



Government Circular No. 131/90

**THE PASTORAL MEASURE (ISLE OF MAN) 1990**

<i>Approved by the Sodor and Man Diocesan Synod</i>	<i>3rd February 1988</i>
<i>Approved by Tynwald</i>	<i>15th November 1988</i>
<i>Received Royal Assent</i>	<i>14th February 1990</i>
<i>Announced to Tynwald</i>	<i>11th April 1990</i>
<i>Passed</i>	<i>11th April 1990</i>

A MEASURE enacted pursuant to the Church (Application of  
General Synod Measures) Act 1979 to extend  
the Pastoral Measure 1983 to the Isle of Man



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A MEASURE enacted pursuant to the Church (Application of General Synod Measures) Act 1979 to extend the Pastoral Measure 1983 to the Isle of Man

### **Extension of the Pastoral Measure 1983**

1. The Pastoral Measure 1983 (a Measure of the General Synod of the Church of England) shall extend to the Island subject to the exceptions, adaptations and modifications specified in the Schedule.

### **Short title and commencement**

2. (1) This Measure may be cited as the Pastoral Measure (Isle of Man) 1990.

(2) This Measure shall come into operation on such day as the Bishop may by order appoint.

*Pastoral Measure (Isle of Man)*  
*Schedule 1*

Section 1(1).

SCHEDULE 1

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH  
THE PASTORAL MEASURE 1983 HAS EFFECT IN THE ISLAND**

*Duties of Pastoral Committee*

1. In section 2(1), omit "(other than section 36)".

*Formulation of proposals*

2. (1) In section 3(1), omit the words from ", subject" to "authorities,".
  - (2) In section 3(2) -
    - (a) in paragraph (c), after "parishes" insert "and chapelries", and at the end insert "and";
    - (b) omit paragraph (d);
    - (c) for paragraph (e) substitute -

"(e) the archdeacon and the rural deans of any deaneries which would be so affected or to which any such benefices, parishes or chapelries belong and the lay chairmen of the deanery synods of any such deaneries.";
    - (d) omit paragraph (f)
  - (3) In section 3(3) -
    - (a) omit "archdeaconries or"; and
    - (b) for paragraphs (a), (b) and (c) substitute -
      - "(a) the parochial church councils of any parishes and chapelries for which a change of deanery, or an alteration of the name of the archdeaconry or deanery, is contemplated or proposed;
      - (b) the incumbents of benefices to which such parishes and chapelries belong; and
      - (c) the archdeacon and the rural deans of the deaneries affected and the lay chairmen of the deanery synods of such deaneries.".
  - (5) Omit section 3(4), (7) and (8).
  - (6) In section 3(10), omit the words from "and, if" onwards.

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*Preparation of draft scheme or order*

3. (1) Omit section 5(2).
- (2) In section 5(3), for "the foregoing subsections" substitute "subsection (1)".
- (3) In section 5(4) -
  - (a) omit "(other than section 36)"; and
  - (b) in proviso (iii), omit "a proposal to create an archdeaconry or".

*Notice of draft schemes and orders*

4. (1) In section 6(3) -
  - (a) in paragraph (a), omit "on the Advisory Board and" and the words from "and, if" onwards;
  - (b) for "circulating in the locality affected by the scheme" substitute "published and circulating in the Isle of Man", and for "locality" (in the second place) substitute "Isle of Man";
  - (c) for the words from "paragraph (a)" to "paragraph (b)" substitute "paragraphs (a) and (b)".
- (2) In section 6(4), after "every parish" insert "or chapelry", and at the end insert "or, as the case may be, of the chapel of the chapelry".

*Making of schemes and orders*

5. In section 8(1), omit "and shall submit it for confirmation by Her Majesty in Council".

*Review of schemes*

6. (1) In section 9(1) -
  - (a) for "submitted for confirmation by Her Majesty in Council" substitute "made";
  - (b) in paragraphs (a) and (b), for "such submission" substitute "making thereof";
  - (c) for "Judicial Committee of the Privy Council, to appeal to Her Majesty in Council" substitute "Clerk of the Rolls, to appeal to the Clerk of the Rolls"; and

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(d) for the words from "When submitting" onwards substitute -

"When serving any notice under this subsection the Commissioners shall inform the Chief Registrar of the date which is to be specified in the notice."

