architectural quality of any church to which this section applies; 25
 - (ii) the historic and architectural interest and aesthetic qualities of the contents of any such church;
 - (iii) the value of any such church as part of its setting and surrounding landscape; 30
 - (iv) the overall importance of the church; and
 - (v) having regard to the matters referred to in sub-paragraphs (i) to (iv) above, the potential impact of any architectural or structural changes or other physical alterations to the church;
 - (c) in response to consultation by or requests for advice from the Churches Conservation Trust under section 44(5)(bb) or (7B) of the 1983 Measure to give information and advice to the Trust about any of the matters referred to in paragraph (b) above; 35
 - (d) to consider and, to the extent that the Council considers appropriate, make representations on any draft pastoral church scheme or pastoral (church disposal) scheme of which a copy is sent to it under section 6(3) or 50(3) of the 1983 Measure; and 40
 - (e) when requested to do so by the Archbishops’ Council, the Commissioners or the General Synod, to give information and advice on any of the matters referred to in paragraph (b) above in relation, generally, to churches to which this section applies or in relation to particular categories of such churches. 45
- (2) The Council shall have power, when requested to do so, to give information and advice to any diocesan body or other body or person on any of the matters

referred to in subsection (1)(b) above in relation to a church or group of churches to which this section applies:

Provided –

- (i) the Council shall not give any such information or advice to a person or body other than a diocesan body in a case where it has been consulted by the Commissioners under section 5(2) of the 1983 Measure unless it has first consulted the Commissioners and had regard to any views expressed by them and in this subsection “diocesan body” means any body corporate or committee established for a diocese or part thereof; and
 - (ii) the Commissioners and the Council may, by agreement in writing, exclude from the operation of proviso (i) above any information or advice relating to any such categories of matters as may be specified in the agreement.
- (3) This section applies to a church or part of a church as respects which the question arises whether it ought to be closed for regular public worship or as respects which questions arise as to its use, demolition, or preservation on or in the event of it being closed for regular public worship or as respects questions arise as to a proposed acquisition of a church closed for regular public worship under section 44(5A) of the 1983 Measure and references in this section to a church include part of a church and include references to its curtilage and to any churchyard or burial ground annexed thereto.

56 General functions of the Council

- (1) The Council shall also be under a duty –
 - (a) to maintain jointly with the Cathedrals Fabric Commission for England (in this section referred to as the “the Commission”) a library of books, plans, drawings, photographs and other material relating to churches and cathedrals and the objects in them;
 - (b) to work closely with the Commission on matters of common concern;
 - (c) to present annually to the General Synod a report of its activities during the year and to send copies of the report to the Archbishops’ Council, the Commissioners and the Secretary of State and, if the Council and the Commission think fit, the Council’s report may be combined with an annual report of the Commission; and
 - (d) to carry out any duties or exercise any powers imposed or conferred upon the Council by or under any other enactment.
- (2) The Council shall have power, in connection with the carrying out of its functions, to acquire books, plans, drawings, photographs and other materials relating to churches and their contents and corresponding buildings used by Churches other than the Church of England and lands annexed thereto and their contents.
- (3) The Council shall have power to administer trusts for any purpose connected with the carrying out of its functions.
- (4) The Commissioners may make grants out of their general fund in respect of the expenses incurred by the Council in providing information or advice to them whether at their request or otherwise.

*Pastoral orders***57 Powers exercisable by pastoral order**

- (1) In section 37(1)(e) of the 1983 Measure for subparagraph (vi) there shall be inserted the following subparagraph—

“(vi) establish a group ministry under section 21(1) and terminate and alter a group ministry under section 22(1)(d) and (e);”.

- (2) Any reference in Schedule 3 to the 1983 Measure to a pastoral scheme shall, where it relates to provisions which may be included in a pastoral order by virtue of subsection (1) above, be construed as including a reference to a pastoral order.

*Churches Conservation Trust***58 Composition of Churches Conservation Trust**

In section 44(2) of the 1983 Measure for the word “six” there shall be substituted the word “nine” and after the word “York” there shall be inserted the words “formulated after consultation with the Commissioners and the Secretary of State”.

*Team Ministries and Team Councils***59 Amendment of Schedule 3 to 1983 Measure**

- (1) Schedule 3 to the 1983 Measure shall have effect subject to the following amendments.

- (2) In paragraph 1(4) after the word “chairman” there shall be inserted the following words “, the rector, any vicar in a team ministry, every member of a team to whom section 20(3A) applies and any person having a special responsibility for pastoral care under section 20(8A)”.

