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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Dioceses, Pastoral and Mission Measure 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2(2)

THE DIOCESES COMMISSION

Constitution and Membership

- 1 The Commission shall consist of a person to be known as “the Chair”, a person to be known as “the Vice-Chair” and eight other members.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- [^{F1}2 (1) The Chair and Vice-Chair shall be appointed by the Archbishops of Canterbury and York acting jointly in the following manner—
- (a) the Chair shall be appointed with the approval of the General Synod, and
 - (b) the Vice-Chair shall be appointed from among the members of the House of Clergy and the House of Laity of the General Synod.
- (2) Before appointing a lay person to be the Chair the Archbishops shall satisfy themselves that that person is an actual communicant within the meaning of rule 54(1) of the Church Representation Rules contained in Schedule 3 to the Synodical Government Measure 1969.]

Textual Amendments

F1 Sch. 1 para. 2 substituted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), ss. 16(4), 21(2); S.I. 2014/1369, art. 2

Commencement Information

I2 Sch. 1 para. 2 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 3 Four members of the Commission shall be elected by the General Synod from among its members and four members shall be appointed by the Appointments Committee of the Church of England either from among the members of the Synod or otherwise.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 4 A person shall not be qualified for membership of the Commission who is a member of the Archbishops' Council, the Church Commissioners, their Assets Committee, their Audit Committee or any other committee of the Commissioners constituted by the Board of Governors or otherwise established under section 5(4) of the Church

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Commissioners Measure 1947 (10 & 11 Geo 6 No. 2) or any joint committee of the Commissioners and the Archbishops' Council appointed under that section.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 5 A person who ceases to be qualified for membership of the Commission shall forthwith vacate the office to which that person was appointed except that a member who is a member of the General Synod may continue to act as a member of the Commission so long as that person is entitled to act during a period of its dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2).

Commencement Information

I5 Sch. 1 para. 5 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 6 Subject to paragraph 7 below, the members of the Commission shall take office on the first day of May immediately following the termination of the period of office of the persons in whose place those persons were appointed or elected and shall hold office until the thirtieth day of April following the year in which the General Synod is next dissolved and a new Synod comes into being.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 7 The first appointments and elections of the members of the Commission shall take place as soon as practicable after the coming into force of section 2(2) above and—
- (a) they shall take immediate effect, and
 - (b) the members shall hold office until the date specified in paragraph 6 above, except that if the period which elapses between the coming into force of section 2(2) above and that date is less than three years, they shall hold office until the thirtieth day of April following the year in which the second subsequent dissolution of the General Synod occurs and the new Synod comes into being following that dissolution.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 8 Any member of the Commission shall on ceasing to hold office be eligible for re-appointment or re-election unless that person became a member by virtue of re-appointment or re-election under this paragraph or appointment under paragraph 9 below following re-election under this paragraph.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

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- 9 Where a member of the Commission elected by the General Synod under paragraph 3 above has, following the dissolution of the Synod, not been re-elected to the new Synod, that person may be appointed by the Appointments Committee as a member and shall hold office until the thirtieth day of April following the year in which the new Synod comes into being.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Casual Vacancies

- 10 Where a casual vacancy occurs among the members of the Commission appointed by the Archbishops of Canterbury and York under paragraph 2 above the Archbishops shall appoint a person from among the members of the House of Clergy and House of Laity to fill the vacancy and where a casual vacancy occurs among the members appointed by the Appointments Committee under paragraph 3 above the Committee may appoint a person to fill the vacancy.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 11 Where a casual vacancy occurs among the members of the Commission elected by the General Synod, the General Synod may elect one of the members of the General Synod to fill the vacancy.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 12 Any person appointed or elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place that person was appointed or elected, but shall be eligible for re-appointment or re-election in accordance with paragraph 8 above.

Commencement Information

I12 Sch. 1 para. 12 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Committees

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

Commencement Information

I13 Sch. 1 para. 13 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

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Proceedings

14 The quorum of the Commission shall be five members.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

15 Subject to paragraph 16 below the Chair, if present, shall preside over meetings but—

- (a) if the Chair is not present on any occasion, the Vice-Chair shall preside,
- (b) if neither the Chair nor the Vice-Chair is present on any occasion, the Commission shall choose another member to preside, and
- (c) either the Chair or Vice-Chair may decline to preside on any occasion when the Chair or Vice-Chair, as the case may be, considers it preferable not to do so, in which case sub-paragraph (b) above shall apply.

