# Pastoral Measure 1983 (repealed)

**1983 No. 1**

## PART II

CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

*Changes in benefices, parishes, extra-parochial places, archdeaconries and deaneries*

**17 Creation, alteration or dissolution of benefices, parishes and extra-parochial places.**

(1) A pastoral scheme may provide for any of the following matters:—

(a) for the creation, whether by union or otherwise, of new benefices or parishes;

(b) for the dissolution of existing benefices or parishes;

(c) for the alteration of the areas of existing benefices or parishes (including the transfer of a parish from one benefice to another) or the definition of their boundaries;

(d) for the creation of new extra-parochial places, the incorporation in parishes of existing extra-parochial places, or the alteration or definition of the boundaries of existing extra-parochial places;

(2) A pastoral scheme shall name every new benefice and new parish created by the scheme, and may alter the name of any benefice or parish.

(3) A pastoral scheme providing for the union of two or more benefices may provide for uniting all the parishes within a new benefice, or for uniting some but not all those parishes, or may leave them as separate parishes.

(4) A pastoral scheme may provide for the creation of a new parish with full parochial status, notwithstanding that the parish so created will have no parish church when the provision comes into operation.

(5) (a) A pastoral scheme may also authorise the making of sharing agreements on behalf of the Church of England in respect of a church or parsonage house

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which under the agreement will be in the joint ownership of that Church and any other Church.

(b) A pastoral scheme authorising the making of any sharing agreement shall specify the church or parsonage house to which it relates, and may specify terms and conditions subject to which the authorisation is given.

## 18 Holding of benefices in plurality.

(1) A pastoral scheme may provide for the holding in plurality of any two or more benefices subject to such conditions, if any, as may be specified in the scheme.

(2) The provisions of a pastoral scheme for the holding of benefices in plurality shall, unless the scheme otherwise provides, continue in force notwithstanding the occurrence of any vacancy:

Provided that, when the bishop gives notice of any vacancy or impending vacancy under **[**[F1]section 7 of the Patronage (Benefices) Measure 1986**]**, the said provisions may be terminated either by the bishop or by one of the interested parochial church councils, as follows:

(a) the bishop may state in the said notice that the said provisions are to be terminated and shall in that case serve the notice on all the persons who are or, on such termination, become the patrons of the benefices concerned and on the Commissioners and the said provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later; or

(b) any interested parochial church council may, within 28 days after the service of the said notice, pass a resolution that the said provisions are to be terminated, and shall forthwith notify the other interested parochial church councils, the Commissioners and all the persons who are or, on such termination, become the patrons of the benefices concerned, and the said provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later, and the bishop shall serve a fresh notice under **[**[F2]section 7**]**of the said Measure on all the councils and patrons concerned, which shall have effect in substitution for the previous notice.

(3) The termination of the provisions aforesaid under the last foregoing subsection shall be without prejudice to any provisions relating to the future exercise of the rights of patronage of the benefices concerned in the event of a renewal of the plurality.

(4) Except with the leave of the bishop, an incumbent of two or more benefices held in plurality may not resign any of those benefices without resigning the other or others; and, if leave is granted for such resignation and there are at least two other benefices, the resignation shall not affect the holding in plurality of those other benefices; but the Commissioners may by instrument make such consequential amendments of the pastoral scheme which provided for the holding of the benefices in plurality as they think necessary.

**Textual Amendments**

**F1** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 17**(*a*)

**F2** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 17**(*b*)

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**19 Archdeaconries and deaneries.**

A pastoral scheme—

(a) may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme;

(b) shall, where necessary, designate the archdeaconry or deanery to which any parish created or altered by the scheme is to belong;

(c) may alter the name of any archdeaconry or deanery.

*Team and group ministries*

**20 Establishment of team ministries.**

(1) A pastoral scheme may make provision for the establishment of a team ministry for the area of any benefice, and such a scheme shall provide—

(a) for the sharing of the cure of souls in that area by the incumbent of the benefice which, if it is not or would not otherwise be a rectory, shall be a rectory and one or more other ministers who shall have the title of vicar and a status equal to that of an incumbent of a benefice; and

(b) for the pastoral care of persons in that area by those who are to share the cure of souls therein together with all other persons who are from time to time authorised by licence or permission of the bishop to serve in that area as members of the team.

The persons who are to share the cure of souls in the said area shall constitute the team chapter, and the team chapter together with the other persons referred to in the scheme by virtue of paragraph (b) of this subsection shall constitute the team.

(2) The office of rector in a team ministry shall, according as the scheme may provide, be either a freehold office or an office to be held by each holder thereof for such term of years as may be specified in the scheme; but the fact that the office is held for a term of years shall not affect its other attributes as a benefice and, in particular, the rector shall be a corporation sole and as such hold the property of the benefice during his term of office.

(3) The office of vicar in a team ministry shall be an ecclesiastical office constituted by the scheme and shall be held by each holder thereof for such term of years as may be specified in the scheme or fixed in accordance therewith by the bishop's licence; and the vicar shall, during that term, have the same security of tenure of his office as an incumbent of a benefice, and shall not be affected by a vacancy in the benefice of the rector.

