
Changes to legislation: Mission and Pastoral Measure 2011, SCHEDULE 3 is up to date with all changes known to be in force on or before 10 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

Sections 34, 35, 36, 38, 41, 43, 45, 46, and

54

SUPPLEMENTARY PROVISIONS RELATING TO MATTERS ARISING OUT OF PASTORAL SCHEMES AND ORDERS

Team and group ministries

- 1 (1) A pastoral scheme establishing a team ministry shall provide for the presentation of the rector of the team ministry, other than the first rector if designated by the scheme, [^{F1}by a patronage board constituted by the scheme].
- (2) Sub-paragraph (1) shall not apply in relation to a benefice of which the bishop is the sole patron, but in that case the scheme may provide as mentioned in that sub-paragraph, and if the scheme does not so provide, the bishop shall choose the rector, other than the first rector, if designated by the scheme, and shall collate him to the benefice.
- (3) Any enactment (including this Measure) or rule of law relating to the presentation or collation of incumbents shall apply to any presentation or collation under this paragraph and before the patronage board ^{F2}... exercises its right of presentation or the bishop exercises his right of collation thereunder it or he, as the case may be, shall consult the other members of the team.
- (4) A patronage board constituted by a pastoral scheme establishing a team ministry shall consist of the bishop, who shall chair the board and be known as the “Chair”, subject to paragraph 2(2), the rector, every vicar in a team ministry, any deacon authorised to serve in a team ministry, any person having special responsibility for pastoral care under section 34(8) and such other member or members as the scheme may provide, and regard shall be had in making such provision to the interests of persons who previously had patronage rights in the benefice for which the team ministry is established or, if it is a new benefice created by the union of two or more benefices, patronage rights in any of the constituent benefices, but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be members of the patronage board.
- (5) Without prejudice to the generality of sub-paragraph (4), the scheme may provide for empowering the bishop to appoint one or more persons, but not exceeding the number specified in the scheme, to be a member or members of the board for such period as the bishop may specify when making the appointment.
- (6) The bishop may authorise a suffragan or assistant bishop or archdeacon of the diocese to act for him at any meeting of the board and exercise his voting rights, and any other member of the board (including any body corporate or unincorporated body of persons) may be represented by a person authorised to act and vote on his or her or their behalf being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986.

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- (7) Subject to sub-paragraphs (8) and (9) and paragraphs 2(3) and (4), a scheme by which a patronage board is constituted may provide that any members of the board specified in the scheme shall be entitled to such number of votes as may be so specified and that where there is an equal division of votes the bishop, as Chair, shall have a casting vote, but except in so far as the scheme so provides, each member of the board shall be entitled to one vote.
- (8) Every vicar in a team ministry, any deacon authorised to serve in a team ministry and any person having a special responsibility for pastoral care under section 34(8) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.
- (9) Every person referred to in sub-paragraph (8) other than a person who wishes to be considered for presentation shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be presented as rector of the team ministry is considered and chosen and shall be entitled to vote as provided in that sub-paragraph.
- (10) A patronage board constituted by the scheme shall be a body corporate for the purpose of holding the rights of patronage conferred upon it, and shall have a seal, and shall have power to regulate its own procedure.
- ^{F3}(11)
- (12) The rights to be members of the patronage board or, as the case may be, to attend and vote at sittings of the diocesan board of patronage shall, except where the rights are vested in a person in right of his or her office or only for life or a term of years, be transferable inter vivos and on death, but in no case shall the rights be saleable and they shall not be deemed to be rights in land.
- (13) Persons having the rights mentioned in sub-paragraph (12) shall furnish to the registrar of the diocese particulars of their rights including particulars of any transfer or devolution of the rights, and if they fail to do so their rights may be disregarded for the purposes of this paragraph (including sub-paragraph (14)).
- (14) Where a pastoral scheme terminates a team ministry, the scheme shall, so far as practicable and having regard to pastoral considerations and to sub-paragraph (13), provide for restoring rights of patronage in respect of the benefice concerned to the persons who would have possessed them if the team ministry had never been established and, if and so far as it is not practicable to make such provision, shall make other provision for the vesting and exercise of rights of patronage in respect of the benefice.
- (15) Sub-paragraphs (3) to (13) shall apply in relation to a pastoral scheme or order altering a team ministry under section 36(1)(c) or 51(e)(iv) as they apply in relation to a pastoral scheme establishing a team ministry.