Commencement Information

I15 Sch. 1 para. 15 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

16 No person shall preside on any occasion when the Commission is considering proposals affecting any diocese if that person is an elected member of the General Synod for that diocese or resides or holds any office of the Church of England in that diocese.

Commencement Information

I16 Sch. 1 para. 16 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

17 The business of the Commission shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the person presiding shall have a second or casting vote.

Commencement Information

I17 Sch. 1 para. 17 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

18 Subject to paragraph 14 above the Commission may act notwithstanding any vacancy in its membership.

Commencement Information

I18 Sch. 1 para. 18 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

19 Subject to the preceding provisions of this Schedule and to any other provision of this Measure, the Commission shall have power to regulate its own procedure.

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Commencement Information

I19 Sch. 1 para. 19 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

SCHEDULE 2

Section 4(4)

CONTENTS OF REORGANISATION SCHEMES

Preliminary

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

Commencement Information

I20 Sch. 2 para. 1 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to bishops

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

Commencement Information

I21 Sch. 2 para. 2 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 3 A scheme by which a diocese is to be dissolved shall provide for abolishing the bishopric and conferring rights to compensation on the bishop of the diocese in accordance with paragraph 16 below.

Commencement Information

I22 Sch. 2 para. 3 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to cathedral church etc.

- 4 (1) Where the scheme creates a new diocese or where the area in which a cathedral is situated is transferred to another diocese the scheme shall provide—
- (a) for the establishment of a cathedral for the diocese, or

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- (b) for the establishment of a church to be known as the pro-cathedral of the diocese.
- (2) Where sub-paragraph (1)(a) above applies, the scheme shall either designate an existing church as the cathedral church, whether or not that church was previously a cathedral church for another diocese or provide for a new church to be the cathedral church.
- (3) Where sub-paragraph (1)(a) above applies, the scheme shall—
- (a) provide for the establishment of a provisional council whose function shall be to prepare a constitution and statutes for the cathedral in accordance with the 1999 Measure and for the application of Schedule 1 to that Measure as if the provisional council were a Transitional Council established under Schedule 1 to that Measure subject to such modifications as may be made by the scheme;
 - (b) provide for the governance of the cathedral and for its worship and administration and, so far as is appropriate, for the appointment of persons to hold office in the cathedral and for its ownership and the ownership of any assets belonging to or used for the purposes of the cathedral until the constitution and statutes have effect;
 - (c) constitute a body which shall consist of the holders of such offices in the cathedral as the scheme shall specify and which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and which shall perform the functions conferred on the Chapter of a cathedral under the 1533 Act, which shall have effect accordingly;
 - (d) apply any provision of the 1999 Measure, subject to such modifications as may be specified in the scheme, including any provision which may be appropriate in respect of the coming into force of the constitution and statutes; and
 - (e) provide, as necessary, relating to the jurisdiction of the consistory court.
- (4) Where sub-paragraph (1)(b) above applies the scheme shall either designate an existing church as or provide for a new church to be the seat of the bishop and to be known as the pro-cathedral of the diocese and sub-paragraphs (3)(b) and (c) and (e) above shall apply as they apply in relation to the establishment of a cathedral church, but with the omission, in sub-paragraph (b), of the words “until the constitution and statutes have effect” and, in sub-paragraph (c), of the words “which shall continue to exist until a college of canons is established under section 5 of the 1999 Measure and”.
- (5) Where sub-paragraph (1)(b) applies the scheme shall include provision enabling a cathedral church to be established for the diocese if the bishop's council and standing committee of the diocesan synod at any time, with the consent of the bishop and after consulting the Commissioners, the Dioceses Commission and any person holding office in the pro-cathedral, so decides and may make provision for any of the matters referred to in sub-paragraph (3) above in the event of a cathedral church being established.

