



Mission and Pastoral Measure 2011

2011 No. 3

PART 5

CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

Other provisions as to clergy and ministry

39 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 [^{F1}or any other ecclesiastical office held under Common Tenure] may be brought into operation without the assent of the incumbent, archdeacon, rural dean [^{F1}or other office holder] 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 subsection (2) or of dissolving a benefice or archdeaconry which is not already vacant or of abolishing the office of a vicar in a team ministry [^{F2}or any other ecclesiastical office held under Common Tenure] which is not already vacant [^{F3}, where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation,] shall provide that the provision is not to come into operation until a date at least six months after the date on which the

Changes to legislation: Mission and Pastoral Measure 2011, Section 39 is up to date with all changes known to be in force on or before 02 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

scheme is made under this Measure or, if the operation thereof is dependent on the happening of any event or contingency (other than a vacancy in the office concerned), until a date at least six months after that happening: 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 mentioned in paragraph (a), 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 subsection (3) applies, the official residence of the incumbent, archdeacon [^{F4}or other office holder] concerned, being the parsonage house or the house held on trust for use as such a residence, is not vested in the diocesan board of finance, the said board shall have a right to take proceedings to recover possession of the residence.

Textual Amendments

- F1** Words inserted (1.7.2012) and words after "rural dean" substituted by [The Ecclesiastical Offices \(Terms of Service\) \(Consequential Provisions\) Order 2012 \(S.I. 2012/992\)](#), arts. 1(2), 2, **Sch. para. 2(a)**
- F2** Words inserted (1.7.2012) by [The Ecclesiastical Offices \(Terms of Service\) \(Consequential Provisions\) Order 2012 \(S.I. 2012/992\)](#), arts. 1(2), 2, **Sch. para. 2(b)**
- F3** Words inserted (6.8.2014) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 19(5)**; S.I. 2014/2077, art. 2(1) (with Sch. para. 6(2))
- F4** Words substituted (1.7.2012) by [The Ecclesiastical Offices \(Terms of Service\) \(Consequential Provisions\) Order 2012 \(S.I. 2012/992\)](#), arts. 1(2), 2, **Sch. para. 2(c)**

Commencement Information

- I1** S. 39 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 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](#)