(4) A pastoral scheme establishing a team ministry may designate the first rector (who may be the existing incumbent) or the first holder of any office of vicar but, subject to any such provision,—

(a) the rector shall be presented or collated to the benefice, as the circumstances require, in accordance with paragraph 1 of Schedule 3 and the provisions of the scheme made thereunder;

(b) the vicar or vicars shall be chosen in accordance with paragraph 2 of that Schedule, shall be appointed to the office by licence of the bishop under seal and, unless the bishop otherwise directs, shall be publicly admitted in a church in the area.

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(5) Where a pastoral scheme designates a person as the first holder of the office of vicar in a team ministry, the bishop shall offer to issue a licence appointing him to the office, and if that person does not accept the offer within one month after it is made to him, the designation shall cease to have effect.

(6) The term of years for which the office of rector or vicar in a team ministry is held may, subject to any provision in a pastoral scheme, be extended by licence of the bishop under seal for a further term or further terms not exceeding, in the case of any one extension, the length of the original term, but any such extension shall be personal to the rector or vicar concerned and not affect the term of office of subsequent holders.

(7) The rector in a team ministry shall have a general responsibility for the cure of souls in the area of the benefice, which may be subject to any special cure or special responsibility given to a vicar as hereinafter provided, and shall be responsible for the leadership of the team; and the scheme may make further provision as to the relationship of the rector and other members of the team ministry.

(8) A vicar in a team ministry shall by virtue of his office, but subject to his licence, have authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent, and the scheme or, subject to the scheme, the bishop's licence may—

(a) assign to a vicar a special cure of souls in respect of a part of the said area and, if appropriate, the name of vicar of a church in that part;

(b) assign to a vicar a special responsibility for a particular pastoral function;

(c) provide that any such special cure or responsibility shall be independent of the rector's general responsibility;

(d) assign to a vicar a general responsibility to be shared with the rector for a cure of souls in the area as a whole;

and, if any such provision as aforesaid is made by the bishop's licence, it may (subject to the scheme) be varied or revoked, with the consent of the rector and the vicar concerned, by a subsequent licence under seal.

(9) The Ecclesiastical Jurisdiction Measures 1963 and 1974 shall apply to vicars in a team ministry as if they were incumbents of the benefice for the area of which the team ministry is established.

(10) The rector in a team ministry shall convene meetings of the team at regular intervals for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the team ministry and shall preside when present and in his absence a vicar appointed by him as deputy chairman shall preside.

(11) Sub-paragraphs (1), (2), (3), (5) and (6) of paragraph 4 of Schedule 3 shall apply to parochial church meetings and parochial church councils in the area of a benefice for which a team ministry is established, and for the election of district church councils and churchwardens, and, if the area comprises more than one parish, for establishing a team council and empowering that council to exercise certain powers.

(12) Where two or more benefices are, or are to be, held in plurality, and a team ministry is established or is to be established for the area of one of those benefices, a pastoral scheme may provide for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held, and subsections (7), (8) and (11) and the provisions of Schedule 3 therein referred to shall have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

VALID FROM 01/05/1996

**[[F3]20A Team ministries established under 1968 Measure.**

(1) Subject to the following provisions of this section, in the case of a team ministry established for the area of any benefice under a pastoral scheme made and confirmed by Order in Council under the [M1]Pastoral Measure 1968 (referred to in this section as "a 1968 Measure team ministry"), the scheme shall be deemed to contain provisions of the kind referred to in section 20(1)(b), that is to say, provisions for the pastoral care of persons in that area by those who are to share the cure of souls therein together with all other persons who are from time to time authorised by licence or permission of the bishop to serve in that area as members of the team.

(2) The persons who are to share the cure of souls in the said area shall constitute the team chapter, and the team chapter together with the other persons deemed to be referred to in the scheme by virtue of subsection (1) shall constitute the team.

(3) The pastoral committee of each diocese shall, as soon as possible after the passing of the Team and Group Ministries Measure 1995, send to the secretary of the parochial church council of every parish comprised in the area of a benefice in the diocese for which a 1968 Measure team ministry is established a notice stating that written representations to the effect that subsections (1) and (2) should not apply to the team ministry may be made to the pastoral committee within the period of six months immediately following the date on which the notice was sent, and require him to affix a copy on or near the principal door of every church in the parish and every building licensed by the bishop for public worship in the parish.

(4) Subsections (1) and (2) shall not apply to any team ministry until the expiration of the period of six months immediately following the date on which the notice referred to in subsection (3) was sent to the parishes concerned and if, within the said period of six months, written representations as aforesaid with respect to a 1968 Measure team ministry are received by a pastoral committee—

(a) the pastoral committee shall forthwith refer the representations to the Commissioners, and the Commissioners shall then as soon as possible consider the representations and determine whether or not subsections (1) and (2) are to apply to the team ministry; and

(b) subsections (1) and (2) shall not apply to the team ministry unless and until the Commissioners determine that they are to apply to it.**]**

**Textual Amendments**

**F3** S. 20A inserted (1.5.1996) by 1995 No. 1, **s. 2**; Instrument dated 12.2.1996 made by Archbishops of Canterbury and York

**Marginal Citations**

**M1** 1968 No.1.

**21 Establishment of group ministries.**

(1) A pastoral scheme may provice for establishing for a group of benefices specified in the scheme a group ministry to which the following provisions shall apply:—

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(a) each of the incumbents of the benefices in the group shall have authority to perform in the area of every such benefice all such offices and services as may be performed by the incumbent of that benefice;

(b) the incumbent of any such benefice shall, in performing such offices and services in the area of another benefice, act in accordance with the directions of the incumbent of that other benefice;

(c) it shall be the duty of all the incumbents to assist each other so as to make the best possible provision for the cure of souls throughout the area of the group ministry.