(2) In section 9(2), for "Her Majesty in Council" and "the Judicial Committee of the Privy Council" substitute "the Clerk of the Rolls".

(3) In section 9(3), for "Her Majesty in Council" substitute "the Clerk of the Rolls".

(4) In section 9(4) -

(a) in paragraph (c), for "Judicial Committee" substitute "Clerk of the Rolls";

(b) for "Her Majesty may by Order in Council confirm the scheme" substitute "the scheme shall come into operation in accordance with section 11(2)".

(5) Omit section 9(5).

(6) For section 9(6) substitute -

"(6) If leave to appeal is granted, the Clerk of the Rolls shall hear the appeal, and shall either -

(a) allow the appeal, in which case the scheme shall be of no effect, but without prejudice to the making of a further scheme, or

(b) dismiss the appeal and direct on what date the scheme shall come into operation;

and may make such order as to costs as he thinks proper."

(7) For section 9(7) substitute -

"(7) In relation to any appeal under this section, the Governor may, at the request of any party to the appeal or of his own motion, direct that the functions of the Clerk of the Rolls under this section shall be exercised in his place by the Second Deemster or by such other fit and proper person (being an advocate, barrister or solicitor of not less than 10 years' standing) as may be specified in the direction; and in any case where such a direction is given, references to the Clerk of the Rolls in the foregoing provisions of this section and in Schedule 2 shall be construed as references to the Second Deemster or to the person so specified, as the case may be,".

(8) Omit section 9(8) and (9).

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*Transmission of orders*

7. (1) In section 10(1), for "Order in Council by which a scheme is confirmed under section 9 and of every order made by the bishop" substitute "scheme or order made", and omit the words from "and, in the case" onwards.

(2) In section 10(2), for "Order in Council" substitute "scheme".

*Validity etc. of schemes and orders*

8. For section 11 substitute -

"11. (1) The validity of a scheme or order made under this Part shall not be questioned in any legal proceedings.

(2) Subject to section 9(6), and except in so far as any such scheme or order, or any provision thereof, is expressed to come into operation on a date, event or contingency specified therein, it shall come into operation -

(a) in the case of a scheme, on the expiration of 3 months beginning with the date on which it is made;

(b) in the case of an order, on the date on which it is made.

(3) Section 7 of the Church Act 1880 (an Act of Tynwald) shall not apply to a scheme made under this Part."

*Schemes and orders affecting more than one diocese*

9. Omit sections 12 and 13.

*Powers of bishop to make proposals*

10. (1) In section 14(1), omit "proposals to dissolve and archdeaconry or".

(2) Omit section 14(2).

*Withdrawal of scheme or order*

11. In section 15, omit the words from "of the diocese" to "dioceses concerned", "or request", and the words from "or committees" onwards.

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*Supplementary powers*

12. In section 16(2), omit "or a joint pastoral committee".

*Pluralities*

13. In the proviso to section 18(2) -

- (a) for the words from "when the bishop" to "1931" substitute "on the occurrence of any vacancy";
- (b) in paragraph (a), for the words from "state" to "serve the notice on" substitute "give notice that the said provisions are to be terminated to", and omit "the vacancy or" and "whichever is the later"; and
- (c) in paragraph (b), for "the service of the said notice" substitute "it is notified of the occurrence of the vacancy", and for the words from "the vacancy or" onwards substitute "the passing of the resolution".

*Deaneries*

14. In section 19(a) and (b), omit "archdeaconry or".

*Team ministries*

15. In section 20(11), for "(2), (3), (5) and (6)" substitute "(3) and (5)", and omit "and for the elections of district church councils and churchwardens,".

*Operation of schemes*

16. (1) In section 25(1), omit "archdeaconry" (in each place) and "archdeacon".

(2) In section 25(3) -

- (a) omit "or archdeaconry";
- (b) for "the date on which the scheme is confirmed by Order in Council under section 9" substitute "the expiration of the period of 3 months referred to in section 11(2)(a)"; and
- (c) for "the date of confirmation of the scheme" substitute "the expiration of the said period of 3 months".

