



# Pastoral Measure 1983 (repealed)

1983 No. 1

## PART IV

MISCELLANEOUS, ADMINISTRATIVE AND GENERAL

### *Restrictions on presentation*

#### **67 Suspension of presentation for period not exceeding five years.**

- (1) Where a benefice is vacant or is shortly to become vacant, the bishop may, subject to the following provisions of this Measure, with the consent of the pastoral committee, and after consultation with—
- the [<sup>F1</sup>registered patron]of the benefice,
  - the parochial church council of the parish or each of the parishes concerned, and
  - both chairmen of the deanery synod of the deanery concerned;

give notice that during such period not exceeding five years as may be specified in the notice (hereafter in this Measure referred to as the “suspension period”), the [<sup>F1</sup>registered patron]shall not exercise his right of presentation without the consent of the pastoral committee and (if he is not the [<sup>F1</sup>registered patron]) of the bishop; and thereupon the said right shall only be exercised in accordance with the notice during the suspension period.

When consulting any person in accordance with this subsection the bishop shall inform him of the reasons why he is considering whether he should exercise the power conferred by this subsection.

- (2) The power conferred by the foregoing subsection may be exercised in relation to any benefice at any time within three months before the benefice is due to become vacant or at any time during the vacancy.
- (3) Except where any consultation required by subsection (1) takes place at a meeting between the bishop or his representative and the person to be consulted or his representative, that person shall be advised that he may, within twenty-eight days after

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receiving a request from the bishop for his views about the giving of the notice under that subsection, request a meeting with the bishop or his representative, and where such a request is made, the bishop shall convene a meeting which all the persons whom he is required by that subsection to consult shall be invited to attend, either in person or by representatives, for the purpose of enabling those present to consult with the bishop or his representative about the giving of the said notice.

(4) The suspension period shall come to an end before the date on which it would otherwise expire, in any of the following circumstances:—

- (a) if notice is given by the bishop that the necessary consent or consents have been given to the exercise of the patron's right of presentation;
- (b) if notice is given by the bishop with the consent of the pastoral committee, terminating the said period; or
- (c) if a pastoral scheme or order provides for the holding of the benefice in plurality with another benefice or other benefices, or a pastoral scheme otherwise affecting the benefice expressly provides for the termination of the said period;

and the termination shall, in the cases mentioned in paragraphs (a) and (b) hereof, take effect on such day, not being less than fourteen days after the date of the notice, as may be specified therein, and, in the cases mentioned in paragraph (c) hereof, shall take effect when the relevant provisions of the pastoral scheme or order come into operation.

(5) The bishop may, before the expiration of a suspension period, by a further notice, given with the same consent and after the same consultation as were required for the original notice given under subsection (1), extend the period for a further period not exceeding five years; and the said power may be exercised from time to time before the expiration of any extension of a suspension period.

(6) A notice given by the bishop under this section shall be given to—

- (a) the pastoral committee,
- [<sup>F2</sup>(b) the registered patron of the benefice, unless the only registered patron is the bishop;]
- (c) both chairmen of the deanery synod of the deanery concerned,
- (d) the churchwardens of the parish or each of the parishes concerned, and
- (e) if sequestrators have been appointed under section 68, the sequestrators;

and a copy of the notice shall be filed in the diocesan registry.

(7) The churchwardens to whom any such notice as aforesaid is given shall forthwith cause it to be affixed at or near to the door of a parish church or, if there is no parish church, of the principal place of worship in the parish.

#### **Textual Amendments**

- F1** Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 18(a)**
- F2** [S. 67\(6\)\(b\)](#) substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 18(b)**

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*Changes to legislation:* There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), Part IV. (See end of Document for details)