(2) Where a group ministry is established, the rights and duties aforesaid of each incumbent shall attach to his office, and accordingly, so long as the group ministry continues and the benefice is included therein, the incumbent shall not be entitled to resign or withdraw from those rights and duties, except by resigning the benefice, and on a vacancy the new incumbent shall be admitted to the benefice as an office in the group ministry, with the rights and subject to the duties thereof.

(3) A pastoral scheme establishing a group ministry may designate the first person (who may be the existing incumbent) to hold any benefice as a benefice in the group, but subject as aforesaid the incumbent of any such benefice shall be presented or collated to the benefice by the patron thereof, with the approval of the bishop (in the case of presentation) given in accordance with paragraph 3 of Schedule 3.

(4) The incumbents in a group ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the group ministry; and a pastoral scheme may provide for the chairmanship of the chapter and, in default of such provision, the members shall elect a chairman, normally for a term of three years; and the chairman shall convene meetings of the chapter at regular intervals and shall preside when present, and in his absence a deputy chairman appointed by the meeting shall preside.

(5) Paragraph 4(4) of Schedule 3 shall apply for the establishment of group councils and for conferring certain powers on such a council.

(6) A pastoral scheme may include in a group ministry a benefice for which a team ministry is established, and in that case the foregoing provisions of this section shall apply to all the vicars in the team ministry, as well as to the rector, in like manner as they apply to the incumbents of the other benefices in the group, except that directions to those incumbents in respect of their ministry in the area of the benefice for which the team ministry is established shall only be given by the rector.

(7) In this section, except subsections (2) and (3), "incumbent" includes a priest in charge.

**22 Termination and alteration of team ministries and group ministries.**

(1) Without prejudice to the generality of the powers of revocation and amendment of pastoral schemes, a pastoral scheme may—

(a) terminate a team ministry by abolishing the offices of the vicars and restoring the rectory, if it is held for a term of years, to the status of a freehold office;

(b) alter a team ministry by abolishing one or more of the offices of the vicars or increasing the number of such offices;

(c) with the consent of the rector or vicar concerned or on a vacancy, change the office of a rector in a team ministry from a freehold office to an office held

for a specified term of years or alter the term of years for which an office of rector or vicar in a team ministry is held;

(d) terminate a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 21;

(e) alter a group ministry by reducing or increasing or changing the benefices in the group;

(f) provide for such supplementary, consequential or transitional provisions as may be necessary or expedient, including in particular the provision relating to patronage required by paragraph 1(12) of Schedule 3 and provisions relating to the matters mentioned in paragraph 4 of the said Schedule.

(2) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, the offices of the vicars in the team ministry (as well as the office of rector) shall cease to exist, without prejudice to the creation of such offices for any benefice created or altered by the scheme.

*Other provisions as to clergy and ministry*

**23 Status and duties of new benefices.**

(1) Where a pastoral scheme provides for the union of two or more benefices one of which is a rectory, the new benefice created by the union shall be a rectory.

(2) Where a pastoral scheme provides for the dissolution of a rectory, otherwise than as a result of a union of benefices, any new benefice created in consequence of the dissolution shall, if the scheme so provides, be a rectory.

(3) Save as aforesaid and except in the case of a benefice for which a team ministry is established, every new benefice created by a pastoral scheme shall be a vicarage.

(4) Any question under the foregoing provisions of this section whether a benefice is or was a rectory shall be determined by the Commissioners.

(5) The rector or vicar of a new benefice created by a pastoral scheme shall have the exclusive cure of souls in the area of the benefice, subject to the rights of the bishop of the diocese and, if there is a team or group ministry established for the benefice, to the rights and duties of the other members of the team or group, and shall accordingly have all the rights and duties appertaining to a benefice with cure of souls, and shall be a corporation sole.

(6) Where any office attaches to a benefice which is united with any other benefice or benefices by a pastoral scheme, that office shall attach to the new benefice created by the union unless the scheme otherwise provides.

**24 Designation, selection and admission of certain incumbents.**

(1) A pastoral scheme providing for the creation of a new benefice may provide for the designation or selection of the first incumbent of the new benefice and of the incumbent of any benefice concerned which falls vacant before the new benefice comes into being, and for restricting rights of presentation on any such vacancy.

(2) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the designation or selection of the incumbent who is to hold all the benefices concerned and of the incumbent of any such benefice falling vacant

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before all the said benefices come to be held in plurality, and for restricting rights of presentation on any such vacancy.

(3) Subsections (1) and (2) shall not apply to the first rector of a team ministry or the first incumbent of a benefice in a group ministry to whom sections 20(4) and 21(3) respectively apply.

(4) Paragraph 5 of Schedule 3 shall apply, with respect to the admission and induction of incumbents of benefices created or affected by pastoral schemes as therein mentioned.

**25 Operation of schemes dispossessing clergy or dissolving archdeaconries or deaneries.**

(1) A provision of a pastoral scheme which dissolves any benefice, archdeaconry or deanery or abolishes or results in the abolition of any office of vicar in a team ministry may be brought into operation without the assent of the incumbent, archdeacon, rural dean or vicar and without waiting for a vacancy in the benefice, archdeaconry, deanery or office.

