



Mission and Pastoral Measure 2011

2011 No. 3

PART 8

MISCELLANEOUS AND GENERAL

Administrative provisions

93 Diocesan pastoral accounts

- (1) The diocesan board of finance of each diocese shall hold an account for each diocese to be called the diocesan pastoral account and shall transfer to the account—
 - (a) any moneys which are payable to the account under any provisions of this Measure or any scheme or order made under it;
 - (b) such other moneys as the bishop and the diocesan board of finance for the diocese determine should be credited to the account not being moneys for the application or disposal of which provision is made by or under any other enactment.
- (2) Every diocesan board of finance shall as soon as practicable after the end of each financial year of the board prepare an account of the moneys paid into or out of the diocesan pastoral account during that year and shall include in it a statement of the amount by which the diocesan pastoral account was in debit or credit, as the case may be, at the beginning and end of that year.
- (3) Every diocesan board of finance shall lay a copy of the account prepared under this section before the diocesan synod.

94 Payment of expenses from diocesan pastoral accounts and application of moneys

- (1) Expenses incurred by or on behalf of, or under the authority or direction of, the bishop of any diocese or any mission and pastoral committee or the Commissioners for the purposes of this Measure or any scheme or order made shall be paid out of the moneys standing to the credit of the diocesan pastoral account so far as those moneys suffice, but any such expenses shall not include the salaries or wages of persons in

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the regular employment of the bishop, any board or committee of the diocese, or the Commissioners, or any part of any such salaries or wages.

- (2) Where any such expenses are incurred in respect of more than one diocese the Commissioners shall, after consultation with the diocesan board of finance of each diocese concerned, determine the proportions in which the expenses are to be borne by each diocese.
- (3) The Commissioners or the diocesan board of finance, as the case may be, shall be entitled to be repaid out of the diocesan pastoral account any money expended by them or the board on any property vested by or under this Measure in the Commissioners or the board, as the case may be, for the purpose of furthering the disposal or use of the property.
- (4) Where the diocesan board of finance is satisfied that any moneys standing to the credit of a diocesan pastoral account are not required or likely to be required for meeting the expenses or expenditure referred to in this section it may—
 - (a) apply those moneys by way of grant or loan to the provision, restoration, improvement or repair of churches and parsonage houses in the diocese, including the repair of any building closed for regular public worship vested in the board pending the coming into operation of arrangements under a pastoral (church buildings disposal) scheme, or to other purposes of the diocese or any benefice or parish in the diocese; or
 - (b) apply those moneys by way of grant or loan for the benefit of another diocese, either generally for those purposes or for such of those purposes as the board may specify; or
 - (c) transfer those moneys to the capital or income account of the diocesan stipends fund; or
 - (d) transfer those moneys to one or more other accounts or funds held by the board or apply or transfer them partly to such other accounts or funds and partly as provided in paragraphs (a) to (c).

95 Temporary maintenance account

- (1) The Commissioners shall hold an account to be called the temporary maintenance account and shall transfer to it any moneys which are payable to that account under section 64.
- (2) Any moneys transferred under subsection (1) shall be held by the Commissioners as part of their corporate property and the Commissioners shall credit the temporary maintenance account with an equivalent amount charged upon their general fund and shall allow interest at such rate as they may determine upon all sums credited to that account.
- (3) The Commissioners may apply moneys standing to the credit of the temporary maintenance account by way of grant or loan to the care, insurance, repair and maintenance of any building closed for regular public worship vested in—
 - (a) the Commissioners or a diocesan board of finance pending the making or the coming into operation of arrangements under a pastoral (church buildings disposal) scheme;
 - (b) a diocesan board of finance pending the making or the coming into operation of arrangements under a new or amended pastoral (church buildings disposal) scheme;

- (c) the Commissioners or a diocesan board of finance pending the making or the coming into operation of arrangements under a pastoral church buildings scheme to which section 58 or 59 applies.

