
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

REGISTRATION OF PATRONS

Preparation of list of patrons

- 1 The registrar of each diocese shall before the expiration of the period of one month beginning with the date on which section 1 of this Measure comes into force prepare a list of all the benefices in the diocese which shall specify in relation to each benefice the person who in the opinion of the registrar is entitled to be registered under this Measure as the patron thereof and shall contain, in a case where he considers that more than one person is entitled to be so registered, such information as may be prescribed as to the exercise of the right to present to that benefice upon a vacancy.
- 2 (1) Before the expiration of the period of six weeks beginning with the date on which section 1 of this Measure comes into force the registrar shall—
 - (a) send to each person who is named in the list prepared under paragraph 1 above a notice specifying the benefice or benefices in respect of which the registrar considers he is entitled to be registered and containing such information as may be prescribed (including, in the case of patronage vested in more than one person, prescribed information as to the exercise of the right of presentation),
 - (b) advertise in the prescribed manner such information concerning the list prepared by the registrar and the provisions of this Measure as may be prescribed.
- (2) Any notice under sub-paragraph (1)(a) above shall inform the person to whom the notice is sent that the registrar proposes at the end of the registration period to register that person as a patron of the benefice specified in the notice and also to register the information contained in the notice unless before that date some other person applies to be registered in respect of the same right of patronage or expresses disagreement with that information; and the person to whom the notice is sent shall be required to acknowledge in the prescribed form the receipt of the notice.
- (3) The registrar shall send to the incumbent of the benefice concerned and to the secretary of the parochial church council concerned a copy of any notice sent by him under sub-paragraph (1)(a) above.

Application for registration

- 3 Any person who claims to be a patron of a benefice at the date on which section 1 of this Measure comes into force may before the end of the registration period apply to the registrar of the diocese in which the benefice is situated to be registered as a patron of that benefice, notwithstanding that he is not named on the list prepared by that registrar under paragraph 1 above.

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- 4 Any person to whom a right of patronage of a benefice is transferred after the date on which section 1 of this Measure comes into force shall before the expiration of the period of twelve months beginning with the date on which the transfer takes effect apply to the registrar of the diocese to be registered as a patron of that benefice.
- 5 Any person who claims in relation to any benefice—
- (a) that he is entitled to be registered as a patron of that benefice in place of, or in addition to, any person who is so registered, or
 - (b) that any information registered as to the exercise of a right of presentation to that benefice is incorrect,
- may at any time apply to the registrar of the diocese for the register to be rectified under section 4 of this Measure.
- 6 Any application made under paragraph 3, 4 or 5 above shall be accompanied by such documents and other information as may be prescribed.

Determination of disputes

- 7 Where the registrar—
- (a) decides that any person—
 - (i) who is named in a list prepared under paragraph 1 above, or
 - (ii) who has made an application under paragraph 3, 4 or 5 above,
 is not entitled to be registered as a patron of the benefice concerned; or
 - (b) decides that information which any patron of a benefice wishes to be registered as to the exercise of his right to present to that benefice ought not to be registered; or
 - (c) decides that any person who is registered as a patron of a benefice was not entitled to be so registered; or
 - (d) decides that any information which is registered as to the exercise of a right to present to a benefice is incorrect,
- he shall serve a notice on that person informing him of his decision and of the effect of paragraphs 8 and 9 below.
- 8 A person on whom a notice is served under paragraph 7 above may, before the expiration of the period of twenty-eight days beginning with the date of the notice, appeal against the registrar's decision by sending him a notice of appeal.
- 9 (1) On receiving a notice of appeal under paragraph 8 above the registrar shall refer the appeal to the chancellor of the diocese and the chancellor shall decide whether to uphold the appeal or dismiss it and shall inform the registrar and the appellant of his decision.
- (2) Any proceedings on an appeal to the chancellor of a diocese under this paragraph shall be held in public and any party to such proceedings shall be entitled to appear by counsel or a solicitor.

Rules

- 10 (1) There shall be a committee to be known as the Patronage (Appeals) Committee which shall consist of—
- the Dean of the Arches and Auditor or, if the Dean nominates the Vicar-General of the Province of Canterbury, or the Vicar-General of the Province of York to act in his place, the Vicar-General so nominated;

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one chancellor and one diocesan registrar nominated jointly by the Archbishops of Canterbury and York; and
two persons nominated by the Standing Committee.

