

## GENERAL SYNOD

MISSION AND PASTORAL MEASURE  
MISSION AND PASTORAL REGULATIONS

## Explanatory note

The draft Mission and Pastoral Measure is intended to recast the legislative architecture which governs pastoral re-organisation, and the closure and disposal (where required) of church buildings, and in doing so to replace the Mission and Pastoral Measure 2011 with a more accessible suite of legislative materials. The draft Measure is supported by draft Regulations, and subject to Synod's approval the Business Committee has agreed that both the primary and secondary legislation should be committed together for revision.

## BACKGROUND

1. The draft Mission and Pastoral Measure ("**the draft Measure**"), together with the draft Mission and Pastoral Regulations ("**the draft Regulations**"), makes provision for decisions in connection with pastoral re-organisation including, where required, the closure and disposal of church buildings. It replaces the provisions of the Mission and Pastoral Measure 2011 ("**the 2011 Measure**").
2. Following the endorsement of the General Synod in July 2023 (see GS2315) of proposals in connection we bring before General Synod the draft Measure and draft Regulations for First Consideration. The draft Measure and draft Regulations have been produced to reflect the recommendations in GS2315 which was approved by General Synod in July 2023 (see paragraphs 10 to 38 of these explanatory notes).
3. The Revision process will allow the draft Measure and the draft Regulations to be further refined and developed as required. It is noted, in particular, that amendments to the legislation may need to be proposed to the Revision Committee as a result of discussions with the Charity Commission, the Ministry of Justice and such other government departments as may be considered necessary and appropriate.
4. **Part A** of this explanatory note has in view the provisions of the draft Mission and Pastoral Measure. **Part B** of this explanatory note has in view the provisions of the draft Mission and Pastoral Regulations.
5. The Business Committee has exercised its power under Standing Order 70(4) to determine, subject to Synod's approval, that the draft Measure and the draft Regulations should be committed together for revision in committee.

## PROCEDURAL STAGES

6. Standing Order 48(1) provides for Measures and Canons to be considered by the General Synod through the following successive stages:
  - **First Consideration (see SOs 51 and 52)**
    - Revision Committee (see SOs 54 to 57)
    - Revision (see SOs 53 and 58 to 60)
    - Final Drafting (see SO 61)
    - Final Approval (see SO 64).
7. The draft Measure is being given First Consideration by the General Synod at the February 2025 group of sessions.
8. The next stage will be the Revision Committee stage. Members who wish to send proposals for amendment for consideration by the Revision Committee must do so in writing to [revisioncommittee@churchofengland.org](mailto:revisioncommittee@churchofengland.org) not later than 5:30 pm on the 18<sup>th</sup> March 2025.
9. The Measure is expected to return to the Synod for the Revision Stage in February 2026 with the Final Drafting and Final Approval stages being taken as soon as practicable thereafter.

## REVIEW OF THE 2011 MEASURE: RECOMMENDATIONS

10. The draft Measure and draft Regulations make legislative provision where required to give effect to the changes recommended by the report of the Church Commissioners review of the 2011 Measure (GS2315). These recommendations are set out below, together with signposting to the legislative provision which gives them effect.

### **Recommendation 1: That a suite of legislation is brought forward to modernise the MPM. This would consist of a new Measure and supporting secondary legislation.**

11. The draft legislation being brought forward for first consideration consists of the draft Measure and accompanying secondary legislation in the form of draft Regulations. The new legislation has modernised and streamlined the provisions of the 2011 Measure. The draft Measure sets out the main architecture of the legislation, with the draft Regulations providing for further detail and procedural matters.
12. Existing provisions of the 2011 Measure have been restated across the draft Measure and the draft Regulations. Subject to Synod's approval the Business Committee has agreed to commit the draft Measure and draft Regulations for revision together, so that the suite of new legislation is considered as a whole by the Revision Committee.

**Recommendation 2: That the new Measure includes a requirement for the Church Commissioners to provide Statutory Guidance for all parties. Those undertaking activities under the Measure would be required to pay due regard to the guidance.**

13. A requirement that the Church Commissioners give and publish guidance is included at clause 76 of the draft Measure. Clause 76(2) provides that a person to whom guidance is given must have due regard to the guidance. The established legal meaning of a duty to have “due regard” is that the person subject to the duty must conscientiously consider the need to do the things set out and should only depart from it where there are cogent and compelling reasons.

**Recommendation 3: That a new learning, outcome and risk framework is developed by the Church Commissioners to underpin the statutory guidance.**

14. No legislative provision is necessary to enable the Church Commissioners to take this recommendation forward.

**Recommendation 4: That the new Measure includes a requirement for dioceses to produce Mission and Pastoral Measure frameworks, having due regard to statutory guidance.**

15. Clause 6 requires a Mission and Pastoral Committee (an “MPC”) to publish a document known as a “mission and pastoral collaboration framework”. This document must set out how the MPC plans to exercise its functions during the lifetime of the framework, which must not exceed seven years. The framework may impose requirements on the MPC (which would include, for example, requirements as to how the MPC must engage with PCCs and others prior to making a recommendation to the bishop under clause 3(2)). Clause 6(6) states that the framework must include strategies or proposals for carrying out the MPC’s functions and provides that other matters may be specified in regulations. Regulation 89 lists a number of matters about which the framework must include a statement of policy.
16. Clause 76(2) requires dioceses to have due regard to any statutory guidance given by the Church Commissioners. Clause 6(9) prevents the MPC from publishing a framework unless the Church Commissioners have indicated that, in their view, the MPC has had due regard to the guidance in preparing the framework.

**Recommendation 5: That a new MPM is organised around the matter (i.e. the change) required and the legal instruments simplified to orders or schemes. A new MPM would also make provision for new matters to be added to the MPM over time, if that was required.**

17. Clauses 7 to 9 set out the changes which can be made by schemes and orders,

organised into pastoral matters (clause 7), ministry matters (clause 8) and buildings matters (clause 9). Clauses 7 to 9 also make provision which would enable the regulations to add to each of these categories in the future, if required (see clauses 7(1) and (10), 8(1) and (10), and 9(1) and (7)). Part 2 of the draft Regulations provides additional detail regarding the changes which can be made by schemes and orders.

18. In line with the proposals in GS2315, the new legislation would permit a wider range of changes to be made by order. In the new Measure changes which can be made by order cannot include dispossession and are limited to the following broad categories: (1) a pastoral matter or church closure which is “parish-led” under clause 3 (i.e. proposed at the request of all PCCs which the change would affect, with the consent of parish clergy); (2) a change which can already be made by order under the 2011 Measure; and (3) a change which must be by scheme under the 2011 Measure, but does not generally attract representations against.

**Recommendation 6: That a new category of “permitted representors” is added in relation to consultation rights.**

19. Following careful consideration, the Church Commissioners decided not to take this recommendation forward in the legislation.
20. As under the MPM 2011, any person would be able to make a representation on a draft scheme under the new legislation (see regulation 93(5)-(10)), and representations would be considered by the Commissioners in making a decision on the scheme (see regulations 95 and 96).
21. Under the new legislation, only interested parties and statutory bodies would be able to make representations on draft orders (see regulations 105 – 106 and schedule 1 to the draft regulations). This reflects the streamlining of the order-making process which was proposed in GS2315. Representations would be considered by the relevant determining authority in making its decision on the order (see regulation 107 and schedule 2 to the regulations). Depending on the matters proposed in the order, the determining authority would be either the bishop (who must consult the MPC before making a decision), or the Church Commissioners.

**Recommendation 7: That the consultation process and representation rights would be modernised in a new Measure to allow the use of electronic methods of communication and dissemination.**

22. The process of formal consultation on a draft scheme is set out in regulation 93. This requires the Church Commissioners or MPC to serve copies of the draft scheme on interested parties and statutory bodies. As under the 2011 Measure, service of documents under the new Measure can be by electronic means (see clause 80(2)).

23. Regulation 93(7) sets out how a draft scheme must be publicised by the PCC secretary of each parish which would be affected by the draft scheme. This includes a requirement to publicise a notice of the scheme on the PCC or benefice website. The PCC secretary must also have due regard to guidance as to how the draft scheme must be publicised, through public notices and other means (including electronic means). Regulation 93(9) provides that representations may be made in writing, which would include electronic means. Regulation 93(9) also provides that in the future representations could be made in a form other than in writing (e.g. by video), if this were approved by the Commissioners.
24. The process of formal consultation on a draft order is set out in regulation 105, and requires the Church Commissioners or MPC to serve copies of the draft order on interested parties and statutory bodies. Documents can be served and representations made using electronic means, as under the 2011 Measure.

**Recommendation 8: That the details of the revised MPM consultation process and representation rights would be agreed as part of the legislative process**

25. GS2315 placed an emphasis on good conversations and a pastoral approach to MPM processes. In line with this aim, the new legislation adopts a “one-stage” approach to formal consultation. This means that interested parties, statutory bodies and the public (where relevant) will generally only be formally consulted once on a draft scheme or order.<sup>1</sup> This streamlines the statutory process, introducing greater clarity and reducing the burden on those consulted.
26. The legislation addresses the aim of ensuring “good conversations” in two main ways. Firstly, the legislation provides for informal engagement during the development of proposals, prior to the formal consultation stage. Regulation 89 provides that Mission and Pastoral Collaboration frameworks must include the MPC’s policy on engagement and may also include requirements as to how engagement must take place. In developing the framework the MPC must have due regard to guidance given by the Commissioners under clause 76, including guidance as to how engagement should be undertaken. Secondly, the new legislation introduces “parish-led” proposals (see clause 3 of the new Measure). The “parish-led” approach is intended to give greater agency to parish clergy and PCCs in MPM processes, by permitting them to initiate proposals.
27. The formal consultation process for schemes is set out in regulations 93 and 94, while the formal consultation process for orders is set out in regulations 105 and 106. As noted in relation to recommendation 6, the formal consultation process on a draft order would only permit interested parties and statutory

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<sup>1</sup> There are exceptions to this general rule in relation to specific matters – including a requirement for the MPC to meet with affected clergy before bringing forward proposals which would involve dispossession and a requirement to obtain patrons’ consent to proposals affecting patronage interests in certain circumstances.

bodies to make representations. The formal consultation process on a draft scheme would permit any person to make a representation.

28. Where representations have been made on a scheme, the Church Commissioners would be the decision-making body as they are under the MPM 2011. Where interested parties or statutory bodies have made representations on an order, the decision-making body will either be the Church Commissioners or the bishop depending on the matters for which the order provides.
29. The interested parties and determining authorities for each matter for which a scheme or order may provide are set out in schedules 1 and 2 to the regulations and broadly reflect Annex B to GS2315. Clause 10 of the new MPM provides that representors may appeal to the Judicial Committee of the Privy Council (**JCPC**) in respect of certain scheme matters, but that no appeal may be made against a draft pastoral order.

**Recommendation 9: That the new Measure limits the usual period of suspension of presentation to a benefice to a single period of up to five years, and changes the terminology from ‘suspension’ to ‘pause’.**

30. Clause 32 of the draft Measure adopts the terminology of a “pause notice” and “pause period”. On further consideration it was decided that a “pause period” should be limited to an initial period of up to three years, with the potential for an extension of up to three years. A further extension of up to a year would be possible where the bishop is satisfied that consultation on making a scheme or order will begin within a year of the end of the pause period, and the Church Commissioners consent to that further extension.

**Recommendation 10: That patronage changes currently requiring written consent, should be replaced with a right of representation.**

31. Clause 8 of the draft Measure provides that a scheme or order may provide for the transfer of rights of patronage. Under clause 8(3) a pastoral order may not make provision which would transfer all of a person’s patronage rights unless that person has given consent. This requirement does not apply to a pastoral scheme. Regulation 32 contains further detail as to the circumstances in which provision in a scheme or order must be made subject to a requirement for the consent of the patron.
32. Patrons are interested parties for schemes and orders which affect their patronage rights (see regulations 94 and 106 and Schedules 1 and 2 to the regulations) and would therefore be able to make representations during the formal consultation process on both orders and schemes.
33. Under clause 10 of the draft MPM an appeal could be made to the JCPC in respect of a provision in a draft pastoral scheme which removed all of a

person's rights of patronage without that person's consent.

**Recommendation 11: That the new Measure has a provision requiring that pluralities should be reviewed within 5 years of a start date.**

34. This is provided for in regulation 30. Following consideration, it was decided that the review period should be six years rather than five.

**Recommendation 12: That the new Measure has a provision requiring that BMOs are reviewed within 5 years of a start date.**

35. This has been provided for in regulation 18.

**Representation 13: To make provision in a new MPM for the Diocesan Parsonage Board to be able to act in relation to certain parsonage matters and to modernise the terminology of sequestration.**

36. Clauses 35 and 36 of the draft Measure adopt the new terminology of "administration in vacancy".
37. Rather than providing for the Diocesan Parsonage Board to bring legal proceedings in relation to parsonages, it was decided to retain the existing common law power of the bishop to bring legal proceedings relating to parsonages during a vacancy. Clause 31 of the new Measure puts this power on a statutory footing.

**Other proposals**

38. The draft legislation also takes forward proposals on church buildings matters which were outlined in GS2315, but without final recommendations being made in that document. New provision relating to church buildings is described in Parts A and B of this explanatory note, and in the policy paper accompanying the draft legislation (GS 2394P).

## **PART A - NOTES ON CLAUSES OF DRAFT MEASURE**

### ***Clause 1 General duty***

39. Clause 1 specifies an overarching duty to which every person who exercises functions under the draft Measure must have due regard. It restates the duty specified in the 2011 Measure, incorporating the definition of “mission” which was contained in section 106 of the 2011 Measure.

