



Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

PART III

PROCEDURE FOR MAKING PASTORAL SCHEMES AND
ORDERS AND PASTORAL CHURCH BUILDINGS SCHEMES

Introduction

23 Amendment of Part I of Pastoral Measure 1983

- (1) Part I of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure.
- (2) Any provision in a pastoral scheme for the closure of a church for regular public worship shall be known as a declaration of closure for regular public worship and a scheme containing any such declaration shall be known as a pastoral church buildings scheme.
- (3) Sections 24 to 34 below contain amendments to the said Part I so as to apply it to pastoral schemes or pastoral orders and recommendations or proposals for such schemes or orders which do not contain a declaration of closure of a church for regular public worship.
- (4) Sections 35 to 39 below contain amendments to the said Part I so as to apply it to pastoral church buildings schemes and recommendations or proposals for such schemes.

Commencement Information

11 S. 23 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the
Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

Pastoral schemes and orders

24 Pastoral schemes and orders

In its application to pastoral schemes which do not contain a declaration of closure of a church for regular public worship and to pastoral orders Part I of the 1983 Measure shall be amended in accordance with sections 25 to 34 below.

Commencement Information

I2 S. 24 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

25 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows—

- (a) in subsection (1), the words “, subject to subsection (7)(a) in the case of interested parties being local planning authorities,” shall be omitted;
- (b) in subsection (2), for the words “subsections (3) and (4)” there shall be substituted the words “ subsection (3) ”, the word “ and ” shall be inserted after paragraph (d) and the word “and” after paragraph (e) and paragraph (f) shall be omitted;
- (c) subsections (4), (7) and (8) shall be omitted; and
- (d) in subsection (10), the words from “and, if those proposals include” to the end shall be omitted.

Commencement Information

I3 S. 25 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

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

For section 4 there shall be substituted the following section—

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

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

Commencement Information

I4 S. 26 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

27 Consideration of draft scheme or order by Commissioners

For section 5 there shall be substituted the following section—

“5 Consideration of draft scheme or order by Commissioners

- (1) On receipt of a draft scheme or order submitted to them under section 4 the Commissioners shall consider whether the draft scheme or order is in the correct form and is within the powers conferred on the bishop and the mission and pastoral committee and whether the procedures set out in sections 3 and 4 have been properly applied.
- (2) Where the Commissioners consider that, in accordance with subsection (1), any amendments should be made to the draft scheme or order, they may make such amendments as they think appropriate.
- (3) If the Commissioners make any such amendments they shall, unless they consider that the amendments are such as are described in section 16(1A), refer the draft scheme or order, with their amendments, together with an explanation of the reasons for the amendments, to the mission and pastoral committee for further consideration.
- (4) The mission and pastoral committee shall, after consulting the bishop, consider the draft scheme or order, as amended by the Commissioners, and may, with the agreement of the bishop, make any amendments which it thinks fit, after taking account of the Commissioners' amendments.
- (5) The mission and pastoral committee shall, after considering the draft scheme or order in accordance with subsection (4), re-submit it to the Commissioners, with any amendments, together with an explanation of the action which it has taken on the Commissioners' amendments and subsection (2) and, if appropriate, subsections (3), (4) and this subsection shall apply to any such draft scheme or order.
- (6) If the Commissioners consider that it is not possible to amend the draft scheme or order in a way which would enable it to proceed in the correct form or that the procedures set out in sections 3 and 4 have not been properly applied they shall return it to the mission and pastoral committee for further consideration.
- (7) If the draft scheme or order is returned to the mission and pastoral committee under subsection (6), the mission and pastoral committee shall take no further steps in relation to the draft scheme or order but, shall, after consulting the bishop, consider whether to make new recommendations under section 3 or prepare a new draft scheme or order under section 4 or take any further steps specified by the Commissioners.
- (8) If the Commissioners do not refer the draft scheme or order to the mission and pastoral committee for further consideration as provided above, they shall return the draft scheme or order to the mission and pastoral committee to proceed with the draft scheme or order under section 6 below.”