Commencement Information

I23 Sch. 2 para. 4 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

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- 5 (1) Where a scheme dissolves a diocese or the area in which the cathedral is situated is transferred to another diocese the scheme shall provide that the cathedral shall—
- (a) cease to be a cathedral, or
 - (b) become the sole cathedral of another diocese, or
 - (c) become one of the cathedrals in another diocese.
- (2) Where sub-paragraph (1)(a) above applies the scheme shall provide—
- (a) for the status of the cathedral church to be altered;
 - (b) if appropriate, for the precinct and other land owned by the cathedral and surrounding the cathedral church to become a new parish, to be included in another parish or to become an extra-parochial place;
 - (c) for dissolving the Chapter and all other bodies, dignities and offices in the cathedral;
 - (d) for conferring appropriate rights to compensation on persons holding any such office in accordance with paragraph 16 below;
 - (e) for transferring any property (including rights of patronage) vested in the corporate body of the cathedral to such person or body as may be specified in the scheme and vesting such property in that person or body without any conveyance or other assurance; and
 - (f) as necessary, relating to the jurisdiction of the consistory court.
- (3) Where sub-paragraph (1)(c) above applies, the constitution and statutes of each cathedral for which the scheme makes provision—
- (a) may provide for specified offices in each cathedral to be held or specified functions to be discharged by the same person or by joint bodies; and
 - (b) shall provide for one College of Canons to discharge functions for all of those cathedrals in accordance with section 5 of the 1999 Measure.
- (4) Where sub-paragraph (3) above applies, the scheme shall provide for the constitution and statutes of any existing cathedral to be modified so as to make the like provision as is mentioned in that sub-paragraph.
- (5) Where sub-paragraph (1)(b) or (c) above applies, paragraph 4(3) above shall apply, so far as appropriate, and subject to any necessary modifications.

Commencement Information

I24 Sch. 2 para. 5 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to abolition of bishoprics

- 6 (1) A scheme which abolishes a suffragan bishopric shall provide for vacating the office of that bishopric.
- (2) A scheme which provides for abolishing a suffragan bishopric and creating a diocesan bishopric shall provide for vacating the office of that suffragan bishopric.
- (3) A scheme which provides for abolishing a diocesan bishopric and creating a suffragan bishopric shall provide for vacating the office of that diocesan bishopric.
- (4) Where this paragraph applies the scheme shall provide for rights to compensation in accordance with paragraph 16 below.

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- (5) Where sub-paragraph (3) above applies the suffragan bishopric shall have effect as if an Order in Council had been made under section 2 of the Suffragans Nomination Act 1888 (51 and 52 Vict. c. 56) directing that the town concerned be taken and accepted for the see of a suffragan bishop.

Commencement Information

I25 Sch. 2 para. 6 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to archdeaconries and deaneries

- 7 (1) A scheme by which a new diocese is to be created shall make provision, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes comprised in the diocese.
- (2) A scheme may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme.

Section 39 of the 1983 Measure shall apply to provisions included in a scheme by virtue of this paragraph as if those provisions were or were included in a pastoral scheme or order made under that Measure.

Commencement Information

I26 Sch. 2 para. 7 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 8 A scheme by which a diocese or archdeaconry is to be dissolved shall make provision for conferring rights to compensation on an archdeacon whose office is to be abolished by the scheme, in accordance with paragraph 16 below.

Commencement Information

I27 Sch. 2 para. 8 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to patronage

- 9 (1) A scheme shall provide for transferring to the bishop of a diocese, or to the diocesan board of patronage thereof, any right of patronage of a benefice which by virtue of the scheme is to become a benefice in that diocese, being a right which immediately before the commencement of the scheme was vested in the bishop, or the diocesan board of patronage, of another diocese affected by the scheme.
- (2) A scheme may also provide for appointing a new person or the holder of an existing office to replace any person who holds office in a diocese or cathedral and who is a registered patron in relation to such a benefice or one of a number of such patrons or who is a trustee of such a right of patronage or a member of a corporate body holding such a right.

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Commencement Information

I28 Sch. 2 para. 9 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to diocesan synods and other bodies

- 10
- (1) A scheme by which a new diocese is to be created shall make provision with respect to the membership of the diocesan synod of the new diocese during the transitional period.
 - (2) Any other scheme may make provision for altering the numbers of elected members of the diocesan synod of a diocese affected by the scheme, the alteration to have effect only during the transitional period.
 - (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 taking effect of the scheme in question and ending with the first day of August next following the election of members of diocesan synods next held after the first mentioned date in accordance with the Church Representation Rules as for the time being in force.

