



Pastoral Measure 1983 (repealed)

1983 No. 1

PART IV

MISCELLANEOUS, ADMINISTRATIVE AND GENERAL

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—

Status: Point in time view as at 01/10/2006.

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“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.

- (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 [^{F1}section 96 of the Charities Act 1993];

“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;

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“the Commissioners” means the Church Commissioners;

“diocesan board of finance” means in relation to a diocese, the board of that name constituted under the ^{M1}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 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 ^{M2}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;

[^{F2}“English Heritage” means the Historic Buildings and Monuments Commission for England known as English Heritage;]

[^{F3}“funding period” means a period determined as such by an order made under section 53(1);]

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

“local planning authority”—

- (a) [^{F4}in England]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;

[^{F5}“National Amenity Societies” means the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, The Twentieth Century Society and the Victorian Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purposes of this Measure;]

“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 ^{F6}... 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;

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“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;

[^{F7}“redundant churches temporary maintenance account” means the account referred to in section 78A;]

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

[^{F8}“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 ^{M3}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 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.

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(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^{M4}Synodical Government Measure 1969.

[^{F9}(5) Any reference in this Measure to the demolition of a building shall be construed as including a reference to the demolition of part thereof.]

Textual Amendments

- F1** Words in s. 87(1) substituted (E.W.) (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 18(4)**
- F2** Words in s. 87(1) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 24(a)**; 2005 No. 2, Instrument made by Archbishops
- F3** S. 87(1): Definition of “funding period” inserted (1.4.1994) by 1994 No. 1, s. 11(a); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F4** S. 87(1): Words in definition of “local planning authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 71** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**.
- F5** Words in s. 87(1) inserted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 24(b)**; 2005 No. 2, Instrument made by Archbishops
- F6** Words in s. 87(1) omitted (1.6.2005) by virtue of Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 24(c)**; 2005 No. 2, Instrument made by Archbishops
- F7** S. 87(1): Definition of “redundant churches temporary maintenance account” inserted (1.4.1994) by 1994 No. 1, s. 11(b); Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F8** Definition inserted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 24**
- F9** S. 87(5) inserted (1.9.1995) by 1995 No. 2, s. 11(d); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York.

Marginal Citations

- M1** 1925 No. 3.
- M2** 1978 No. 1.
- M3** 1969 c. 38.
- M4** 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 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.

Status: Point in time view as at 01/10/2006.

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- (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.

- (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;

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(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).

F1091 Preservation of amendment of section 5(3) of the Parsonages Measure 1938.

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Textual Amendments

F10 S. 91 repealed (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 6](#); 2006 No. 2, Instrument made by Archbishops

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 ^{M5}New Parishes Measure 1943, in their application to the Channel Islands or either of them.

Status: Point in time view as at 01/10/2006.

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- (3) The power to apply the provisions of this Measure to the Channel Islands . . . ^{F11} 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 ^{M6}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

F11 Words repealed by [Church of England \(Ecumenical Relations\) Measure 1988 \(No. 3, SIF 21:1\)](#), **ss. 8, 9(4)**

Modifications etc. (not altering text)

C1 [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

M5 1943 No. 1.

M6 1982 No. 1.

Status:

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