



Patronage (Benefices) Measure 1986

1986 No. 3

PART III

MISCELLANEOUS PROVISIONS AS TO PATRONAGE

Other amendments of the law relating to rights of patronage etc.

30 Removal of certain disabilities.

- (1) The following enactments (which impose disabilities on patrons practising the Roman Catholic religion etc.) that is to say—
 - (a) section 13 of the Presentation of Benefices Act 1605;
 - (b) section 2 of the Presentation of Benefices Act 1688; and
 - (c) section 1 of the Presentation of Benefices Act 1713,shall cease to have effect.
- (2) Section 15 of the ^{M1}Roman Catholic Relief Act 1829 (Roman Catholic member of lay body corporate not to vote in election, presentation or appointment of persons to ecclesiastical benefice, etc., in the gift, patronage or disposal of that body) shall cease to have effect in so far as it relates to benefices.
- (3) Section 17 of the Roman Catholic Relief Act 1829 (right of presentation to benefice to devolve upon the Archbishop of Canterbury for the time being where right belongs to office which is held by person professing the Roman Catholic religion) and, in section 4 of the ^{M2}Jews Relief Act 1858, the words from the beginning to “being; and” (similar provision relating to right of presentation belonging to office held by person professing the Jewish religion) shall cease to have effect.

Marginal Citations

M1 1829 c. 7.

M2 1858 c. 49.

Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986.
Cross Heading: Other amendments of the law relating to rights of patronage etc.. (See end of Document for details)

31 Abrogation of rules as to lapse.

- (1) Without prejudice to the provisions of section 16 of this Measure, any rule of law whereby the right of patronage of a benefice lapses to a bishop or archbishop or to Her Majesty in right of Her Crown shall cease to have effect.
- (2) Nothing in this section shall affect any right of presentation which on a vacancy in a benefice is exercisable by Her Majesty—
 - (a) by reason of the appointment to a diocesan bishopric of the incumbent of the benefice concerned, or
 - (b) by reason of a vacancy in the see of a diocesan bishop who is a registered patron of the benefice concerned.

32 Advowsons appendant to become advowsons in gross.

- (1) Every advowson which immediately before the date on which this section comes into force is appendant to any land or any manor shall by virtue of this section be severed from that land or manor and become an advowson in gross which—
 - (a) in the case of land belonging at that date to a charity, shall belong to that charity;
 - (b) in any other case, shall belong in his personal capacity to the person who at that date is the owner in fee simple of that land or the lord of that manor, as the case may be.
- (2) Every advowson which immediately before the said date is appendant to any rectory, not being a rectory with cure of souls, shall by virtue of this section be severed from that rectory and become an advowson in gross belonging in his personal capacity to the person who at that date is the rector of that rectory.
- (3) Nothing in this section shall affect the trusts, if any, on which any advowson is held.

33 Transfer of advowson [^{F1}subject to trust of land] or comprised in settled land.

- (1) Where any advowson is [^{F2}subject to a trust of land], it shall be lawful for the trustees to transfer the advowson gratuitously to any person who has agreed to accept it and—
 - (a) being an individual—
 - (i) is an ecclesiastical corporation sole, or
 - (ii) is an actual communicant member of the Church of England, or
 - (b) being a body of persons, corporate or unincorporate,—
 - (i) is one of the bodies mentioned in section 8(7) of this Measure, or
 - (ii) has the furtherance of the work of the Church of England as one of its objects.
- (2) Where the consent of any person is by any instrument containing such a trust, or by any statutory provision, made requisite to the execution of the trust, then, subject to [^{F3}section 10 of the Trusts of Land and Appointment of Trustees Act 1996 (consents)], the trustees shall obtain the consent of that person to the execution of a transfer made lawful by subsection (1) above.
- (3) The tenant for life of settled land may make a grant in fee simple of any advowson comprised in the settled land gratuitously to any such person as is referred to in subsection (1) above.

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- (4) Subsection (3) above shall be construed as one with the ^{M3}Settled Land Act 1925, and that Act shall apply as if the power conferred by subsection (3) had been conferred by that Act.
- (5) Nothing in any local Act or trust deed shall prevent the transfer inter vivos by trustees of an advowson which is the subject of a trust.

Textual Amendments

- F1** Words in s. 33 heading substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **7(3)**
- F2** Words in s. 33(1) substituted (1.1.1997) by [1996 c. 47, s. 25\(1\)](#), **Sch. 3 para. 24(a)** (with ss. 24(2), 25(4)); [S.I. 1996/2974, art. 2](#)
- F3** Words in s. 33(2) substituted (1.1.1997) by [1996 c. 47, s. 25\(1\)](#), **Sch. 3 para. 24(b)** (with ss. 24(2), 25(4)); [S.I. 1996/2974, art. 2](#)

Marginal Citations

- M3** 1925 c. 18.

34 Abolition of certain rights etc. of patronage.

- (1) The right of pre-emption of the patron of a benefice under section 4 of the ^{M4}Parsonages Measure 1938 over any property belonging to the benefice in respect of which it is proposed to exercise a power of sale conferred by that Measure is hereby abolished.
- (2) The requirement to obtain the consent of the patron of a benefice to the exercise of the power conferred by—
 - (a) section 2A of the Parsonages Measure 1938 (power of bishop during vacancy in benefice to divide, enlarge or improve parsonage house); or
 - (b) section 9(1) of the ^{M5}Church Property (Miscellaneous Provisions) Measure 1960 (power of incumbent or bishop to take or grant easements over land belonging to benefice), or
 - (c) section 11(1) of that Measure (power of incumbent to dedicate certain land belonging to benefice for purpose of a highway),is hereby abolished.
- (3) The requirement to obtain the consent of the patron of a church to the exercise of the power conferred by section 20(1) of the ^{M6}Marriage Act 1949 (power of bishop to licence chapel for publication of banns and solemnisation of marriages) is hereby abolished.
- (4) The obligation imposed by section 4 of the ^{M7}Army Chaplains Act 1868 to transmit to the patron or patrons of a church or chapel affected a copy of the draft of a scheme for constituting a precinct or district an extra parochial district for the purpose of that Act in order that he or they may have an opportunity of making observations or objections is hereby abolished.
- (5) The Parsonages Board within the meaning of the ^{M8}Repair of Benefice Buildings Measure 1972 shall consult the registered patron, if any, of the benefice affected before—

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- (a) determining on the alterations (if any) with which damage to the parsonage house is to be made good under section 12(3) of that Measure, or
- (b) determining that the whole or part of the damage be not made good,
- but shall not, in either case, be prohibited from making its determination without the consent of that patron.

^{F4}(6)

Textual Amendments

F4 S. 34(6) repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. II**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

Marginal Citations

M4 1938 No. 3.
M5 1960 No. 1.
M6 1949 c. 83.
M7 1868 c. 83.
M8 1972 No. 2.

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