Commencement Information

I29 Sch. 2 para. 10 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 11
- 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 Diocesan Boards of Finance Measure 1925 (15 & 16 Geo. 5 No. 3) and, at that or the next following meeting, to appoint every other board, committee or panel which such a synod is required by any Measure to appoint;
 - (b) authorising those persons who were members of the bishop's council and standing committee of the diocesan synod of any diocese any part of the area of which is to be comprised in the new diocese to act as bishop's council and standing committee of the diocesan synod of the new diocese until such a council and committee is appointed in accordance with a provision made by virtue of sub-paragraph (a) above;
 - (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.

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Commencement Information

I30 Sch. 2 para. 11 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 12 (1) A scheme by which a diocese is to be dissolved shall provide for the winding up or dissolution of every diocesan body for the diocese.
- (2) A scheme may provide for the abolition of any office for which provision is made by any Measure and for creating and filling any new office and shall provide for conferring rights to compensation on any person whose office is abolished in accordance with paragraph 16 below.
- (3) In sub-paragraph (1) above “diocesan body” has the same meaning as in section 19 above.

Commencement Information

I31 Sch. 2 para. 12 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to property

- 13 (1) A scheme by which a new diocese is to be created may provide for transferring any property vested in or held by a diocesan body for a former diocese to the corresponding body for the new diocese, when constituted, and vesting such property in that body without any conveyance or other assurance.
- In this paragraph “diocesan body” has the same meaning as in section 19 above.
- (2) Such a scheme may provide for the trusts of any charity the property of which is vested in, or under the management or control of any person holding office in or any diocesan body of the former diocese, with or without, in any case, other persons, to have effect with the substitution, for that person, of the person holding the corresponding office in the new diocese and, for that body, of the corresponding body in that diocese, and for any change under any such provision in the vesting of property to have effect without any conveyance or other assurance and this sub-paragraph shall also apply in relation to any person who is a [^{F2}charity trustee within the meaning of the Charities Act 2011].
- (3) In this paragraph “former diocese” means a diocese any part of the area of which is to be comprised in the new diocese.

Textual Amendments

F2 Words in Sch. 2 para. 13(2) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 129 (with s. 20(2), Sch. 8)

Commencement Information

I32 Sch. 2 para. 13 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

- 14 Paragraph 13 above shall apply to a scheme by which the boundaries between dioceses are to be altered without creating a new diocese or by which a diocese is dissolved and its area is transferred to one or more existing dioceses as if the

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diocese in which any part of the area of another diocese is to be comprised were the new diocese.

Commencement Information

I33 Sch. 2 para. 14 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to records

- 15 A scheme may make provision for the transfer to the registrar of a diocese or to any other person or body specified by the scheme of the records and other documents relating to the benefices or parishes which by virtue of the scheme are to be comprised in that diocese and to the clergy who are to hold office therein or to any other diocesan office or body or the holders or members of any such office or body in existence before the scheme takes effect.

Commencement Information

I34 Sch. 2 para. 15 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to compensation

- 16 (1) A scheme which provides for the abolition or reduction in status of any office in a cathedral or diocese shall make provision for conferring rights to compensation on the holder of that office who has suffered loss in consequence thereof (unless he or she is also an employee in relation to the same function) and shall also make provision with respect to—
- (a) the manner in which claims to, and the amount of, such compensation are to be determined;
 - (b) the matters to be taken into account in determining whether any claimant has suffered loss giving a right to compensation;
 - (c) the circumstances in which payments of such compensation consisting of periodical payments may be suspended, renewed or terminated or the amount thereof increased or reduced;
 - (d) the body by which, and the resources from which, such compensation is to be paid;
- and different provision may be made for different cases.
- (2) The Commission shall make rules regarding the general principles to be applied in determining rights of compensation under this paragraph and may amend or replace any rules by further rules made in accordance with this paragraph.
- (3) Rules made under this paragraph shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (4) Where the Business Committee of the General Synod determines that any rules do not need to be debated by the General Synod then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he or she wishes the rules to be debated, or

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- (b) notice is so given by any such member that he or she wishes to move an amendment to the rules,
the rules shall, for the purposes of sub-paragraph (3) above, be deemed to have been approved by the General Synod without amendment.
- (5) Any person or body exercising functions in relation to the conferring of rights of compensation or to the payment of compensation under this paragraph shall be under a duty to have regard to any rules made thereunder.

