



Mission and Pastoral Measure 2011

2011 No. 3

PART 3

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

Procedure for schemes and orders affecting a single diocese

12 Appeals to the Privy Council

- (1) Any person who has duly made written representations with respect to the draft scheme may appeal to Her Majesty in Council against the scheme or any provisions thereof, but only with the leave of the Judicial Committee of the Privy Council.
- (2) Schedule 2 shall apply to applications for leave to appeal, and to appeals to Her Majesty in Council, under this section.
- (3) If—
 - (a) no notice of intention to apply for leave to appeal is given on or before the date specified in the notice served under section 11(2), or
 - (b) no application for such leave is made within the period prescribed by paragraph 4 of Schedule 2, or
 - (c) the Judicial Committee refuses to grant such leave, or
 - (d) the appeal stands dismissed for non-prosecution by virtue of paragraph 11 of that Schedule, or
 - (e) written representations with respect to the draft scheme have been duly made but it has not been practicable to serve any notice under section 11(2)(a),the Commissioners shall seal a copy of the draft scheme and so make the scheme.
- (4) If leave to appeal is granted, the Judicial Committee shall hear the appeal, and the Judicial Committee shall make a report thereon and may propose to Her Majesty in Council that the appeal be allowed or dismissed or that the draft scheme should be

returned to the Commissioners for reconsideration, and Her Majesty in Council may accordingly—

- (a) allow the appeal, in which case the Commissioners shall not make the scheme, but without prejudice to the preparation and publication of a further draft scheme, or
 - (b) dismiss the appeal, in which case the Commissioners shall seal a copy of the draft scheme and so make the scheme, or
 - (c) return the draft scheme to the Commissioners for reconsideration.
- (5) Where a draft scheme is returned to the Commissioners for reconsideration, they may—
- (a) withdraw the draft scheme, or
 - (b) inform the Registrar of the Privy Council that they wish to make the scheme without any amendment of the draft scheme, or
 - (c) amend the draft scheme with the agreement of the bishop given after consultation with the mission and pastoral committee.
- (6) Where the Commissioners inform the Registrar of the Privy Council that they wish to make the scheme without any amendment of the draft scheme, the Judicial Committee may, without any further hearing, propose to Her Majesty in Council that the appeal should be allowed or dismissed, and the like effect shall follow on that proposal as if it had been made under subsection (4)(a) or (b).
- (7) Where the Commissioners amend the draft scheme, it shall be treated as a draft scheme amended under section 10 and the provisions of this Part shall apply accordingly.