

Status: Point in time view as at 11/06/2008.

Changes to legislation: *Dioceses, Pastoral and Mission Measure 2007, SCHEDULE 5 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 5

Section 63(1)

AMENDMENT OF PASTORAL MEASURE 1983

1 The Pastoral Measure 1983 (1983 No. 1) shall be amended as follows.

Commencement Information

I1 Sch. 5 para. 1 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

2 In section 12(1)(b) for the words from the words “shall not submit” to the words “the Commissioners” there shall be substituted the words “ shall not take any action in relation to such recommendations ”.

Commencement Information

I2 Sch. 5 para. 2 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

3 Any joint pastoral committee established or to be established under section 13 of the 1983 Measure shall be re-named the joint boundary committee and any reference to that committee shall have effect accordingly and that section shall be amended as follows—

(a) for subsection (4) there shall be substituted the following subsections—

“(4) The instrument which provides for the establishment of a joint boundary committee may also make such provision as the bishops of the dioceses concerned think fit for the procedure of the committee and any such provision as is referred to in subsection (4A) and, when deciding whether to make any such provision, and, if so, what provision, the bishops shall have regard to the provisions of Schedule 3 to the Dioceses, Pastoral and Mission Measure 2007.

(4A) The provision referred to in subsection (4) is provision for paying the expenses of the joint boundary committee out of the diocesan pastoral accounts of the dioceses concerned.”; and

(b) for subsection (5)(b) there shall be substituted the following paragraph—

“(b) no action may be taken to prepare or implement such proposals by way of a draft order or orders.”.

Commencement Information

I3 Sch. 5 para. 3 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

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- 4 In section 20(4), for the word “designate” there shall be substituted the words “provide for the designation or selection of”.

Commencement Information

I4 Sch. 5 para. 4 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 5 In section 21(3) for the word “designate” there shall be substituted the words “provide for the designation or selection of”.

Commencement Information

I5 Sch. 5 para. 5 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 6 In section 24—
- (a) after subsection (1) there shall be inserted the following subsection—
- “(1A) A pastoral scheme providing for the transfer, under section 17(1)(c), of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for the designation or selection of the incumbent of that benefice and for restricting rights of presentation on the vacancy.”; and
- (b) in subsection (3), after the word “(1)” there shall be inserted the words “, (1A)”.

Commencement Information

I6 Sch. 5 para. 6 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 7 In section 44—
- (a) any reference to the Advisory Board shall be construed as a reference to the Church Buildings Council;
- (b) in subsection (2) for the word “six” there shall be substituted the word “nine”; and
- (c) after subsection (9A) there shall be inserted the following subsections—
- “(9B) If—
- (a) the Church Buildings Council has prepared a report, under section 3(8), about a church in respect of which the mission and pastoral committee is considering whether to make a recommendation that a declaration of closure for regular public worship be made, and
- (b) the Commissioners, after consulting the Council, are of the opinion that, in the event of the church being closed for regular public worship and no suitable alternative use being found for it, it is likely that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England,

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the Commissioners may, with the consent of the mission and pastoral committee, and subject to any conditions or limitations which they may specify, request the Churches Conservation Trust to give advice to them and, if specified, advice or assistance to any other specified person or body, in identifying and developing proposals for any use or uses of the church, or any part of it, which would be consistent with the primary use of the church as a whole as a place of worship and which would have the object of ensuring the continuance of that use.

(9C) Notwithstanding subsection (4), the Trust shall have power to give such advice and assistance as is described in subsection (9B).”.

Commencement Information

- I7** Sch. 5 para. 7(b) in force at 1.1.2008 by 2007 No. 3, Instrument made by Archbishops
I8 Sch. 5 para. 7(a)(c) in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

8 In section 52, that section shall become subsection (1) and at the end there shall be added the following subsection—

“(2) In exercising their duty to allocate moneys under subsection (1) the Commissioners may decide not to allocate moneys to any or all of the accounts mentioned in that subsection, in which case all the moneys not so allocated shall be paid to the Churches Conservation Trust.”.

Commencement Information

- I9** Sch. 5 para. 8 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

9 In section 53—

- (a) in subsection (1)(a), for the words following the words “funding period” to the end there shall be substituted the words “ the total amount (comprising grants made under section 44(10) and moneys allocated under section 52(1)) to be paid by the Commissioners to the Churches Conservation Trust ”; and
(b) subsections (1)(c) and (4) are hereby repealed.

Commencement Information

- I10** Sch. 5 para. 9 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

10 In section 54(2), for the words “, made and confirmed” there shall be substituted the words “ and made ” and for the words “subsections (8) and” there shall be substituted the word “ subsection ”.

Commencement Information

- I11** Sch. 5 para. 10 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

11 In section 57(4) the words “or (c)” shall be omitted.

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Commencement Information

I12 Sch. 5 para. 11 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

12 Section 64 of the 1983 Measure shall be amended as follows—

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

“(1) Where a pastoral church buildings scheme or pastoral (church buildings disposal) scheme makes provision for a church or part of a church to be demolished or appropriated to any use specified or described in the scheme the bishop shall, unless the scheme makes other provision, give directions as to how the font, communion table and plate used for the purpose of Holy Communion shall be dealt with but, if the church or part thereof is so demolished or appropriated before any such directions are given or fully implemented, the diocesan board of finance shall, subject to any provision of the scheme, be responsible for the care, maintenance and safeguarding of any such items.”; and

(b) after subsection (2) there shall be inserted the following subsection—

“(2A) Where any items are disposed of in accordance with subsection (1) or (2) above the bishop shall, subject to any provision of the scheme, give directions as to how any proceeds of their sale are to be applied.”.

