



Incumbents (Vacation of Benefices) Measure 1977

1977 No. 1

PART IV

SUPPLEMENTAL

15^{F1}

Textual Amendments

F1 S. 15 repealed by Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 (No. 1, SIF 21:1), s. 14(2), Sch. 3

16 **Certain expenses to be paid by Diocesan Board of Finance.**

- (1) The following expenses, that is to say—
- (a) any expenses incurred for the purpose of enabling a diocesan committee of enquiry or provincial tribunal to discharge its functions under this Measure;
 - (b) any travelling or other personal expenses reasonably incurred by the members of such a committee or tribunal for the purpose of or in connection with the exercise of the functions of the committee or tribunal under this Measure;
 - (c) any such expenses reasonably incurred by an incumbent in connection with an enquiry under this Measure which concerns him;
 - (d) any such expenses reasonably incurred by an archdeacon under section 2 of this Measure;
 - (e) any such expenses reasonably incurred by any person in connection with his attendance at a meeting of a committee or tribunal conducting an enquiry under this Measure, being a meeting which he was entitled, or invited by the committee or tribunal, as the case may be, to attend or which he attended as a witness;

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Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Part IV. (See end of Document for details)

- (f) in the case of an enquiry under Part I of this Measure conducted by a provincial tribunal, any fee payable to the chairman of the tribunal; and
- (g) in the case of any other enquiry under this Measure, any fee payable to a barrister or solicitor appointed to advise and assist the committee which conducted the enquiry,

shall be paid by the Diocesan Board of Finance.

- (2) Any question whether any such expenses as are referred to in paragraph (b), (c), (d) or (e) of subsection (1) above were reasonably incurred or as to the amount thereof shall be determined by the bishop of diocese.

17 Exercise of powers of bishop during absence abroad, etc.

During the absence abroad or incapacity through illness of the bishop of a diocese or a vacancy in the see anything required or authorised by this Measure to be done by, to or before him shall be done or, as the case may be, may be done, by to or before the archbishop of the province to which the diocese belongs or a person, being a person in episcopal orders, appointed by that archbishop for that purpose.

18 Power of General Synod to make further provision by rules for constitution of committees, etc. and procedure on enquiries.

- (1) The General Synod may, by rules approved by the Synod under this section, make further provision with respect to the constitution of diocesan committees of enquiry or provincial tribunals for the purposes of this Measure and the procedure to be followed on enquiries thereunder.
- (2) Such rules may amend, replace or revoke any of the provisions of the Schedule to this Measure.
- (3) The ^{M1}Statutory Instruments Act 1946 shall apply to any rules approved by the General Synod under this section as if they were a statutory instrument and were made when so approved, but no such rules shall have effect unless approved by a resolution of each House of Parliament.

Marginal Citations

M1 1946 c. 36.

19 Meaning of “benefice”.

Without prejudice to section 6(2) of this Measure, in this Measure “benefice” means the office of rector or vicar, with cure of souls, including the office of vicar in a team ministry established under the ^{M2}Pastoral Measure 1968 but does not include any office in a Royal Peculiar nor the office of dean or provost of a parish church cathedral within the meaning of the ^{M3}Cathedrals Measure 1963.

Marginal Citations

M2 1968 No. 1.

M3 1963 No. 2.

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VALID FROM 01/09/1994

[^{F2}19A Meaning of references to pastoral situation.

In this Measure any reference to a serious breakdown of the pastoral relationship between an incumbent and the parishioners shall be construed as a reference to a situation where the relationship between an incumbent and the parishioners of the parish in question is such as to impede the promotion in the parish of the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical.]

Textual Amendments

F2 S. 19A inserted (1.9.1994) by 1993 Measure No. 1, s.10 (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

Modifications etc. (not altering text)

C1 S. 19A applied (1.5.1996) by 1988 No. 1, s. 7(1A) (as inserted (1.5.1996) by 1995 No. 1, s. 15; Instrument dated 12.2.1996 made by Archbishops of Canterbury and York)

20 Amendments and repeal.

(1) For the section 14 of the ^{M4}Church Dignitaries (Retirement) Measure 1949 there shall be substituted the following section:—

(1) Where a dignitary, being a dean, provost or archdeacon, is also the incumbent of a parochial benefice a declaration of vacation of his office as dean, provost or deacon made under this Measure shall have effect also of vacating his benefice, whether the office is annexed to the benefice or the benefice to the office.

(2) Where the dignitary, being an archdeacon, canon or prebendary,—

- (a) is also the incumbent of a parochial benefice, and
- (b) resigns his benefice consequent upon a notification from the bishop under subsection (2)(a) of section 11 of the Incumbents (Vacation of Benefices) Measure 1977 (powers of bishops where enquiry under that Measure results in a finding of mental or physical incapacity), or the bishop has declared his benefice vacant under that section,

the powers of the bishop under section 2 of this Measure shall be exercisable as if the report of the diocesan committee or provincial tribunal under the said Measure of 1977 had been a report by the cathedral chapter under this Measure, and the bishop may execute an instrument declaring the archdeaconry, canonry or prebend, as the case may be, vacant in accordance with that section or, if the case so requires, petition Her Majesty to make such a declaration, and there be no appeal against the exercise of those powers by the bishop.”

(2) The ^{M5}Incumbents (Disability) Measure 1945 is hereby repealed.

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Modifications etc. (not altering text)

- C2** The text of s. 20 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M4** 1949 No. 1
M5 1945 No. 3.

21 Short title, extent and commencement.

- (1) This Measure may be cited as the Incumbents (Vacation of Benefices) Measure 1977.
- (2) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands as defined in the ^{M6}Channel Islands (Church Legislation) Measures 1931 and ^{M7}1957, or either of them, in accordance with those Measures.
- (3) Paragraph 2(1) and (2) of the Schedule to this Measure shall come into force on the passing of this Measure and, except as aforesaid, this Measure shall come into force on the expiration of the period of six months beginning with the date on which it is passed.

Marginal Citations

- M6** 1931 No. 4.
M7 1957 No. 1.

Status:

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Changes to legislation:

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