Commencement Information

I35 Sch. 2 para. 16 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provision relating to proceedings in consistory court

- 17 A scheme by which a diocese is dissolved or under which any church or other building or land is transferred to a new diocese may make provision for any proceedings pending in the consistory court of the first mentioned diocese or the diocese in which the building or other land is situated on the date when the scheme takes effect to be heard and determined in the court where the proceedings are pending.

Commencement Information

I36 Sch. 2 para. 17 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

Provisions relating to supplementary, etc. matters

- 18 (1) A scheme may make such supplementary, incidental, consequential or transitional provisions as appear to the Commission to be necessary or expedient for giving effect to the purposes of the scheme.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a scheme may make provision for preserving the effect of any thing of whatever nature done by a body established for a diocese which is to be dissolved by the scheme or any part of which is to be transferred to another diocese or by the holder of an office in such a diocese in his or her capacity as such.
- (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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Commencement Information

I37 Sch. 2 para. 18 in force at 1.9.2008 by 2008 No. 3, Instrument made by Archbishops

F3SCHEDULE 3

Section 52(4)

Textual Amendments

F3 Sch. 3 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

SCHEDULE 4

Section 54(2)

THE CHURCH BUILDINGS COUNCIL

Membership

- 1 The Council shall consist of a person who shall be known as the Chair of the Council who shall be appointed by the Archbishops of Canterbury and York after consultation with the Appointments Committee of the Church of England and not more than 23 other members.

Commencement Information

I38 Sch. 4 para. 1 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 2 The following members shall be appointed by the Archbishops of Canterbury and York—
- (a) four members shall be appointed on the nomination of the Secretary of State, who shall include persons who, between them, have special knowledge of or expertise in history, architecture, archaeology and aesthetics;
 - (b) three members of the General Synod shall be appointed on the nomination of the Appointments Committee, who shall have knowledge of or expertise in matters relevant to the Council's work;
 - (c) three other persons having such knowledge or expertise shall be appointed on the nomination of the Council (including the Council for the Care of Churches as constituted immediately before the coming into force of this Schedule);
 - (d) three persons shall be appointed on the nomination of an annual meeting of the Chairmen and Secretaries of the Diocesan Advisory Committees;
 - (e) one person shall be appointed on the nomination of the Cathedrals Fabric Commission for England;

Status: Point in time view as at 01/09/2018.

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- (f) one person shall be appointed on the nomination of the Appointments Committee, who shall have expertise in the innovative use of churches and former churches, including their management and development; and
- (g) three persons shall be appointed on the nomination of the Appointments Committee, which shall have regard to the need to include amongst the members of the Council persons who have expertise in history, architecture, archaeology, archives, art and liturgy.

Commencement Information

I39 Sch. 4 para. 2 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 3 Not more than two persons may be co-opted by the Council to reflect such specialist interests, not otherwise represented, as the Council thinks fit.

Commencement Information

I40 Sch. 4 para. 3 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 4 Three members shall be elected by the General Synod from among its members, who shall have knowledge of or expertise in matters relevant to the Council's work.

Commencement Information

I41 Sch. 4 para. 4 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 5 The following persons shall not be eligible for membership of the Council—
- (a) for the purposes of paragraphs 1 to 4 above, a member or employee of the Commissioners, or a member of their Assets Committee, their Audit Committee or any other committee of the Commissioners constituted by the Board of Governors or otherwise established under section 5(4) of the Church Commissioners Measure 1947 (10 & 11 Geo. 6 No. 2) or any joint committee of the Commissioners and the Archbishops' Council appointed under that section or a member or employee of the Churches Conservation Trust, and
 - (b) for the purposes of paragraph 2(a) above, the persons referred to in subparagraph (a) above and a member or employee of the Archbishops' Council or a member of the General Synod or of any diocesan body within the meaning of section 56(2) above.

Commencement Information

I42 Sch. 4 para. 5 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 6 The Chair of the Council shall hold office for such period as may be determined by the Archbishops of Canterbury and York, not exceeding five years and the Archbishops may determine that the Chair shall hold office for a second term not exceeding five years, and for the purposes of this paragraph the periods for which the Chair may serve shall include any period as Chair of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date.

Status: Point in time view as at 01/09/2018.

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Commencement Information

I43 Sch. 4 para. 6 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 7 Subject to paragraph 8 below, the other members of the Council shall take office on the first day of June immediately following the termination of the period of office of the persons in whose place those persons were appointed or elected and shall hold office until the thirty first day of May following the year in which the General Synod is next dissolved and a new Synod come into being.