Textual Amendments

F1 Words in *Sch. 3 para. 1(1)* substituted (1.10.2018) by [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(6)**, 14(3); S.I. 2018/722, art. 3(e) (with *Sch. para. 2*)

F2 Words in *Sch. 3 para. 1(3)* omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(7)**, 14(3); S.I. 2018/722, art. 3(e) (with *Sch. para. 2*)

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F3 Sch. 3 para. 1(11) omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), [ss. 5\(8\), 14\(3\)](#); [S.I. 2018/722](#), art. 3(e)

Commencement Information

I1 Sch. 3 para. 1 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

2 (1) A pastoral scheme establishing a team ministry which provides for the presentation of the rector by a patronage board constituted by the scheme ^{F4}... may provide for the vicars in that ministry, other than the first holder of any office of vicar therein, if designated by the scheme, to be chosen by the same body.

(2) Where the scheme makes such a provision, the rector of the team ministry shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that ministry is considered and chosen ^{F5}... .

^{F6}(3)

^{F6}(4)

(5) Where the scheme does not provide as mentioned in sub-paragraph (1), the vicar or vicars in the team ministry, other than the first holder of any office of vicar therein, if designated by the scheme, shall be chosen by the bishop and the rector jointly.

(6) Before the body or other persons who are entitled to choose a person to be a vicar in a team ministry make their choice, they shall consult—

- (a) the other members of the team;
- (b) the parochial church council of every parish belonging to the benefice for the area of which the team ministry was established; and
- (c) if a special cure of souls in respect of a part of the area is to be assigned in accordance with section 34(7)(a) to the vicar, any district council concerned.

(7) (a)

The body or other persons who are entitled to choose a person to be a vicar in a team ministry shall not make any person an offer of appointment as such until the making of the offer to the person in question has been approved by the parish representatives.

- (b) If, before the expiration of the period of two weeks beginning with the date on which the body or other persons sent to the parish representatives a request for them to approve under this sub-paragraph the making of the offer to the person named in the request, no notice is received from any representative of his or her refusal to approve the making of the offer, the representatives shall be deemed to have given their approval under this sub-paragraph.
- (c) If any parish representative refuses to approve under this sub-paragraph the making of the offer to the person named in the request, the representative shall notify in writing the body or other persons of the grounds on which the refusal is made.
- (d) Where approval of an offer is refused under this sub-paragraph, the body or other persons may request the archbishop of the province in which the benefice in question is to review the matter and if, after review, the archbishop authorises the body or other persons to make the offer in question, that offer may be made accordingly.

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- (8) Subject to sub-paragraph (9), in sub-paragraph (7) the expression “parish representatives” means two lay members of the parochial church council concerned appointed by that council to act as representatives of the council in connection with the selection of vicars in the team ministry.
- (9) Where a team council has been established by a pastoral scheme or by a scheme made under the Church Representation Rules in respect of a benefice comprising more than one parish, the team council shall appoint two lay members to represent the council in connection with the selection of vicars in the team ministry and, in sub-paragraph (7), the words “parish representatives” shall be construed accordingly.
- (10) Sub-paragraphs (2) ^{F7}... and (6) to (9) shall apply in relation to a pastoral scheme or order altering a team ministry under section 36(1)(d) or 51(e)(iv) as they apply in relation to a pastoral scheme establishing a team ministry.

Textual Amendments

- F4** Words in Sch. 3 para. 2(1) omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(9)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)
- F5** Words in Sch. 3 para. 2(2) omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(10)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)
- F6** Sch. 3 para. 2(3)(4) omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(11)**, 14(3); S.I. 2018/722, art. 3(e)
- F7** Words in Sch. 3 para. 2(10) omitted (1.10.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 5(12)**, 14(3); S.I. 2018/722, art. 3(e)

Commencement Information

- I2** Sch. 3 para. 2 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

- 3 Where a group ministry is established by a pastoral scheme for a group of benefices, the registered patron of a benefice in the group shall consult the other incumbents and any priest in charge in the group before he or she makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of the parish representatives (as defined in section 11(7) of that Measure), and (unless the registered patron is the bishop) of the bishop, to the making to a priest of an offer to present him to the benefice.

