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## SCHEDULES

### SCHEDULE 3

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

##### *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 [<sup>F1</sup>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 [<sup>F2</sup>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 [<sup>F3</sup>or] property for which provision is made under [<sup>F4</sup>section 77].

#### Textual Amendments

- F1** 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](#) )
- F2** 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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**F3** 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)

**F4** 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)

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**Commencement Information**

**I1** Sch. 3 para. 9 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

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**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](#)