(2) If, on the date of the coming into operation of any provision of a pastoral scheme—
   (a) for the holding of benefices in plurality; or
   (b) for the establishment of a team ministry for the area of a benefice; or
   (c) for the establishment of a group ministry for a group of benefices;

   any of the benefices concerned, or the benefice concerned, is not vacant, and the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or any appointment under the scheme or this Measure, the benefice shall be deemed to be vacated on the said date.

(3) A pastoral scheme any provision of which will or may have the effect of vacating a benefice under the last foregoing subsection or of dissolving a benefice or archdeaconry which is not already vacant or of abolishing the office of a vicar in a team ministry which is not already vacant shall provide that the said provision is not to come into operation until a date at least six months after the date on which the scheme is confirmed by Order in Council under section 9 or, if the operation thereof is dependent on the happening of any event or contingency, until a date at least six months after the happening thereof:

   Provided that—
   (a) this subsection shall not apply to a benefice which is dissolved if the incumbent of that benefice is designated by the scheme as the first incumbent of any benefice created or affected by the scheme or as the first holder of any office of vicar in a team ministry established by the scheme, nor shall it apply to an office of vicar in a team ministry which is abolished if the holder of that office is designated by the scheme as the first incumbent of any benefice created or affected by the scheme or as the first holder of any office of vicar in a team ministry established by the scheme;
   (b) the scheme may provide that if, owing to a subsequent vacancy, any such provision will not have the effect aforesaid, it shall come into operation either on the date of confirmation of the scheme or the happening of the event or contingency or on the vacancy, whichever last occurs.

(4) If, on the coming into operation of any provision to which the last foregoing subsection applies, the official residence of the incumbent, archdeacon or vicar concerned, being the parsonage house or the house held on trust for use as such residence, is not vested

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in the diocesan board of finance, the said board shall have a right to take proceedings to recover possession of the residence.

**26 Compensation of clergy.**

The provisions of Schedule 4 shall have effect for the purpose of conferring rights to compensation on incumbents of benefices, vicars in team ministries and archdeacons whose benefices or offices are dissolved, abolished, vacated or resigned in the circumstances specified in the said Schedule, and of determining claims to such compensation, and for other matters relating thereto.

*Churches, churchyards and parsonage houses*

**27 Provisions as to parish churches.**

(1) A pastoral scheme may, in relation to any parish, including a new parish to be created by the scheme or a parish the area of which is to be altered thereby—
   (a) designate as the parish church or as an additional parish church, or as parish churches or additional parish churches, any church or churches in the parish;
   (b) provide for a church in the parish which immediately before the scheme comes into operation is a parish church to cease to be a parish church;
   (c) provide for a new church and for it to become, after its approval by the Commissioners as suitable to be a parish church and its consecration, the parish church, or an additional parish church, of the parish either in substitution for an existing parish church or otherwise.

(2) The designation by a pastoral scheme as a parish church of a building which immediately before the scheme comes into operation is not a parish church shall not take effect unless and until it has been approved by the Commissioners as suitable to be a parish church and, if necessary, the building has been consecrated.

(3) If the area of a parish is altered by a pastoral scheme but no provision with respect to the churches in that area is made by the scheme, every church in that area shall have the same status on and after the date on which the scheme comes into operation as it had immediately before that date.

(4) Where, in a parish which has no parish church, a church is approved by the Commissioners as suitable to be a parish church and is consecrated, it shall become the parish church of that parish.

(5) Where by virtue of a designation made by a pastoral scheme or otherwise a parish has more than one parish church, the following provisions shall apply—
   (a) the parishioners of the parish shall have the same rights of worship in each of the parish churches;
   (b) marriages may be solemnized in any of the parish churches, and the bishop may give directions under section 23 of the [M2]Marriage Act 1949, as extended by paragraph 14(4) of Schedule 3 to this Measure, with respect to the publication of banns and solemnization of marriages in the parish churches;
   (c) burial rights shall not be affected by the designation, but shall be governed by paragraph 15 of Schedule 3;
   (d) the powers, duties and liabilities of the parochial church council of the parish shall extend to each of the parish churches;

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(e) two churchwardens shall be appointed for each of the parish churches, and the [M3]Churchwardens (Appointment and Resignation) Measure 1964 shall apply separately to each pair of churchwardens, but all the churchwardens shall be churchwardens of the whole parish, except so far as they may arrange to perform separate duties in relation to the several parish churches;

and the pastoral scheme may make such other adaptations or modifications of enactments or Measures relating to parish churches or churchwardens (including the foregoing provisions) as may be necessary or expedient.

(6) It shall be lawful in any church designated by a pastoral scheme as a parish church or becoming a parish church under this section, to publish banns of matrimony, solemnize marriages and perform all other such ecclesiastical offices as may be performed in a parish church.

(7) A pastoral scheme may provide for determining claims to sittings and other claims in respect of a church designated by a pastoral scheme as a parish church or becoming a parish church under this section.

(8) A pastoral scheme may provide for transferring to a church designated by such a scheme as a parish church or becoming a parish church under this section register books or records from any other church ceasing to be a parish church or otherwise affected by or in pursuance of that or any other pastoral scheme or for those books or records to be dealt with as the bishop of the diocese in which that other church is, may direct under section 19 of the [M4]Parochial Registers and Records Measure 1978.