## 68 During suspension period sequestration of profits and other matters.

- (1) Where the bishop has declared a suspension period in respect of any benefice under section 67, he shall during that period sequester the profits of the benefice, and in appointing the sequestrators shall ensure that one of the persons appointed is specially qualified by training or by experience to discharge efficiently the duties of the office.
- (2) The sequestrators appointed under this section in respect of any benefice shall, subject to and in accordance with the directions of the bishop, make provision for the performance during the suspension period of the ecclesiastical duties of the benefice, and before giving any such directions the bishop shall consult the parochial church council of the parish or each of the parishes concerned and so far as is reasonably practicable, the [<sup>F3</sup>registered patron]of the benefice.
- (3) Where the bishop proposes to appoint a priest in charge for any benefice to which a suspension period applies, he shall before making the appointment consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice.
- (4) Where the bishop appoints a priest in charge for any benefice to which a suspension period applies, the bishop may require the priest to reside in the parsonage house of the benefice.
- (5) The provisions of Schedule 7 shall have effect with respect to the management of the benefice property and the application of the profits thereof during any suspension period.

### Textual Amendments

**F3** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), Sch. 4 para. 19

## 69 Restrictions on presentation pending the making of pastoral schemes and orders.

- (1) Where any proposals submitted under section 4(1) or section 14(1) contain recommendations for any of the matters specified in sections 17 and 18 and 20 to 22, and any benefice which would be affected if the recommendations were implemented is vacant on the date on which the [<sup>F4</sup>registered patron]thereof receives a copy of the proposals under section 4(2) or becomes vacant thereafter, the [<sup>F4</sup>registered patron]shall not be entitled after that date or after the occurrence of the vacancy, as the case may be, to exercise his right of presentation to the benefice without the consent of the pastoral committee and (unless the bishop is the patron) of the bishop, until the occurrence of whichever of the following first occurs, namely,—
  - (a) the relevant recommendations are implemented by a pastoral scheme or order and come into operation, in which case the right of presentation shall be subject to the provisions of the scheme or order; or
  - (b) the proposals are withdrawn or the draft scheme or order prepared in pursuance thereof is withdrawn, or the scheme made in pursuance thereof is disallowed or withdrawn; or
  - (c) the relevant recommendations are omitted from the proposals, draft scheme or order, or scheme; or
  - (d) the period of three years from the date aforesaid expires.

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- (2) Where the bishop has given directions to the pastoral committee under section 2(1) to consider or has been notified under section 2(2) that the committee intend to consider in relation to any benefices, any of the matters specified in sections 17 and 18 and 20 to 22, he may, upon a vacancy or impending vacancy in any of those benefices, or where a joint pastoral committee has been appointed under section 13, the bishop may, upon a vacancy or impending vacancy in any benefice which might be affected by the exercise of the powers of that committee under sections 13 and 36, as limited (if at all) by instrument sealed by the bishops of the dioceses concerned, also notify—
- [<sup>F5</sup>(a) the registered patron, unless the only registered patron is the bishop;]
  - (b) the parochial church council, and
  - (c) both chairmen of the deanery synod of the deanery concerned,
- that those matters are being considered, and thereupon the [<sup>F6</sup>registered patron] shall not be entitled to exercise his right of presentation to that benefice without such consent or consents as are specified in subsection (1); [<sup>F6</sup>and the provisions of section 7 of the Patronage (Benefices) measure 1986 shall, subject to the modifications made by section 70 of this Measure, apply].
- (3) A restriction imposed by subsection (2) shall cease to operate at the expiration of one year from the date of the said notice unless within that period proposals are submitted under section 4(1) or section 14(1) containing recommendations for any of the matters specified as aforesaid which would affect the benefice concerned, in which case the restriction shall continue until the occurrence of whichever of the following first occurs, that is to say, the several events mentioned in paragraphs (a), (b) and (c) of subsection (1), and the expiration of three years from the date of the said notice.
- (4) The fact that restrictions are in force under this section with respect to any benefice shall not be taken as preventing the bishop from exercising his powers under sections 67 and 68 with respect to the benefice, and, if he does so, those sections and Schedule 7 shall apply to the benefice in lieu of this section.

#### Textual Amendments

- F4** Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 20(a)**
- F5** S. 69(a) substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 20(b)**
- F6** Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 20(b)**

## 70 Modification of Benefices (Exercise of Rights of Presentation) Measure 1931 where presentation is suspended or restricted.