96 Power of Commissioners to determine boundaries

- (1) Where by virtue of this Measure or any scheme or order made under it any land is vested in the Commissioners, the diocesan board of finance, the Churches Conservation Trust or an incumbent of a benefice, the Commissioners may determine the boundaries of the land by an instrument under their seal, and the determination shall for all purposes be binding on any of the bodies and any incumbent, whether as the body or person in whom the land is vested or the body or person from whom it is transferred, but shall bind no other person.
- (2) A copy of any such instrument purporting to be certified by an officer of the Commissioners as a true copy shall be sufficient evidence in any proceedings of the contents of the instrument.

97 Power of Commissioners to determine questions relating to patronage

- (1) Where it is necessary for the purposes of this Measure or any scheme or order made under it to find the registered patron of a benefice and it appears to the Commissioners that it is not possible or is not reasonably practicable to find that patron, the Commissioners may direct that the diocesan board of patronage shall be treated for those purposes as the registered patron of that benefice, and any such direction shall be conclusive for those purposes.
- (2) The provisions of subsection (1) with respect to a person who cannot be found shall apply also with respect to a person as to whom the Commissioners are satisfied—
 - (a) that he or she is outside the United Kingdom and has not within the United Kingdom any representative authorised to act for him or her; and
 - (b) either that no address at which letters are likely to be delivered to him or her is known, or that a letter asking him or her to nominate such a representative has been written to him or her at his or her last known address but no reply has been received within a reasonable period.
- (3) If at any time it appears to the Commissioners that the interest of any person in the patronage of a benefice is so small that for the purposes of section 46 or paragraph 1 of Schedule 3 it should be disregarded, they may determine his or her interest to be negligible and thereupon he or she may be treated for those purposes as having no interest in the patronage of the benefice.

98 Powers of Commissioners to seek information and give advice

- (1) The Commissioners may at any time seek information from, and give advice to a mission and pastoral committee or a diocesan board of finance on any matter concerning its functions under this or any other Measure, and the committee or board concerned shall provide any such information and have regard to any such advice.
- (2) The advice referred to in subsection (1) may, if the Commissioners think fit, be contained in a code or codes of practice.

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99 Assistant curates

- (1) The bishop of a diocese may by an instrument under his hand direct that any office of assistant curate in his diocese may be described in such terms as may be specified in the instrument and, where an instrument is in force under this section, any licence issued to a person to exercise the office shall refer to the assistant curate by that description and any reference in any enactment, Canon or other instrument to an assistant curate shall be construed accordingly.
- (2) Before issuing an instrument under this section the bishop shall consult the incumbent or priest in charge of the benefice or, in the case of a team ministry, the team chapter of the team ministry in which the assistant curate exercises or is to exercise the office.
- (3) An instrument under this section may be varied or revoked by a further instrument after carrying out the like consultation as is referred to in subsection (2) and after consulting the assistant curate (if any) exercising the office.
- (4) On making an instrument under this section the bishop shall send a copy to the registrar of the diocese, and the registrar shall file it in the diocesan registry.
- (5) When a bishop issues a licence to an assistant curate to exercise his or her office in any benefice the bishop, after carrying out the like consultation as is referred to in subsection (2), may, in the licence, assign to the assistant curate—
 - (a) a special cure of souls in a part of the area of the benefice, whether or not with responsibility for a particular church, or
 - (b) a special responsibility for a particular pastoral function,
 but any such provision is without prejudice to—
 - (i) the general duties and responsibilities of the incumbent or priest in charge, or
 - (ii) in the case of an assistant curate who exercises or is to exercise the office in a team ministry, any duties or responsibilities under section 34, of any member of the team chapter or any other member of the team, including any vicar appointed to act as rector under subsection (16) of that section.