Commencement Information

- I3** Sch. 3 para. 3 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

- 4 (1) Where a pastoral scheme establishes a team ministry, the scheme, or the bishop's licence of any vicar in the team ministry, may assign to the vicar the duties or a share in the duties of the chairmanship of the annual parochial church meeting and the parochial church council of the parish or any of the parishes in the area of the benefice for which the team ministry is established and other duties of the minister of the parish under the Church Representation Rules or a share in such other duties, and those Rules shall have effect accordingly:

Provided that if the duties of chairmanship are to be shared, the arrangements shall be such that the chairman on any occasion is determined in advance so that, in his

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absence, the vice-chairman of the parochial church council shall take the chair in accordance with the Rules.

- (2) Where the scheme establishes a team ministry for the area of a benefice which comprises a parish in which there are two or more churches or places of worship, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of the rector to make provision—

- (a) for ensuring due representation of the congregation of each such church or place of worship on the parochial church council of the parish,
- (b) for the election of a district church council for any district in the parish in which each such church or place of worship is situated and for the constitution, Chair and procedure of that council,
- (c) for the functions of the parochial church council of the parish which must or may be delegated to the district church council, and
- (d) for the election of choice of deputy churchwardens for each such church or place of worship and for the functions of churchwarden of the parish which must be or may be delegated to the deputy churchwardens,

being provision to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.

In this sub-paragraph “place of worship” means a building or part of a building licensed for public worship according to the rites and ceremonies of the Church of England.

- (3) Where the scheme establishes a team ministry for the area of a benefice which comprises more than one parish, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of the rector to make provision—

- (a) for the establishment of a team council,
- (b) for the Chair, meetings and procedure of the team council, and
- (c) subject to paragraph 19 of Schedule 2 to the Patronage (Benefices) Measure 1986 for the functions of the parochial church council of each parish in the area which must or may be delegated to the team council, being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.

- (4) Where the scheme establishes a group ministry, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of all the members of the group to make provision,

- (a) for the establishment of a group council,
- (b) for the Chair, meetings and procedure of the group council, and
- (c) for the functions of the parochial church council of each parish in the area for which the group ministry is established which must or may be delegated to the group council,

being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.

- (5) Any provisions which are included in the scheme or the bishop's instrument by virtue of sub-paragraph (2), (3) or (4) shall cease to have effect at the expiration of the period of five years from the date of the establishment of the team ministry or group ministry to which the scheme or instrument relates or such lesser period as may be

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specified in the scheme or instrument as the case may be, and that period may not be extended or renewed by a subsequent scheme or instrument of the bishop.

Commencement Information

I4 Sch. 3 para. 4 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Admission and induction to benefices

- 5 (1) Any person who is designated by or selected under a pastoral scheme or order as the incumbent of a benefice, shall not be required to be presented to that benefice nor shall the bishop be required to nominate that person as the person to whom he collates the benefice.
- (2) Where a pastoral scheme creates a new benefice, transfers a parish from one benefice to another or establishes a team ministry for the area of a benefice, then—
- (a) if the first incumbent of that new benefice or the first rector of that ministry is designated or selected as mentioned in sub-paragraph (1), he or she shall, unless the bishop otherwise directs, be deemed to have been admitted to that new benefice or to the benefice for the area of which the team ministry is established, as the case may be, and no fees in respect of the admission shall be payable;
- (b) in any other case section 91(1) shall apply.
- (3) Where a pastoral scheme or order provides for the holding in plurality of two or more benefices, then—
- (a) if the first incumbent who is to hold all the benefices concerned was immediately before the scheme or order comes into operation the incumbent of any of those benefices, he or she shall, unless the bishop otherwise directs, be deemed to have been admitted to the other benefice or benefices, and no fees in respect of the admission shall be payable;
- (b) in any other case section 91(2) shall apply.
- (4) It shall not be necessary, by reason only of the substitution of another church for a parish church by the scheme or order, for the incumbent of the benefice to be inducted in the new parish church or comply with any other process or form of law.