Where the bishop declares a suspension period in respect of any benefice, or any restriction imposed by or under any provision of section 24 or 69 comes into force in respect of any benefice,—

- (a) save as provided in this section no notice under [<sup>F7</sup>section 7 of the Patronage (Benefices) Measure 1986] of a vacancy or impending vacancy in that benefice shall be given during the suspension period or, as the case may be, while the restriction is in force;
- (b) any such notice relating to that benefice given before the suspension period began or, as the case may be, the restriction came into force shall be deemed

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to have been revoked and any act done under that Measure consequent upon that notice shall be of no effect;

- (c) that benefice shall be deemed for the purposes of that Measure to become vacant immediately after the day on which the suspension period comes to an end or, as the case may be, the day on which the restriction ceases to be in force; and
- (d) upon the benefice being deemed to become vacant the bishop shall give to the patron and the parochial church council the notice required by [F8 section 7(4)] of that Measure so however that if the suspension period will come to an end as a result of a notice given by the bishop under section 67(4) of this Measure the notice referred to in the foregoing provisions of this section may be given by the bishop at the same time as the notice under section 67(4) and in any other case the notice referred to in the foregoing provisions may be given not more than fourteen days before the suspension period will end or the restriction will cease to be in force as the case may be.

**Textual Amendments**

- F7** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 21(a)**
- F8** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 21(b)**

**71** ..... **F9**

**Textual Amendments**

- F9** S. 71 repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

**72** ..... **F10**

**Textual Amendments**

- F10** S. 72 repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

**73 Suspension of new rights of patronage.**

Where any proposals approved under section 4(1) contain recommendations for the creation of a new benefice for a new parish, and any church in the area which is to form the new parish is consecrated after the proposals are so approved but before any of the events mentioned in section 69(1) have occurred in relation to those recommendations, no person shall become the patron of that church by virtue of any rule of law or any provision of or instrument under any Act or Measure other than this Measure during the period between the said approval of the recommendations and such one of the said events as first occurs.

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### *Miscellaneous provisions*

#### **74 Priest in charge to replace incumbent as trustee of certain charities during vacancy in benefice, etc.**

- (1) Where 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 a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and the benefice becomes vacant or the bishop declares a suspension period in respect of the benefice, then, during the period of the vacancy or during the suspension period, as the case may be, the trusts of the charity or the constitution of the corporation shall have effect with the substitution for the incumbent of that benefice of the priest in charge of that benefice.
- (2) Any change under subsection (1) shall take effect without any conveyance or other assurance.
- (3) The provisions of this section shall not apply to any fund or property for which provision is made under section 63.

#### **75 Induction in one parish church.**

- (1) Where, in a case not falling within paragraph 5(2)(a) of Schedule 3, any person is appointed an incumbent of a benefice in the area of which two or more parish churches are situated, the bishop may direct in which parish church the incumbent is to be inducted, and after such induction he shall be deemed to have been inducted in both or all of the parish churches situated in the area of that benefice and to have been admitted to that benefice, and no further fees in respect thereof shall be payable.
- (2) Where, in a case not falling within paragraph 5(3)(a) of Schedule 3, any person is appointed an incumbent of benefices which are to be held in plurality, the bishop may direct that the incumbent shall be inducted in such one of the parish churches in the areas of those benefices as he may specify, and after such induction the incumbent shall be deemed to have been inducted in all of the parish churches in the said areas and to have been admitted to each of those benefices, and no further fees in respect thereof shall be payable.

#### **76 Grant of land for new churches etc and vesting of certain churches.**

- (1) Where the diocesan board of finance or any other body constituted for the holding on trust of diocesan property holds any buildings or land for the general purposes of the board or for any ecclesiastical purposes of the Church of England, the board or other body may, without the sanction of an order of the Charity Commissioners or the Court, grant the buildings or land to the Commissioners under section 14 of the <sup>MI</sup>New Parishes Measure 1943 for any of the purposes mentioned in section 13 of the said Measure, being purposes falling within the purposes for which the land is held prior to the grant.
- (2) It is hereby declared for the removal of doubt that the powers conferred by the said section 14 extend to the grant by the incumbent of a benefice of any part of the land held with the parsonage, but no such grant shall be made without the consent of the diocesan parsonages board.