### ***Clause 2 Continuation***

40. Clause 2(1) provides for the continuation in existence of the diocesan mission and pastoral committees which were established under section 2 of the 2011 Measure.
41. Clause 2(2) provides that such committees shall be called the “mission and pastoral” committee, or such appropriate alternative as a diocese thinks fit. They are referred to as the “MPC” in these explanatory notes, and in the draft Measure and Regulations.
42. Clauses 2(3) and (4) make ancillary provision for the written constitutions of the MPC, and for the approval of those governing documents.

### ***Clause 3 Parish-led proposals and other recommendations***

43. Clause 3(1) confers a new power on a parochial church council (“PCC”), or each PCC where more than one council would be affected, to request that the MPC recommend a matter to the bishop, i.e. a “**parish-led**” proposal (see clause 3(8)). Such a request may include any matter which may be made by either a pastoral scheme or order.
44. Clause 3(2) confirms that the MPC may also recommend a matter to the bishop where a request has not been made by one or more PCCs under 3(1), but the MPC considers the matter to be desirable based on the exercise of its functions under clause 4. A recommendation made under clause 3(2) would be what the policy paper accompanying the draft legislation (GS 2394P) describes as a “diocesan-led” proposal.
45. Clause 3(3) requires the consent of the incumbent, priest-in-charge, or team vicar of each parish which would be affected to a request under clause 3(1).
46. Clauses 3(4) to (8) make consequential provisions for the form of a request to the MPC under clause 3(1) and the steps which the MPC must take having received such a request.
47. Clause 3(9) confirms that any question whether a proposal or provision is parish-led may finally be determined by the MPC.
48. Part 3 of the Regulations makes further provision about the making of recommendations to the bishop.



#### ***Clause 4 General functions***

49. Clauses 4(1) and (2) substantially restate section 3 of the 2011 Measure.
50. Clause 4(1) confers an obligation on an MPC to make, or assist in making, better provision for the cure of souls in the diocese as a whole, or particular parts of a diocese.
51. Clause 4(2) makes further provision for the review of arrangements for pastoral care or supervision in a diocese or part of a diocese.
52. Clause 4(3) stipulates a requirement for the review of pastoral arrangements in each conventional district of the diocese.
53. Clause 4(5) requires the MPC to maintain an overview of matters relating to church buildings in the diocese, but with express savings for matters which fall within the jurisdiction of the consistory court or the Diocesan Advisory Committee.

#### ***Clause 5 Supplementary functions***

54. Clause 5 makes supplementary provision for the functions of MPCs, which substantially restates section 3 of the 2011 Measure.
55. Clause 5(1) requires the MPC to have due regard to worship, mission and community as central to the life and work of the Church of England (in addition to the other duties specified in clause 1).
56. Clause 5(2) additionally requires the MPC to have due regard to other matters including the financial implications of a proposal for the diocese and Church of England as a whole. This is consistent with the 2011 Measure, as is the requirement for the MPC to have due regard to the traditions, needs, and characteristics of particular provision. With clergy wellbeing in view, clause 5(2) restates the requirement in the 2011 Measure for the MPC to have due regard to the need to ensure that appropriate conditions of service apply in the diocese, and that reasonable remuneration is provided where relevant.
57. Clause 5(3) makes additional provision for consultation where appropriate.

#### ***Clause 6 Mission and pastoral collaboration framework***

58. Clauses 6(1) and (2) make new provision which requires an MPC to publish a document which sets out how it plans to exercise its functions during the lifetime of the document, known as a “mission and pastoral collaboration framework”. The lifetime of this framework may not exceed seven years.
59. Clauses 6(3) to (5) make consequential provision for the publication and revision of such frameworks.

60. Clause 6(6) stipulates that the framework must include strategies or proposals for carrying out the MPC's functions, and confers a power to specify further detail by regulation. This has in view matters such as the MPC's requirements for holding discussions on the contents of a proposed pastoral scheme or order, consultation procedures, and statements of policy about holding benefices in plurality and exercising the right of presentation during vacancy, which is intended to be more transparent for the benefit of all those involved in such processes.
61. Clause 6(7) provides that the framework may impose requirements on the MPC, with which the MPC is required to comply.
62. Clause 6(8) requires the MPC to consult the diocesan synod, and each deanery synod in the diocese, before publishing the framework.
63. Clause 6(9) specifies conditions which must be met before the MPC may publish a framework. These require the approval of the bishop's council, and confirmation from the Church Commissioners that in their view the MPC has had due regard to appropriate guidance in the preparation of the framework. In acting this way, the Commissioners will not substitute their view for the MPC's view of what is best, but this third-party view will provide some assurance that the proper questions have been considered.

#### ***Clause 7 Pastoral matters***

64. Clauses 7 to 9 make provision for the species of **pastoral, ministry, and buildings-related** matters for which a pastoral scheme or order may make provision. As such they restate existing provisions but in a clearer way.
65. Clause 7(1) provides for the range of pastoral matters which may be made by a pastoral scheme.
66. Clauses 7(2) to (4) allow for a pastoral order to provide for some of the matters in 7(1). Clause 7(5) provides that in some cases an order may only provide for a matter if the proposal is parish-led. For example, an order may only provide for the creation or dissolution of a parish if in doing so it gives effect to a parish-led proposal (in other words, a simpler process may be followed in that case). If the proposal does not meet the conditions for a parish-led proposal, such provision would be required to be made by scheme (and must follow the more elaborate process which that requires).
67. Clause 7(6) restricts the use of a pastoral order, such that an order cannot result in the abolition of an ecclesiastical office which would lead to the dispossession of the holder of that office.
68. Clauses 7(7) to 7(9) make supplementary provision as to the provision which may be made under 7(1) and the meaning of certain words under the section.

69. Clause 7(10), together with 7(1)(g), provides that the regulations may in future specify additional pastoral matters for which a scheme can provide, and must state whether and to what extent a pastoral order may provide for such a matter. This is intended to “future proof” the Measure.

### ***Clause 8 Ministry matters***

70. Clause 8(1) in turn provides for the range of matters relating to ministry which may be made by a pastoral scheme.
71. Clauses 8(2) and (3) provide that a pastoral order may make provision for some of those matters, but not where doing so would transfer all of a person’s patronage rights without that person’s consent, or where the proposal would have the effect of transferring the income of the endowments of a benefice into the income account of the diocesan stipends fund. The requirement for a pastoral scheme for this purpose restates the provisions of s. 47 and Schedule 3 of the 2011 Measure.
72. Clauses 8(4) and (5) provide that any proposal which has in view the establishment of a team ministry must provide for the constitution of a patronage board to hold the various rights of patronage conferred, except where the bishop is the sole patron of the benefice. Further provision is made by Schedule 2.
73. Clauses 8(6) and (7) make provision for holding of one or more benefices in plurality, subject to a longstop of six years. They allow for a team ministry to be extended so that its operation has in view such benefices as are held in plurality.
74. Clause 8(8) clarifies that a person designated as incumbent under a pastoral scheme or order need not be presented or collated to the benefice.
75. Clause 8(9) provides that a pastoral order may not result in the abolition of an ecclesiastical office which would lead to the dispossession of the holder of that office.
76. Clause 8(10), together with 8(1)(h), provides that the regulations may in future specify additional ministry matters for which a scheme can provide, and must state whether and to what extent a pastoral order may provide for such a matter. This is intended to “future proof” the Measure.

### ***Clause 9 Buildings matters***

77. Clause 9(1) in turn provides for the range of matters relating to buildings (i.e. church buildings or land annexed to or belonging to a church or land set apart for burials, and the disposal of such land).
78. Clause 9(2) specifies a range of options for the treatment by a pastoral scheme of a church building or part of a church building closed for regular public

worship. This includes the vesting in the relevant DBF (which restates the current default provision in section of the 2011 Measure), but also into a broader range of possible recipients, to be known as “**charitable church trusts**” (see further below).

79. Clause 9(3) to (5) set out where pastoral orders may make similar provision, but with some restrictions. For example, a pastoral order may provide for the disposal to certain specified uses of a church building (or part) which is closed for regular public worship, but not the declaration of closure unless this is a parish-led proposal. If those conditions are not met, a pastoral scheme would be required. Further, a pastoral order may not provide for the use of land annexed to a church or land set apart for burials.
80. Clause 9(5) sets out further restrictions which restrict the circumstances in which a pastoral order may make provision for the disposal of building (or part of a building) closed for regular public worship. Those disposals are limited to matters such as the use of the building for worship, the care and maintenance of the building by the CCT or an alternative similar body or a body approved by the Church Commissioners, for vesting in the DBF, or for preservation if the building is a ruin.
81. Clauses 9(6) and (8)-(10) make ancillary provision relating to interpretation.
82. Clause 9(7), together with 9(1)(d), provides that the regulations may in future specify additional buildings matters for which a scheme can provide, and must state whether and to what extent a pastoral order may provide for such a matter. This is intended to “future proof” the Measure.

### ***Clause 10 Appeal***

83. Clause 10(1) makes express provision for the classes of matters which may be made by pastoral scheme and in connection with which a right of appeal may lie to the Judicial Committee of the Privy Council (“JCPC”).
84. Clause 10(2) makes provision for the situation in which a draft pastoral scheme covers a range of matters including some matters which fall within scope of subsection (1) and others which do not. An appeal may only lie in connection with the matters which subsection (1) has in view.
85. Clause 10(3) clarifies that no appeal may be made against a draft pastoral order, consistent with the policy intention that draft pastoral orders should not have potentially contentious matters in view.
86. Clause 10(4) makes ancillary provision relating to interpretation.
87. Clause 10(5) makes the proviso that no right of appeal lies where a pastoral scheme provides for the disposal of the church building along with the

churchyard or other land. This restates the position under the 2011 Measure where no right of appeal lies against a church buildings disposal scheme made under Part 6.

### ***Clause 11 Procedural and supplementary matters***

88. Clause 11 confers a power to make further supplementary provision by regulation for further matters which have in view the implementation and operational detail of a pastoral scheme or order.
89. Clauses 11(1) and (2) make provision for the scope and possible subject matter of regulations.
90. Clause 11(3) authorises a provision to be made by pastoral scheme or order which could be made by the regulations themselves.
91. Clauses 11(4) and (5) require the regulations to make provision for the procedures to be followed when making a pastoral scheme or order (see the Regulations Part 3), and when making an appeal under clause 10.
92. Clause 11(6) has in view the fact that at present the procedural requirements which govern an appeal to the JCPC in the 2011 Measure and the JCPC's own procedural rules are inconsistent. This subsection allows for the adoption of the JCPC's own rules.
93. Clause 11(7) allows for the regulations to make provision that would apply to more than one diocese.
94. Clauses 11(8) to (10) make provision for the amendment of pastoral schemes and orders and for the scope of any amending pastoral scheme or order.

### ***Clause 12 Determination of boundaries***

95. Clause 12(1) restates the existing provision which confers a power on the Church Commissioners to determine the boundaries of land vested in certain persons by instrument.
96. Clause 12(2) provides that such a determination binds the person in whom the land is vested and the person from whom or which the land was transferred, but no other person and thereby preserves the rights of third parties in the general law.
97. Clauses 12(3) and (4) make ancillary provision.

### ***Clause 13 Parish with no church***

98. Clause 13 restates existing provisions which require a bishop to licence one or more buildings (or parts of buildings) for public worship where a parish has no church.

99. Clauses 13(1) and (2) provide for such a designation.
100. Clause 13(3) specifies the purposes for which such a church is treated as a parish church whilst such a designation has effect.
101. Clauses 13(4) and (5) make provision for the application of certain provisions of the Marriage Act 1949 where a parish has no parish church.
102. Clause 13(6) makes provision for the application of the faculty jurisdiction, with a saving for the power of the bishop to direct that such a building designated under this clause may be subject to the faculty jurisdiction.
103. Clauses 13(7) and (8) provide for the revocation of a designation under this clause, and the legal formalities required, and its effect.

#### ***Clause 14 Marriages and banns of matrimony***

104. Clause 14 restates existing provision. Clause 14(1) provides that following the completion of the banns in one church, a marriage may be solemnised in that or another church where as a result of anything done under the Measure the other church has become a church in which the banns could be published.
105. Clause 14(2) provides for the consequential revocation of the licence of a chapel of ease under the Marriage Act 1949 following a declaration of closure of that chapel of ease for regular public worship.
106. Clause 14(3) applies provisions of the Marriage Act 1949 which have in view benefices held in plurality where as a result of the Measure there are two or more parishes or parish churches in the area of a single benefice.
107. Clause 14(4) makes further provision for the solemnisation of marriage in either church where as a result of anything done under the Measure one church has taken the place of another as the church in which the marriage of a couple ought to be solemnized pursuant to a common licence.

#### ***Clause 15 Transfer of PCC's building management functions***

108. Clause 15 makes new provision for the incumbent and the PCC acting jointly to request from the MPC the transfer of certain governance functions where circumstances are such that this may be necessary or desirable. Such power would be required to be exercised for a proper purpose, for example where a PCC was struggling to manage its administration due to a lack of officers.
109. Clause 15(2) specifies the functions which may be transferred. At present, this does not extend to the full responsibilities of a PCC and does not have in view, for example, the property disposal functions of a PCC under section 6 of the Parochial Church Councils (Powers) Measure 1956 (which would remain

subject to the approval of the “diocesan authority” as custodian trustee), and only permits the grant of short leases as there defined. This is intended to be consistent with the temporary nature of the transfer.