Commencement Information

I5 S. 27 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the
Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

28 Notice and publication of draft scheme or order

Section 6 shall be amended as follows—

- (a) in subsection (1), for the word “Commissioners”, in the first place where it occurs, there shall be substituted the words “mission and pastoral committee”, for “5” there shall be substituted “4” and after the words “interested parties” there shall be inserted the words “and the Commissioners”;
- (b) in subsection (3), for the words from the beginning to the end of paragraph (a), there shall be inserted the words “If a draft scheme is a scheme to which section 30 applies the mission and pastoral committee shall—
 - (a) also serve a copy thereof on the Commonwealth War Graves Commission; and”

and the words beginning with “and the provisions of paragraph (a)” to the end shall be omitted;

- (c) in subsection (4), for “Commissioners” there shall be substituted the words “mission and pastoral committee” and after the word “scheme”, in both places, there shall be inserted the words “or order”; and
- (d) in subsection (5) the words “to their representative” shall be omitted.

Commencement Information

I6 S. 28 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

29 Amendment of draft scheme or order

Section 7 shall be amended as follows—

- (a) in subsection (1), after the word “may”, there shall be inserted the words “, at any time after a copy of the draft scheme or order has been served on them under section 6(1), ” and for the word “them” there shall be substituted the words “the committee”;
- (b) in subsection (2), after the words “any such amendments” there shall be inserted the words “, other than any amendments which, in the opinion of the Commissioners, are such as are described in section 16(1A), ”.

Commencement Information

I7 S. 29 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

30 Making of scheme or order

Section 8 shall be amended as follows—

- (a) for subsection (2) there shall be substituted the following subsection—

“(2) Where no representations with respect to any such draft order have been made and the Commissioners are of the opinion that the draft order should be made and do not propose to amend or further amend it under section 7, the Commissioners shall issue a certificate to that effect and submit the draft order and the certificate to the bishop.”;

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

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

Commencement Information

I8 S. 30 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

31 Transmission of copies of scheme or order

Section 10 shall be amended as follows—

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

Commencement Information

I9 S. 31 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Supplementary

32 Power of bishop to formulate and submit proposals on certain matters

In section 14, after subsection (1), there shall be inserted the following subsection—

- “(1A) Any interested party shall be deemed to have consented to the proposals if the interested party has been provided with a copy of the proposals and notified in writing by the mission and pastoral committee—
- (a) that the mission and pastoral committee should be informed in writing whether or not the interested party objects to the proposals within the period, not less than twenty-eight days after the service of the notice, specified in the notice,
 - (b) that, if the interested party does not inform the mission and pastoral committee as required by paragraph (a), that party will be deemed to have consented to the proposals, and
 - (c) that, if every interested party consents or is deemed to consent to the proposals, the mission and pastoral committee may proceed with the preparation of a draft order to give effect to the proposals, and the bishop may make the order, without further consultation.”.

Commencement Information

I10 S. 32 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the
Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

33 **Withdrawal of scheme or order at request of bishop**

For section 15 there shall be substituted the following section—

“15 Withdrawal of scheme or order at request of bishop

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

Commencement Information

I11 S. 33 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

34 **Supplementary powers of Commissioners and mission and pastoral committees**

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

“(1) The mission and pastoral committee may—

- (a) at any time before it gives notice to the Commissioners of a draft scheme or order under section 6(1), except at any time after it has been submitted to the Commissioners under section 4(2) and before the Commissioners have discharged their functions under section 5, or
- (b) where the mission and pastoral committee proceeds with the preparation of a draft order under section 14, at any time,

make such amendments to the proposals or the draft scheme or order as may appear to the committee to be necessary for the purpose of correcting any drafting mistake or omission.

(2) The Commissioners may—

- (a) at any time after a draft scheme or order has been submitted to them under section 4(2) and before the Commissioners have discharged their functions under section 5, or
- (b) at any time after notice is given to the Commissioners of a draft scheme or order under section 6,

make such amendments to the draft scheme or order as may appear to the Commissioners to be necessary for the purpose of correcting any drafting mistake or omission.”.

Commencement Information

I12 S. 34 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

Pastoral church buildings schemes

35 Pastoral church buildings schemes

- (1) In its application to pastoral church buildings schemes Part I of the 1983 Measure shall be amended in accordance with sections 36 to 39 below.
- (2) In its application as aforesaid, except in proviso (ii) to section 5(4), any reference, however expressed, to a pastoral order shall be omitted.