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#### Marginal Citations

M1 1943 No. 1.

### *Administrative provisions*

#### **77 Diocesan pastoral accounts.**

- (1) The Commissioners shall hold an account for each diocese to be called the diocesan pastoral account and shall transfer thereto—
  - (a) any moneys which are payable to the said account under any provisions of this Measure or any scheme or order made thereunder;
  - (b) such other moneys as the bishop and the diocesan board of finance for the diocese, after consultation with the Commissioners, direct the Commissioners to accept for payment to the said account not being moneys for the application or disposal of which provision is made by or under any other enactment.
- (2) The diocesan board of finance shall pay to the Commissioners any moneys in the possession of the said board which are payable to the Commissioners under any provision repealed by this Measure or by the <sup>M2</sup>Pastoral Measure 1968 and those moneys shall be credited to the diocesan pastoral account of the diocese concerned.
- (3) 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 therein 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.
- (4) Every diocesan board of finance shall send to the Commissioners annually a copy of the account prepared by the board under this section duly audited and shall lay a copy thereof before the diocesan synod.

#### Modifications etc. (not altering text)

C1 S. 77: transfer of functions (1.1.2001) by 2000 Measure No. 1, s. 1(1)(b); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

#### Marginal Citations

M2 1968 No. 1.

#### **78 Payment of expenses from diocesan pastoral accounts, and application of other moneys therein.**

- (1) Expenses incurred by or on behalf of, or under the authority or direction of, the bishop of any diocese or any pastoral committee or any diocesan redundant churches uses committee or the Commissioners for the purposes of this Measure or any scheme or order made thereunder, may be paid out of the moneys standing to the credit of such one or more of the diocesan pastoral accounts as the Commissioners may determine, so far as those moneys suffice, but such expenses shall not include the salaries or wages of persons in the regular employment of the bishop, any board or committee of the diocese, or the Commissioners, or any part of such salaries or wages.

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- (2) The Commissioners may, and if the diocesan board of finance after consultation with the Commissioners, so request, shall, repay 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.
- (3) Where, after consultation with the diocesan board of finance, the Commissioners are 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 the foregoing subsections, then, subject to subsection (4), they shall, at the request of the diocesan board of finance,—
  - (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 redundant building vested in the board pending the making of a redundancy 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 the purposes aforesaid or for such of those purposes as the said board may specify; or
  - (c) transfer those moneys to the capital or income account of the diocesan stipends fund.
- (4) Before making a request under subsection (3) the diocesan board of finance shall consult the Commissioners about the purposes for which the board wish the said moneys to be used under that subsection, and only with the agreement of the Commissioners shall the board be entitled to request that the moneys be transferred to a fund held or to be held on behalf of the diocese or any benefice or parish in the diocese, not being a fund held and administered by the Commissioners.
- (5) If at any time there is not a sufficient amount standing to the credit of a diocesan pastoral account to meet any such expenses or expenditure as aforesaid, the Commissioners may, if they think fit, make an advance out of their general fund towards such expenses or expenditure and may, at such time or times as they think fit, transfer from that diocesan pastoral account into their general fund the amount of the advance.

VALID FROM 01/04/1994

**[<sup>F11</sup>78A Temporary maintenance account.**

- (1) The Commissioners shall hold an account to be called the redundant churches temporary maintenance account and shall transfer thereto any moneys which are payable to the said account under section 52.
- (2) The Commissioners may apply moneys standing to the credit of the redundant churches temporary maintenance account by way of grant or loan to the repair and maintenance of any redundant building vested in a diocesan board of finance pending the coming into operation of arrangements under a redundancy scheme.]



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#### Textual Amendments

- F11** S. 78A inserted (1.4.1994) by 1994 No. 1, s. 10; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.

### 79 Power of Commissioners to determine boundaries.

- (1) Where by virtue of this Measure or any scheme or order made thereunder any land is vested in the Commissioners, the diocesan board of finance, the Redundant Churches Fund or an incumbent of a benefice, the Commissioners may determine the boundaries thereof by an instrument under their seal, and such determination shall for all purposes be binding on any of the said 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.