In this subsection "register books" and "records" have respectively the same meanings as in the said Measure of 1978.

**Marginal Citations**

**M2** 1949 c. 76.
**M3** 1964 No. 3
**M4** 1978 No. 2

## 28 Redundant churches.

(1) A pastoral scheme may make a declaration of redundancy in respect of—

(a) a church which is not required as a parish church or chapel of ease or will cease to be so required as a result of any provision of the scheme; or

(b) any part of a church (being a parish church or chapel of ease) which is no longer required for use as a part of the church or will cease to be so required as a result of any provision of the scheme;

and in that case provision may be made in accordance with Part III, either by the pastoral scheme (in the circumstances specified in sections 46 and 47) or by a scheme made under Part III, for the use, the care and maintenance, the vesting in the diocesan board of finance or the demolition of the church or part of a church to which the declaration relates (in this Measure referred to as the "redundant building"), and also for dealing with a churchyard or other land annexed or belonging to the church.

(2) A declaration of redundancy may be made as aforesaid in respect of a parish church notwithstanding that the parish will have no parish church when the declaration takes effect, and the status of the parish shall not be affected by the lack of a parish church.

(3) As from the date when a declaration of redundancy takes effect in respect of the whole of a church, the church shall be closed for public worship except as may be provided under Part III.

**29 Places of worship.**

(1) Where a parish has no church, the bishop shall make provision for public worship according to the rites and ceremonies of the Church of England by licensing one or more buildings or parts of buildings in the parish for such worship.

(2) The bishop may designate any church in any parish, other than a parish church, or any building or part of a building licensed for public worship in any parish, as a parish centre of worship and thereupon, but subject to subsections (3) and (4), for the purposes of—

(a) the [M5]Marriage Act 1949 and paragraph 14 of Schedule 3 to this Measure.

(b) any other enactment (including this Measure), or rule of law requiring or authorising any service or ceremony to be held or notices to be affixed or other thing done in or at the parish church or a parish church, and

(c) section 27(5)(e),

a church, building or part of a building so designated shall be deemed, while the designation is in force, to be a parish church.

(3) Where a church, building or part of a building in a parish has been so designated and the parish has no parish church, then, if the persons to be married so elect, they may proceed under sections 6 and 15 of the Marriage Act 1949 (which contain provisions whereby parishes in which there is no parish church are deemed to belong to adjoining parishes) as if the church, building or part had not been so designated; and this subsection shall have effect notwithstanding that there is in the parish a church or chapel licensed for marriages or a church or chapel in which divine service is usually solemnized every Sunday.

(4) A building or part of a building so designated shall not by virtue only of the designation be subject to the faculty jurisdiction, but without prejudice to the power of the bishop under section 6 of the [M6]Faculty Jurisdiction Measure 1964 to direct that it shall be so subject.

(5) A designation under this section may be revoked by the bishop, but without prejudice to the continuation in force of any licence thereunder, if the bishop thinks fit.

(6) Any such designation or revocation thereof shall be under seal and shall be registered in the registry of the diocese, and the registrar of the diocese shall give public notice thereof in one or more newspapers circulating in the locality.

**Marginal Citations**

**M5** 1949 c. 76.

**M6** 1964 No. 5.

**30 Use of certain churchyards and burial grounds.**

(1) Subject to the following provisions of this section, a pastoral scheme may provide for the appropriation of the whole or any part of—

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(a) a churchyard or other land annexed or belonging to a church or to a parish church cathedral within the meaning of the [M7]Cathedrals Measure 1963, or

(b) any burial ground vested in the incumbent of the benefice but not annexed or belonging to a church, or

(c) any other burial ground which is subject to the jurisdiction of the bishop of any diocese,

to such use or uses as may be specified or generally described in the scheme, and the scheme may provide for the disposal of any such property for such use or uses or without limitation of use.

(2) Subsection (1) shall not apply to a churchyard or other land annexed or belonging to a church to which a declaration of redundancy relates unless the scheme by which provision was made for the use, the care and maintenance, the vesting in the diocesan board of finance or the demolition of the church contained no provision for dealing with the land which is to be the subject of the proposed scheme.

(3) In the case of a churchyard or other land annexed or belonging to a church or a burial ground adjacent to a church, the pastoral scheme shall make such provision as appears to the bishop and the Commissioners to be desirable for safeguarding the use and amenities of the church or to be necessary for preserving a right of access to any grave in that land or burial ground.

(4) A scheme providing for the matters aforesaid shall have effect notwithstanding section 3 of the [M8]Disused Burial Grounds Act 1884 (which prohibits the erection of buildings on disused burial grounds), if one or other of the following conditions is satisfied, namely—

(a) that no person has been buried in any of the land to which the provisions apply during the period of fifty years immediately before the making of the scheme; or

(b) that no relative or personal representative of any deceased person buried in the land during the said period has objected to the draft scheme, or all such objections have been withdrawn;

and the said section shall otherwise apply.

(5) Any scheme providing for the matters aforesaid may also make provision for the vesting of the property and for applying in relation thereto, with such modifications as may be specified in the scheme, any of the provisions of Part III relating to the appropriation, disposal and vesting of property, rights of way and other easements, the removal of the legal effects of consecration and the imposing of covenants; and the provisions of Part III relating to the disposal of human remains shall apply to the property.