Commencement Information

I44 Sch. 4 para. 7 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 8 The first appointments and elections of the members of the Council shall take place as soon as practicable after the coming into force of section 54(2) above and—
- (a) they shall take immediate effect, and
 - (b) the members shall hold office until the date specified in paragraph 7 above, except that if the period which elapses between the coming into force of section 54(2) above and that date is less than three years they shall hold office until the thirty first day of May following the year in which the second subsequent dissolution of the General Synod occurs and the new Synod comes into being following that dissolution.

Commencement Information

I45 Sch. 4 para. 8 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 9 A member (other than the Chair) shall on ceasing to hold office be eligible for re-appointment or re-election for a second term not exceeding five years and for the purposes of this paragraph the periods for which the member may serve shall include any period of membership of the Council for the Care of Churches served immediately before the coming into force of this Schedule or spanning a period immediately before and immediately after that date.

Commencement Information

I46 Sch. 4 para. 9 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 10 A member of the Council appointed under paragraph 2(b) above or elected by the General Synod under paragraph 4 above shall cease to hold office on ceasing to be a member of the Synod, except that a member who is a member of the General Synod may continue to act as a member of the Council so long as that person is entitled to act during a period of dissolution under paragraph 3(4) of Schedule 2 to the Synodical Government Measure 1969 (1969 No.2) and if, following the dissolution of the Synod, that person is not re-elected to the new Synod the Archbishops of Canterbury and York may, on the recommendation of the Appointments Committee, appoint that person as a member to hold office until the thirty-first day of May following the year in which the new Synod comes into being.

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Commencement Information

I47 Sch. 4 para. 10 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Casual vacancies

- 11 Where a casual vacancy occurs among the Chair or the other members of the Council appointed by the Archbishops of Canterbury and York the Archbishops may, having regard to any provision of paragraph 2 above relating to the knowledge or expertise of the person whose place is to be filled and after such consultation or nomination as may have been required by any such provision or by paragraph 1 above before that person was appointed, appoint a person to fill the vacancy.

Commencement Information

I48 Sch. 4 para. 11 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 12 Where a casual vacancy occurs among the members of the Council elected by the General Synod, the General Synod may elect one of its members to fill the vacancy, being a person who has knowledge of or expertise in matters relevant to the Council's work.

Commencement Information

I49 Sch. 4 para. 12 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 13 Where a casual vacancy occurs among the co-opted members of the Council the Council may co-opt a person to fill the vacancy to reflect such interests as are referred to in paragraph 3 above.

Commencement Information

I50 Sch. 4 para. 13 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 14 Any person appointed or elected to fill a casual vacancy whether before or after the coming into force of this Measure shall hold office only for the unexpired portion of the term of office of the person in whose place he or she is appointed or elected, but shall be eligible to be re-appointed or re-elected for one further term of office, and if the Archbishops of Canterbury and York so direct, shall be eligible for re-appointment or re-election for a second further term.

Commencement Information

I51 Sch. 4 para. 14 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Committees

- 15 The Council shall have power to appoint such committees and may delegate to them such functions as it thinks fit, provided that this paragraph shall not apply to the Statutory Advisory Committee.

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Commencement Information

I52 Sch. 4 para. 15 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 16 Persons who are not members of the Council may be appointed to any committee thereof, provided that this paragraph shall not apply to the Statutory Advisory Committee.

Commencement Information

I53 Sch. 4 para. 16 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 17 Without prejudice to paragraph 15 above, there shall be a Committee of the Council, which shall be known as the “Statutory Advisory Committee”, which shall have the functions set out in paragraphs 19 to 21 below.

Commencement Information

I54 Sch. 4 para. 17 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 18 The Statutory Advisory Committee shall consist of a person who shall be known as the Chair who shall be the Chair of the Council and the following members—
- (a) the four members of the Council appointed under paragraph 2(a) above; and
 - (b) three other members, who shall be appointed by the Council from among its members.

Commencement Information

I55 Sch. 4 para. 18 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 19 The Statutory Advisory Committee shall, on behalf of the Council, discharge the functions described in section 56(1)(b) and (c) above.

Commencement Information

I56 Sch. 4 para. 19 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 20 The Council may delegate such other functions to and seek the advice of the Statutory Advisory Committee on such other matters, as it thinks fit and may do so, generally, or in relation to specified categories of matter, or in relation to specified matters.

