



Patronage (Benefices) Measure 1986

1986 No. 3

PART II

EXERCISE OF RIGHTS OF PRESENTATION

Institution and collation

17 Provisions to have effect where bishop refuses to institute presentee.

- (1) Nothing in the preceding provisions of this Measure shall be taken as affecting the power of a bishop under section 2(1)(b) of the Benefices Act 1898 or section 1 of the ^{M1}Benefices Measure ^{M2}1972 or any rule of law to refuse to institute or admit a presentee to the benefice.
- (2) Where in exercise of any such power a bishop refuses to institute or admit a presentee to a benefice, and either no legal proceedings in respect of the refusal are brought or the refusal of the bishop is upheld in such proceedings, the presentation to the benefice affected shall be made by the registered patron whose turn it was to present when the vacancy first occurred; and for the purposes of sections 7, 9, 11 and 12 of this Measure a new vacancy shall not be treated as having occurred by virtue of this section.

Marginal Citations

M1 1972 No. 3.

M2 1972 No. 3.

18 Amendment of Benefices Act 1898.

- (1) Section 3 of the Benefices Act 1898 (appeal against refusal to institute) shall have effect subject to the following amendments—
 - (a) in subsection (1) for the words from “require that the matter” to the end of the subsection there shall be substituted the words “appeal to the archbishop and

Status: Point in time view as at 01/07/2018.

Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Cross Heading: Institution and collation. (See end of Document for details)

the Dean of the Arches and Auditor who shall decide whether to uphold the bishop's refusal or direct him to institute or admit the presentee”.

- (b) for subsections (2) and (3) there shall be substituted the following subsection—

“(2) Any proceedings on an appeal under this section shall be held in public and any party to such proceedings shall be entitled to appear by counsel or a solicitor.”

- (c) in subsection (4) for the words “judgment of the court” there shall be substituted the words “decision of the archbishop and Dean”;

- (d) for subsection (6) there shall be substituted the following subsections—

“(6) The Dean of the Arches and Auditor may nominate a chancellor to hear, in his place, an appeal under this section with the archbishop, and where any such nomination is made any reference in subsection (1) or (4) above to the Dean shall be construed accordingly.

“(7) In this section ”the archbishop’ means the archbishop of the province in which the benefice is or, where the benefice is in the diocese of the archbishop of that province or the archbishopric of that province is vacant or the archbishop is patron of that benefice, the archbishop of the other province.”

- (2) For section 11 of that Act (rules) there shall be substituted the following section—

“11 Rules.

The Patronage (Appeals) Committee constituted under Schedule 1 to the Patronage (Benefices) Measure 1986 shall have power to make rules—

- (a) prescribing anything to be prescribed under this Act,
 (b) regulating the procedure and practice on or in connection with proceedings on an appeal under section 3 of this Act including, without prejudice to the generality of the preceding provision, rules regulating matters relating to costs, fees and expenses in respect of any such proceedings.”

19 Notice of intention of bishop to institute or collate person to benefice.

- (1) Subject to subsection (3) below, a bishop shall not on a vacancy in a benefice institute or collate any person to the benefice unless after the occurrence of the vacancy a notice in the prescribed form, signed by or on behalf of the bishop, is served on the secretary of the parochial church council of the parish concerned informing him of the bishop's intention to institute or collate that person to the benefice specified in the notice and a period of three weeks has expired since the date of the service of the notice.
- (2) As soon as practicable after receiving a notice under subsection (1) above the secretary shall cause the notice or a copy thereof to be fixed on or near the principal door of every church in the parish and every building licensed for public worship in the parish and to remain affixed thereon for two weeks.
- (3) Subsection (1) above shall not apply in relation to a person designated by or selected under a pastoral scheme or order as the incumbent of any benefice.

Status:

Point in time view as at 01/07/2018.

Changes to legislation:

There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986,
Cross Heading: Institution and collation.