
Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) (Amendment) Measure 1993, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3

Section 14(1).

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE 1977 MEASURE

- 1 In section 1A of the 1977 Measure as re-numbered by this Measure (request for enquiry into pastoral situation in a parish)—
- (a) in subsection (1) for the word “his” in both places where it appears there shall be substituted the word “the” and after the word “may” there shall be inserted the words “, subject to subsection (1A) below”;
 - (b) in subsection (2)—
 - (i) for the words “shall be made” there shall be substituted the words “, and a notice of intention to make it, shall be made or given”;
 - (ii) after the words “diocese and” there shall be inserted the words “, in the case of a request,”;
 - (c) in subsection (3)—
 - (i) for the word “made” there shall be substituted the words “, and a notice of intention to make it, made or given”;
 - (ii) after the words “signing the request” there shall be inserted the words “ or notice”;
 - (iii) after the words “with the enquiry” there shall be inserted the words “ or notice”;
 - (iv) after the words “relating to the enquiry” there shall be inserted the words “ or notice”;
 - (d) in subsection (4)—
 - (i) for the word “made” there shall be substituted the words “, and a notice of intention to make it, made or given”;
 - (ii) after the words “signed the request” there shall be inserted the words “ or notice”;
 - (iii) at the end there shall be inserted the words “ or the notice be given”;
 - (e) in subsection (5)—
 - (i) for the word “made” there shall be substituted the words “, and a notice of intention to make it, made or given”;
 - (ii) after the words “signed the request” there shall be inserted the words “ or notice”;
 - (f) in subsection (6)—
 - (i) for the words “request made” there shall be substituted the words “ request or notice made or given”;
 - (ii) in paragraphs (a), (b) and (c) at the end of each paragraph there shall be inserted the words “ or gave the notice”.
- 2 In section 2 of the 1977 Measure (action to be taken by archdeacon in certain cases before institution of enquiry)—
- (a) in subsection (1) the words—
 - (i) for the words “section 1” there shall be substituted the words “ section 1A”;
 - (ii) the words “to take such steps as are mentioned in subsection (4) below and” shall be omitted;
 - (b) in subsection (5) for the words “such directions” there shall be substituted the words “ the directions of the bishop”, for the word “his” in the second

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place where it appears there shall be substituted the word “ the ” and at the end there shall be inserted the words “ ; and the archdeacon, in making his report to the bishop, shall have regard to the extent to which the current Code of Practice issued under section 1 of this Measure has been complied with ”.

- 3 For section 5 of the 1977 Measure (enquiry to be conducted by diocesan committee or, at option of incumbent, provincial tribunal) there shall be substituted—

“5 Enquiry to be conducted by provincial tribunal.

An enquiry into the pastoral situation in a parish shall be conducted by a provincial tribunal for the province in which the parish in question is situated.”

- 4 In section 6 of the 1977 Measure (enquiry whether incumbent is unable to discharge duties by reason of age or infirmity)—

- (a) in subsection (1) for the words from “constitute” to “opinion of the committee” there shall be substituted the words “ institute an enquiry as to whether ”;
- (b) after subsection (1) there shall be inserted—

“(1A) An enquiry under this section shall be conducted by a provincial tribunal for the province in which the benefice in question is situated.”;

- (c) in subsection (2)(a) for the words “Bishops (Retirement) Measure 1951” there shall be substituted the words “ Bishops (Retirement) Measure 1986 ”.

- 5 In section 7 of the 1977 Measure (constitution and procedure of committees and tribunals)—

- (a) for subsection (1) there shall be substituted—

“(1) Provincial tribunals for the purposes of this Measure shall be constituted in accordance with the provisions of Schedule 1 to this Measure:

Provided that where, in the course of an enquiry conducted by a provincial tribunal, a member of the tribunal other than the chairman dies or becomes unable to act as a member by reason of illness or other incapacity, the tribunal may, with the consent of the parties, continue to conduct the enquiry in the absence of that member.”;

- (b) for subsection (5) there shall be substituted—

“(5) At an enquiry under this Measure the parties may be represented by a barrister or solicitor.”;

- (c) at the end there shall be inserted—

“(6) For the purposes of this section the parties, in relation to an enquiry, are—

- (a) the incumbent concerned;
- (b) the archdeacon in whose archdeaconry the benefice of the incumbent concerned is;

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- (c) the parochial church council of the parish concerned or, in the case of an enquiry under Part I of this Measure requested by the persons mentioned in section 1A(1)(c), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons;
 - (d) in the case of such an enquiry requested by the persons mentioned in section 1A(1)(d), the persons specified in the request as being willing to act as the representatives of the first-mentioned persons.”.
- 6 In section 9 of the 1977 Measure (report to be made to the bishop)—
 - (a) in subsection (1) for the word “his” in both places where it appears there shall be substituted the word “ the ”;
 - (b) in subsection (3) for the word “committee” there shall be substituted the word “ tribunal ”.
- 7 In section 10 of the 1977 Measure (powers of bishop in cases of breakdown of pastoral relationship) in subsections (5) and (7) for the word “his” there shall be substituted in each case the word “ the ”.
- 8 In section 16 of the 1977 Measure (certain expenses to be paid by Diocesan Board of Finance) in subsection (1) for paragraph (f) there shall be substituted— “ and (f) any fee payable to the chairman of the tribunal which conducted the enquiry, ”.
- 9 In section 19 of the 1977 Measure (meaning of “benefice”) after the words “Pastoral Measure 1968” there shall be inserted the words “ or the Pastoral Measure 1983 ”.

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