(6) In this section "burial ground" means any land set apart and consecrated for the purpose of burials whether or not burials have taken place therein.

**Marginal Citations**

**M7** 1963 No. 2.

**M8** 1884 c. 72.

## 31 Parsonage houses.

(1) A pastoral scheme may provide for any of the following matters—

(a) the designation of any house belonging to a benefice as the place of residence of the incumbent of any benefice created or affected by the scheme or of the incumbent of any benefices to be held in plurality, by or by virtue of the scheme;

(b) the designation of any house as the place of residence of any vicar in a team ministry established for the area of any benefice by or by virtue of the scheme;

(c) the transfer to the incumbent of any benefice as his official residence, or as a site therefor, of a parsonage house, part of a parsonage house, a house situated on diocesan glebe land, any parsonage land or any diocesan glebe land;

(d) the transfer of a parsonage house, part of a parsonage house or any parsonage land to the diocesan board of finance to be held by the board as part of the diocesan glebe land of the diocese or for disposal in accordance with paragraph 9 of Schedule 3 or for use for parochial or diocesan purposes.

(2) The power under paragraph (a) or (b) of the preceding subsection to designate a house as the place of residence of an incumbent or a vicar in a team ministry shall be without prejudice to the subsequent exercise of any power to dispose of the house or to the subsequent exercise by the bishop of any power he may have to give directions as to the place where the incumbent or vicar is to reside.

(3) Where in exercise of the power under paragraph (d) of subsection (1) a parsonage house or part thereof is to be transferred to the diocesan board of finance, but any land held with that house is not to be so transferred, the pastoral scheme which provides for the transfer may also provide that that land shall be deemed to be parsonage land for the purposes of the [M9]Endowments and Glebe Measure 1976.

(4) In this section "diocesan glebe land" and "parsonage land" have the same meanings respectively as in the said Measure of 1976.

**Marginal Citations**

**M9** 1976 No. 4.

## 32 Patronage

(1) A pastoral scheme may, with the consent of the **[**[F4]registered patron**]**or patrons concerned and of the person to whom the rights of patronage are to be transferred, provide for the exchange or transfer of rights of patronage of any benefice or church, whether or not that benefice or church is otherwise affected by the scheme.

(2) A pastoral scheme creating any new benefice may provide for vesting the patronage of the benefice in a patron or patrons and, where necessary, for determining the manner in which the rights of patronage are to be exercised.

**[**[F5](3) Without prejudice to the generality of subsections (1) and (2) above, a pastoral scheme (whether it relates only to an existing benefice or provides for the creation of a new benefice) may with the consent of the registered patron or patrons of any benefice affected by the scheme provide for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a special patronage board constituted by the scheme.

(3A) A special patronage board constituted by a pastoral scheme by virtue of subsection (3) shall consist of such members as the scheme may provide, and the scheme may designate the member who is to be chairman of the board; and the following provisions of paragraph 1 of Schedule 3 shall apply to such a patronage board as they apply to a patronage board constituted by a pastoral scheme establishing a team ministry, that is to say—

(a) sub-paragraph (6) so far as it relates to any member of a board;

(b) sub-paragraph (7) so far as it relates to the entitlement to votes of any member of a board;

(c) sub-paragraph (8), and

(d) sub-paragraph (10) so far as it relates to the transfer of the rights to be members of a board.**]**

(4) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including the exercise thereof on a renewal of the said provision for plurality.

(5) Where any benefice is dissolved by a pastoral scheme, or a chapel of ease becomes a parish church by virtue of a pastoral scheme, the rights of patronage of the benefice and any rights of patronage of the chapel of ease shall cease to exist.

(6) In the exercise of the powers conferred by the foregoing provisions of this section regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme and the interests of patrons of benefices to be held in plurality, but it shall not be necessary for the scheme to provide, in cases where there are pastoral or practical objections, for conferring new patronage rights on the first-mentioned persons or on all of them or for sharing the exercise of the patronage rights of the benefices to be held in plurality among the patrons of those benefices or all of them.

(7) Any provision with respect to rights of patronage made by or by virtue of the foregoing provisions of this section shall have effect subject to any provision made by virtue of section 24 with respect to the incumbents and vacancies therein mentioned.

(8) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or subsection (4) may also, in appropriate cases, provide for applying to those rights any trusts formerly applicable to rights extinguished or altered by or by virtue of the scheme.

(9) Nothing in the foregoing provisions of this section shall affect the provisions of sections 20(4) and 21(3) and paragraphs 1, 2, and 3 of Schedule 3, and accordingly any rights of patronage exchanged or transferred or created by or under this section shall, on the establishment of a team or group ministry for the benefices concerned, have effect subject to the said provisions.

(10) . . . . . **F6**

**Textual Amendments**

**F4** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), **s. 29(1)**

**F5** S. 32(3)(3A) substituted for S. 32(3) by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), **s. 29(1)**

**F6** S. 32(10) repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

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***Changes to legislation:*** *There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), Part II. (See end of Document for details)*

*Endowments, stipends and other remuneration*

**33 Provisions as to endowments, income, etc.**

(1) A pastoral scheme may provide, on such terms and conditions as may be specified, that the whole of the income of the endowments of a benefice, or a specified annual amount thereof, or the excess over a specified amount thereof, shall be paid to the income account of the diocesan stipends fund.