110. Clauses 15(3) and (4) make provision for the body to which functions may be transferred, i.e. an “authorised third party”, with freedom for Synod to approve regulations which specify that these functions may be exercised by a person who meets specified criteria. One authorised body is the “charitable church trust”.
111. Clause 15(5) makes further provision in respect of the charitable church trust.
112. Clause 15(6) provides that the CCT is also a “charitable church trust”.
113. Clause 15(7) provides that a charitable church trust must be registered as a charity in England and Wales in order to ensure that its activities are transparent and properly regulated.
114. Clauses 15(7) to (9) make ancillary provisions. The saving in clause 15(9) ensures that the authorised third party has the same powers as the PCC in connection with the management, administration, and disposition of PCC property as the PCC, subject to the consent where required of the diocesan authority.

#### ***Clause 16 Request for transfer: procedure***

115. Clauses 16(1) and (2) make provision for the form of any request under clause 15.
116. Clause 16(3) allows regulations to make further provision about the procedure to be followed.

#### ***Clause 17 Transfer notice: taking effect***

117. Clause 17(1) sets out the steps required of the MPC following the making of a request under clause 15.

#### ***Clause 18 Transfer notice: revocation***

118. Clause 18(1) provides for a “revocation notice”.
119. Clause 18(2) specifies that such a notice cannot be given until the MPC has been consulted.
120. Clause 18(3) confers a power to make further provision in relation to the revocation notice by regulation.

### ***Clause 19 General powers of transferee***

121. Clause 19 makes provision for the powers which a transferee is deemed to have. These provisions have in view the reality that there may be already constituted bodies which come within scope of clause 15 with funds already settled on them, but where without more their powers may not be sufficiently broad to discharge all of the functions under the Measure.
122. Clause 19(1) to (4) make provision for the funds which an authorised party may expend in connection with its activities, including those held in trust by the PCC where they are held for sufficiently broad purposes, i.e. this would not include restricted funds held for on special purpose trusts. This also includes funds held in the diocesan pastoral account.
123. Clause 19(5) clarifies that an authorised third party may not take (or authorise another person to take) a step which involves matters of doctrine, ritual or ceremony, or which would affect the common law rights of parishioners.
124. Clause 19(6) requires the transferee to indemnify the PCC against its acts and omissions and so obtain indemnity insurance against that risk.

### ***Clause 20 Mission Initiatives***

125. Clause 20 restates provision for a diocesan bishop to make an order which endorses a mission initiative, which continues to be known as a “bishops’ mission order” or “BMO”.
126. Clauses 20(1) to 20(3) provide for the circumstances in which a BMO may be made; subsection (3) clarifies that a BMO may be carried out in more than one diocese, in which event the power under subsection (1) is exercised jointly by each bishop.
127. Clauses 20(4) to 20(7) specify the mandatory and discretionary provisions which may be made by BMO. In particular, subsection (5) specifies that a BMO must make express provision for safeguarding children and vulnerable adults.
128. Clause 20(8) makes ancillary provision relating to interpretation.
129. Clause 20(9) confers the power to specify requirements about consultation by regulation.



**Clause 21 BMO: provision relating to ministry**

130. Clause 21 (1) restates provision which stipulates the circumstances in which a person may officiate in a BMO.
131. Subject to subsection (1), clause 21(2) confers a power on the BMO to authorise a minister to exercise ministry in any place for the purposes of the BMO where the circumstances set out apply.
132. Clause 21(3) provides that regulation may make additional provision about consultation which is required before the powers in subsection (2) are exercised.
133. Clause 21(4) makes provision for alms collected in the course of or in connection with an office or service performed under a BMO.
134. Clauses 21(5) to 21(7) make additional provision for authorising the performance of Divine Service by the BMO.

**Clause 22 Visitors**

135. Clause 22(1) restates the requirement for a BMO to designate a person as “the Visitor”.
136. Clauses 22(2) to 21(4) make additional provision for the obligations of the Visitor, including the requirement to report to the bishop or bishops on the discharge of their duties; with a discretion to take additional steps to ensure the proper governance of the mission initiative.
137. Clause 22(5) prescribes the obligations of the leader(s) of the mission initiative to consult the Visitor regularly; and to provide a copy of the annual accounts and such other information the Visitor requires.

**Clause 23 BMO: further provision**

138. Clause 23(1) restates existing provision which enables a BMO, or a supplementary instrument made by the bishop or bishops, to make further provision.
139. Clause 23(2) confers a power to specify examples by regulation of the sort of provisions which may be made under subsection (1).
140. Clause 23(3) makes specific provision where a co-operation provision is, or is to be, included in a BMO, along with an obligation to undertake such consultation as is required by regulation.
141. Clauses 23(4) and 23(5) make provision for the variation or revocation of a BMO or supplementary instrument; and confer an obligation to undertake the

consultation required by regulation. An order varying a BMO may include a provision relating the management or disposal of property.

142. Clause 23(6) stipulates that a BMO or supplementary instrument must specify its duration.
143. Clause 23(7) confers a power to make additional provision by regulation.

#### ***Clause 24 Review of duration of mission initiative etc.***

144. Clause 24(1) restates the obligation on the Visitor of a BMO of a defined duration to conduct a review.
145. Clause 24(2) confers a power to impose requirements by regulation which govern such a report, its contents, delivery, and necessary consultation.
146. Clauses 24(3) and 24(4) provide that the bishop or bishops may make a further BMO and supplementary instrument; and require them to undertake further consultation as may be required by regulation.
147. Clauses 24(5) to 24(10) make ancillary provision.

#### **Clause 25 Code of Practice**

148. Clause 25(1) provides that the Code of Practice issued by the House of Bishops under section 81 of the 2011 Measure continues in operation.
149. Clauses 25(2) to 25(4) make provision for the House of Bishops to issue an amended or replacement version of that Code; and the requirement for Synod's approval for such a Code, with or without amendment.
150. Clause 25(5) obliges bishops and the leaders of a mission initiative to have due regard to such a Code.

#### ***Clause 26 Compensation for loss of office***

151. Clause 26(1) restates provisions relating to compensation to office holders who hold on common tenure where their office is abolished by or as a result of a pastoral scheme; or to the incumbent of a benefice dissolved by pastoral scheme, or whose office is deemed to be vacated by regulation; or to an archdeacon whose archdeaconry is dissolved by a pastoral scheme who is not subject to common tenure.
152. Clauses 26(2) to 26(4) restate the current provision as to the circumstances in which compensation may and may not be payable where a relevant pastoral scheme provides that the office holder is appointed to an ecclesiastical office with a stipend any other emoluments at an equivalent or higher level.

153. Clauses 26(5) and 26(6) restate the current position as to the amount of compensation payable.
154. Clause 26(7) confers a power to make regulations in connection with compensation payable under this clause.

***Clause 27 No incumbent, team vicar, archdeacon or rural dean***

155. Clause 27(1) restates the current provision that where a benefice is in vacancy, the provisions of the Measure relating to notices, consents, and other things which may or must be done by the incumbent of that benefice do not have effect to that benefice.
156. Clauses 27(2) to 27(4) restate current provisions which have in view a vacancy in the office of vicar; where an archdeaconry has no archdeacon; and where a deanery has no rural dean. Those provisions reflect subsection (1).
157. Clause 27(5) provides that a certificate signed by the bishop on the existence of a vacancy or the absence of a relevant office holder is conclusive.

***Clause 28 Induction where more than one parish church***

158. Clause 28(1) restates the existing provision which applies where a person is appointed incumbent in an area which includes more than one parish church, but new provision is made to allow for regulations to specify cases where this provision does not apply.
159. Clause 28(2) makes ancillary provision in the event that the bishop does not make a direction under subsection (1) as to the church to which the incumbent is to be inducted.
160. Clauses 28(3) and 28(4) make provision for the appointment of an incumbent of benefices held in plurality; for the directions which the bishop may give; and for the consequences if the bishop does not give such a direction.

***Clause 29 Assistant curates***

161. Clause 29(1) restates existing provision which allows a diocesan bishop to direct that an office of assistant curate in the diocese may be described in the terms specified.
162. Clauses 29(2) to 29(4) make additional provision for such a licence, and the consultation required before such an instrument is issued; and for the variation or revocation of such an instrument.

163. Clause 29(5) restates the requirement for such an instrument to be sent to the diocesan registrar and filed at the registry.
164. Clauses 29(6) and 29(7) make additional provision for a licence to confer the special cure of souls or a special responsibility on an assistant curate.
165. Clause 29(8) stipulates that any such licence does not affect the general duties of an incumbent, priest-in-charge, or person holding office in a team ministry.

### ***Clause 30 Pluralities and preferments: authorisation***

166. Clause 30(1) restates existing provision which has in view the holding of benefices in plurality.
167. Clauses 30(2) to 30(4) make additional provision for the holding of a cathedral preferment with two or more benefices authorised to be held in plurality; the conditions on which a cathedral preferment may be held; and the consequence of accepting a preferment which would but for the provision of subsection (4) put a person in breach of this clause.
168. Clauses 30(5) and 30(6) make interpretive provision.

### ***Clause 31 Diocesan Parsonages Board: power to sue***

169. Clause 31 makes new provision for the bishop to be able to bring or defend legal proceedings which relate to a parsonage house in the diocese. This puts into statute the common law power which permits the diocesan bishop to bring such proceedings in his or her name during a vacancy.

### ***Clause 32 Right of presentation to benefice: pause period***

170. Clause 32(1) restates existing provision which allows for suspension of the rights of presentation to a benefice, but makes new provision for a bishop to give a “**pause notice**” that during a “**pause period**” the registered patron may not exercise the right of presentation without the consent of the MPC, and the consent of the bishop (if the bishop is not the registered patron). These provisions are intended to put in place a proportionate balance which allows space for the development of proposals for pastoral reorganisation whilst ensuring that rights of presentation are not suspended on a rolling basis indefinitely.
171. Clauses 32(2) and 32(3) specify the conditions which must be met before a pause notice can be given. Clause 32(4) provides that where these conditions are not met a pause notice may only be given with the consent of the Church Commissioners.

172. Clause 32(5) provides that the right of presentation may not be exercised during a pause period except in accordance with the pause notice.
173. Clause 32(6) makes provision for the duration of a pause notice. Subject to subsections 32(7) and 32(9) a pause period may not exceed three years.
174. Clause 32(7) provides that a bishop may give an extension notice to extend the pause period by a further three years; and subsection 32(8) provides that in the event that an extension notice is given the pause period continues where it would otherwise have come to an end.
175. Clause 32(9) provides that a bishop may give a final extension period of not more than one year where he or she is satisfied that consultation on making a pastoral scheme or order will begin within one year of the end of the pause period as extended; and subsection (10) provides that in the event that a final extension notice is given the pause period continues where it would otherwise have come to an end.
176. It follows that the maximum length of a pause period in any case is seven years.
177. Clause 32(11) provides that a bishop may not give a final extension notice without the consent of the Church Commissioners.
178. Clause 32(12) applies the requirements of subsection (5) to an extension or final extension notice.
179. Clause 32(13) confers a power to make regulations which may make appropriate further provision.

### ***Clause 33 Pause period: end and extension***

180. Clauses 33(1) and 33(2) provide that the pause period for which provision is made in clause 32 comes to end before it otherwise would in the circumstances which are specified. These include a range of circumstances, such as where the bishop services a termination notice in accordance with regulations, or where express provision is made in a pastoral scheme or order for the termination of a pause period which comes into operation.
181. Clause 33(3) makes further provision in the event that the bishop either gives a “consent notice” or a “termination notice” within the meaning of subsections (1)(a) or (b). The pause period must come to an end on such day as is specified, which must be not later than 14 days after the notice is given.
182. Clause 33(4) requires the designated officer under the Patronage (Benefices) Measure 1986 to give appropriate notice before the date on which the pause notice is due to expire to both the bishop and the MPC secretary (where that person is not also the designated officer); but clause 33(5) does not require

such notice where the pause period comes to an end earlier than it otherwise would as a result of subsection (1).

183. Clause 33(6) confers a power to make further procedural provision by regulation.

***Clause 34 Pause period: appointment of priest in charge***

184. Clause 34(1) restates existing provision which allows for the bishop to appoint a person as priest-in-charge during a pause period (referred to as a suspension period in the 2011 Measure), or two or more persons with the result that the same person is not priest-in-charge for each parish in a benefice, subject to the conditions which are specified.

185. Clause 34(2) makes consequential provision for the accommodation of such a person appointed.

***Clause 35 Administration in vacancy***

186. Clause 35(1) restates existing provisions which refer to the sequestration of the profits of the benefice during what is called a “suspension period” in the 2011 Measure; now a “pause period”. Clause 35(1) provides for the appointment of “administrators in vacancy”, seeking to adopt the language used in secular law, and provides that such an administrator has all of the functions which a sequestrator has at law.

187. Clause 35(2) provides that the appointment of an administrator is coterminous with a pause period as it may be extended under clause 33, save that the same person need not act as administrator during any extension as during the initial pause period.

188. Clause 35(3) restates and continues the obligation on a bishop (acting through the administrator) to sequester the profits of the benefice during the pause period.

189. Clause 35(4) makes provision for the administrators to provide for the exercise of the ecclesiastical duties of the benefice subject to the obligations of consultation which are set out there.

190. Clause 35(5) makes further provision for the administrators to exercise such powers as would be available to the incumbent if the benefice were full, with the consent of the bishop and such persons as may be specified in regulation.

191. Clause 35(6) makes provision for the application of the income of the benefice during the vacancy.

192. Clauses 35(7) and 35(8) confer a power on the administrators to pay part of the balance which they hold to the diocesan board of finance; and requires this where a bishop so directs. Subsection (8) restates existing provisions which

require that such monies are allocated to the income account of the diocesan stipends fund.

193. Clauses 35(9) and 35(10) provide interpretive clarification.
194. Clause 35(11) confers a power to make further procedural provision by regulation.
195. Clause 35(12) provides that the provisions of the section also apply when there is a vacancy in a benefice but no pause period.