### 80 Power of Commissioners to determine questions relating to patronage.

- [<sup>F12</sup>(1) Where it is necessary for the purposes of this Measure or any scheme or order made thereunder 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 the said purposes.]
- (2) The provisions of the foregoing subsection 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 is outside the United Kingdom and has not within the United Kingdom any representative authorised to act for him; and
    - (b) either that no address at which letters are likely to be delivered to him is known, or that a letter asking him to nominate such a representative has been written to him at his 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 32 or paragraph 1 of Schedule 3 it should be disregarded, they may determine his interest to be negligible and thereupon he may be treated for the said purposes as having no interest in the patronage of the benefice.

#### Textual Amendments

- F12** S. 80(1) substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), Sch. 4 para. 22

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## 81 Application to benefices in the patronage of the Crown or Duke of Cornwall.

- (1) .....<sup>F13</sup>, nothing in this 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 Her 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 the foregoing subsection and, if by virtue of any such consent any provisions of this Measure or any scheme or order made thereunder 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) general consent under the foregoing subsection in respect of benefices the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown, or a particular consent thereunder in respect of any such benefice which is about the yearly value of twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such last-mentioned benefice may be given or done by or to the Prime Minister;
  - (b) any particular consent under the foregoing subsection in respect of a benefice the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown and the yearly value of which does not exceed twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to the Lord Chancellor;
  - (c) any consent under the foregoing subsection 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 as aforesaid 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;
  - (d) any consent under the foregoing subsection 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 as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to any person authorised to act on behalf of the Duke of Cornwall under the<sup>M3</sup>Duchy of Cornwall Management Act 1863, including any persons having authority under section 38 or section 39 of the said Act.

### Textual Amendments

**F13** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

### Modifications etc. (not altering text)

**C2** S. 81(2)(a)–(d) modified by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 35(8)

### Marginal Citations

**M3** 1863 c. 49.

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## 82 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 thereunder to be given or done by or to the [F14 registered patron] of the benefice may be given or done by or to the guardian of the minor.

### Textual Amendments

F14 Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), Sch. 4 para. 23

## 83 Provisions 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 document 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 by leaving it at his 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 <sup>M4</sup>Interpretation Act 1978, 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 said 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 proper address for those purposes shall be that address.

- (5) 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.

### Marginal Citations

M4 1978 c. 30.

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

- (1) Where at the material time a parish 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.

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- (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.

#### *General provisions*

### **85 Pluralities not to be authorised except under Measure.**

- (1) Subject to the provisions of this Measure, no person shall hold benefices in plurality except in pursuance of a pastoral scheme or order.
- (2) Subject to the provisions of this Measure, no person shall hold a cathedral preferment with a benefice or with two or more benefices authorised to be held in plurality by a pastoral scheme or order, unless the cathedral statutes so provide or allow.
- (3) No person shall hold cathedral preferments in more than one cathedral.
- (4) If any person accepts any benefice or cathedral preferment and such acceptance would, but for this subsection, result in his holding offices in contravention of this section, he shall, on his admission to the benefice or preferment, be deemed to vacate the office or offices previously held by him.
- (5) In this section—
  - “benefice” includes the office of a vicar in a team ministry;
  - “cathedral preferment” means the office of dean, provost, residentiary canon or stipendiary canon in any cathedral;
  - “cathedral statutes” includes a charter or local Act relating to the cathedral;
  - “office” means a benefice or cathedral preferment.

### **86 Meaning of “benefice” and “parish”.**

- (1) In this Measure—
  - “benefice” means the office of rector or vicar of a parish or parishes, with cure of souls, but not including (except in section 85) the office of a vicar in a team ministry;
  - “the area of a benefice” means the parish or parishes belonging to the benefice;
  - “parish” means a parish constituted for ecclesiastical purposes, and does not include a conventional district.