For the purposes of this subsection two or more benefices which are held in plurality or are to be held in plurality by virtue of the scheme may be treated as if they constituted one benefice and as if the aggregate of the income of their endowments were the income of the endowments of that one benefice.

(2) The powers conferred by subsection (1) shall only be exercised with respect to the income of the endowments of any benefice (not being a benefice which ceases to exist by virtue of the scheme) in the following cases:—

(a) where the provision is to take effect during a vacancy or on the occurrence of a vacancy in the benefice; or

(b) where the incumbent of the benefice consents; or

(c) where the aggregate of the income derived from the following sources, namely, the income of the endowments of the benefice (disregarding any gift or bequest made during the existing incumbency), any guaranteed annuity payable in respect of the benefice under the [M10]Endowments and Glebe Measure 1976 and any personal grant to which the incumbent of the benefice is entitled under that Measure, is not to be reduced below the amount thereof when the incumbent was admitted; or

(d) where the benefice is to be held in plurality and the provision will only operate during the continuance of the plurality;

and the Commissioners shall in every case satisfy themselves that the income derived from the sources mentioned in paragraph (c) above is sufficient to support the incumbent.

(3) Any provision made under subsection (1) may be revoked, or may be varied so as to reduce the amount of the income payable thereunder, by the Commissioners with the consent of the bishop and the diocesan board of finance.

(4) Where a benefice is dissolved by a pastoral scheme, in consequence of a union of benefices, and the Commissioners hold moneys for expenditure on capital purposes in connection with a parsonage house for the benefice or moneys arising from or in connection with the disposal of a parsonage house of the benefice, the [M11]Parsonages Measure 1938 shall apply to all such moneys as it applies to moneys arising from the sale of property of the benefice under the said Measure, and shall have effect with the modification that references to the benefice for which the money was held or to which the property belonged shall be construed as references to the new benefice created by the union.

(5) Notwithstanding anything in section 5 of the Parsonages Measure 1938 (application of moneys derived from sale, etc. of benefice property), a pastoral scheme may provide that any moneys arising from any sale or exchange under that Measure of any part of the property of a benefice specified in the scheme, or so much of those moneys as may be so specified, shall—

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(a) be held by the Commissioners for the benefit of any other benefice so specified; or
(b) be paid into the capital account of the diocesan stipends fund; or
(c) be paid into the diocesan pastoral account; or
(d) be applied towards the provision, restoration, improvement or repair of a church or a place of worship within the meaning of section 46 or a parsonage house or a house for a vicar in a team ministry or an assistant curate.

**Marginal Citations**
**M10** 1976 No. 4.
**M11** 1938 No. 3.

*Provisions as to sinecures*

**34 Sinecure rectories and chapelries.**

A pastoral scheme may provide for merging with a benefice any sinecure rectory, or any office of minister of a church or chapel without cure of souls, and may make further provision for any of the matters for which provision is or may be made by or under this Part in relation to a benefice, and in particular—
(a) for the vesting of any such church or chapel and its use either as a parish church or chapel of ease, or for making a declaration of redundancy in respect thereof;
(b) for the transfer, vesting or disposal of rights of patronage, endowments or other property relating or belonging to any such rectory or office, on such terms as may be provided by the scheme.

*Pastoral schemes affecting more than one diocese*

**35 Limited extension of pastoral schemes to other dioceses.**

(1) A pastoral scheme may, if the conditions specified in section 12 are complied with, apply to a diocese other than the diocese in which the proposals for the scheme originated, to the extent that the scheme may provide—
(a) for a union of benefices or parishes comprising one or more benefices or parishes from each of the two dioceses;
(b) for creating a new benefice (otherwise than by union) for an area comprising areas from the two dioceses;
(c) for the transfer of a benefice from the diocese in which it is to the other diocese;
(d) for the transfer of a parish from a benefice in one diocese to a benefice in the other;
(e) for creating a new extra-parochial place comprising areas from the two dioceses or transferring an extra-parochial place from one diocese to the other, whether by means of incorporation in a parish or otherwise;
(f) for altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in the other;

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(g) for the holding in plurality of benefices comprising one or more benefices from each diocese;

(h) for establishing a group ministry for a group of benefices comprising one or more benefices from each diocese;

and may also provide, in relation to any benefice, parish or extra-parochial place affected by such a provision as aforesaid, for any of the matters for which provision may be made by a pastoral scheme in relation to benefices, parishes and extra-parochial places wholly comprised in one diocese, subject to such modifications as may be necessary or expedient in consequence of the application of the scheme to another diocese.

(2) The powers conferred by the foregoing subsection may be exercised in relation to more than one diocese (other than the diocese in which the proposals for the scheme originated), and in that case shall include power to create a benefice or parish (by union or otherwise) or an extra-parochial place comprising benefices, parishes or areas from all the dioceses concerned, or to alter a benefice, parish or extra-parochial place so as to comprise areas from all those dioceses, or to establish a group ministry for benefices from all those dioceses.

(3) A pastoral scheme to which this section applies shall, in the case of any benefice, parish or extra-parochial place which includes areas from two or more dioceses, allocate it to such one of those dioceses and to such archdeaconry and deanery in that diocese as the scheme may designate.

(4) A pastoral scheme providing for establishing a group ministry for benefices from two or more dioceses shall make such transfers of benefices from one diocese to another as may be necessary to bring the whole group within the diocese designated by the scheme.