***Clause 36 Close of administration in vacancy***

196. Clause 36(1) restates provision which currently applies at the close of sequestration, and requires the administrators to pay the balance which they hold to the diocesan board of finance. Before that payment is made the bishop or such person authorised by the bishop must certify the amount of that balance.
197. Clause 36(2) stipulates that such monies must be allocated to the income account of the diocesan stipends fund.
198. Clause 36(3) obliges the administrators to render audited income and expenditure accounts to the bishop during the administration, and at the close of the administration.
199. Clause 36(4) makes consequential provision where a pause period has ended and a further pause period follows.

***Clause 37 Pauses on presentation: other provision***

200. Clause 37(1) restates provisions which apply where the right of presentation to a benefice is paused.
201. Clauses 37(2) to 37(5) make consequential provision for the application of the Patronage (Benefices) Measure 1986 and the steps which are required under that Measure both whilst the right of presentation is constrained and when it ceases to be constrained. Clause 37(3) provides that a notice of vacancy or impending vacancy given under the 1986 Measure before the right of presentation is constrained is revoked, and acts take under the 1986 Measure are of no effect.
202. Clause 37(6) provides for the application of the 1986 Measure to a notice of vacancy given under this Measure, in order to ensure a consistency of approach.
203. Clauses 37(7) and 37(8) makes consequential provision about the service of a notice of vacancy under this section and its timing.

204. Clause 37(9) confers a power to make further provision by regulation.

***Clause 38 Priest in charge as charity trustee***

205. Clause 38(1) restates existing provision which has in view charitable property which is vested in or under the management or control of the incumbent of a benefice, and the benefice becomes vacant or a pause notice is given.

206. Clause 38(2) provides that during the vacancy or pause period the trusts have effect such that the incumbent is replaced with the priest-in-charge.

207. Clause 38(3) makes consequential provision that the change specified in this clause take place by the operation of law and without the need for further conveyance or instrument.

208. Clause 38(4) provides that the provisions of this clause do not apply to a trust for the repair of a closed church.

***Clause 39 Minors***

209. This clause restates existing provision which has in view a minor who is entitled to the patronage or a share of the patronage of a benefice; and provides for consent or approval to be given by the minor's guardian or such other person as provided for by the Patronage (Benefices) Measure 1986.

***Clause 40 Determination of questions on patronage***

210. This clause restates existing provision which applies where it is not possible to find the registered patron of a benefice; and allows the Church Commissioners to direct that the diocesan board of patronage is to be treated for relevant purposes as the registered patron.

***Clause 41 Recommendation for church closure***

211. Clause 41(1) restates in a clearer and more accessible way existing provisions which authorise the MPC to recommend to the bishop that a declaration should be made for the closure of a church in the diocese for regular public worship.

212. Clause 41(2) specifies conditions which must be met; and requires the consideration of a report from the Diocesan Advisory Committee ("DAC") on matters specified in the regulations. This might include matters such as the historic, architectural, and aesthetic qualities of the church, and any special features of the churchyard or burial ground which is annexed to the church or any other church in the area.

213. Clause 41(3) provides that the DAC must send a copy of its report to the MPC, the Church Commissioners and the DBF.



214. Clause 41(4) makes interpretive provision.
215. Clauses 41(5) and 41(6) provide that the MPC shall be entitled to make a request for a report from a person other than the DAC, who it is satisfied would be capable of giving advice of the kind required under the provisions of section 37(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. This allows for some flexibility and would allow, for example, for advice to be sought from an appropriate surveyor or specialist in an appropriate case.

### ***Clause 42 Church closure: functions of MPC***

216. Clauses 42(1) and 42(2) essentially restate existing provision contained in section 55(1) of the 2011 Measure. Clause 42(1) requires that the MPC should make “every endeavour” to find a suitable alternative use for a church building which is listed or in a conservation area.
217. Clause 42(2) requires the MPC, in the case of a church which is not listed or in a conservation area, to develop proposals for the suitable alternative use of the building or, as a fallback, for demolition and the disposal of its site.
218. Clause 42(3) provides that the obligations in subsections (1) and (2) do not apply where a pastoral scheme will make provision for the onward use of the church building to which the scheme relates.
219. Clause 42(4) provides that the Church Commissioners may require such a case to be referred to them; in which event they are required to discharge the duties specified in subsections (1) and (2).
220. Clauses 42(5) and 42(6) provide that if a suitable alternative use has not been found after five years the Commissioners must prepare a draft pastoral scheme for the disposal of the building. The Commissioners may extend this period if they think appropriate. 42(5) and 42(6) restate the “longstop” currently contained in 62(1) of the 2011 Measure, with a change in its length from two years to five.

### ***Clause 43 Lease of open church***

221. Clause 43 essentially restates section 68 of the 2011 Measure.
222. Clause 43(1) sets out a general prohibition on disposal of a church or associated land except by virtue of a pastoral scheme or order.
223. Clause 43(2) allows for the grant of a lease for a specified part of the church, so long as, taken as a whole, the part leased and the part remaining must be primarily used as a place of worship. This is intended to restate current

provisions which retain such a church building within scope of the ecclesiastical exemption.

224. Clause 43(3) makes provision for the lease of land which belongs to or is annexed to a church.
225. Clause 43(4) provides that a lease must not be granted under 43(2) or 43(3) unless the PCC and the MPC have agreed to the terms of the lease.
226. Clauses 43(5) to 43(7) make ancillary provision which govern the grant of leases; and stipulate that a faculty is not required for such a lease. Although a faculty is not required for the lease itself, it continues to be required for any associated changes e.g. alterations.
227. Clause 43(8) gives effect to Schedule 3, which makes further provision.

#### ***Clause 44 Closure of church not done under Measure***

228. Clause 44(1) restates existing provision which provides that a church or part of a church which has not been used for Divine Service in the preceding 25 years may be closed for regular public worship where the incumbent (if any), the PCC and patron each consent.
229. Clause 44(2) applies the provisions of the Measure and Regulations which make general provision for declarations of closure to apply for the purposes of this clause.
230. Clause 44(3) provides that this section does not apply to a consecrated chapel which belongs to a charity.

#### ***Clause 45 Demolition of church not done under Measure***

231. Clause 45(1) provides that a scheme under this clause may retrospectively authorise the demolition (or part demolition) of a church which has happened other than under this Measure or the 2011 Measure.
232. Clause 45(2) provides that this section does not apply to a consecrated chapel which belongs to a charity.

#### ***Clause 46 Dealings by Commissioners or DBF with land vested in CCT***

233. Clause 46(1) restates existing provisions which apply to certain property vested in the CCT.
234. Clause 46(2) restates existing provision which allows the Church Commissioners, with the consent of the Secretary of State, to make an amending pastoral scheme which confers on them power to sell, give or

exchange such property as is vested in the CCT for such use as may be specified.

235. Clause 46(3) restates existing provision which confers on the Church Commissioners the power to make a scheme, with the consent of the Secretary of State, which confers powers on a DBF to deal with such property as is vested in the CCT.
236. Clause 46(4) makes ancillary provision about the vesting of such property.
237. Clause 46(5) provides that the Church Commissioners must consult the CCT in any case.
238. Clause 46(6) confers a power to make additional provision by regulation.

#### ***Clause 47 Restoration of closed church***

239. Clause 47(1) restates existing provision which provides that a pastoral order may provide for the return to use for worship of a church building which is vested in the CCT, the DBF, a charitable church trust, or the Church Commissioners.
240. Clause 47(2) specifies further provision which may be made by such a pastoral order.

#### ***Clause 48 Schemes for redundant chapels belonging to charities***

241. Clause 48(1) restates provision which allows the Charity Commission to make a scheme under its jurisdiction which has in view a consecrated chapel which belongs to a charity and is no longer needed for the purpose of the charity.
242. Where a scheme may be made under this clause (see clause 48(3)), clause 48(2) provides that the bishop may order the provisions of this Measure which have in view the removal of the legal effects of consecration, and provisions relating to handing human remains, shall apply to a relevant chapel.
243. Clause 48(3) provides for the circumstances in which an order may be made under this clause which include the demolition of the chapel, the sale or other disposal of the chapel or its site, or for the chapel to be put to a use specified.
244. Clauses 48(4) and 48(5) make consequential provision which have in view the charitable trusts on which a chapel may be held.

#### ***Clause 49 Closure or disposal of church to be by Measure***

245. Clause 49 restates existing provision that it is not lawful to make an order or give a direction that a church is no longer required for use as a church other

than by a declaration of closure for public worship, or the exercise of a power under the preceding clause.

### ***Clause 50 Guild churches***

246. Clause 50(1) restates existing provision which provides that a pastoral order or scheme may make a declaration of closure for regular public worship of the whole or part of a church designated as a guild church under the City of London (Guild Churches) Acts 1952 and 1960, and any churchyard or other land annexed to such a church.
247. Clause 50(2) provides that subsection (1) does not apply to the church of St. Lawrence Jewry.
248. Clause 50(3) provides that where a pastoral scheme or order makes provision under this clause that the Acts referred to above cease to apply to the guild church concerned.
249. Clause 50(4) makes provision for a bishop to refuse to licence the holder of another ecclesiastical office to a vacancy in a guild church.
250. Clause 50(5) provides that other than the provisions of this clause no provision of the Measure or any pastoral scheme or order applies to or affects a guild church.

### ***Clause 51 Functions of vesting body following declaration of closure***

251. Clause 51 restates section 61 of the 2011 Measure.
252. Clause 51(1) provides that where a declaration for regular public worship is made, the closed building and its contents are, when the declaration takes effect, to vest in the vesting body for the diocese without the need for a conveyance or other instrument.
253. Clause 51(2) and (3) define the vesting body as a DBF, the CCT or another charitable church trust and state that the building is to be held on trust the purpose referred to in section 55(2).
254. Clause 51(4) provides for the powers and duties of the vesting body in respect of the building during the period which begins with the taking effect of a declaration of closure for public worship and ends with the coming into operation of a pastoral scheme or order making provision for the closed building.
255. Clause 51(5) provides that the vesting body must consult the DAC and the chancellor of the diocese before transferring contents to some other place for safekeeping, unless the urgency of the need to safeguard the contents means that this is not practicable.

256. Clause 51(6) provides that the vesting body must obtain the consent of the incumbent or priest in charge of the benefice in whose area the closed building is situated before permitting the building to be used occasionally for worship.
257. Clause 51(7) provides that the incumbent or priest in charge and the churchwardens of the parish concerned must assist the DBF in providing for reasonable supervision of the building against damage.
258. Clauses 51(8) - (10) make ancillary provision as to the effect of a declaration of closure for regular public worship, the meaning of a transfer and a requirement to keep a record relating to the transfer of the contents of a closed building to another place.

### ***Clause 52 Vesting of closed building***

259. Clause 52(1) makes new provision that a scheme or order may provide for the vesting of a building closed for regular public worship or related land in the DBF, the CCT or another charitable church trust, the incumbent of the benefice or a person specified in the regulations. This applies in cases specified in the regulations and in accordance with the regulations.
260. Clauses 52 (2) - (4) provide that where the building or other land is transferred for vesting in a charitable church trust and the trust becomes unable to pay its debts or is dissolved or wound up, the building or other land will be transferred to the DBF for the diocese in which it was situated without the need for a conveyance or other instrument.

### **Clause 53 Vesting free of burial rights**

261. Clause 53 restates section 71(9) and (10) of the 2011 Measure. Clause 53(1) provides that property vesting by virtue of section 51 or 52 vests free of any trust or burial rights. Clauses 53 (2) and (3) make provision for compensation to be paid by the DBF to a person entitled to burial rights. Clause 53(4) makes ancillary provision relating to faculty proceedings.

### **Clause 54 Removal of legal effects of consecration**

262. Clause 54 restates section 74 of the 2011 Measure.
263. Clause 54(1) provides that the section applies to a consecrated building, a consecrated part of a building or other consecrated land.
264. Clause 54(2) provides that where land is vested in the Church Commissioners under section 52, vested in the DBF for a diocese under a pastoral scheme or order or put to a use specified in a pastoral scheme or order it will cease to be subject to the faculty jurisdiction and the legal effects of consecration, unless the scheme or order provides otherwise.

265. Clause 54(3) provides that where land is vested in the CCT under section 52 it will cease to be subject to the faculty jurisdiction. The land will continue to be subject to the legal effects of consecration unless the term of a lease provides that it is not.
266. Clause 54(4) provides that the section ceases to apply if the land is restored to its former use or put to a use for which consecration would be required.

***Clause 55 Charitable church trust: special powers***

267. Clause 55(1) makes new provision which deems a charitable church trust (other than the CCT) in which a closed church building is vested under the Measure as having the charitable purpose in clause 55(2) and the powers mentioned in 55(3), so far as the charitable church trust would not otherwise have that purpose or powers.
268. Clause 55(3) sets out powers relating to matters including the acquisition and management of property, the application of funds and the power to permit the use of the building for worship subject to the required authorisations.
269. Clauses 55(4) to (6) make ancillary provision as to the powers of a charitable church trust, including provision that the charitable church trust may only dispose of the building where this is permitted under the Measure, the regulations or the Church Property Measure 2018.

***Clause 56 Easements***

270. Clause 56 restates sections 72 and 73 of the 2011 Measure.
271. Clause 56(1) provides that where a church building closed for regular public worship (or associated land) vests in the CCT, the DBF, a charitable church trust or the Church Commissioners, but land annexed or belonging to the church building does not vest in that body, a pastoral scheme or order may provide for the grant to that body of easements over the land.
272. Clause 56(2) makes further provision as to the circumstances in which an easement may be granted under 56(1).
273. Clauses 56(3)-(5) make ancillary provision relating to rights of way and the acquisition of easements by the Church Commissioners for the benefit of the CCT or a charitable church trust.