Commencement Information

I13 Sch. 5 para. 12 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

13 In section 67—

(a) after subsection (5), there shall be inserted the following subsection—

“(5A) After the expiration of a suspension period, the bishop may, by a further notice, given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy and, if he does so, subsections (1), (3), (4) and (5) shall apply in relation to any notice given and any suspension period declared under this subsection as they apply to a notice given and a suspension period declared under subsection (1).”;

(b) in subsection (6), before paragraph (a) there shall be inserted the following paragraph—

“(za) the designated officer within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No. 3),”

and the other paragraphs of that subsection shall be re-numbered “(b) to (f)”;

(c) after subsection (6) there shall be inserted the following subsection—

“(6A) The designated officer shall, not earlier than six months, and not later than three months, before any suspension period declared under this section is due to expire, other than a suspension period

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which comes to an end before the date on which it would otherwise expire under subsection (4), give notice to the bishop and, unless the designated officer is also the secretary of the mission and pastoral committee, to that secretary, of the date on which the suspension period is due to expire.”.

Commencement Information

I14 Sch. 5 para. 13 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 14 For the heading to section 68 substitute— “ During suspension period sequestration of profits, appointment of priest in charge and management of property ”.

Commencement Information

I15 Sch. 5 para. 14 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 15 In section 70—
- (a) in the heading for “**Benefices (Exercise of Rights of Presentation) Measure 1931**” substitute “ **Patronage (Benefices) Measure 1986** ”;
 - (b) in paragraph (c), at the end there shall be added the following words “ , but if a further suspension period is declared, the benefice shall no longer be deemed to be vacant ”; and
 - (c) in paragraph (d), for the words from the beginning to “that Measure” there shall be substituted the words “ as soon as practicable after he becomes aware of the vacancy, the bishop shall give notice of that fact to the designated officer (within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 (1986 No. 3)) and, unless he is the designated officer, to the registrar of the diocese and section 7(4) of that Measure shall apply as it applies to a notice under section 7(1) or (2) ”.

Commencement Information

I16 Sch. 5 para. 15 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 16 In section 78(3) there shall be added at the end the following words “; or
- (d) transfer those moneys to one or more other accounts or funds held by the board or apply or transfer them partly to such other accounts or funds and partly as provided in paragraphs (a) to (c)”.

Commencement Information

I17 Sch. 5 para. 16 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 17 In section 86(1), in the definition of “parish”, after the word “means” there shall be inserted the words “ , except in section 3(2)(g), in its application to pastoral church buildings schemes, and section 50(3), ”.

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Commencement Information

I18 Sch. 5 para. 17 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 18 In section 87—
- (a) the definition of “the Advisory Board” shall be omitted;
 - (b) for the definition of “Council for the Care of Churches” there shall be substituted the following definition—
 - “the Church Buildings Council” means the body of that name constituted in accordance with section 54 of the Dioceses, Pastoral and Mission Measure 2007”;
 - (c) in the definition of “Dioceses Commission” for the words “the Dioceses Measure 1978” there shall be substituted “ section 2 of the Dioceses, Pastoral and Mission Measure 2007 ”;
 - (d) after the definition of “interested parties” there shall be inserted the following definition—
 - ““listed building” and “conservation area” have the meanings respectively assigned to them by sections 1(5) and 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);”;
 - (e) in the definition of “mission and pastoral committee” for the words “under, or by virtue of, this Measure” there shall be substituted the words “ in accordance with section 52 of the Dioceses, Pastoral and Mission Measure 2007 ” and the words “, but does not include a joint pastoral committee” shall be omitted;
 - (f) in the definition of “pastoral scheme” there shall be added at the end the words “ and a pastoral church buildings scheme ”;
 - (g) after the definition of “pastoral scheme” there shall be inserted the following definitions—
 - ““pastoral church buildings scheme” means a pastoral scheme which contains a declaration of closure for regular public worship;
 - “pastoral (church buildings disposal) scheme” has the meaning assigned to it by section 48;”;
 - (h) the definitions of “redundant building” and “redundancy scheme” shall be omitted.

Commencement Information

I19 Sch. 5 para. 18 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 19 In section 90(3) after the words “section 3(1)” there shall be inserted the words “ , as it applies to recommendations for a pastoral scheme which does not contain a declaration of closure of a church for regular public worship, ”.

Commencement Information

I20 Sch. 5 para. 19 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

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- 20 In paragraph 5(2) of Schedule 3 after the words “new benefice”, in the first place where they occur, there shall be inserted the words “, transfers a parish from one benefice to another”.

Commencement Information

I21 Sch. 5 para. 20 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 21 In paragraph 4 of Schedule 4, for the words “confirmation of the scheme by Order in Council or the making of the order, as the case may be,” there shall be substituted the words “ making of the scheme or order, ”.

Commencement Information

I22 Sch. 5 para. 21 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 22 Schedule 7 shall be amended as follows—
- (a) in paragraph 4, after the word “vacant” there shall be inserted the words “ whether or not a further suspension period is declared ” and after the words “at the beginning of the” there shall be inserted the word “ first ”; and
 - (b) in paragraph 6—
 - (i) the word “immediately” shall be omitted,
 - (ii) after the word “follows” there shall be inserted the words “ , whether immediately or after an interval, ”, and
 - (iii) after the words “sequestered, the” there shall be inserted the word “ original ”.

Commencement Information

I23 Sch. 5 para. 22 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

- 23 The redundant churches temporary maintenance account shall be renamed “the temporary maintenance account” and any reference to the account shall have effect accordingly.

Commencement Information

I24 Sch. 5 para. 23 in force at 11.6.2008 by 2007 No. 3, Instrument made by Archbishops

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