Commencement Information

I5 Sch. 3 para. 5 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

General provisions as to vesting of property

- 6 (1) Where a pastoral scheme creates a new benefice by a union of benefices, any church, churchyard, burial ground, parsonage house or other property which was previously vested in right of his or her benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice:

Provided that—

- (a) this sub-paragraph shall not apply to any parsonage house for which other provision is made by or under a pastoral scheme;

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- (b) if the new benefice is to be held by the dean of a parish church cathedral, any such property as would have vested in the incumbent shall instead vest in the cathedral chapter.
- (2) Where by virtue of a pastoral scheme (other than a scheme to which subparagraph (1) applies) or a pastoral order any church or churchyard or burial ground previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice, the church, churchyard or burial ground, and any movable property used for the purposes thereof and vested as aforesaid, shall vest in the incumbent of that other benefice.
- (3) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.
- (4) Sub -paragraphs (1) to (3) shall have effect subject to any express provision of a pastoral scheme or order and, where applicable, to the provisions of paragraph 9 relating to property held on charitable trusts.
- (5) Where a pastoral scheme or order provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person without any conveyance or other assurance and free and discharged, in the case of property consisting of diocesan glebe land or a house situated on such land, from any previously existing trust in favour of the diocesan stipends fund and, in the case of any other property, from all previously existing trusts and charges in favour of any benefice, but subject—
- (a) to the provisions of the next following paragraph, where applicable,
 - (b) to all other previously existing trusts and charges and any previously existing tenancies, and
 - (c) in the case of an endowment, to any provision made under section 47(1) for payment or crediting of the income or any part of the income of the endowment to the diocesan stipends fund, unless the scheme or order otherwise provides.
- (6) A pastoral scheme or order may with the consent of the incumbrancer provide for the apportionment of any sum charged on property of which only part is transferred by the scheme or order and for securing the sums so apportioned on the respective parts of the property

Commencement Information

16 Sch. 3 para. 6 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Loans

- 7 (1) This paragraph applies to loans made under any Act or Measure, being in each case loans in respect of which principal money or interest is owing to the Commissioners.
- (2) Where a loan has been made in respect of property which is transferred by a pastoral scheme or order to the diocesan board of finance then, unless the scheme or order

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otherwise provides, the diocesan board of finance shall, if the Commissioners so direct, cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of any disposal of the property, and the Commissioners may postpone that discharge, with or without payment of interest on the loan during the period of postponement, for such period and on such conditions as they may from time to time determine.

- (3) The Commissioners may, where necessary, determine whether a loan and what part of the loan was made in respect of any particular property, and apportion a loan to parts of the property in respect of which it was made.

Commencement Information

I7 Sch. 3 para. 7 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Property transferred to diocesan board of finance

- 8
- (1) Where any property is transferred under section 45 by a pastoral scheme or order to the diocesan board of finance for disposal, the board may dispose thereof either as a whole or in parts and at such time or times as they deem right, and their powers shall include powers of sale, letting and exchange of land and power to demolish any building or part thereof so transferred.
- (2) The terms on which any such property is sold or otherwise disposed of by the diocesan board of finance shall be approved by the Commissioners, except where the terms of the sale or other disposition would not have required the consent of the Commissioners under [^{F8}section 21 of the Church Property Measure 2018] had the property been diocesan glebe land.
- (3) Where a pastoral scheme or order provides for the transfer under section 45 of any property to the diocesan board of finance for disposal, the scheme or order may provide for the application of the net proceeds of disposal (including net premiums and rents) or any part thereof towards the provision, restoration, improvement or repair of a church or a place of worship within the meaning of section 58 or a parsonage house or a house for any person declared by the bishop to be engaged in the cure of souls within the diocese, but, except in so far as the scheme or order may so provide, the net proceeds shall be paid into the capital account of the diocesan stipends fund or into the diocesan pastoral account, or partly into the one and partly into the other, as the diocesan board of finance may determine or as the scheme or order may provide.
- (4) Notwithstanding sub-paragraphs (1) to (3), the diocesan board of finance may elect to take over and hold as part of their corporate property any property transferred to it for disposal, for such consideration as the Commissioners with the concurrence of the board may determine as representing the fair value of the property, and the amount of the consideration shall be applied, paid or credited as if it were the net proceeds of the disposal of the property.
- (5) Where a pastoral scheme or order provides for the transfer of any property to the diocesan board of finance for use for diocesan or parochial purposes—
- (a) the transfer shall, unless the scheme or order otherwise provides, be without consideration, and in that case no consideration shall be payable by a parochial church council in respect of the use thereof for parochial purposes;

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- (b) the board may appoint the parochial church council as managers or managing trustee of any property to be used for parochial purposes.