***Clause 57 Covenants as to use: imposition and enforcement***

274. Clause 57 restates section 75(1) and (3) of the 2011 Measure.

275. Clause 57(1) provides that when the Church Commissioners or a DBF exercise a power under a pastoral scheme or order to sell, give or exchange or to grant a lease or licence of a building or other land, they may include restrictive covenants as to the use of the land.
276. Clause 57(2) provides that the power under 57(1) applies subject to the conditions or requirements in the scheme or order.
277. Clause 57(3) makes further provision in relation to the enforcement and of covenants.
278. Clause 57(4) provides that the Upper Tribunal may not discharge or modify restrictive covenants imposed under section 57(1).

***Clause 58 Bishop's directions for disposal of contents of church***

279. Clause 58 restates section 76 of the 2011, with the inclusion of amendments enabling church contents to be dealt with under bishop's direction following the declaration of closure of a church for regular public worship.
280. Clause 58(1) provides that where a declaration of closure of a church for regular public worship has taken effect the bishop must give a direction for how the font, communion table and plate used for Holy Communion are to be dealt with.
281. Clause 58(2) provides that if a church is demolished or put to another use before a direction under 58(1) is given or fully implemented, the DBF has responsibility for the care, maintenance and protection of the items concerned.
282. Clause 58(3) provides that a direction under 58(1) may also provide for how other contents of the church are to be dealt with.
283. Clause 58(4) makes ancillary provision that when anything is disposed of in accordance with a direction under 58(1), the bishop must give a direction for the application of the proceeds.
284. Clause 58(5) provides that a scheme or order providing for the care and maintenance of the whole or part of a church by the CCT may also provide for the contents of the church to be vested in the CCT for care and maintenance, or for the disposal of specified contents of the church.
285. Clause 58(6) makes similar provision where a scheme or order provides for the whole or part of a church to remain vested in the DBF.
286. Clause 58(7) provides that the power to give a direction under this section is subject to provision in a pastoral scheme or order.

287. Clause 58(8) provides that the implementation of a direction under this section does not require a faculty.
288. Clause 58(9) clarifies that “contents” only includes tombstones, monuments or memorials where these are being vested in the CCT or DBF for their care and maintenance under clause 58(5) or 58(6).

### ***Clause 59 Trust funds for repair etc of closed church and contents***

289. Clause 59 restates section 77 of the 2011 Measure.
290. Clauses 59(1) provides that the section applies where a building closed for regular public worship is vested in the DBF pending the making of a pastoral scheme or order, in the DBF, the CCT or a charitable church trust in pursuance of a pastoral scheme or order or in the Church Commissioners or the DBF for a use specified or described in a scheme or order.
291. Clause 59(2) provides that the section also applies where a churchyard annexed or belonging to a building closed for regular public worship is vested in the DBF or the CCT in pursuance of a scheme or order.
292. Clauses 59(3) to (7) provide for circumstances in which the property of a charity with purposes including the repair and maintenance of the building, the provision of maintenance of ornaments or other contents of the building, or the maintenance of the churchyard continues to be applicable for that purpose.
293. Clauses 59(8) to (10) make ancillary provision regarding the power of the Charity Commission to make a scheme under the Charities Act 2011.
294. Clause 59(11) provides that where a charitable purpose of giving sermons and lectures in a particular church cannot be fulfilled, the sermons and lectures can be given in an alternative church without a scheme under the Charities Act 2011 being required.

### ***Clause 60 Charity affected by pastoral scheme or order***

295. Clause 60 gives effect to Schedule 4, which restates existing provision in relation to charities affected by a pastoral scheme or order other than charities falling under section 59.

### ***Clause 61 Disposal of human remains***

296. Clause 61 restates sections 78(1), (2) and (8) of the 2011 Measure, and provides for further detail to be restated in the Regulations. It also makes new provision which would allow regulations to make alterations to the point in the procedure at which memorials must be disposed of or otherwise dealt with.



297. Clause 61(1) provides that the section applies where human remains are believed to be buried in or under a building closed for regular public worship, in land to which a scheme or order providing for the disposal of a building closed for regular public worship applies, or in consecrated land for the disposal of which a pastoral scheme or order provides.
298. Clause 61(2) prohibits the disposal of the land, or its use or development, unless the two conditions in 61(3) and (4) are met.
299. Clause 61(3) sets out the first condition, which relates to human remains. It states that the remains must either have been removed and reinterred or cremated, in accordance with the regulations, or the Secretary of State must have made an order under section 62 dispensing with the requirements of section 61.
300. Clause 61(4) sets out the second condition, which is that a memorial commemorating the person whose remains are believed to be buried has been dealt with in accordance with the regulations.
301. Clause 61(5) states that regulations may, for example, provide that a memorial need not be removed before the disposal of the land concerned if the instrument giving effect to the disposal includes a covenant by the person to whom the land is being disposed to remove the memorial as soon as reasonably practicable after the disposal.
302. Clauses 61(6) to (8) make ancillary provision, including that a faculty is not required for anything done under the section or related regulations and the definition of “memorial” includes a tombstone or monument.

#### ***Clause 62 Order of Secretary of State***

303. Clause 62 restates section 78(3) - (6) of the 2011 Measure.
304. Clauses 62(1) and (2) permit the Secretary of State to make an order dispensing with the requirements of section 61 and requirements contained in regulations made under that section concerning human remains, where it appears to the Secretary of State that the demolition or intended use will not involve the disturbance of human remains.
305. Clauses 62(3) to (7) make ancillary provision as to the procedure for making, revoking or amending a dispensing order, and the effect of an order once made.

#### ***Clause 63 Human remains not buried in same place as memorial***

306. Clause 63 restates section 78(7) and (8) of the 2011 Measure.

307. Clause 63(1) provides that the section applies where the remains of a deceased person are not buried under the land where a memorial commemorating that person is situated.
308. Clause 63(2) prohibits the disposal of the land, or its use or development, unless the memorial has been disposed of in such a manner as the bishop of the diocese directed, or the bishop has dispensed with the prohibition under this subsection.
309. Clause 63(3) to (6) make ancillary provision, including the circumstances where the requirement under subsection (2) does not apply and the manner in which the bishop's power under subsection (2) must be exercised.
310. Clause 63(7) and (8) make the same ancillary provision as in clause 61 relating to the definition of "memorial" and the requirement for a faculty.

#### ***Clause 64 Continuation and objects***

311. Clause 64 restates section 57(1), (3) and (4) of the 2011 Measure. It provides for the continuation of the Churches Conservation Trust as a body corporate, restates the charitable object of the CCT and gives effect to Schedule 5, which makes further provision as to the constitution of the CCT.

#### ***Clause 65 Powers to manage property etc***

312. Clause 65 restates the powers of the CCT in relation to property which were contained in sections 57(5), (5A), (5B) (8), (9) and (14) of the 2011 Measure, with minor amendments to provide additional flexibility to the CCT in its management of property.

#### ***Clause 66 Power to acquire building disposed of under certain schemes***

313. Clause 66 restates subsections 57(6) and (7) of the 2011 Measure.
314. Clause 66(1) provides that the CCT may acquire as a gift the freehold interest in a building or land annexed or belonging to a building where the freehold interest has been disposed of under a scheme or order, the owner of the freehold interest is unable to use the building for the use specified in the scheme or order and the owner is willing to dispose of the freehold interest by gift.
315. Clauses 66(2) and (3) require that the Church Commissioners must consent to an acquisition, and that the Church Commissioners may not give consent unless they have consulted with the bishop and the Statutory Advisory Committee of the Church Buildings Council, and are satisfied that the CCT will have the resources to meet the cost of maintaining the building.
316. Clauses 66(3) and (4) make associated ancillary provision.

### ***Clause 67 Power to let property***

317. Clause 67 restates sections 57(5), (9), (10), (12) and (13) of the 2011 Measure, which confer on the CTT a power to let property vested in it on terms approved by the Church Commissioners.

### ***Clause 68 Provision of information, professional services etc.***

318. Clause 68 restates section 57(16)-(18) of the 2011 Measure which requires the CCT to provide information and advice to the Church Commissioners on various matters.
319. Clause 68(2) broadens the powers of the CCT to generate income through the provision of professional services.

### ***Clause 69 Funding by the Church Commissioners***

320. Clause 69 restates section 65 of the 2011 Measure.
321. Clause 69(1) and (2) provide that the Church Commissioners or any other National Church Institution may make grants to the CCT.
322. Clauses 69(3) and (4) provide that the Church Commissioners must specify by order the total amount to pay to the CCT in each funding period, and that the total amount of grants made to the CCT in a funding period must not exceed that total amount.
323. Clause 69(5) to (10) make supplementary provision as to the making of orders under this section.

### ***70 Diocesan pastoral account***

324. Clause 70 restates section 93 of the 2011 Measure.
325. Clause 70 (1) provides for the continuation of the account known as the "diocesan pastoral account" held by the DBF for each diocese under section 93 of the 2011 Measure.
326. Clause 70(2) and (3) provide that the DBF must transfer to the diocesan pastoral account money payable to the account under the Measure, the Regulations or a pastoral scheme or order. The DBF must also pay into the diocesan pastoral account any other money that the bishop and the DBF acting jointly agree should be credited to the account.
327. Clause 70(4) to (6) make ancillary provision in relation to the preparation of accounts and laying of accounts before the diocesan synod.

328. Clause 70(7) provides that the DBF may use money in the DPA to make grants to the CCT or another charitable church trust using money in the diocesan pastoral account.

#### ***Clause 71 Diocesan debtors' account***

329. Clause 71 makes new provision to formalise existing financial arrangements for paying expenses incurred in carrying out functions under the Measure.
330. Clause 71(1) to (4) provide that the Commissioners must hold a “**diocesan debtors' account**” for each diocese, into which the DBF must transfer money required to pay the expenses of the bishop, the MPC or the Commissioners in connection with a pastoral scheme or order or a building closed for regular public worship.
331. Clause 71(5) to (7) makes further provision as to the payment of expenses from the diocesan debtors' account.

#### ***Clause 72 Use of money in diocesan pastoral account***

332. Clause 72 restates section 94(4) of the 2011 Measure. It makes provision as to how a DBF may use money in the diocesan pastoral account, where the DBF is satisfied that it is not necessary to transfer that money to the diocesan debtors' account.

#### ***Clause 73 Grant of land for new church etc.***

333. Clause 73 restates section 92 of the 2011 Measure. It provides that the DBF, or another body holding diocesan property on trust, may make a grant of land to the DBF for one of the purposes in section 28 of the Church Property Measure 2018 without the need for an order of the Charity Commission or the court.

#### ***Clause 74 Closed Church Buildings Support Account***

334. Clause 74 restates section 95 of the 2011 Measure.
335. Clause 74(1) provides that the Church Commissioners must continue to hold the account called the Closed Church Buildings Support Account (CCBSA) which they previously held under section 95 of the 2011 Measure.
336. Clause 74(2) provides that the Church Commissioners must transfer to the CCBSA money payable to that account under the Regulations.
337. Clause 74(3) makes further provision as to how the Church Commissioners must hold money transferred under subsection (2).
338. Clause 74(4) to (7) makes provision as to how the Church Commissioners may apply money standing to the credit of the CCBSA in relation to closed church

buildings. Clause 74(6) includes a broader range of purposes related to closed church buildings than were provided for under the 2011 Measure, including the commissioning of reports and advice and expenditure on marketing.

### ***Clause 75 Mission. Pastoral and Church Property Committee***

339. Clauses 75(1) and 75(2) in part restate an existing obligation on the Board of the Church Commissioners to appoint a committee to discharge the functions which are specified in subsection (2) relating to the implementation of pastoral schemes and orders, and its functions relating to buildings closed for regular public worship. These clauses place the Commissioners' existing practice on a statutory basis. This committee is to continue to be known as the Mission, Pastoral and Church Property Committee ("MPCPC").
340. Clause 75(3) extends the MPCPC's remit such that it expressly includes advice on the effect of proposed changes to legislation which relate to its functions.
341. Clause 75(4) stipulates that the MPCPC may include in its membership persons who are not Church Commissioners, but requires that persons who are Church Commissioners must be a majority of the MPCPC's membership.
342. Clause 75(5) provides that the Church Commissioners Measure 1947 (which provides for the governance arrangements of the Church Commissioners) should apply to the MPCPC.
343. Clause 75(6) makes consequential provision for the application of the 2011 Measure.

### ***Clause 76 Guidance***

344. Clause 76 makes new provision which supplements the Commissioners' existing power to give advice under section 98 of the MPM 2011 (restated in clause 77) with a duty to publish guidance.
345. Clause 76(1) provides that the Commissioners must give guidance about the operation of the Measure and the regulations, the exercise of functions for the purposes of the Measure or the regulations and any related matters which they think it desirable to give guidance about.
346. Clause 76(2) provides that a person to whom guidance is given under this section must have due regard to the guidance. This means that they must conscientiously consider the need to do the things set out and should only depart from it where there are cogent and compelling reasons.
347. Clause 76 (3) makes ancillary provision regarding the amendment or revocation of guidance.

348. Clause 76(4) requires the Commissioners to publish guidance given under this section.

***Clause 77 Information and advice***

349. Clause 77 restates the Commissioners' existing powers under section 98 of the 2011 Measure to seek information from or give advice to the MPC or DBF for a diocese.

***Clause 78 Transfer of Commissioners' land in Sutton Coldfield***

350. Clause 78 makes one-off provision for the transfer of a piece of land owned by the Church Commissioners to the DBF for the diocese of Birmingham. The Commissioners' ownership of that piece of land was conferred by an Act of Parliament, meaning that statutory provision was necessary for the transfer to take place.