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- (2) If any question arises under this Measure as to whether an ecclesiastical office is a benefice, or whether any area or place is or is within a parish or the area of a benefice or an extra-parochial place, it shall be determined by the Commissioners after consultation with the bishop, and that determination shall be conclusive for the purposes of this Measure.
- (3) If any question arises whether any benefice or parish is to be treated, for the purposes of any pastoral scheme or order or any provisions of this Measure relating thereto, as a new benefice or parish or as an existing benefice or parish with altered area or boundaries, any provision of the scheme or order expressly stating or necessarily implying (whether by a change of name or retention of an existing name or otherwise) that the benefice or parish is to be treated as new or existing shall be conclusive of that question.
- (4) Nothing in this Measure or in any scheme or order made thereunder shall be taken as applying to or in any way affecting any parish constituted otherwise than for ecclesiastical purposes.

## 87 General interpretation.

- (1) In this Measure, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say:—

“admission” includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or (for the purposes of section 85) the holder of a cathedral preferment and “admit” shall be construed accordingly;

“the Advisory Board” means the Advisory Board for Redundant Churches appointed under section 41;

“the bishop” means the bishop of the diocese concerned;

“charity” shall be construed in accordance with section 45 of the <sup>M5</sup>Charities Act 1960;

“church” means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part thereof as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the consecration of the part of the building used or intended to be used for the purpose of such public worship as aforesaid;

“Council for the Care of Churches” means the body so named at the passing of this Measure or any body subsequently exercising the functions of that body under a different name or with a different constitution;

“the Commissioners” means the Church Commissioners;

“diocesan board of finance” means in relation to a diocese, the board of that name constituted under the <sup>M6</sup>Diocesan Board of Finance Measure 1925 for that diocese;

Provided that, if the bishop certifies that a board of finance not so constituted or a body constituted for the holding on trust of diocesan property is to be treated for any of the purposes of this Measure or of any scheme or

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order made thereunder as the diocesan board of finance for that diocese, the board or body so certified shall be so treated instead of any board constituted under the said Measure;

“diocesan pastoral account” means, in relation to a diocese, the account referred to in section 77 for that diocese;

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established for that diocese;

“Dioceses Commission” means the body constituted under the <sup>M7</sup>Dioceses Measure 1978;

“endowments” in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, but subject as aforesaid any question as to what constitutes the endowments of a benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

“interested parties” has the meanings assigned by section 3;

“local planning authority”—

- (a) outside Greater London, means the district planning authority;
- (b) in Greater London, means the Greater London Council and also, in relation to the City of London, means the Common Council of the City of London and, in relation to any London borough, means the council of that borough;

“parsonage house” means the house or other dwelling vested in the incumbent of a benefice (when the benefice is full) and being his official residence, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

“pastoral committee” means the committee appointed under, or by virtue of, this Measure, but does not include a joint pastoral committee;

“pastoral order” means an order made by the bishop under section 8;

“pastoral scheme” means a scheme made by the Commissioners and confirmed by Order in Council under Part I, and includes (except where it is expressly or by necessary implication excluded) any such scheme made in pursuance of proposals by a joint pastoral committee appointed under section 13;

“patron”, in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, to present to that benefice upon a vacancy, including—

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who is for the time being the person who would be entitled to present on the next or any subsequent turn,

and “right of patronage” shall be construed accordingly;

Provided that, in the application of these definitions, the fact that any person is a Roman Catholic shall be disregarded;

“provision” in relation to a building, includes, in addition to the construction or erection thereof, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and “provide” shall be construed accordingly;

“redundant building” has the meaning assigned to it by section 28;

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“redundancy scheme” has the meaning assigned to it by section 48;

[<sup>F15</sup>“registered patron”, in relation to a benefice or to benefices held in plurality, means every person who is for the time being registered under the Patronage (Benefices) Measure 1986 in a register of patrons as a patron of that benefice or those benefices]

“restoration” includes rebuilding or partial rebuilding;

“sharing agreement” has the same meaning as in the <sup>M8</sup>Sharing of Church Buildings Act 1969;

“suspension period” has the meaning assigned to it by section 67(1).