- (3) In sub-paragraph (7) for the words “sub-paragraph (7A)” there shall be substituted the words “sub-paragraphs (7A) and (7B)”.

- (4) For sub-paragraph (7A) there shall be substituted the following sub-paragraphs—

“(7A) Every vicar in a team ministry, every member of a team to whom section 20(3A) applies and any person having a special responsibility for the care of souls under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.

(7B) Every person referred to in sub-paragraph (7A) above other than a person who wishes to be considered for presentation shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be presented as rector of the team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (7A).”.

- (5) In paragraph 2(2) for the words after “team ministry” to the end there shall be substituted the words “shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that

ministry is considered and chosen and shall be entitled to attend and vote at meetings of the diocesan board of patronage for the like purpose”.

- (6) For paragraph 2(3) there shall be substituted the following sub-paragraphs—

“(3) Every vicar in a team ministry, every member of a team to whom section 20(3A) applies and any person having a special responsibility for the care of souls under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two of them (acting unanimously or by majority) as may be present at the meeting in question. 5

(3A) Every person referred to in sub-paragraph (3) above other than a person who wishes to be considered for appointment shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be chosen as vicar in a team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (3).” 10

- (7) Sub-sections (2) to (6) above shall apply only—

(a) where a team ministry established by a pastoral scheme comes into existence after the coming into force of those subsections, or 15

(b) in the case of a team ministry in existence before that date, the pastoral scheme establishing the team ministry is amended by a pastoral scheme or order made after that date which makes express provision for the application of the provisions of subsections (2) to (6) above. 20

- (8) In paragraph 2(7), at the beginning, there shall be inserted the words “Subject to sub-paragraph (7A) below” and after sub-paragraph 2(7) there shall be inserted the following sub-paragraph—

“(7A) Where a team council has been established by a pastoral scheme in respect of a benefice comprising more than one parish, the team council shall appoint two lay members to represent the council in connection with the selection of vicars in the team ministry and, in sub-paragraph (6), the words “parish representatives” shall be construed accordingly.” 25

Compensation of Clergy

60 Amendment of Schedule 4 to 1983 Measure 30

For paragraph 15(3) of Schedule 4 to the 1983 Measure there shall be substituted the following sub-paragraphs—

“(3) The registrar of each province shall appoint a secretary to the Appeal Tribunal for each province, who may be the registrar.

(3A) The same person may be appointed by both registrars as secretary to both Tribunals and the registrars of both provinces may agree that one of them shall be the secretary to both Tribunals.” 35

Assistant curates

61 Assistant curates

- (1) The bishop of a diocese may by an instrument under his hand direct that any office of assistant curate in his diocese may be described in such terms as may be specified in the instrument and, where an instrument is in force under this section, any licence issued to a person to exercise the office shall refer to the 40

- assistant curate by that description and any reference in any enactment, Canon or other instrument to an assistant curate shall be construed accordingly.
- (2) Before issuing an instrument under this section the bishop shall consult the incumbent or priest in charge of the benefice or in the case of a team ministry, the team chapter of the team ministry in which the assistant curate exercises or is to exercise the office. 5
- (3) An instrument under this section may be varied or revoked by a further instrument after carrying out the like consultation as is referred to in subsection (2) above and after consulting the assistant curate (if any) exercising the office. 10
- (4) On making an instrument under this section the bishop shall send a copy to the registrar of the diocese, and the registrar shall file it in the diocesan registry.
- (5) When a bishop issues a licence to an assistant curate to exercise his or her office in any benefice the bishop, after carrying out the like consultation as is referred to in subsection (2) above, may, in the licence, assign to the assistant curate – 15
- (a) a special cure of souls in a part of the area of the benefice, whether or not with responsibility for a particular church, or
- (b) a special responsibility for a particular pastoral function,
- but any such provision is without prejudice to the general duties and responsibilities of the incumbent or priest in charge. 20

PART VIII

Miscellaneous

62 Interpretation

- (1) In this Measure, unless the context otherwise requires – 25
- “the 1983 Measure” means the Pastoral Measure 1983 (1983 No. 1);
- “the Commissioners” means the Church Commissioners;
- “functions” includes powers and duties;
- “mission” means the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical;
- “pastoral church scheme” has the meaning assigned to it by section 23(2) above; 30
- “pastoral scheme” has the same meaning as in the 1983 Measure;
- “pastoral committee” means the committee established under section 51(1) above.
- (2) Without prejudice to subsection (1) above, other expressions in Parts VI and VII of this Measure shall, unless the context otherwise requires, have the same meaning as in the 1983 Measure. 35
- (3) Section 83 of the 1983 Measure shall apply to any documents required to be sent under this Measure as it applies to the documents referred to in that section and where any document is required to be sent under this Measure or under the 1983 Measure to the Commissioners it shall be addressed to the Secretary of the Commissioners. 40