***Clause 79 Regulations***

351. Clause 79 makes standard provision in relation to the procedure for making regulations under the Measure. It provides that the power to make regulations is exercisable by the Church Commissioners. Regulations must be laid before the General Synod and may not come into force unless approved by the Synod, with or without amendment.

***Clause 80 Notices and other documents***

352. Clause 80 restates section 101 of the 2011 Measure. It makes standard provision regarding the service of notices or other documents which may be given to a person under the Measure or the Regulations.
353. This includes a requirement at clause 80(1) that any notice, consent, direction, determination or request which may be given to a person under the Measure or the regulations must be in writing. It also includes provision in clause 80(2) which permits a notice or other document which must be given to a person under the Measure or the regulations to be sent by electronic means.

***Clause 81 Application to Crown or Duchy of Cornwall***

354. Clause 81 restates section 100 of the 2011 Measure.
355. Clause 81(1) provides that no provision of the Measure, the regulations or a pastoral scheme or order applies in relation to a benefice the patronage of which is vested in or exercisable by His Majesty in right either of the Crown or of the Duchy of Lancaster unless His Majesty has given consent.
356. Clause 81(2) makes similar provision in relation to a benefice the patronage of which is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, in which case no provision of the Measure, the regulations

or a pastoral scheme or order applies to the benefice unless the Duke of Cornwall has given consent.

- 357. Clause 81(3) clarifies that the requirement for consent under clause 81(1) and (2) applies regardless of whether the provision affects the right of patronage.
- 358. Clause 81 (4) to (6) make additional provision as to who may give consent on behalf of the Crown or Duchy of Cornwall.
- 359. Clause 81(7) provides that consent under subsection (1) or (2) may not be given generally but only in the case of a particular benefice. This is a change from existing provision under the 2011 Measure, which provided that consent may be given generally or specifically.
- 360. Clauses 81 (8) and (9) make standard ancillary provision.

#### ***Clause 82 Saving for planning legislation***

- 361. Clause 82 restates section 107 of the 2011 Measure. It provides that legislation relating to town and country planning continues to apply to development which is authorised by a scheme or order, or otherwise authorised or regulated under the Measure.

#### ***Clause 83 Private or local Acts***

- 362. Clause 83 restates section 109 of the 2011 Measure.
- 363. Clause 83(1) and (2) provide a power for a scheme or order to amend or repeal a provision of a private or local Act passed before 1<sup>st</sup> April 1969 and affecting a church or associated land, where it appears to the Church Commissioners that the provision is inconsistent with, or made unnecessary by, a pastoral order or the provisions of this Measure applicable to a scheme or order.
- 364. Clause 83(3) provides that where a private or local Act passed before 1<sup>st</sup> April 1969 provides for the erection of a new church and other buildings or accommodation, a scheme or order may instead provide for matters including the erection of a building suitable to be used as a new place of worship licensed by the bishop, or for the disposal of the land.
- 365. Clause 83(5) to (9) makes ancillary provision in relation to the repeal or amendment of a private or local Act passed before 1 April 1969.

#### ***Clause 84 Meaning of “church”***

- 366. Clause 84 defines the meaning of “church” for the purposes of the Measure.

#### ***Clause 85 Meaning of “benefice” and “parish”***

367. Clause 85 defines the meaning of “benefice” and “parish” for the purposes of the Measure.

***Clause 86 Meaning of “PCC” etc.***

368. Clause 86 defines the meaning of “PCC” for the purposes of the Measure. It includes provision for how references to a PCC or an officer of the PCC in the Measure are to be interpreted where a PCC has no members or is not quorate.

***Clause 87 Meaning of “place of worship”***

369. Clause 87 defines the meaning of “place of worship” for the purposes of section 83.

***Clause 88 Meaning of “patron” etc.***

370. Clause 88 defines the meaning of “patron”, “right of patronage” and “registered patron” for the purposes of the Measure.

***Clause 89 Other interpretation***

371. Clauses 89 defines various words and phrases used in the draft Measure.

***Clauses 93-95 Short title, commencement and extent***

372. Clauses 93-95 makes standard provision for the draft Measure’s citation, commencement and extent.

***Schedule 1***

373. Schedule 1 makes further provision in relation to the constitution of mission and pastoral committees established under section 2. It restates Schedule 1 of the 2011 Measure.

***Schedule 2***

374. Schedule 2 makes further provision in relation to patronage boards constituted by a pastoral scheme or order. It restates paragraphs 1(4) to (14) and paragraph 2 of the 2011 Measure.

***Schedule 3***

375. Schedule 3 makes further provision as to the lease of part of an open church under section 43(2) or (3). It restates section 68(5)-(17) of the 2011 Measure.

***Schedule 4***

376. Schedule 4 makes further provision in relation to a charity established for ecclesiastical purposes of the Church of England (referred to as a “Church charity”) which is affected by a pastoral scheme or order. It restates section 9 (1)-(9) of the 2011 Measure.



### **Schedule 5**

377. Schedule 5 makes provision in relation to the constitution of the Churches Conservation Trust. It restates part of section 57 of the 2011 Measure. Schedule 5 includes new provision in paragraphs 3 and 4 to confirm the CCT's power to form a trading subsidiary and make explicit the CCT's general incidental power to act in relation to its functions.

### **Schedule 6**

378. Schedules 6 makes amendments to other enactments which arise in consequence of the new Measure.

### **Schedule 7**

379. Schedule 7 makes standard transitional, transitory and saving provision to ensure continuity of the law between the 2011 Measure and the new Measure.

## **PART B - NOTES ON DRAFT REGULATIONS**

### ***Regulation 1 Citation and commencement***

380. Regulation 1 makes standard provision for the draft Measure's citation and commencement. It states that the regulations come into force immediately after the commencement of the Mission and Pastoral Measure 2025.

### ***Regulation 2 Interpretation***

381. Regulation 2 defines various words and phrases used in the draft Regulations.

### ***Regulation 3 Creation of parish, benefice, deanery or archdeaconry***

382. Regulation 3 restates sections 31(2), 31(4), 31(4A), 33, 38(1) and 38(3) of the 2011 Measure. It provides for additional matters for which a pastoral scheme or order providing for the creation of a parish, benefice, deanery or archdeaconry may (or in some cases must) provide.

### ***Regulation 4 Creation of Parish: PCCs***

383. Regulation 4 restates paragraph 10(1) to (3) of Schedule 3 to the 2011 Measure. It provides that a pastoral scheme creating a parish may make provision for ensuring that that the congregation of every church or place of worship in that parish has its own representatives on the PCC of the parish.

### ***Regulation 5 Creation of a benefice: status and duties***

384. Regulation 5 restates section 37 of the 2011 Measure. It provides for the status of a new benefice as a rectory or benefice and sets out the rights and duties of a vicar or rector of a new benefice. It also provides additional detail as to the ways in which a pastoral scheme or order which creates a new benefice may provide for the parishes in that benefice.

### ***Regulation 6 Creation or transfer of benefice: admission of incumbent***

385. Regulation 6 restates sub-paragraphs 5(2) and 5(4) of Schedule 3 to the 2011 Measure. It makes provision relating to the admission of an incumbent in a case where a pastoral scheme creates a benefice or transfers a parish from one benefice to another.

### ***Regulation 7 Transfer of parish from benefice***

386. Regulation 7 provides that a pastoral scheme or order providing for the transfer of a parish from one benefice to another in circumstances where the benefice to which the parish is being transferred is in vacancy may make certain provision relating to the designation of the incumbent and the restriction of patrons' rights of presentation.

### ***Regulation 8 Transfer of benefice, parish or extra parochial place from diocese***

387. Regulation 8 restates sub-paragraphs 14(1), 14(23) and 14(4) of Schedule 3 to the 2011 Measure. It makes ancillary provision which applies where a benefice, parish or extra-parochial place is transferred from one diocese to another.

### ***Regulation 9 Alteration of diocesan boundaries***

388. Regulation 9 restates sub-paragraph 14(3) of Schedule 3 to the 2011 Measure. It makes ancillary provision permitting the Commissioners to make financial adjustments in a case where a pastoral scheme or order makes an alteration of diocesan boundaries.

### ***Regulation 10 New or altered parishes: burial rights***

389. Regulation 10 restates paragraph 13 of Schedule 3 to the 2011 Measure. It makes ancillary provision as to the burial rights of parishioners in relation to a scheme the union of parishes, the creation of a new parish or the alteration of parochial boundaries by way of pastoral scheme or order.

### ***Regulation 11 Dissolution of benefice***

390. Regulation 11 makes new provision relating to the dissolution of a benefice. It introduces a default position in a case where the scheme or order providing for the dissolution does not make provision for the parsonage house. It also provides for the transfer of the office attached to a benefice where an office is dissolved otherwise than by a union of benefices.

### ***Regulation 12 Status of church as parish church***

391. Regulation 12 restates section 41 of the 2011 Measure. It provides that a pastoral scheme or order may make provision relating to the status of a church in a parish as a parish church. It also provides for related ancillary matters.

### ***Regulation 13 Chapel of ease: PCC's functions***

392. Regulation 13 makes ancillary provision relating to the functions of a PCC in the case of a church which was formerly a parish church and becomes a chapel of ease as a result of a pastoral scheme or order.

### ***Regulation 14 BMO: consultation***

393. Regulation 14 restates section 80(6)-(9) of the 2011 Measure. It makes supplementary provision as to the consultation which a bishop or bishops must undertake before making a BMO.

### ***Regulation 15 Provision in BMO on ministry: consultation***

394. Regulation 15 restates section 80(11) of the 2011 Measure. It makes provision for consultation which a bishop or bishops must undertake before

including provision in a BMO for authority to exercise ministry of the purposes of mission initiative under s.22(2) of the MPM, depending on whether only one or more than one diocese is affected.

***Regulation 16 supplementary provision***

395. Regulation 16 restates sections 82(2)-(4), (8) and (8A) of the 2011 Measure. It makes provision for the inclusion of certain matters within a BMO or supplementary instrument made under s.23(1) of the MPM.

***Regulation 17 Review of duration of mission initiative: consultation etc***

396. Regulation 17 restates sections 83(1)-(4), (6), (7) and (8) of the 2011 Measure. It provides for consultation when conducting a review of the mission initiative, and for the content of the resulting report.

***Regulation 18 BMO: Review by bishop***

397. Regulation 18 makes new provision for a bishop to review a BMO in operation within a diocese within five years of the BMO coming into operation, and for a subsequent review within a second five-year period.

***Regulation 19 Team Ministry: establishment***

398. Regulation 19 restates sections 34(1), (2A), (3), (4) and (5) of the 2011 Measure. It provides for the establishment of team ministry and related ancillary matters.

***Regulation 20 Team ministry: rector***

399. Regulation 20 restates the provisions of Schedule 3 paras 1(1), (2), (3) and (15), and paras 5(2) and (4) of the 2011 Measure. It provides for the presentation of the rector of the team ministry and related matters.

***Regulation 21 Team ministry: vicar***

400. Regulation 21 restates the provisions of Schedule 3 para 2 of the 2011 Measure. It provides for the selection of a vicar of the team ministry and related matters.

***Regulation 22 Team ministry: responsibilities etc***

401. Regulation 22 restates section 34 (6), (7), (8), (14) and (16) of the 2011 Measure. It describes the responsibilities of a rector and vicar within a team ministry and makes related ancillary provision.

***Regulation 23 Team ministry: parochial church meetings, PCCs etc***

402. Regulation 23 restates Schedule 3 para 4 and section 34(13) of the 2011 Measure. It provides for the chairing of meetings and allied duties, and how these are to be shared in a team ministry. It also provides for due representation on the PCC for each church or place of worship within a team ministry.

***Regulation 24 Group ministry: establishment***

403. Regulation 24 restates section 35(1), (2), (6) and (7) of the 2011 Measure. It provides for a pastoral scheme to impose certain requirements on the incumbents of benefices within a group ministry.

***Regulation 25 Group ministry: incumbent***

404. Regulation 25 restates section 35(3) and Schedule 3 paras 3, and 5(3) and (4) of the 2011 Measure. It provides for the presentation or collation of the incumbent of a benefice by the patron, the selection of the first person to hold a benefice in a group ministry, and for consultation.

***Regulation 26 Group ministry: responsibilities etc***

405. Regulation 26 restates section 35(4) of the 2011 Measure, and provides for the incumbents within a group ministry to meet as a chapter, and for the chairing of those chapter meetings.

***Regulation 27 Team or Group Ministry: termination or alteration***

406. Regulation 27 restates section 36 of the 2011 Measure. It provides that pastoral schemes may provide for the abolition of the offices of vicars within team or group ministries, and for the alteration of team ministry through increasing or decreasing the number of offices of vicars, or transferring the right of presentation, and related ancillary matters.

### ***Regulation 28 Benefices held in plurality: designation and resignation***

407. Regulation 28 restates section 32(3) of the 2011 Measure. It allows for a pastoral scheme to provide for the designation of an incumbent who is to hold benefices in plurality, the restriction of rights of presentation, and restriction of the ability of an incumbent to resign any of the benefices held in plurality without a bishop's consent.

### ***Regulation 29 Benefices held in plurality: termination of plurality provisions***

408. Regulation 29 restates section 32(2) and (4) of the 2011 Measure. It requires that for plurality provisions to terminate, either the pastoral scheme must provide for that, or a bishop must give notice under the Patronage (Benefices) Measure 1986. Matters ancillary to the serving of the bishop's notice are described.

### ***Regulation 30 Benefices in plurality: review by bishop***

409. Regulation 30 makes new provision for a bishop to review the operation of ministry within benefices held within plurality within six years of the day on which the benefices began to be held in plurality, and for a subsequent review within a second six-year period.

