

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Dioceses Measure 1978 (repealed). (See end of Document for details)*

## SCHEDULE **U.K.**

Section 3.

### CONTENTS OF REORGANISATION SCHEMES

#### *Preliminary*

- 1 In this Schedule, except where the context otherwise requires, “a scheme” means a reorganisation scheme.

#### *Provisions relating to bishopric*

- 2 A scheme by which a new bishopric is to be founded and a new diocese created shall provide for—
- (a) constituting the bishop of the diocese a corporation sole and investing him with all such rights, privileges and jurisdictions as are possessed by any other bishop in England;
  - (b) subjecting the bishop of the diocese to the metropolitan jurisdiction of one of the archbishops;
  - (c) designating the church which is to be the cathedral church of the diocese;
  - (d) empowering Her Majesty, until a cathedral chapter for the cathedral church of the diocese is established, to grant to a body constituted by the scheme and styled the provisional chapter of the diocese a licence under the Great Seal to proceed to the election of a bishop of the diocese with a letter missive as provided by the <sup>M1</sup>Appointment of Bishops Act 1533 and conferring on the last mentioned chapter the right of proceeding to an election in manner provided by that Act.

#### **Marginal Citations**

**M1** 1533 c. 20.

- 3 The Schedule to this Measure, which sets out the provisions for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese.

#### *Provisions relating to cathedral church, etc.*

- 4 (1) A scheme by which a new diocese is to be created shall determine whether the church which is to be the cathedral church of the diocese shall be a dean and chapter cathedral or a parish church cathedral for the purposes of the <sup>M2</sup>Cathedrals Measures 1963 and <sup>M3</sup>1976 and shall provide—
- (a) for applying those Measures to that church with such modifications specified in the scheme as are necessary to enable a constitution and statutes to be provided for that church by a scheme under the said Measure of 1976; and
  - (b) for constituting a body to be the consenting body of that church for the purposes of that Measure unless and until a scheme thereunder provides that some other body shall be the consenting body thereof for those purposes.
- (2) A scheme by which a new diocese is to be created may provide for founding honorary canonries in the cathedral church of the diocese with power to dispense with the consent of the cathedral chapter of that church so long as there is no such chapter

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and, if necessary, altering the number of such canonries in the cathedral church of any other diocese affected by the scheme.

**Marginal Citations**

**M2** 1963 No. 2.

**M3** 1976 No. 1.

- 5 (1) A scheme by which a diocese is to be dissolved shall provide for—
- (a) altering the status of the cathedral church of the diocese and abolishing the dean and chapter or cathedral chapter of that church and any other body, dignity or office therein;
  - (b) conferring rights to compensation on the dean or provost of that church and any residentiary canon holding office in it;
  - (c) transferring any property (including rights of patronage) vested in the dean and chapter, or cathedral chapter, of that church to such persons as may be specified in the scheme and vesting such property in those persons without any conveyance or other assurance.
- (2) Without prejudice to sub-paragraph (1)(c) above, a scheme may provide for transferring any property (including rights of patronage) vested in the dean and chapter, or cathedral chapter, of the cathedral church of any diocese affected by the scheme to such persons as may be specified in the scheme and vesting such property in those persons without any conveyance or other assurance.
- (3) A scheme by which a diocese is to be dissolved may provide that any moneys held by the Commissioners on behalf of the dean and chapter, or the cathedral chapter, of the cathedral church of the diocese shall be held by them on behalf of such other persons as may be specified in the scheme.

*Provisions relating to suffragan bishoprics, etc.*

- 6 A scheme may provide for vacating the office of a suffragan bishop, and a scheme which does so shall also provide for conferring rights to compensation on the holder of that office.
- 7 (1) A scheme may make the like provision as may be made by a scheme under section 11 of this Measure.
- (2) A scheme may provide for abolishing or altering an episcopal area and may accordingly revoke or amend a scheme under the said section 11.
- (3) In this paragraph “episcopal area” means any of the areas into which a diocese is divided by a scheme under the said section 11 or by any provision included in a scheme by virtue of subparagraph (1) above.

*Provisions relating to archdeaconries and deaneries*

- 8 (1) A scheme by which a new diocese is to be created shall make provision, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes comprised in the diocese.

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- (2) A scheme may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme.
- 9 A scheme by which a diocese or archdeaconry is to be dissolved shall make provision for conferring rights to compensation on an archdeacon whose office is to be abolished by the scheme.

*Provisions relating to patronage*

- 10 A scheme shall provide for transferring to the bishop of a diocese, or to the diocesan board of patronage thereof, any right of patronage of a benefice or canonry which by virtue of the scheme is to become a benefice or canonry in that diocese, being a right which immediately before the commencement of the scheme was vested in the bishop, or the diocesan board of patronage, of another diocese affected by the scheme, . . . <sup>F1</sup>