63 Amendment of Measures

- (1) The 1983 Measure shall have effect subject to the further amendments set out in Schedule 5 to this Measure.
- (2) In section 2(2) of the Church of England (Ecumenical Relations) Measure 1988 (1988 No. 3) – 5
- (a) after the words “Extra-Parochial Ministry Measure 1967” there shall be inserted the words “or the bishop or bishops who make a bishop’s mission order under section 46 of the Dioceses, Pastoral and Mission Measure 200... .”; and
- (b) in paragraphs (a) and (b) after the words “that institution” there shall be inserted, in each case, the words “or in connection with the initiative endorsed by the bishop’s mission order”. 10
- (3) In section 3(2)(e) of the Care of Cathedrals Measure 1990 (1990 No. 2) after the word “cathedral” there shall be inserted the words “and other”.

64 Transitional provisions15

The transitional provisions set out in Schedule 6 to this Measure shall have effect.

65 Repeals

The enactments mentioned in Schedule 7 to this Measure are hereby repealed to the extent specified in the second column of that Schedule. 20

66 Citation, commencement and extent

- (1) This Measure may be cited as the Dioceses, Pastoral and Mission Measure 200...
- (2) This Measure shall come into force on such day as the Archbishops of Canterbury and York may jointly appoint, and different days may be appointed for different provisions. 25
- (3) This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man, except that the provisions thereof may be extended to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures, and, if an Act of Tynwald or an instrument made under an Act of Tynwald so provides, 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. 30

SCHEDULES

SCHEDULE 1

Section 2(2)

THE DIOCESES COMMISSION

PART 1

Constitution and Membership

- | | | |
|---|---|----------|
| | | 5 |
| 1 | The Commission shall consist of a person to be known as “the chair”, a person to be known as “the vice-chair” and eight other members. | |
| 2 | The chair and vice-chair shall be appointed by the Archbishops of Canterbury and York acting jointly from among the members of the House of Clergy and the House of Laity of the General Synod. | 10 |
| 3 | Four members of the Commission shall be elected by the General Synod from among its members and four members shall be appointed by the Appointments Committee of the Church of England either from among the members of the Synod or otherwise. | |
| 4 | A person shall not be qualified for membership of the Commission who is a member of the Archbishops’ Council, the Church Commissioners, their Assets Committee, their Audit Committee or any other Committee appointed under section 5(4) of the Church Commissioners Measure 1947 (10 & 11 Geo 6 No. 2). | 15 |
| 5 | A person who ceases to be qualified for membership of the Commission shall forthwith vacate the office to which that person was appointed except that a member who is a member of the General Synod may continue to act as a member of the Commission so long as that person is entitled to act as a member of the Synod during a period of its dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2). | 20
25 |
| 6 | The members of the Commission shall hold office for the period of five years beginning on the first day of May in the year next following the year in which the General Synod is dissolved and a new Synod comes into being. | |
| 7 | Any member of the Commission shall on ceasing to hold office be eligible for re-appointment or re-election unless that person became a member by virtue of re-appointment or re-election under this paragraph or appointment under paragraph 8 below following re-election under this paragraph. | 30 |
| 8 | Where a member of the Commission elected by the General Synod under paragraph 3 above has, following the dissolution of the Synod, not been re-elected to the new Synod, that person may be appointed by the Appointments Committee as a member and shall hold office until the thirtieth day of April following the year in which the new Synod comes into being. | 35 |

Casual Vacancies

- 9 Where a casual vacancy occurs among the members of the Commission appointed by the Archbishops of Canterbury and York under paragraph 2 above the Archbishops shall appoint a person from among the members of the House of Clergy and House of Laity to fill the vacancy and where a casual vacancy occurs among the members appointed by the Appointments Committee under paragraph 3 above the Committee may appoint a person to fill the vacancy. 5
- 10 Where a casual vacancy occurs among the members of the Commission elected by the General Synod, the General Synod may elect one of the members of the General Synod to fill the vacancy. 10
- 11 Any person appointed or elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place that person was appointed or elected, but shall be eligible for re-appointment or re-election in accordance with paragraph 7 above. 15

Committees

- 12 The Commission shall have power to appoint such committees and may delegate to them such functions as it thinks fit.