Textual Amendments

- F8** Words in Sch. 3 para. 8(2) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\), s. 53\(2\), Sch. 1 para. 28; S.I. 2019/97, art. 2](#)

Commencement Information

- I8** Sch. 3 para. 8 in force at 1.7.2012 by [S.I. 2012/1, art. 2](#)

Church and parochial trusts

- 9 (1) Where any benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice (with or without other persons) or a corporation of which he or she is a member, the trusts of the charity or the constitution of the corporation shall have effect with the substitution for that incumbent of the incumbent of the new benefice created by the union or (in a case arising otherwise than in consequence of a union) of the incumbent of such benefice as may be specified by order of the Charity Commission, being a benefice the area of which incorporates part of the area of the dissolved benefice.
- (2) Where any parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, and any property of a charity established for the purposes mentioned in sub-paragraph (1) is vested in or under the management or control of the churchwardens or parochial church council of that parish (with or without other persons), the trusts of the charity shall have effect with the substitution for those churchwardens or that council of the churchwardens or parochial church council of the parish created by the union or (in a case arising otherwise than in consequence of a union) of such parish as may be specified by order of the Charity Commission, being a parish which incorporates part of the dissolved parish.
- (3) Where—
- (a) any property of a charity established for the purposes mentioned in sub-paragraph (2) is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and
- (b) a team ministry is established by a pastoral scheme or an area comprising the whole or major part of the area of that benefice,
- then if a special cure of souls in respect of a part of the area for which that ministry is established, being a part which consists of the first mentioned benefice or a major part of the area thereof, is assigned by the scheme or the bishop's licence to a vicar in the team ministry or, where a special cure of souls is not so assigned, a special responsibility for pastoral care in respect of such a part of that area is assigned to a member of the team under section 34(8) the trusts of the charity or the constitution of the corporation shall have effect with the substitution for the incumbent of the benefice of that vicar or that member, as the case may be, but otherwise those trusts and that constitution shall (where necessary) have effect with the substitution for that incumbent of any such member of the team as may be nominated for the purposes of this sub-paragraph by the bishop of the diocese concerned.

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- (4) Any change under the foregoing provisions in the vesting of property shall take effect without any conveyance or other assurance.
- (5) Where a union of benefices or parishes is effected by a pastoral scheme, or the area of a benefice or parish is altered by a pastoral scheme or order, and the purposes of a charity established for the purposes aforesaid are defined by reference to one of the constituent benefices or parishes or, as the case may be, to the benefice or parish affected by the alteration, the trusts of the charity shall (subject to any such scheme as is hereinafter mentioned) have effect with the substitution for that benefice or parish of the benefice or parish created by the union or, as the case may be, of the benefice or parish as altered.
- (6) The power of the Charity Commission to make schemes under [F9]section 69 of the Charities Act 2011 [may, in the case of a charity established for the purposes aforesaid, being a charity whose administration or purposes are affected by a pastoral scheme or order, be exercised on the application of the diocesan board of finance as well as in accordance with [F10]sections 69 to 71 of that Act].
- (7) Any schemes or orders made by the Charity Commission for purposes arising in connection with a pastoral scheme or order may be made before the date on which the pastoral scheme or order comes into operation, but not so as to take effect before that date.
- (8) Where, by reason of the dissolution of a parish by a pastoral scheme, the parochial church council of that parish ceases to exist then, if and so far as any property vested in, or held on behalf of, that council is not dealt with under the foregoing provisions of this paragraph, the property shall, without any conveyance or other assurance, vest in or be held on behalf of the parochial church council of the parish in which the parish church of the dissolved parish, or the site of that church is situated, for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the first mentioned council.
- Any question arising as to the application of any such property or the income thereof shall be referred to the bishop of the diocese, whose decision shall be final and conclusive.
- (9) Where, as a condition of any benefaction, attendance at or the performance of Divine Service or any other act is required at any church, and that church ceases in consequence of a declaration of closure for regular public worship made by a pastoral scheme to be used for Divine Service, and the case is not provided for under the provisions of this paragraph, the parish church of the parish in which the first mentioned church or the site of the church is situated shall be substituted for the first-mentioned church for the purpose of the performance of the required act.
- (10) The provisions of this paragraph shall not apply to any fund [F11]or] property for which provision is made under [F12]section 77].