Commencement Information

I13 S. 35 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

36 Formulation and submission to bishop of draft proposals

Section 3 shall be amended as follows—

- (a) in subsection (2), the words “subject to subsections (3) and (4)” shall be omitted, the word “and” shall be omitted after sub-paragraph (e), the word “and” shall be added after sub-paragraph (f) and at the end there shall be added the following sub-paragraph—
 - “(g) the parish council of the parish in which the building to which a declaration of closure for regular public worship relates is situated or, if there is no parish council for that parish, the chairman of the parish meeting.”;
- (b) subsections (3) and (4) shall be omitted;
- (c) in subsection (7) for the word “redundancy” there shall be substituted the words “closure for regular public worship” and for the words “Council for the Care of Churches” there shall be substituted the words “Church Buildings Council”;
- (d) in subsection (8), after paragraph (c) there shall be inserted the following paragraph—
 - “(d) any information or advice which the Council thinks appropriate to give concerning possible architectural or structural changes in each church mentioned in the notice in the event of its closure for regular public worship or, in the event that the church is not so closed, concerning any such changes which would facilitate its use for purposes which are consistent with use for regular public worship;” and
- (e) for subsection (10) there shall be substituted the following subsection—
 - “(10) The committee shall annex to the draft proposals formulated by it a statement of the views of the interested parties and a copy of the report prepared by the Council under subsection (8).”.

Commencement Information

I14 S. 36 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the
Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

37 Amendment of proposals and preparation of draft scheme by Commissioners

Section 5 shall be amended as follows—

- (a) in subsection (2), the words “provide for a declaration of redundancy and also” shall be omitted;
- (b) in subsection (2), for the words “Advisory Board” there shall be substituted the words “ Church Buildings Council ”; and
- (c) for subsection (4) there shall be substituted the following subsection—

“(4) The Commissioners shall prepare a draft scheme to give effect to the proposals, with any amendments made under subsection (3):
 Provided that—

- (i) the Commissioners may, with the agreement of the bishop, given after consultation with the mission and pastoral committee, decide to proceed with some but not all of the proposals, and in that case this subsection shall apply as if they were the only proposals;
- (ii) if, as a result of the Commissioners' decision under proviso (i), the proposals no longer contain a declaration of closure for regular public worship, the Commissioners shall refer the proposals to the mission and pastoral committee and the committee shall proceed as if the proposals related to a draft pastoral scheme which does not contain such a declaration or draft order, as the case may be.”.

Commencement Information

I15 S. 37 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

38 Notice and publication and amendment of draft scheme

(1) Section 6 shall be amended as follows—

- (a) in subsection (3), for the words from the beginning to the end of paragraph (a) there shall be substituted the following words “The Commissioners shall—
 - (a) also serve a copy thereof on the Church Buildings Council, English Heritage and the Joint Committee of the National Amenity Societies and on the Commonwealth War Graves Commission and, if the draft scheme provides for the care and maintenance of the building proposed to be closed for regular public worship by the Churches Conservation Trust, that Trust; and”,

and all the words following paragraph (b) shall be omitted; and

- (b) in subsection (5), the words “to their representative” shall be omitted.
- (2) In section 7(2), after the words “any such amendments” there shall be inserted the words “, other than any amendments which, in the opinion of the Commissioners, are such as are described in section 16(1A), ”.

Status: Point in time view as at 01/02/2009.

Changes to legislation: There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part III. (See end of Document for details)

Commencement Information

I16 [S. 38](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

39 **Transmission of copies of scheme**

In section 10(1) for the words “, in the case of a scheme containing a declaration of redundancy, to the Advisory Board” there shall be substituted the words “ to the Church Buildings Council ”.

Commencement Information

I17 [S. 39](#) in force at 11.6.2008 by [2007 No. 3](#), Instrument made by Archbishops

Status:

Point in time view as at 01/02/2009.

Changes to legislation:

There are currently no known outstanding effects for the Dioceses, Pastoral and Mission Measure 2007, Part III.