Commencement Information

I57 Sch. 4 para. 20 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 21 The Statutory Advisory Committee shall report to the Council on the discharge of its functions from time to time and, in any event, at least every six months and at such times or intervals as the Council may direct.

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Commencement Information

I58 Sch. 4 para. 21 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 22 The procedure of the Statutory Advisory Committee shall be as follows—
- (a) the quorum shall be four members, of whom not less than two members shall be members by virtue of paragraph 18(a) above, and
 - (b) the Chair shall not be entitled to vote and any person chosen to preside, in the absence of the Chair, shall not have a second or casting vote,
- but, save as aforesaid, paragraphs 24 to 27 below shall apply to the proceedings of the Committee as they apply to the proceedings of the Council with the substitution, in paragraphs 25 and 27, of the word “Committee” for the word “Council”.

Commencement Information

I59 Sch. 4 para. 22 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

Proceedings

- 23 The quorum of the Council shall be eight members.

Commencement Information

I60 Sch. 4 para. 23 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 24 The business of the Council shall be decided by a majority of the members present and voting thereon and, in the event of an equal division of votes, the person presiding shall have a second or casting vote.

Commencement Information

I61 Sch. 4 para. 24 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 25 The Chair, if present, shall preside over meetings but, if the Chair is not present or, if the Chair declines to preside on any occasion when he or she considers it preferable not to do so, the Council shall choose another member to preside.

Commencement Information

I62 Sch. 4 para. 25 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 26 Subject to paragraph 23 above, the Council may act notwithstanding any vacancy in its membership.

Commencement Information

I63 Sch. 4 para. 26 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

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- 27 Subject to the preceding provisions of this Schedule, the Council shall have power to regulate its own procedure.

Commencement Information

I64 Sch. 4 para. 27 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

F⁴SCHEDULE 5

Section 63(1)

Textual Amendments

F4 Sch. 5 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

SCHEDULE 6

Section 64

TRANSITIONAL PROVISIONS

- 1 In this Schedule “the 1978 Measure” means the Dioceses Measure 1978 (1978 No. 1).

Commencement Information

I65 Sch. 6 para. 1 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 2 Any reorganisation scheme made under section 6 and confirmed by Order in Council under section 7 of the 1978 Measure which is in force immediately before the coming into force of sections 7 and 8 above shall have effect as if it had been made under section 7 and confirmed by Order in Council under section 8 above.

Commencement Information

I66 Sch. 6 para. 2 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 3 Any instrument made by a bishop under section 10 of the 1978 Measure or made under section 8 of the Church of England (Miscellaneous Provisions) Measure 1983 (1983 No. 2) which is in force immediately before the coming into force of sections 13 and 14 above shall have effect as if it had been made under section 13 or 14 above, as the case may be.

Commencement Information

I67 Sch. 6 para. 3 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

Status: Point in time view as at 01/09/2018.

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- 4 Where any proposal has been made by a bishop under section 18 of the 1978 Measure to create a suffragan see which has not been approved by the General Synod under that section at the time of the coming into force of section 18 above the proposal shall be treated as if it had been made under section 18 above and the provisions of that section shall apply to the proposal accordingly.

Commencement Information

I68 Sch. 6 para. 4 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 5 ^[F5](1) Any scheme made under section 11 of the 1978 Measure and in force immediately before the coming into force of section 13 above shall, notwithstanding the repeal of that section, continue in force, but the bishop of the diocese to which the scheme relates may, with the consent of the diocesan synod of that diocese, vary or revoke the scheme by an instrument in writing and—
- (a) the said section 11 shall apply to an instrument varying the scheme as if it were a scheme made under section 11, and
 - (b) sections 12 and 13 of the 1978 Measure shall not apply to such an instrument.
- ^[F6](2) On making an instrument under sub-paragraph (1) the bishop shall send a copy of the instrument to the Commissioners, the Commission and the registrar of the diocese, and the registrar shall file it in the diocesan registry.]