Textual Amendments

- F9** Words in Sch. 3 para. 9(6) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#) , s. 355 , [Sch. 7 para. 149\(2\)\(a\)](#) (with s. 20(2) , [Sch. 8](#))
- F10** Words in Sch. 3 para. 9(6) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#) , s. 355 , [Sch. 7 para. 149\(2\)\(b\)](#) (with s. 20(2) , [Sch. 8](#))

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F11 Word in Sch. 3 para. 9(10) inserted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 15(5)(a), 17(3); S.I. 2019/67, art. 2(1)(n)

F12 Words in Sch. 3 para. 9(10) substituted (1.3.2019) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), ss. 15(5)(b), 17(3); S.I. 2019/67, art. 2(1)(n)

Commencement Information

I9 Sch. 3 para. 9 in force at 1.7.2012 by S.I. 2012/1, art. 2

Parochial church meetings and councils

- 10 (1) A pastoral scheme which creates a new parish may make provision, or authorise the bishop by instrument under his hand to make provision, for ensuring that the congregation of every church or place of worship in the new parish will have its own elected representatives of the laity on the parochial church council of that parish.
- (2) Any provision included in a pastoral scheme or the bishop's instrument by virtue of sub-paragraph (1) shall cease to have effect at the expiration of the period of five years from the date on which the new parish comes into being or such lesser period as may be specified in the scheme or instrument, and that period may not be extended or renewed by a subsequent pastoral scheme or instrument of the bishop.
- (3) Any such provision shall have effect notwithstanding anything in the Church Representation Rules.
- (4) Without prejudice to any general rule of law relating to parochial church councils, the powers, duties and liabilities set out in section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 (4 & 5 Eliz. 2 No. 3) shall continue to apply to any church which was formerly a parish church and becomes a chapel of ease as the result of a pastoral scheme or order, and to the churchyard of any such church, except so far as the scheme or order otherwise provides.

Commencement Information

I10 Sch. 3 para. 10 in force at 1.7.2012 by S.I. 2012/1, art. 2

- 11 (1) Where a pastoral scheme provides for two or more parishes to be comprised in the area of a single benefice or a pastoral scheme or order provides for two or more benefices to be held in plurality, the scheme or order may make provision, or authorise the bishop by instrument under his hand with the concurrence of the incumbent of the benefice or benefices to make provision—
- for establishing a joint parochial church council for all or some of the parishes of the benefice or benefices;
 - for the chairmanship, meetings and procedure of the council, and
 - subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986, for the functions of the parochial church council of any such parish which must or may be delegated to the joint parochial church council,
- being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (2) Subject to sub-paragraph (3), any provisions which are included in a pastoral scheme or order or the bishop's instrument by virtue of sub-paragraph (1) shall cease to have effect at the expiration of the period of five years from the date on which the scheme,

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order or instrument, as the case may be, came into operation, or such lesser period as may be specified in the scheme, order or instrument and that period may not be extended or renewed by a subsequent pastoral scheme, pastoral order or instrument of the bishop.

- (3) Where the provisions of a pastoral scheme or order for the holding of benefices in plurality are terminated under section 32(2), any provision of a pastoral scheme or order or the bishop's instrument establishing a joint parochial church council for all or some of the parishes of those benefices and the other provisions thereof affecting that council shall cease to have effect on the date on which the first mentioned provisions cease to have effect.

Commencement Information

I11 Sch. 3 para. 11 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Marriages and banns of matrimony

12 ^{F13}(1)

- (2) Where, after the completion of the publication of the banns in any church, another church has by virtue of any provision of this Measure or anything done under it become a church in which banns of matrimony, could be published in relation to the parties to the intended marriage, the marriage may be solemnised in that other church.
- (3) Where a declaration of closure for regular public worship is made in respect of a chapel of ease, any licence relating to that chapel granted under section 20 of the Marriage Act 1949 (licensing of chapels for publication of banns of matrimony, etc.) shall be deemed to have been revoked under that section.
- (4) Section 23 of the Marriage Act 1949 (which empowers the bishop to direct, in the case of benefices held in plurality, where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnised) shall also apply, subject to the necessary modifications, to a case where by virtue of any provision of this Measure or anything done under such a provision there are two or more parishes or parish churches in the area of a single benefice.
- (5) Where after the issue of a common licence for the solemnisation of the marriage in any church, another church has by virtue of any provision of this Measure or anything done thereunder taken the place of that church as a church in which the marriage of the parties concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church.