100 Application to benefices in the patronage of the Crown or Duke of Cornwall

- (1) Nothing in the Measure or in any scheme or order made under this Measure shall, without the consent, given either generally or in respect of a particular benefice, of Her Majesty or, as the case may be, of the Duke of Cornwall, apply in relation to any benefice the patronage or any share in the patronage of which is vested in or exercisable by Her Majesty, whether in right of Her Crown or of the Duchy of Lancaster, or is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, whether Her Majesty or a Duke of Cornwall.
- (2) Any consent given under subsection (1) and, if by virtue of any such consent any provisions of this Measure or any scheme or order made under it apply to any such benefice as aforesaid, any consent, approval or other thing required by any such provision, scheme or order to be given or done by or to the patron of the benefice, may be given or done in accordance with the following provisions—
 - (a) any consent under subsection (1) in respect of a benefice or benefices the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown and any consent, approval or other thing required to be given or done by or to the patron of any such benefice may be given or done by or to the Prime Minister;

- (b) any consent under subsection (1) in respect of a benefice or benefices the patronage of which is vested in or exercisable by Her Majesty in right of the Duchy of Lancaster, and any consent, approval or other thing required to be given or done by or to the patron of any such benefice, may be given or done by or to the Chancellor of the Duchy;
- (c) any consent under subsection (1) in respect of a benefice or benefices the patronage of which is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, and any consent, approval or other thing required to be given or done by or to the patron of any such benefices, may be given or done by or to any person authorised to act on behalf of the Duke of Cornwall under the [Duchy of Cornwall Management Act 1863 \(26 & 27 Vict. c. 49\)](#), including any persons having authority under section 38 or 39 of that Act.

101 Provision as to notices and other documents

- (1) All notices, consents, directions, determinations and requests required or authorised by this Measure to be served, sent, given, made or obtained shall be in writing.
- (2) Any notice or other documents required or authorised by this Measure to be served on or sent or given to any person may be served, sent or given by delivering it to him or her, or by leaving it at his or her proper address, or by post.
- (3) Any such notice or other document required or authorised to be served, sent or given to a corporation or to an unincorporated body having a secretary or clerk or to a firm, shall be duly served, sent or given if it is served on or sent or given to, as the case may be, the secretary or clerk of the corporation or body or a partner of the firm.
- (4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 (c. 30), the proper address of the person on or to whom any such notice or other document is required or authorised to be served, sent or given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of the secretary or clerk of an unincorporated body or a partner of a firm, be that of the principal office of the body or firm, and, in any other case, be the last known address of the person:

Provided that, where the person on or to whom the notice or other document is to be served, sent or given, has, in accordance with arrangements agreed, furnished an address in the United Kingdom for the serving, sending or giving of the notice or other document, his or her proper address for those purposes shall be that address.

- (5) Where any document is required to be sent to the Commissioners it shall be addressed to the Secretary of the Commissioners.
- (6) If any question arises as to the person on or to whom, or the manner in which, any notice or other document is to be served, sent or given, the Commissioners may decide the question and their decision shall be conclusive.

102 Patrons who are minors

Where a minor is entitled to the patronage or a share of the patronage of a benefice, any consent, approval or other thing required by any provision of this Measure or any scheme or order made under it to be given or done by or to the registered patron of the benefice may be given or done by or to the guardian of the minor.

103 Provisions where there is no parochial church council, incumbent, etc.

- (1) Where at the material time a parish (other than a parish of a parish church cathedral) has no parochial church council, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to such councils shall have effect, if the parish has churchwardens, as if the churchwardens were the parochial church council, and, if there are no churchwardens, shall have no effect with respect to that parish.
- (2) Where at the material time a benefice has no incumbent, or the office of vicar in a team ministry is vacant, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to incumbents or vicars in team ministries shall have no effect with respect to that benefice or office.
- (3) Where at the material time an archdeaconry has no archdeacon or a deanery has no rural dean, the provisions of this Measure with reference to notices, consents and other things required or authorised to be given or done by or to archdeacons or rural deans shall have no effect with respect to that archdeaconry or deanery.
- (4) For the purposes of this section a certificate signed by the bishop stating that at any time specified therein a particular benefice, office of vicar in a team ministry, archdeaconry or deanery had no incumbent, vicar, archdeacon or rural dean, as the case may be, or a particular parish had no parochial church council or no churchwardens, shall be conclusive.