### ***Regulation 31 Dispossession of clergy or dissolution of archdeaconry or deanery***

410. Regulation 31 restates section 39 of the 2011 Measure. It allows for a pastoral scheme to dissolve a benefice, archdeaconry or deanery, or abolishing the office of vicar in a team ministry, to be brought into operation without the assent of the incumbent, archdeacon or other office holder, and makes various ancillary provisions relating to the coming into operation of such a scheme.

### ***Regulation 32 Patronage***

411. Regulation 32 restates section 46 of the 2011 Measure. It details the requirements, including in relation to consent, for a pastoral scheme which provides for the transfer or exchange of rights of patronage of a benefice or church, and for ancillary matters.

### ***Regulation 33 Income and application of funds***

412. Regulation 33 restates section 47 of the 2011 Measure. It makes provision in relation to the application of funds where a benefice is dissolved by a pastoral scheme providing for a union of benefices.

### ***Regulation 34 Sinecure rectories and chapelries***

413. Regulation 34 restates section 48 of the 2011 Measure and permits a pastoral scheme to provide that an office of minister of a church or chapel without cure of souls can merge with a benefice, and makes ancillary provisions.

### ***Regulation 35 Assistant curates***

414. Regulation 35 makes new provision to ensure that consent is obtained from an incumbent or team vicar to their naming as assistant curate in a pastoral scheme or order.

### ***Regulation 36 Parsonage House***

415. Regulation 36 restates section 45 of the 2011 Measure. It provides for the designation of houses belonging to benefices as places of residence for incumbents, and for the designation of houses as places of residence for team vicar. Further it provides for pastoral schemes to permit the transfer of specified land and property to an incumbent as an official residence or as a site for an official residence, or to the DBF, or for the transfer of a parsonage house to a Parsonages Board.

### ***Regulation 37 Disposal of parsonage house or other property by DBF***

416. Regulation 37 restates Schedule 3, para 8 of the 2011 Measure. It sets out provisions consequential upon the transfer of property to the DBF for disposal under Regulation 36.

### ***Regulation 38 Notices: consultation on pause***

417. Regulation 38 restates section 85(1), (3), (5) and (6) of the 2011 Measure. It puts a consultation obligation on a bishop before a pause, extension or final extension notice can be issued.

### ***Regulation 39 Notices: procedure***

418. Regulation 39 restates section 85(1), (2), (5) and (7) of the 2011 Measure. It sets out the procedure and timing in relation to pause notices given under s.33 of the MPM.

### ***Regulation 40 Payment of compensation***

419. Regulation 40 restates section 40 and Schedule 4, para 4 of the 2011 Measure, and stipulates requirements for the payment of compensation to be paid for loss of office.

### ***Regulation 41 Housing***

420. Regulation 41 restates section 40 and Schedule 4, para 5 in the 2011 Measure. It places an obligation on the DBF to provide accommodation for 12 months, or payment in lieu of accommodation, to a person who before losing office occupied a parsonage house or other official residence.

### ***Regulation 42 Additional payment***

421. Regulation 42 restates section 40 and Schedule 4, para 6 of the 2011 Measure, and provides the power for a bishop to authorise an additional payment to avoid exceptional hardship to a person who has lost office. It requires the Archbishops of Canterbury and York to appoint someone to act as a reviewer of decisions made under this particular regulation, and matters ancillary to the appointment of a reviewer.

### ***Regulation 43 Recommendation for closure: DAC Report***

422. Regulation 43 makes provision for what a report from the DAC requested by the MPC under Section 42 of the Measure must include.

### ***Regulation 44 Declaration of closure***

423. Regulation 44 restates section 42 of the 2011 Measure. It provides that a pastoral scheme may make a declaration of closure for regular public worship in respect of a church or part of a parish church or chapel of ease.



#### ***Regulation 45 No other case to be dealt with by scheme***

424. Regulation 45 restates section 60(2) of the 2011 Measure. It provides that if provision is made for the future use of the building to be declared closed, but the Church Commissioners are not satisfied with said provision, the scheme will only have effect as regards closure, and provision as to use must be made by different avenue.

#### ***Regulation 46 Use of churchyard or burial ground***

425. Regulation 46 restates section 44 and section 108(3) of the 2011 Measure. It sets out what a pastoral scheme may specify as to the disposal of churchyards, burial grounds or other annexed lands. It also provides for other related ancillary matters.

#### ***Regulation 47 Options for disposal***

426. Regulation 47 restates section 63(1) and (10) of the 2011 Measure. It sets out the provisions which a pastoral scheme or order may make in the case of a building closed for regular public worship.

#### ***Regulation 48 Care and maintenance of closed church by CCT***

427. Regulation 48 restates section 59(2) and (3) and section 63(1) and (12) of the 2011 Measure. It sets out the conditions to be satisfied before a pastoral scheme or order provides that the CCT care for and maintain a closed church.

#### ***Regulation 49 Use of building***

428. Regulation 49 restates section 63(2) of the 2011 Measure. It sets out the possible elements of a scheme which makes provision under regulation 47(2) or 47(3) as regards specification of use.

#### ***Regulation 50 Vesting of annexed land in DBF***

429. Regulation 50 restates section 63(3) of the 2011 Measure. It sets out possible elements of a scheme which makes provision under regulation 47(4).

#### ***Regulation 51 Demolition***

430. Regulation 51 restates section 63(4) of the 2011 Measure. It sets out possible elements of a scheme which makes provision under regulation 47(5).

### ***Regulation 52 New place of worship to be provided***

431. Regulation 52 restates section 58(1), (3) and (6), and section 63(9) of the 2011 Measure. It sets out provisions which may appear in a scheme in the case of the Church Commissioners being satisfied that a new church or place of worship is to be provided in place of a closed building. It also provides for other related ancillary matters.

### ***Regulation 53 New use for closed church***

432. Regulation 53 restates section 59(1) and (4) of the 2011 Measure. In cases where Regulation 52 does not apply, this regulation sets out the provisions around use of a closed church and annexed land which may appear in a scheme.

### ***Regulation 54 Land used for burials***

433. Regulation 54 restates section 63(11), (15) and (16) of the 2011 Measure. It clarifies the application of the Disused Burial Grounds Act 1884 in cases where a pastoral scheme makes provision for land which has been used for burials.

### ***Regulation 55 Proceeds of disposal***

434. Regulation 55 restates sections 58(1)(c), 58(4), 59(1), 63(5) - 63(7), 63(9)(a) and (b) and section 64 of the 2011 Measure. It sets out to whom and, in the case of two or more payees, in what proportion, proceeds of sale or premiums of leases and licences must be paid. It also provides for other related ancillary matters.

### ***Regulation 56 Repayment of capital contributions under sharing agreement***

435. Regulation 56 restates section 63(8) of the 2011 Measure. It provides for the Church Commissioners to repay any capital contributions made under a sharing agreement from the proceeds of sale or premiums of leases or licences.

### ***Regulation 57 Covenants imposed on disposal as to use: variation or disposal***

436. Regulation 57 restates section 75(2) of the 2011 Measure. It sets out how any money realised by the agreed variation or release from a covenant is to be applied.

### ***Regulation 58 Saving for special worship etc***

437. Regulation 58 restates section 63(13) of the 2011 Measure. It sets out certain circumstances in which a scheme may provide that a building closed for regular public worship can be put to use for religious worship.

### ***Regulation 59 Demolition***

438. Regulation 59 restates section 71(1) of the 2011 Measure. It provides for the vesting of a building to be demolished by the Church Commissioners or a DBF in the body responsible for demolition.

### ***Regulation 60 Sale etc by Church Commissioners***

439. Regulation 60 restates section 71(2) of the 2011 Measure. It provides for the vesting in the Church Commissioners of a building and associated land which is to be sold by the Church Commissioners under a pastoral scheme.

### ***Regulation 61 Use as parsonage***

440. Regulation 61 restates section 71(3) of the 2011 Measure. It provides for the vesting in the incumbent of land to be put to use as a site for the whole or part of a parsonage house or land.

### ***Regulation 62 Use for ecclesiastical purposes***

441. Regulation 62 restates section 71(4) of the 2011 Measure. It provides for the vesting in the DBF (on trust for the PCC for the parish) of land to be put to use for ecclesiastical purposes of the parish.

### ***Regulation 63 Land used etc. by DBF not vested in DBF***

442. Regulation 63 restates section 71(5) of the 2011 Measure. It provides for the vesting in the DBF of buildings and land to be used by or held, let or licensed by the DBF, or subject to the care and maintenance of the CCT.

### ***Regulation 64 Use as churchyard or burial ground***

443. Regulation 64 restates section 71(6) of the 2011 Measure. It provides that where a pastoral scheme provides for land to be put to use as part of a churchyard or burial ground, that land will vest in the person in whom the churchyard or burial ground is vested.

### ***Regulation 65 Care and maintenance by CCT***

444. Regulation 65 restates section 71(7) of the 2011 Measure. It provides for the vesting in the CCT of buildings and land which the CCT is to care for and maintain.

### ***Regulation 66 Care and maintenance by DBF***

445. Regulation 66 restates section 71(8) of the 2011 Measure. It provides for the vesting in the DBF of land annexed to or belonging to a building closed for public worship of which the DBF are responsible for the care and maintenance.

### ***Regulation 67 Closed churches vested in the CCT: proceeds of dealing***

446. Regulation 67 restates section 63(4) and (5) of the 2011 Measure. It provides, in relevant circumstances, for payment by the Church Commissioners (out of proceeds of sale or exchange or the premium on the grant of lease or licence) to the CCT in respect of the expense incurred in caring for and maintaining the relevant building.

### ***Regulation 68 Acquisition etc by Secretary of State or English Heritage***

447. Regulation 68 restates section 79(1) - 79(3) and (8), (9) and (11) of the 2011 Measure. It sets out the circumstances in which there can take place the transfer of a building vested in the DBF or the CCT to the Secretary of State or English Heritage. It also provides for other related ancillary matters.

### ***Regulation 69 Restoration of building to former use***

448. Regulation 69 restates section 79(4) and (5) of the 2011 Measure. It provides that a pastoral order may restore a building acquired under regulation 68 for use as a church, and the circumstances in which the same can occur.

### ***Regulation 70 Land vested in incumbent***

449. Regulation 70 restates section 79(6), (7) and (10) of the 2011 Measure. It makes provision for cases where land annexed or belonging to a building subject to regulation 68 is vested in the incumbent.

### ***Regulation 71 Preliminary***

450. Regulation 71 states that Chapter 9 (Disposal of Human Remains) makes provision relating to clause 61(3) and (4) of the Measure, which states that the

removal of human remains and associated memorials must be in accordance with requirements in the regulations. It also defines “landowner” for the purposes of the Chapter.

#### ***Regulation 72 Notice of intention to remove remains***

451. Regulation 72 restates paragraphs 1, 2 and 12 of Schedule 6 to the 2011 Measure. It makes provision as to notice requirements where a landowner intends to remove human remains or a memorial commemorating the deceased.

#### ***Regulation 73 Removal of remains or memorial***

452. Regulation 73 restates paragraphs 3, 4, 5 and 6 of Schedule 6 to the 2011 Measure. Paragraphs (1) to (5) make provision in relation to the removal and reinterment or cremation of human remains, and the removal and re-erection of a memorial to the deceased.

453. Paragraph (6) provides that a memorial not dealt with under paragraphs (1) to (5) may with the agreement of the bishop be allowed to remain or be removed and re-erected in such place as the bishop may direct.

#### ***Regulation 74 Directions by Secretary of State***

454. Regulation 74 restates paragraph 7 to Schedule 6 of the 2011 Measure. It provides that the removal of human remains must be carried out, and the remains reinterred or cremated, in accordance with the directions of the Secretary of State.

#### ***Regulation 75 Certificate of removal***

455. Regulation 75 restates paragraph 8 of Schedule 6 to the 2011 Measure. It provides for a certificate to be deposited with the Registrar General where human remains have been removed. This must give the date of the removal and the date of the reinterment or cremation, and identify the place from which the remains were removed and the place in which they were reinterred or cremated.

#### ***Regulation 76 Removal of memorial after disposal of land***

456. Regulation 76 makes new provision intended to ensure that disposals of land under the Measure can take place in a timely manner, by permitting a memorial to a deceased person (but not human remains) to be removed after the disposal of the land.

457. Regulation 76(1) provides that a memorial need not be removed before the disposal of land in which the remains of the person commemorated by the memorial are believed to be buried if the instrument giving effect to the disposal includes a covenant by the person to whom the disposal is being made to remove the memorial as soon as reasonably practical after the disposal.
458. Regulation 76(2) provides that the disposal is of no effect unless it includes a covenant to that effect.

***Regulation 77 Memorials not otherwise disposed of***

459. Regulation 77 restates paragraph 9 to Schedule 6 of the 2011 Measure. It provides for the disposal of a memorial where that memorial is not disposed of under Chapter 9.

***Regulation 78 Record of removal of memorial***

460. Regulation 78 restates paragraph 10 of Schedule 6 to the 2011 Measure, with minor amendments. It provides that where a memorial is removed from the land the landowner must deposit a record of the removal with the diocesan registrar and the Registrar General.

***Regulation 79 General Requirements***

461. Regulation 79 restates paragraph 11 to Schedule 6 of the 2011 Measure. It provides that the bishop may impose reasonable requirements relating to the manner of removal of human remains, the place and manner of reinterment or cremation of human remains or the disposal of memorials, and that the conditions must be complied with as if they were imposed by Chapter 9.

***Regulation 80 Exceptions to requirement not to deal***

462. Regulation 80 restates section 78(2) of the 2011 Measure. It provides for a number of cases to which clause 61(2) of the Measure, which prevents the disposal, use or development of land unless the two conditions in 61(3) and (4) relating to human remains and memorials have been met, does not apply.