- (2) In this Measure, except where otherwise indicated,—
- (a) a reference to a numbered section or schedule is a reference to the section of or schedule to this Measure so numbered, and
  - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
  - (c) a reference in a section, subsection or schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or schedule so numbered, and
  - (d) a reference in a paragraph of a schedule to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered, and
  - (e) a reference to a particular Part is a reference to that Part of this Measure.
- (3) In determining the net proceeds of the sale or exchange of any property by the Commissioners or the diocesan board of finance, or the net premium or net rent of any property let by the Commissioners or board, the deductions to be made shall include the deduction of any money expended by the Commissioners or board or a diocesan redundant churches uses committee on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.
- (4) Any reference in this Measure to the Church Representation Rules shall be construed as a reference to those Rules as for the time being amended by any resolution of the General Synod passed in accordance with section 7(1) of the <sup>M9</sup>Synodical Government Measure 1969.

#### Textual Amendments

**F15** Definition inserted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), [Sch. 4 para. 24](#)

#### Marginal Citations

**M5** 1960 c. 50.  
**M6** 1925 No. 3.  
**M7** 1978 No. 1.  
**M8** 1969 c. 38.  
**M9** 1969 No. 2.

## 88 Saving for planning legislation.

Notwithstanding that the development of any land is or may be authorised or regulated by or under this Measure, the provisions of the enactments relating to town and country

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planning, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation thereto.

## **89 Provisions as to guild churches.**

- (1) A pastoral scheme may make a declaration of redundancy under section 28 with respect to a church designated as a guild church under the City of London (Guild Churches) Acts, 1952 and 1960, other than the church of St. Lawrence Jewry, as if the references to a parish church included references to a guild church, and accordingly provision may be made under Part III of this Measure, either by the pastoral scheme, in accordance with section 47 but not section 46, or by a redundancy scheme, with respect to the guild church or part thereof and any churchyard or other land annexed or belonging to the church.
- (2) When a pastoral scheme or redundancy scheme making such provision as aforesaid comes into operation, the said Acts shall cease to apply to the guild church concerned, and the scheme may provide for such transitional, supplementary and incidental matters as appear to the Commissioners to be necessary.
- (3) A pastoral scheme may make provision in accordance with section 30 with respect to the churchyard or other land annexed or belonging to a guild church, other than the church of St. Lawrence Jewry.
- (4) In relation to a pastoral scheme affecting a guild church—
  - (a) the interested parties shall be or shall include the vicar of the guild church, the patron of the guild church and the guild church council;
  - (b) the references in section 6(4) to the secretary of the parochial church council and the parish church or churches shall be or shall include references to the secretary of the guild church council and the guild church.
- (5) It is hereby declared that the incumbent of a benefice or the holder of another ecclesiastical office may be nominated to a vacancy in a guild church, but the bishop may refuse his licence on the ground that the benefice or office cannot properly be combined with the office of vicar of the guild church.
- (6) Save as aforesaid nothing in this Measure or in any scheme or order made thereunder shall apply to or affect any guild church.

## **90 Churches, etc. affected by private and local Acts.**

- (1) Subject to subsection (4), the provisions of this Measure, and in particular those relating to redundant churches, shall apply to—
  - (a) churches affected by any private or local Act passed before 1 April 1969;
  - (b) land comprising the sites of such churches or annexed or belonging to such churches; and
  - (c) any burial ground which is affected by any such Act and is vested in the incumbent of a benefice or is subject to the jurisdiction of the bishop of any diocese;

and a scheme made under this Measure may amend or revoke any provision of a private or local Act so passed, if it appears to the Commissioners that the provision of the Act is inconsistent with or rendered unnecessary by the provisions of the scheme or the provisions of this Measure applicable thereto.



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- (2) Where any private or local Act passed before 1 April 1969 provided for the erection of a new church, with or without other buildings and accommodation, and the bishop of the diocese in which the church was to be erected is satisfied, after consultation with the pastoral committee, that it is no longer expedient for a new church and other buildings and accommodation to be erected as provided by the Act or that a place of worship should be provided instead of that church, a pastoral scheme may provide for any or all of the following—
- (a) for the erection on the land on which the church and any other buildings or accommodation were to be erected of a building suitable for licensing by the bishop as a place of worship;
  - (b) for empowering any person in whom that land is vested to sell, lease or otherwise dispose of it, or any part thereof, in such manner and upon and subject to such terms as the scheme may provide;
  - (c) for specifying the purposes for which any moneys received as a result of any such disposal are to be applied;

and any provisions of the Act relating to the erection of the new church and other buildings or accommodation, and any other provisions thereof which are inconsistent with, or rendered unnecessary by, the provisions of the scheme, may be amended or revoked by the scheme.