- (2) Any three members of the Patronage (Appeals) Committee, one of whom shall be the Dean of the Arches and Auditor or the Vicar-General nominated by the Dean under sub-paragraph (1) above, may exercise all the powers of the Committee.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 10(1): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, Sch. 1; 1998 No. 1, s. 5; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

- ^{F11} The Patronage (Appeals) Committee shall have power to make rules regulating the procedure and practice on or in connection with proceedings on an appeal under this Schedule 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.

Textual Amendments

- F1** S. 11 amended (1.2.1994) by 1993 No. 2, s. 3(7); Instrument dated 1.1.1994 made by Archbishops of Canterbury and York

- 12 (1) Any rules made by the Patronage (Appeals) Committee shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (2) Where the Standing Committee determines that the rules do not need to be debated by the General Synod, then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated, or
- (b) notice is so given by any such member that he wishes to move an amendment to the rules and at least twenty-five other members of the Synod indicate when the amendment is called that they wish the amendment to be moved, the rules shall for the purposes of sub-paragraph (1) above be deemed to have been approved by the General Synod without amendment.
- (3) The ^{M1}Statutory Instruments Act 1946 shall apply to rules approved by the General Synod under this paragraph as if they were statutory instruments and were made when so approved, and as if this Measure were an Act providing that any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C2** Sch. 1 para. 12(2): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, Sch. 1; 1998 No. 1, s. 5; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Marginal Citations

- M1** 1946 c. 36.

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Registration

- 13 (1) In the case of any disagreement as to the person entitled to be registered as patron of a benefice or as to the exercise of the right of presentation, the registrar as soon as practicable after he—
- (a) has determined that a person is entitled to be registered as a patron of a benefice (and has determined the information, if any, to be registered as to the exercise of the right of presentation) and either the period mentioned in paragraph 8 above has expired or the appeal has been dismissed; or
 - (b) has been informed of the decision of the chancellor on an appeal brought under paragraph 9 above, being a decision as to the person entitled to be registered as a patron of that benefice or as to any information to be registered in respect of the exercise of right of presentation,
- shall register that person as a patron of that benefice in the register of patrons accordingly (together with any information to be registered as to the exercise of the right of presentation) and shall inform him that he has done so.
- (2) Unless the person entitled to the right of patronage in question has already been registered under sub-paragraph (1) above, the registrar shall at the end of the registration period register in the register of patrons as a patron of the benefice specified in a notice under paragraph 2 above the person to whom the notice was sent (and the information in that notice) and shall inform him that he has done so.

Notices to parishes

- 14 After the registrar has registered any person as a patron of a benefice he shall within one month from the end of the registration period or, in the case of a right of patronage registered after the end of that period, as soon as practicable after the registration, send to the secretary of the parochial church council of the parish, or of each of the parishes, belonging to the benefice a notice stating that that person has been registered and giving the name and address of that person and particulars of the benefice and of the information which has been registered in relation thereto.

Benefices held in plurality

- 15 The preceding provisions of this Schedule shall have effect for the purpose of enabling any person who is a patron of two or more benefices which are for the time being held in plurality, to be registered as a patron of those benefices while so held subject to the modification that for references to a benefice there shall be substituted references to benefices so held.

Rights of patronage belonging to an office

- 16 Where a right of patronage of a benefice belongs to, or is claimed to belong to, an office, the provisions of this Schedule shall have effect subject to the following modifications—
- (a) the notice required to be sent under paragraph 2(1)(a) shall be sent to the person who then holds that office and shall state the intention of the registrar to register that office as a patron of that benefice;
 - (b) any person who at the time of the application holds that office, and claims that on the date on which section 1 of this Measure comes into force a right of patronage of that benefice belonged to that office, may apply under paragraph 3 for that office to be registered as a patron of that benefice;

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- (c) any person who at the time of the application holds that office (being an office to which a right of patronage has been transferred after the said date) may apply under paragraph 4 for that office to be registered as a patron of that benefice;
- (d) any notice required to be served under paragraph 7 or information required to be given under paragraph 9 or 13 shall be served on or given to the person who then holds that office.

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