***Regulation 81 Extensions of schemes or orders to other dioceses***

463. Regulation 81 restates section 15(1) and section 49(1) of the 2011 Measure. It makes provision as to the application of a scheme or order to one or more dioceses other than the one in which the proposal for the scheme or order originated.

### ***Regulation 82 Alteration of diocesan boundaries***

464. Regulation 82 restates section 50 of the 2011 Measure. It confers a power for a pastoral scheme or order made pursuant to proposals formulated by a joint boundary committee to provide for the alteration of diocesan boundaries and for associated matters.

### ***Regulation 83 Joint boundary committee***

465. Regulation 83 restates section 16 of the 2011 Measure. It provides that two or more diocesan bishops may constitute a “joint boundary committee” to consider the boundaries of the dioceses and the pastoral arrangements in the areas adjacent to the boundaries and to make recommendations for matters which may be provided for under regulation 82. It also makes ancillary provision relating to joint boundary committees.

### ***Regulation 84 Vesting of property***

466. Regulation 84 restates paragraph 6 to Schedule 3 of the 2011 Measure. It makes provision as to the vesting of property where a scheme or order creates a benefice by a union of benefices, where by virtue of a scheme or order property previously vested in the incumbent becomes situated in a parish belonging to another benefice, or where a church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order,

### ***Regulation 85 Loans***

467. Regulation 85 restates paragraph 7 of Schedule 3 to the 2011 Measure. It makes provision in relation to the discharge of a loan which has been made by the Church Commissioners to the DBF for property transferred by a pastoral scheme or order to the DBF.

### ***Regulation 86 Correction of errors***

468. Regulation 86 makes new provision conferring a power on the Commissioners to amend a scheme or order after it has been made to correct obvious errors or make such other corrections as are necessary to give effect to the purpose of the scheme or order.

### ***Regulation 87 Parish or benefice names***

469. Regulation 87 makes new provision conferring a power on the Church Commissioners to maintain and publish a register of the name of each parish or benefice.
470. The name used for a parish or benefice in the register under paragraph (1) is to be regarded as conclusive for the purposes of a scheme or order, but does not affect the validity of a name used for the parish or benefice concerned for any other purpose.

### ***Regulation 88 Validity of representations***

471. Regulation 88 makes new provision providing that a representation made on a draft scheme or order is not valid if it includes anything which the Commissioners consider to be vexatious or to be racist or otherwise offensive. It also provides that a representation must include the name and contact details of the person making it.

### ***Regulation 89 Requirements for inclusion***

472. Regulation 89 makes new provision. It lists the matters for which a statement of policy must be included in each diocese's mission and pastoral collaboration framework. It also provides that the requirements which the framework may impose on the MPC include requirements relating to those matters.

### ***Regulation 90 Proposals to bishop***

473. Regulation 90 restates sections 6(7), 7(1) 16(6) and 22(1) of the 2011 Measure. It sets out the procedure by which the MPC may make recommendations to the bishop in relation to proposals for a draft pastoral scheme, and the bishop may approve those proposals.
474. Regulation 90(6) provides that where proposals would result in the abolition of an ecclesiastical office (i.e. dispossession) the MPC must meet with the holder of that office before deciding whether to make recommendations to the bishop. This reflects the requirement currently contained in section 6(5) of the 2011 Measure. Regulation 90(5) provides that other requirements relating to engagement with those who may be affected by a proposal prior to deciding to make a recommendation to the bishop would be included in diocesan mission and pastoral collaboration frameworks.



### ***Regulation 91 Proposals for pastoral or ministry matters***

475. Regulation 91 restates sections 7(2), 87(1), 87(3A), 87(4) and 89 of the 2011 Measure. It restricts the exercise of a patron's right of presentation to a benefice following the approval by the bishop of draft proposals relating to certain pastoral or ministry matters which would affect that benefice. A "pause" under regulation 91 applies for a maximum of three years, although may exceed three years where an appeal is brought against a draft scheme and is not determined before the end of that three-year period.

### ***Regulation 92 Duties of MPC and Commissioners after bishop approves proposals***

476. Regulation 92 restates sections 7(3) and 23(4) of the 2011 Measure. It provides for the preparation of a draft scheme following the approval of proposals by the bishop. A draft scheme may be prepared by the MPC or the Church Commissioners. In either case, the Commissioners must verify that the draft proposals are within the powers under section 7, 8, or 9 of the Measure, and that requirements in the framework relating to engagement with those who may be affected by the proposals have been complied with. If the MPC has failed to publish a framework, the Church Commissioners must give such weight to that failure as they consider appropriate.

### ***Regulation 93 Publication of draft scheme and consultation***

477. Regulation 93 restates sections 9 and 24 of the 2011 Measure, making provision for formal consultation on a draft scheme. It provides for the publication of the draft scheme online and the service of a copy of the draft scheme on interested parties and statutory bodies. A notice of the draft scheme must also be served on the secretary of each affected PCC.
478. Regulation 93(7) provides that the secretary of the PCC must post a copy of the notice on any PCC or benefice website. The secretary must also take other steps to publicise the scheme, including the display of notices in the parish, having due regard to guidance published by the Commissioners. Regulation 93(11) provides that where there is no PCC secretary the secretary's functions under this regulation are to be exercised by another person appointed by the bishop.
479. Regulation 93(4) and (5) provide that representations on the draft scheme may be made to the Church Commissioners during a period of at least 28 days after the date on which notice is served. Regulation 93(9) provides that

representations may be made either in writing or in another form approved by the Commissioners.

#### ***Regulation 94 Interested parties***

480. Regulation 94 essentially restates sections 6(2),6(3),6(9),6(10), 21(2), 21(10), 21(11) and 108(4) of the 2011 Measure. Read together with tables 1, 2 and 3 of Schedule 1 to the regulations, it lists the “interested parties” in relation to each matter which may be provided for by a pastoral scheme. It provides that where a pastoral scheme provides for more than one matter, and the interested parties are not the same persons for each matter, all of the persons concerned are interested parties in relation to that scheme.

#### ***Regulation 95 Amendment etc. of draft scheme and consideration of draft representations***

481. Regulation 95 restates sections 9(4),10(1), 10(2), 10(3), 19(2), 23(3), 24(4), 25(1), 25(2) and 25(3) of the 2011 Measure. It confers a power on the Commissioners to make amendments to a draft scheme in certain circumstances and makes provision in relation to consultation on such amendments. Regulation 95 also makes provision as to the consideration of representations by the Church Commissioners, including provision in regulation 95(3) permitting the Commissioners to hear oral representations.

#### ***Regulation 96 Scheme: process following representations***

482. Regulation 96 restates sections 11(2), 11(3), 11(4), 26(2), 26(3) and 26(4) of the 2011 Measure. It provides that where the Church Commissioners decide to make a draft scheme despite representations against it they must serve a notice of the decision and reasons for the decision on each person who made representations and each interested party. If there is a right of appeal under the Measure the notice given to each person who made representations must explain that right and specify the period during which that person can give notice of an intention to appeal (which must be a minimum of 28 days).

#### ***Regulation 97 Appeal to His Majesty***

483. Regulation 97 restates sections 12(3) to 12(7) and section 28 of the 2011 Measure. It makes provision which essentially restates the existing procedure for an appeal to the JCPC by a person who has made representations against a draft scheme, and the procedure following such an appeal.

484. Regulation 97(3) makes new provision that where the JCPC gives permission to appeal to a person who has made a representation, the Church Commissioners must reconsider the draft and decide whether to respond to the appeal or withdraw the draft scheme. This decision must be made before the end of 28 days beginning with the day on which permission is given.

***Regulation 98 Application of appeal rules to Judicial Committee of the Privy Council***

485. Regulation 98 makes new provision that applies the rules and practice directions of the JCPC (with any necessary modifications) to an application for permission to appeal against, and to an appeal against, a draft pastoral scheme. This is intended to ensure that the rules and practice directions applying to an appeal against a draft pastoral scheme align with the JCPC's usual rules and practice directions, so far as this is consistent with other provision in the Regulations.

***Regulation 99 Completion of pastoral scheme***

486. Regulation 99 essentially restates sections 11(1), 12(3) and 26(1) of the 2011 Measure. It provides for the making of a pastoral scheme by the Commissioners, following the consideration of any representations and the conclusion of any appeal process.

***Regulation 100 Transmission of copies of scheme***

487. Regulation 100 restates sections 13 and 27 of the 2011 Measure. It makes provision for a copy of a made scheme to be sent to specified persons and filed in the diocesan registry.

***Regulation 101 Validity and operation of scheme***

488. Regulation 101 restates sections 13 and 27 of the 2011 Measure. It makes ancillary provision as to the validity of a pastoral scheme and the date on which each provision of a scheme comes into operation.

***Regulation 102 General saving***

489. Regulation 102 restates sections 19(3) and 30(2) of the 2011 Measure. It makes standard provision confirming that Chapter 2 of the Regulations does not limit the powers of the MPC, the joint boundary committee or the Church Commissioners to consider representations or hold consultations or interviews.

### ***Regulation 103 Proposals to bishop***

490. Regulation 103 essentially restates sections 6(7), 7(1) and 16(6) of the 2011 Measure. It provides for the approval by the bishop of draft proposals for a matter for which a pastoral order may provide.

### ***Regulation 104 Duties of MPC and Commissioners after bishop approves proposals***

491. Regulation 104 essentially restates sections 7(3) and 23(4) of the 2011 Measure. It makes provision as to the preparation of a pastoral order by the MPC, and the verification of the draft order by the Commissioners. The Commissioners must verify that the draft proposals are within the powers under section 7, 8, or 9 of the Measure, and that requirements in the framework relating to engagement with those who may be affected by the proposals have been complied with. The Commissioners may make amendments to the draft order or (with the consent of the bishop) decide to proceed with some but not all of the draft proposals.

### ***Regulation 105 Engagement***

492. Regulation 105 makes new provision for formal consultation on a draft order. It requires the MPC to serve a copy of the draft order on each interested party, along with a notice stating the objects of the draft and requiring the interested party to inform the MPC whether or not they approve the draft proposals. Where no interested parties object to the proposals within the period specified in the notice (which must be at least 28 days) the MPC may prepare the order and submit it to the bishop for completion.

### ***Regulation 106 Interested parties***

493. Regulation 106 essentially restates sections 6(2),6(3),6(9), 21(2), 21(10), and 108(4) of the 2011 Measure. Read together with tables 4, 5 and 6 of Schedule 1 to the Regulations, it lists the “interested parties” in relation to each matter which may be provided for by a pastoral order. It provides that where a pastoral order provides for more than one matter, and the interested parties are not the same persons for each matter, all of the persons concerned are interested parties in relation to that order.

### ***Regulation 107 Determining authority***

494. Regulation 107 makes new provision. Regulation 107(1) to (4) read together with tables 7,8 and 9 in Schedule 2 to the regulations lists the “**determining authority**” in relation to each matter which may be provided for by a pastoral

order. Depending on the matter, the determining authority is either the Church Commissioners, or the bishop of each affected diocese.

495. Regulations 107(5) to (10) provide for the procedure to be followed by the determining authority must follow in making a decision, and actions to be taken following a decision, along with ancillary provision.

***Regulation 108 Completion of pastoral order***

496. Regulation 108 restates section 11 of the MPM 2011. It provides for the bishop to make the scheme by signing it, or by sealing it when it is required to be executed as a deed.

***Regulation 109 Transmission of copies of order***

497. Regulation 109 restates sections 3 and 27 of the 2011 Measure. It makes provision for a copy of a made order to be sent to specified persons and filed in the diocesan registry.

***Regulation 110 Validity and operation of scheme***

498. Regulation 110 restates sections 14 and 28 of the 2011 Measure. It makes ancillary provision as to the validity of a pastoral order and the date on which each provision of an order comes into operation.

***Regulation 111 General saving***

499. Regulation 111 restates sections 19(3) and 30(2) of the 2011 Measure. It makes standard provision confirming that Chapter 3 of the Regulations does not limit the powers of the MPC, the joint boundary committee or the Church Commissioners to consider representations or objections or hold consultations or interviews.

***Regulation 112 Advice from the CBC on disposal***

500. Regulation 112 essentially restates the requirement in the 2011 Measure that following the declaration of closure of a church which is listed or in a conservation area the Church Commissioners must obtain advice from the Church Buildings Commission through its Statutory Advisory Committee ("CBC").

### ***Regulation 113 Advice from CBC on demolition or vesting in CCT***

501. Regulation 113 requires that the Church Commissioners obtain the advice of the CBC on the provisions of a pastoral scheme providing for the demolition of a building closed for regular public worship (unless the CCT has already advised that the demolition of the building would not be objectionable), or a scheme or order which vests a building closed for regular public worship in the CCT for care and maintenance.

### ***Regulation 114 Advice on combined scheme or order for closure and vesting in CCT***

502. Regulation 114 provides that the Church Commissioners are required to request advice from the CBC where a scheme or order makes a declaration of closure of a building for regular public worship, and provides that the building, or part thereof, be vested in the CCT.

### ***Regulation 115 Regulations 112 – 114: supplementary provision***

503. Regulation 115 provides that if the Church Commissioners approve a template for the form in which advice requested under Regulation 112-114 is to be provided, then the CBC must use that template.

### ***Regulation 116 Making scheme or order for disposal of closed church building***

504. Regulation 116 restates section 62(2) - (5), (7) and (10) - (13) of the 2011 Measure. It sets out the process to be followed by the Church Commissioners in making a scheme or order providing for the disposal of a closed church building.

### ***Schedule 1***

505. Schedule 1 sets out interested parties across 6 tables (tables 1-6).

### ***Schedule 2***

506. Schedule 2 sets out determining authorities across 3 tables (tables 7-9).

**The Legal Office**

Church House

Westminster

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