**Textual Amendments**

**F1** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

*Provisions relating to diocesan synods and other bodies*

- 11 (1) A scheme by which a new diocese is to be created shall make provision with respect to the membership of the diocesan synod of the new diocese during the transitional period.
- (2) Any other scheme may make provision for altering the numbers of elected members of the diocesan synod of a diocese affected by the scheme, the alteration to have effect only during the transitional period.
- (3) Where a diocese is to be dissolved by a scheme, the provision to be made under this paragraph shall include such provision as is necessary to ensure that all persons who immediately before the transitional period begins were members of the diocesan synod of that diocese, having been elected thereto by the houses of clergy or the houses of laity of the deanery synods in that diocese, will during the transitional period be members of the appropriate house of the diocesan synod of a diocese created or affected by the scheme.
- (4) In this paragraph “transitional period” means the period beginning with the date of the commencement of the scheme in question and ending with the 1st September next following the election of members of diocesan synods next held after the first mentioned date in accordance with the Church Representation Rules as for the time being in force.
- 12 A scheme by which a new diocese is to be created shall make provision—
- (a) requiring the diocesan synod thereof, at its first meeting, to appoint the bishop’s council and standing committee of the synod and to constitute the diocesan board of finance for the diocese in accordance with the <sup>M4</sup>Diocesan Boards of Finance Measure 1925 and, at that or the next following meeting, to appoint every other board, committee or panel which such a synod is required by any Measure to appoint;
- (b) authorising those persons who were members of the bishop’s council and standing committee of any diocese any part of the area of which is to

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be comprised in the new diocese to act as bishop's council and standing committee of the diocesan synod of the new diocese until such a council and committee is appointed in accordance with a provision made by virtue of sub-paragraph (a) above;

- (c) requiring the persons referred to in sub-paragraph (b) above to make the necessary arrangements for the first meeting of such synod and to settle the agenda for that meeting.

**Marginal Citations**

**M4** 1925 No. 3.

- 13 A scheme by which a diocese is to be dissolved shall provide for the winding up or dissolution of every diocesan body for the diocese.

In this paragraph “diocesan body” has the same meaning as in section 19 of this Measure.

*Provisions relating to chancellors and registrars*

- 14 A scheme by which a diocese is to be dissolved shall provide for conferring rights to compensation on the chancellor of the diocese and the registrar thereof.

*Provisions relating to property*

- 15 (1) A scheme by which a new diocese is to be created shall provide for transferring any property vested in or held by a diocesan body for a former diocese to the corresponding body for the new diocese, when constituted, and vesting such property in that body without any conveyance or other assurance.

In this sub-paragraph “diocesan body” has the same meaning as in section 19 of this Measure.

- (2) Without prejudice to the provisions of the <sup>M5</sup>Bishops Trusts Substitution Act 1858, such a scheme may provide for the trusts of any charity established for ecclesiastical purposes of the Church of England the property of which is vested in, or under the management or control of,—

- (a) any of the following persons, that is to say, the bishop of a former diocese, any archdeacon of a former diocese and any rural dean thereof, or
- (b) any of the following bodies, that is to say, the dean and chapter or cathedral chapter of the cathedral church of a former diocese, the diocesan board of finance therefor and any other diocesan authority therefor,

with or without, in any case, other persons, to have effect with the substitution, for that person, of the person holding the corresponding office in the new diocese and, for that body, of the corresponding body in that diocese, and for any change under any such provision in the vesting of property to have effect without any conveyance or other assurance.

- (3) In this paragraph “diocesan authority” has the same meaning as in the <sup>M6</sup>Parochial Church Councils (Powers) Measure 1956 and “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.

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**M5** 1858 c. 71.

**M6** 1956 No. 3.

- 16 A scheme by which a new diocese is to be created shall provide for authorising the Commissioners to hold for the new diocese any fund held by them for a former diocese or to make such apportionment of that fund as between the new diocese and a former diocese as they think fit.

In this paragraph “former diocese” has the same meaning as in paragraph 15 above.

- 17 Paragraphs 15 and 16 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese as if the diocese in which any part of the area of another diocese is to be comprised were the new diocese.

*Provisions relating to records*

- 18 A scheme may make provision for the transfer to the registrar of a diocese of the records and other documents relating to the benefices or parishes which by virtue of the scheme are to be comprised in that diocese and to the clergy who are to hold office therein.

*Provisions relating to compensation*

- 19 A scheme which provides for conferring rights to compensation on any person shall make provision with respect to—
- (a) the persons by whom, and the manner in which, claims to, and the amount of, such compensation are to be determined;
  - (b) the matters to be taken into account in determining whether any claimant has suffered loss giving a right to compensation;
  - (c) the circumstances in which payment of such compensation consisting of periodical payments may be suspended, renewed or terminated or the amount thereof increased or reduced;
  - (d) the body by which, and the resources from which, such compensation is to be paid;

and different provision may be made in relation to different cases.

*Provisions relating to proceedings in consistory court*

- 20 A scheme by which a diocese is to be dissolved may make provision for enabling any proceedings in the consistory court of that diocese or any proceedings under the Faculty Jurisdiction Measure <sup>M7</sup>1964 before an archdeacon of that diocese, being proceedings which are pending at the commencement of the scheme, to be heard and determined notwithstanding the dissolution of the diocese.

**Marginal Citations**

**M7** 1965 No. 5.

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*Provisions relating to supplementary, etc. matters*

- 21 (1) A scheme may make such supplementary, incidental, consequential or transitional provisions as appear to the Commission to be necessary or expedient for giving effect to the purposes of the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme may make provision for preserving the effect of any thing of whatever nature done by a body established for a diocese which is to be dissolved by the scheme or any part of which is to be transferred to another diocese or by the holder of an office in such a diocese in his capacity as such.
- (3) A scheme may amend or repeal any provision of any Order in Council made under any Act or Measure which provided for the foundation of a bishopric if it appears to the Commission that that provision is inconsistent with or rendered unnecessary by the provisions of the scheme.
- (4) A scheme shall, where the Commission considers it appropriate, have annexed thereto a map showing the changes to be made by the scheme.
- (5) A scheme may provide that the scheme shall come into operation on a specified date, or on the happening of a specified event or contingency and different dates, events or contingencies may be specified for different provisions.

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