(3) In section 25(4), omit "archdeacon".

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*Compensation of clergy*

17. In section 26, for "vicars in team ministries and archdeacons" substitute "and vicars in team ministries".

*Parish churches*

18. (1) In section 27(5) -

(a) in paragraph (b), omit "section 23 of the Marriage Act 1949, as extended by"; and

(b) in paragraph (e), omit the words from "and the Churchwardens" to "pair of churchwardens,".

(2) In section 27(8), for the words from "bishop" onwards substitute "bishop may direct".

*Redundant churches*

19. In section 28(1), omit "(in the circumstances specified in sections 46 and 47)".

*Places of worship*

20. (1) In section 29(2)(a), for "Marriage Act 1949" substitute "Marriage Act 1984 (an Act of Tynwald)".

(2) Omit section 29(3).

(3) In section 29(6), for "circulating in the locality" substitute "published and circulating in the Isle of Man".

*Burial grounds*

21. (1) In section 30(1), for paragraphs (a), (b) and (c) substitute "a churchyard or other land annexed or belonging to a church".

(2) Omit section 30(4).

*Parsonage houses*

22. (1) In section 31(1) -

(a) In paragraph (c), for the words from "or as a site therefor" onwards substitute "of a parsonage house or part of a parsonage house";



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- (b) in paragraph (d), for "part of a parsonage house or any parsonage land" substitute "or part of a parsonage house"; and omit "as part of the diocesan glebe land of the diocese or".
- (2) Omit section 31(3) and (4).

*Patronage*

23. In section 32(3), for the words from "the diocesan" onwards substitute "the bishop".

*Endowments etc.*

24. (1) In section 33(2)(c), omit "the aggregate of the income derived from the following sources, namely," and the words from "any guaranteed" to "that Measure,".

(2) In section 33(4), for "the Parsonages Measure 1938" substitute "section 7 of the Glebe Lands Act 1893 (an Act of Tynwald)", and for "the said Measure" substitute "the said Act".

(3) In section 33(5) -

(a) for the words from "section 5" to "property)" substitute "the said section 7";

(b) omit "under that Measure"; and

(c) in paragraph (d), omit "within the meaning of section 46".

(4) After section 33(5) insert -

"(6) In this section "place of worship" means a building licensed by the bishop for public worship in accordance with the rites and ceremonies of the Church of England, being a building used wholly for the purposes of such worship and purposes ancillary thereto, or partly for those purposes and partly for other ecclesiastical purposes of the parish and purposes ancillary thereto, and includes a building which, pursuant to an agreement under the Sharing of Church Buildings Act 1969, is to be used as a place of worship jointly with another church and is to be owned by the Church of England only or is to be jointly owned by that Church and any other church."

*Chapelries*

25. In section 34 -

- (a) omit "any sinecure rectory, or" and, in paragraph (b), "rectory or"; and

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(b) at the end insert -

"(c) for altering a chapelry, or for abolishing a chapelry and dissolving the parochial church council thereof."

*Schemes affecting more than one diocese*

26. Omit sections 35 and 36.

*Pastoral orders*

27. In section 37 -

- (a) in paragraph (d), for "for designating," substitute "or for designating, a deanery";
- (b) in paragraph (l), omit "under the Parsonages Measure 1938";
- (c) omit paragraph (m); and
- (d) in the proviso, omit "dissolving any archdeaconry or" and "archdeacon or".

*Supplementary provisions*

28. In section 38(1) -

- (a) omit "or bishops concerned"; and
- (b) for "any pastoral committee (including a joint pastoral committee) concerned" substitute "the pastoral committee".

*Amendment etc. of schemes and orders*

29. Omit section 39(3).

*Redundant churches*

30. Omit sections 41 to 48.

*Redundancy schemes*

31. (1) For section 49(1) substitute -

"(1) Where a pastoral scheme contains a declaration of redundancy but does not make provision for the redundant building in accordance with this Part, the redundant building shall, when the declaration takes effect, vest by virtue of this Measure