Proceedings

- 13 The quorum of the Commission shall be 5 members. 20
- 14 Subject to paragraph 15 below the chair, if present, shall preside over meetings but—
 (a) if the chair is not present on any occasion, the vice-chair shall preside,
 (b) if neither the chair nor the vice-chair is present on any occasion, the Commission shall choose another member to preside, and
 (c) either the chair or vice-chair may decline to preside on any occasion when the chair or vice-chair, as the case may be, considers it preferable not to do so, in which case sub-paragraph (b) above shall apply. 25 30
- 15 No person shall preside on any occasion when the Commission is considering proposals affecting any diocese if that person is an elected member of the General Synod for that diocese or resides or holds any office of the Church of England in that diocese.
- 16 The business of the Commission 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. 35
- 17 Subject to paragraph 13 above the Commission may act notwithstanding any vacancy in its membership.
- 18 Subject to the preceding provisions of this Schedule and to any other provision of this Measure, the Commission shall have power to regulate its own procedure. 40

SCHEDULE 2

Section 4(4))

CONTENTS OF REORGANISATION SCHEMES

Preliminary

- 1 In this Schedule a “scheme” means a reorganisation scheme, “the 1533 Act” means the Appointment of Bishops Act 1533 (25 Hen 8 c. 20) and “the 1999 Measure” means the Cathedrals Measure 1999 (1999 No. 1). 5

Provisions relating to bishops

- 2 A scheme by which a new bishopric is to be founded and a new diocese is created shall specify the see of the bishop of the diocese and provide for – 10
- (a) constituting the bishop of the diocese a corporation sole and investing him with all such rights, privileges and jurisdictions as are possessed by any other diocesan bishop in England;
 - (b) subjecting the bishop to the metropolitan jurisdiction of one of the archbishops; and
 - (c) the election of a bishop of the diocese. 15
- 3 A scheme by which a diocese is to be dissolved shall provide for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese in accordance with paragraph 16 below.

Provisions relating to cathedral church etc.

- 4 (1) Where the scheme creates a new diocese or where the area in which a cathedral is situated is transferred to another diocese the scheme shall provide – 20
- (a) for the establishment of a cathedral for the diocese, or
 - (b) for the establishment of a church to be known as the pro-cathedral of the diocese. 25
- (2) Where sub-paragraph (1)(a) above applies, the scheme shall either designate an existing church as the cathedral church, whether or not that church was previously a cathedral church for another diocese or provide for a new church to be the cathedral church.
- (3) Where sub-paragraph (1)(a) above applies, the scheme shall – 30
- (a) provide for the establishment of a provisional council whose function shall be to prepare a constitution and statutes for the cathedral in accordance with the 1999 Measure and for the application of Schedule 1 to that Measure as if the provisional council were a Transitional Council established under Schedule 1 to that Measure subject to such modifications as may be made by the scheme; 35
 - (b) provide for the governance of the cathedral and for its worship and administration and, so far as is appropriate, for the appointment of persons to hold office in the cathedral and for its ownership and the ownership of any assets belonging to or used for the purposes of the cathedral until the constitution and statutes have effect; 40
 - (c) constitute a body which shall consist of the holders of such offices in the cathedral as the scheme shall specify and which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and which shall perform the functions conferred on 45

- 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
- (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 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. 15
- 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)(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.

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

15

(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.

(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.

25

(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.

Provisions relating to patronage

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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 1st 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 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 shall 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 of the Measure.
- (2) Such a scheme may provide for the trusts of any charity (within the meaning of section 97 of the Charities Act 1993 (1993 c.10) 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.
- (3) In this paragraph “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.
- 14 Paragraph 13 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese as if the diocese in which any part of the area of another diocese is to be comprised were the new diocese.
- 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.
- Provisions relating to compensation*
- 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—
- (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;
 - (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.
- (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 section.
- (3) Rules made under this section 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 church 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 51(4)

CONSTITUTION AND PROCEDURE OF THE 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 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 their duty under section 3(5) of the 1983 Measure to afford opportunities to incumbents of benefices and vicars in team ministers to meet the committee itself. 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 53(2)

THE COUNCIL FOR THE CARE OF CHURCHES

35

MEMBERSHIP

- 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 after consultation with 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; 10
 - (c) three other persons having such knowledge or expertise shall be appointed on the nomination of the Council (including the Council as constituted immediately before the coming into force of this Schedule); 15
 - (d) three persons shall be appointed on the nomination of an annual meeting of the Chairmen and Secretaries of the Diocesan Advisory Committees;
 - (e) one person shall be appointed on the nomination of the Cathedrals Fabric Commission for England; and 20
 - (f) 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 three 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 trustee or employee of the Commissioners, or a member of any committee of the Commissioners established under the Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) or appointed by the Board of Governors of the Commissioners 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 52(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 period as chair of the Council served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date. 45