**36 Schemes for the alteration of diocesan boundaries.**

Where a pastoral scheme is made in pursuance of proposals formulated by a joint pastoral committee appointed under section 13—

(a) the scheme may provide for altering the boundaries between any of the dioceses represented by the joint pastoral committee, and for transferring any benefices, parishes or extra-parochial places affected by the alteration from one diocese to another, but not so as to create or dissolve any diocese;

(b) the scheme may also provide, as respects such areas of the said dioceses affected directly or indirectly by the alteration of boundaries as the scheme may specify, for any of the matters for which a pastoral scheme may provide with respect to an area in one diocese, subject to such modifications as may be necessary or expedient by reason of the application of the scheme to more than one diocese;

Provided that the powers conferred by this section shall be subject to any limitation imposed by instrument sealed by the bishops of the dioceses concerned under section 13, in force at the time when the scheme is made by the Commissioners.

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*Pastoral orders*

**37 Powers exercisable by pastoral order.**

The following powers exercisable under the foregoing provisions of this Part by a pastoral scheme shall also be exercisable by a pastoral order, that is to say:—

(a) the power to alter the areas of benefices or parishes or to define their boundaries under section 17(1)(c) or to alter or define extra-parochial places under section 17(1)(d), but not so as to transfer from any benefice or parish any church used for public worship;

(b) the power to alter the name of any benefice or parish under section 17(2);

(c) the power to provide for the holding in plurality of any two or more benefices (subject to such conditions, if any, as may be specified) under section 18;

(d) the power to provide for creating, altering or dissolving, for designating, and for naming or altering the name of, an archdeaconry or deanery under section 19;

(e) the power to assign a special cure of souls or other responsibilities to vicars in team ministries under section 20(8), and the power to alter a team ministry or change the office of a rector or vicar in a team ministry under section 22(1)(b) or (c), and to provide for supplementary, consequential or transitional matters under section 22(1)(f);

(f) the power under section 24(2) to provide for the designation or selection of incumbents of benefices to be held in plurality;

(g) the powers under section 27(1) to make provision with respect to churches;

(h) the powers under section 31 as respects parsonage houses and the residences of vicars in team ministries, except so far as they relate to a new benefice;

(i) the power under section 32(1) to provide for the exchange or transfer of rights of patronage of any benefice or church and the power to provide for the exercise of patronage of benefices held in plurality under section 32(4);

(k) the power to provide for the payment to the income account of the diocesan stipends fund of the income of the endowments of a benefice under section 33(1);

(l) the power under section 33(5) to make provision as to the manner in which moneys arising from any sale or exchange of the property of a benefice under the [M12]Parsonages Measure 1938 are to be dealt with;

(m) the powers under section 35 so far as they relate to altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in another, but not so as to transfer from any benefice or parish any church used for public worship, and the powers under that section so far as they relate to the holding of benefices in plurality, subject to the modification that the reference to the conditions specified in section 12 shall include a reference to the condition specified in section 14(2);

and accordingly the said provisions of this Part, and also section 18(4), section 27(6), (7) and (8) and section 33(2) and (3), shall apply, subject to any limitations specified above, to pastoral orders as they apply to pastoral schemes:

Provided that the powers specified in paragraphs (c), (d) and (e) of this section shall not include power to require any benefice to be vacated under section 25(2), or to provide for dissolving any archdeaconry or abolishing any office of vicar in a team ministry except with the assent of the archdeacon or vicar or on a vacancy.

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**Marginal Citations**
**M12** 1938 No. 3.

*Supplementary*

**38 Supplementary provisions of pastoral schemes and orders.**

(1) A pastoral scheme or pastoral order may contain such supplementary or consequential provisions as appear to the Commissioners, with the agreement of the bishop or bishops concerned given after consultation with any pastoral committee (including a joint pastoral committee) concerned, to be necessary or expedient for giving effect to the purposes of the scheme or order.

(2) A pastoral scheme or order shall, where the Commissioners consider it appropriate, have annexed thereto a map or plan showing the changes made by the scheme or order.

(3) A pastoral scheme or order may provide that the scheme or order, or any provisions thereof, shall come into operation on a specified date, or on the happening of a specified event or contingency, and different dates, events or contingencies may be specified for different provisions.

**39 Amendment and revocation of pastoral schemes and orders.**

(1) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme or may, in respect of matters falling within the powers exercisable by a pastoral order, be amended by a pastoral order.

(2) A pastoral order may be amended or revoked by a subsequent pastoral order or pastoral scheme.

(3) If an amending pastoral scheme or order involves the exercise of powers under section 35 or section 36, the conditions mentioned in those sections or in section 37(m), as the case may require, shall be complied with.

(4) An amending pastoral scheme or order may provide for any matters for which provision could have been made by the scheme or order to be amended.

(5) A pastoral scheme or order, or any provision thereof, may be revoked or amended under this section before it comes into operation.

**40 Application of Schedule 3 containing supplementary provisions and powers.**

Schedule 3 which—

(a) consists mainly of provisions applying generally by virtue of this Measure to such matters arising out of pastoral schemes and orders as are therein mentioned; and

(b) includes some provisions conferring supplementary powers exercisable by pastoral schemes and orders in relation to such matters,

shall have effect, but without prejudice to the powers conferred by section 38(1).

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