In this subsection “place of worship” has the same meaning as in section 46.

- (3) Section 3(1) shall have effect in relation to the recommendations for a scheme proposed to be made by virtue of subsection (2) as if the words from “or, subject” to the end were omitted.
- (4) If it appears to the Commissioners that a proposed pastoral scheme or redundancy scheme will affect the rights (other than the patronage rights) of any person under any such private or local Act as is referred to in subsection (1) or (2) they shall, in the case of a pastoral scheme, serve a copy of the draft scheme on that person together with such a notice as is mentioned in section 6(1) and he shall thereafter be deemed to be an interested party in relation to that scheme, and, in the case of a redundancy scheme, they shall serve a copy of the draft scheme on that person under section 50(3).

## **91 Preservation of amendment of section 5(3) of the Parsonages Measure 1938.**

Notwithstanding the repeal by this Measure of the <sup>M10</sup>Pastoral (Amendment) Measure 1982, section 5(3) of the <sup>M11</sup>Parsonages Measure 1938 (balance of moneys arising from sale, etc. of benefice property) shall continue to have effect as amended by section 70 of the said Measure of 1982 and accordingly the said section 5(3) shall have effect as set out below:—

- “5
- (3) Any moneys arising from any sale or exchange of any part of the property of a benefice under this Measure, in so far as they shall not be applied and disposed of under the foregoing provisions of this section or under section 36(2) of the Endowments and Glebe Measure 1976 shall be allocated by the Church Commissioners to the capital account of the diocesan stipends fund of the diocese to which the benefice belongs or to the pastoral account of that diocese, or partly to one and partly to the other as the diocesan board of finance may determine.”

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#### **Marginal Citations**

**M10** 1982 No. 1.

**M11** 1938 No. 3.

## **92 Transitional provisions.**

The transitional provisions in Schedule 8 shall have effect.

## **93 Repeals.**

Subject to the provisions of Schedule 8, the provisions specified in Schedule 9 are hereby repealed to the extent specified in column 3 of that Schedule.

## **94 Short title, extent and commencement.**

- (1) This Measure may be cited as the Pastoral Measure 1983.
- (2) Subject to subsection (3), 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 Channel Islands (Church Legislation) Measures 1931 and 1957, or either or them, in accordance with those Measures and may be extended to the Isle of Man by Act of Tynwald.  
  
 A scheme made for the purpose of such application, and the Order in Council confirming the scheme, may provide for the repeal of the Church Building Acts 1818 to 1884 and any other Acts specified in the schedule to the <sup>M12</sup>New Parishes Measure 1943, in their application to the Channel Islands or either of them.
- (3) The power to apply the provisions of this Measure to the Channel Islands . . . <sup>F16</sup>shall not apply to sections 2 and 17 as far as they relate to sharing agreements.
- (4) This Measure shall come into operation immediately after the coming into operation of the <sup>M13</sup>Pastoral (Amendment) Measure 1982 and for the purposes of this section that Measure shall be taken to come into operation on the first day on which all its provisions are in operation.

#### **Textual Amendments**

**F16** Words repealed by [Church of England \(Ecumenical Relations\) Measure 1988 \(No. 3, SIF 21:1\)](#), **ss. 8, 9(4)**

#### **Modifications etc. (not altering text)**

**C3** [S. 94\(4\)](#): First day on which all provisions of [Pastoral \(Amendment\) Measure 1982 \(No. 1\)](#) came into operation was 1.11.1983 (by Instrument dated 31.7.1983)

#### **Marginal Citations**

**M12** 1943 No. 1.

**M13** 1982 No. 1.

**Status:**

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**Changes to legislation:**

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