- 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.
- 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 served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date. 5
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 as a member of the Synod 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

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 relating to the knowledge or expertise of the person whose place is to be filled and after such consultation as may have been required by any such provision before that person was appointed, appoint a person to fill the vacancy. 25
- 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 relating to the Council's work. 30
- 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. 35
- 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. 40

Committees

- 14 The Council shall have power to appoint such committees and may delegate to them such functions as it thinks fit. 45

- 15 Persons who are not members of the Council may be appointed to any committee thereof.

Proceedings

- 16 The quorum of the Council shall be eight members.
- 17 The business of the Council shall be decided by a majority of the members present and voting thereof and, in the event of an equal division of votes, the person presiding shall have a second or casting vote. 5
- 18 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. 10
- 19 Subject to paragraph 16 above the Council may act notwithstanding any vacancy in its membership.
- 20 Subject to the preceding provisions of this Schedule the Council shall have power to regulate its own procedure. 15

SCHEDULE 5

Section 63(1)

AMENDMENT OF PASTORAL MEASURE 1983

- 1 The Pastoral Measure 1983 (1983 No. 1) shall be amended as follows.
- 2 Any reference to redundancy, declaring a church redundant, a declaration of redundancy or redundant building or property shall be construed as a reference to closure for regular public worship, declaring a church closed for regular public worship, a declaration of closure for regular public worship or a church closed for regular public worship, as the case may be and any reference to a redundancy scheme shall be construed as a reference to a pastoral (church disposal) scheme. 20
- 3 In section 44, any reference to the Advisory Board shall be construed as a reference to the Council for the Care of Churches.
- 4 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”. 30
- 5 Section 64 of the 1983 Measure shall be amended as follows –
- (a) For subsection (1) there shall be substituted the following subsection –
- “(1) Where a pastoral church scheme or pastoral (church 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 35
- 40

- responsible for the care, maintenance and safeguarding of any such items.”; and
- (b) After subsection (2) there shall be inserted the following subsection –
- “(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.”. 5
- 6 In section 87 –
- (a) the definition of “the Advisory Board” shall be omitted; 10
- (b) for the definition of “Council for the Care of Churches” there shall be substituted the following definition –
- “the Council for the Care of Churches” means the body of that name constituted in accordance with section 53 of the Dioceses, Pastoral and Mission Measure 200...; 15
- (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...”; 15
- (d) after the definition of “interested parties” there shall be inserted the following definition – 20
- “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 “pastoral committee” for the words “under, or by virtue of, this Measure” there shall be substituted the words “in accordance with section 51 of the Dioceses, Pastoral and Mission Measure 200...”; 25
- (f) in the definition of “pastoral scheme” there shall be added at the end the words “and a pastoral church scheme”;
- (g) after the definition of “pastoral scheme” there shall be inserted the following definitions – 30
- ““pastoral church scheme” means a pastoral scheme which contains a declaration of closure for regular public worship;
- “pastoral (church disposal) scheme” has the meaning assigned to it by section 48;”; and 35
- (h) the definitions of “redundant building” and “redundancy scheme” shall be omitted.
- 7 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,”. 40
- 8 Any reference to a redundant churches uses committee shall be construed as a reference to a pastoral committee.

SCHEDULE 6

Section 64

TRANSITIONAL PROVISIONS

- 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. 5
- 3 Any instrument made by a bishop under section 10 of the 1978 Measure or 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. 10
- 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. 15
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 a subsequent scheme to which the said section 11 shall apply, but sections 12 and 13 of the 1978 Measure shall not apply to such a scheme. 25

SCHEDULE 7

Section 65

REPEALS

<i>Measure</i>	<i>Extent of repeal</i>	
1978 No. 1, The Dioceses Measure 1978	The whole Measure.	30
1983 No. 1, The Pastoral Measure 1983	Section 1. Section 2. Section 41. Section 45. Schedule 1. In Schedule 5, paragraphs 1 to 12.	35
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Section 8.	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 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”.	
1999 No. 2, The Care of Places of Worship Measure 1999	In section 6(1), the definition of “Council for the Care of Churches”.	15
2000 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005	In Schedule 4, paragraphs 10 and 13.	20