Textual Amendments

F13 Sch. 3 para. 12(1) repealed (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 3](#) (with [Sch. 2](#)); [S.I. 2019/97](#), [art. 2](#)

Commencement Information

I12 Sch. 3 para. 12 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

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Burial rights in new or altered parishes

- 13 (1) On a union of parishes by virtue of a pastoral scheme the persons residing within the limits of the parish created by the scheme shall have the rights and privileges (if any) of parishioners in respect of burials in that parish:
- (2) On the creation, otherwise than by union, of a new parish by a pastoral scheme, the persons residing within the limits of the new parish shall continue to have the same rights and privileges in respect of burials which they enjoyed before the creation of the new parish, but such rights shall cease when they obtain rights of burial as parishioners of the new parish.
- (3) Where, by virtue of a pastoral scheme or order providing for the alteration of parochial boundaries, any persons come to reside within a different parish, they shall have such rights and privileges in respect of burials as are possessed by parishioners of that different parish and not any others

Commencement Information

I13 Sch. 3 para. 13 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Provisions relating only to pastoral schemes affecting diocesan boundaries

- 14 (1) Where a benefice or parish or extra-parochial place is transferred from one diocese to another by a pastoral scheme—
- (a) any property vested in the diocesan board of finance of the old diocese and held for ecclesiastical purposes relating solely to the benefice or parish or place transferred shall vest in the diocesan board of finance of the new diocese and be held for those purposes;
- (b) all documents and maps in the custody of the registrar or other officer of the old diocese and relating solely to the benefice or parish or place transferred shall be transferred to the registrar or corresponding officer of the new diocese;
- (c) any licence granted by the bishop of the old diocese shall, so far as it relates to the benefice or parish or place transferred or any church therein, be deemed for all purposes to have been granted by the bishop of the new diocese;
- (d) any order, direction or action made, given or taken by the bishop or the diocesan board of finance or any clerical or lay officer or body of the old diocese with respect to the benefice or parish or place transferred or any property thereof shall be deemed to have been made, given or taken by the bishop, diocesan board of finance or corresponding clerical or lay officer or body of the new diocese;
- (e) the power of the diocesan board of finance to apply under paragraph 9(6) for a scheme under ^{F14}section 69 of the Charities Act 2011 shall be exercisable by the board of either diocese.
- (2) Where part of the area of a benefice or part of a parish or extra-parochial place is transferred as mentioned in sub-paragraph (1) that sub-paragraph shall apply as if the references to the benefice or parish or place transferred were references to the part transferred.
- (3) Where a pastoral scheme or order makes any alteration of diocesan boundaries, the Commissioners may make, as respects each of the dioceses affected after

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consultation with the diocesan board of finance of each of those dioceses, such adjustments as they consider desirable in any fund, account or allocation held or made by them and the diocesan board of finance of each of those dioceses shall make such adjustments in the capital or income accounts of the diocesan stipends fund or the diocesan pastoral account as the Commissioners, after consultation with the diocesan board of finance of each of those dioceses, may direct.

- (4) In this paragraph the expressions “old diocese” and “new diocese” shall respectively mean the diocese from which and the diocese to which the benefice, parish or extra-parochial place or part thereof is transferred.

Textual Amendments

F14 Words in Sch. 3 para. 14(1)(e) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 149\(3\)](#) (with s. 20(2), [Sch. 8](#))

Commencement Information

I14 Sch. 3 para. 14 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 3 para. 2(9) omitted by [2019 No. 1 Sch. 2 para. 36\(2\)\(b\)](#)
- Sch. 3 para. 4(3)(4) omitted by [2019 No. 1 Sch. 2 para. 36\(3\)\(b\)](#)
- Sch. 3 para. 11 omitted by [2019 No. 1 Sch. 2 para. 36\(4\)](#)
- Sch. 3 para. 2(10) word substituted by [2019 No. 1 Sch. 2 para. 36\(2\)\(c\)](#)
- Sch. 3 para. 2(8) words omitted by [2019 No. 1 Sch. 2 para. 36\(2\)\(a\)](#)
- Sch. 3 para. 4(5) words omitted by [2019 No. 1 Sch. 2 para. 36\(3\)\(c\)](#)
- Sch. 3 para. 4(2) words substituted by [2019 No. 1 Sch. 2 para. 36\(3\)\(a\)](#)

Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 31(4A) inserted by [2019 No. 1 Sch. 2 para. 32](#)
- s. 103A inserted by [2019 No. 1 Sch. 2 para. 35](#)