



Patronage (Benefices) Measure 1986

1986 No. 3

PART II

EXERCISE OF RIGHTS OF PRESENTATION

Provisions which apply where benefice remains vacant for ^{F1}18 months]

Textual Amendments

- F1** Words in s. 16 cross-heading substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), 4(5) (with arts. 8, 9)

16 Presentation to benefices remaining vacant for ^{F2}18 months].

^{F3}(1) This section applies where a benefice becomes vacant and, at the end of the period of ^{F4}18 months beginning with the start date specified in the notice under section 7(4)], the bishop has not received—

- (a) a notice of presentation under section 13(6), or
- (b) if the bishop is the registered patron, an acceptance of any offer made by the bishop to collate a priest to the benefice.

(1A) The right of presentation to the benefice shall be exercisable by the bishop in accordance with this section.]

(2) In calculating the period of ^{F5}18 months] mentioned in subsection (1) above, no account shall be taken of any of the following periods, that is to say—

- (a) a period during which the decision of the bishop to refuse to approve the making to a priest of an offer to present him to a benefice is under review by an archbishop,
- (b) a suspension period within the meaning of ^{F6}section 85 of the Mission and Pastoral Measure 2011], ^{F7}or any period during which the benefice is vacant immediately before the declaration of a suspension period or between suspension periods,] and

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- (c) a period during which the exercise of rights of presentation is restricted under ^{F8}section 38 or 87] of that Measure.

^{F9}(3)

^{F9}(4)

- (5) [^{F10}Before deciding on the priest to whom an offer to be collated to the benefice is to be made, the bishop shall consult], the parish representatives and such other persons as he thinks fit, including other persons who in his opinion can also represent the views of the parishioners and, if during the period of [^{F11}18 months] mentioned in subsection (1) above the approval of ^{F12}... the parish representatives to the making of an offer to a priest by the registered patron of the vacant benefice has been refused under section 13 of this Measure, [^{F13}the bishop shall not make any offer to that priest under this section unless the consent of] the parish representatives has been obtained.

[^{F14}(5A) Before the bishop has decided on the priest to whom an offer to be collated to the benefice is to be made, the parochial church council may resolve that the archbishop should instead make the decision; and where the parochial church council so resolves, the secretary to the council shall send a copy of the resolution to the archbishop.

- (5B) Having received a copy of a resolution made under subsection (5A), the archbishop shall proceed to decide to whom an offer to be collated to the benefice is to be made; and once a priest accepts such an offer made by the archbishop, the archbishop shall send the bishop a notice presenting the priest to the bishop for admission to the benefice.]

^{F15}(6)

Textual Amendments

- F2** Words in s. 16 heading substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **4(4)** (with arts. 8, 9)
- F3** S. 16(1)(1A) substituted for s. 16(1) (1.7.2018) by [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 12(1)**, 14(3) (with s. 12(7)); S.I. 2018/722, art. 2(e)
- F4** Words in s. 16(1) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **4(2)** (with arts. 8, 9)
- F5** Words in s. 16(2) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **4(3)** (with arts. 8, 9)
- F6** Words in s. 16(2)(b) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **7(2)(a)**
- F7** Words in s. 16(2)(b) inserted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), **ss. 63(3)**, 66(2); 2007 No. 3, Instrument made by Archbishops
- F8** Words in s. 16(2)(c) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **7(2)(b)**
- F9** S. 16(3)(4) omitted (1.7.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 12(3)**, 14(3) (with s. 12(7)); S.I. 2018/722, art. 2(e)
- F10** Words in s. 16(5) substituted (1.7.2018) by [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 12(4)(a)**, 14(3) (with s. 12(7)); S.I. 2018/722, art. 2(e)
- F11** Words in s. 16(5) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **4(3)** (with arts. 8, 9)
- F12** Words in s. 16(5) omitted (1.7.2018) by virtue of [Mission and Pastoral etc. \(Amendment\) Measure 2018 \(No. 4\)](#), **ss. 12(4)(c)**, 14(3) (with s. 12(7)); S.I. 2018/722, art. 2(e)

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- F13** Words in s. 16(5) substituted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 12(4)(d), 14(3)** (with s. 12(7)); S.I. 2018/722, art. 2(e)
- F14** S. 16(5A)(5B) inserted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 12(5), 14(3)** (with s. 12(7)); S.I. 2018/722, art. 2(e)
- F15** S. 16(6) omitted (1.7.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 12(6), 14(3)** (with s. 12(7)); S.I. 2018/722, art. 2(e)

[^{F16}16A Special procedure for appointment of priest in charge as incumbent

- (1) This section applies where a benefice is vacant and—
 - (a) the bishop is aware that a suspension period in respect of the benefice is shortly to come to an end, or has come to an end, or a restriction on presentation to the benefice is shortly to cease to be in force, or has ceased to be in force, and
 - (b) the bishop proposes that a priest in charge who holds office in respect of the benefice should be admitted to the benefice.
- (2) Where subsection (1) above applies, the bishop may give notice of his proposal to—
 - (a) the registered patron, unless the bishop is the registered patron;
 - (b) the priest in charge; and
 - (c) the parochial church council of each parish belonging to the benefice.
- (3) Upon receiving the notice referred to in subsection (2)(a) above and after the suspension period has come to an end or the restriction has ceased to be in force, the registered patron may, if content with the proposal, send a notice to the bishop presenting the priest in charge to him for admission to the benefice, if the following conditions are satisfied—
 - (a) the priest in charge has stated in writing that he is willing to be admitted to the benefice, and
 - (b) the parochial church council of each parish belonging to the benefice has passed a resolution stating that it approves the proposal that the priest in charge should be admitted.
- (4) No member of a parochial church council who is the priest in charge or the spouse or civil partner of the priest in charge or the registered patron or the representative of the registered patron shall attend a meeting at which the resolution mentioned in subsection (3)(b) is proposed to be considered.
- (5) Unless section 2 of the 2010 Measure applies, where the bishop is the registered patron, and the conditions set out in subsection (3)(a) and (b) are satisfied, he may, after complying with the requirements of section 19, collate the priest in charge to the benefice.
- (6) Where section 2 of the 2010 Measure applies and the bishop is the relevant bishop for the purposes of section 2(2), the bishop shall, if Her Majesty has not given notice under section 2(3), if the conditions set out in subsection (3)(a) and (b) are satisfied, present the priest in charge on behalf of Her Majesty for admission to the benefice.
- (7) Where—
 - (a) the registered patron has given notice in accordance with subsection (3) above, or
 - (b) the bishop has complied with the requirements of section 19 under subsection (5) above, or

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- (c) the bishop has presented the priest in charge on behalf of Her Majesty for admission to the benefice under subsection (6) above,
the provisions of this Measure mentioned in subsection (8) below and section 88(d) of the Mission and Pastoral Measure 2011 shall not apply.
- (8) The provisions referred to in subsection (7) above are sections 7, 11, 12, 13, 14, 15 and 16.
- (9) Where a registered patron (other than the bishop) proposes to send a notice to the bishop in accordance with subsection (3), sections 8 and 9 shall apply as if the notice given by the bishop under subsection (2) were a notice under section 7(4).
- (10) In this section “suspension period” has the meaning assigned to it in section 85(1) of the Mission and Pastoral Measure 2011 and “restriction” means a restriction on the right of presentation to a benefice imposed under section 38 or 87 of that Measure.]

Textual Amendments

- F16** S. 16A inserted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), [ss. 12\(2\), 21\(2\)](#); S.I. 2014/2077, art. 2(2) (with Sch. para. 4)

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