Textual Amendments

- F5** Sch. 6 para. 5(1): Sch. 6 para. 5 renumbered as Sch. 6 para. 5(1) (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 16**; S.I. 2014/1369, art. 2
- F6** Sch. 6 para. 5(2) added (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 16**; S.I. 2014/1369, art. 2

Commencement Information

I69 Sch. 6 para. 5 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

- 6 Where, on the coming into force of Parts III and IV of this Measure—
- (a) any action has been taken under section 3 of the 1983 Measure with a view to making recommendations for the formulation of draft proposals for a pastoral scheme or order, or
 - (b) any such proposals have been formulated, or
 - (c) any draft pastoral scheme or order has been prepared under section 5 of the 1983 Measure, or
 - (d) any draft redundancy scheme has been prepared under section 50 of the 1983 Measure,
- but no pastoral scheme or order, or redundancy scheme, as the case may be, has been made the 1983 Measure shall continue to apply as if this Measure had not been passed until any such scheme or order has been made, but, thereafter, any such scheme or order shall have effect as if it had been made under the 1983 Measure, as amended by this Measure.

Status: Point in time view as at 01/09/2018.

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Commencement Information

I70 Sch. 6 para. 6 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

7 Any pastoral scheme or order or redundancy scheme made, but not revoked, on the coming into force of Parts III and IV of this Measure shall have effect as if made under the 1983 Measure as amended by this Measure.

Commencement Information

I71 Sch. 6 para. 7 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

F78

Textual Amendments

F7 Sch. 6 para. 8 repealed (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), Sch. 9 (with ss. 100, 105(4), 107, 108(6), Schs. 8); 2012 No. 1, art. 2

Commencement Information

I72 Sch. 6 para. 8 in force at 1.2.2008 by 2007 No. 3, Instrument made by Archbishops

SCHEDULE 7

Section 65

REPEALS

Commencement Information

- I73** Sch. 7 in force at 1.2.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops
- I74** Sch. 7 in force at 1.5.2008 for specified purposes by 2008 No. 1, Instrument made by Archbishops
- I75** Sch. 7 in force at 11.6.2008 for specified purposes by 2007 No. 3, Instrument made by Archbishops
- I76** Sch. 7 in force at 1.9.2008 for specified purposes by 2008 No. 1, Instrument made by Archbishops
- I77** Sch. 7 in force at 1.1.2011 in so far as not already in force by 2010 No. 4, art. 2(d)

Measure

Extent of repeal

1964 No. 5, The Faculty Jurisdiction Measure 1964

In section 15, the definition of “council”.

1969 No. 2, The Synodical Government Measure 1969

In the Church Representation Rules contained in Schedule 3, in rule 34(1)(c) the words after “being” to “any other diocese”.

1978 No. 1, The Dioceses Measure 1978

The whole Measure.

1983 No. 1, The Pastoral Measure 1983

Section 1.
Section 2.
Section 41.
Section 45.

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	In section 87(1), in the definition of “mission and pastoral committee”, the words “, but does not include a joint pastoral committee”. Schedule 1. In Schedule 5, paragraphs 1 to 12.
1983 No. 2, The Church of England (Miscellaneous Provisions) Measure 1983	Section 8. Section 10.
1986 No. 1, The Bishops (Retirement) Measure 1986	Section 11(2).
1988 No. 1, The Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988	Section 6.
1990 No. 1, The Clergy (Ordination) Measure 1990	Section 2.
1990 No. 2, The Care of Cathedrals Measure 1990	In section 20(1), the definition of “Council for the Care of Churches”.
1991 No. 1, The Care of Churches and Ecclesiastical Jurisdiction Measure 1991	In section 31(1), the definition of “Council for the Care of Churches”.
1992 No. 1, The Church of England (Miscellaneous Provisions) Measure 1992	In Schedule 3, paragraph 18.
1994 No. 1, The Pastoral (Amendment) Measure 1994	Section 1.
1995 No. 2, The Church of England (Miscellaneous Provisions) Measure 1995	In section 11, paragraph (e). Section 12.
1999 No. 1, The Cathedrals Measure 1999	In Schedule 2, paragraph 7.
1999 No. 2, The Care of Places of Worship Measure 1999	In section 6(1), the definition of “Council for the Care of Churches”.
2000 No. 1, The Church of England (Miscellaneous Provisions) Measure 2000	Section 18.
2003 No. 1, The Synodical Government (Amendment) Measure 2003	In section 2, subsections (3), (4) and (5).
2005 No. 3, The Church of England (Miscellaneous Provisions) Measure 2005	In Schedule 4, paragraphs 10 and 13.

Status:

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Changes to legislation:

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