



# Patronage (Benefices) Measure 1986

1986 No. 3

## PART II

### EXERCISE OF RIGHTS OF PRESENTATION

#### *General provisions as to filling of vacancies*

#### **9 Information to be sent to designated officer.**

- (1) Before the expiration of the period of two months beginning with the date on which a benefice becomes vacant, [<sup>F1</sup>or the expiration of three weeks after receiving notice of the vacancy from the designated officer under section 7(4) of this Measure, whichever is later,] a registered patron who is an individual shall send to the designated officer of the diocese—
  - (a) the declaration of membership made by him, or
  - (b) the name and address of his representative and the declaration of membership made by that representative.
- (2) Before the expiration of the said period of two months, [<sup>F2</sup>or three weeks, as the case may be,] a registered patron which is a body of persons corporate or unincorporate shall send to the designated officer of the diocese the name and address of the individual who is to act as its representative and the declaration of membership made by that representative.
- (3) Where the functions of a registered patron are to be discharged by the holder of an office, subsection (1) above shall apply to the person who holds that office on the date on which the benefice becomes vacant as it applies to the registered patron.
- (4) Where the functions of a registered patron are to be discharged by the donee of a power of attorney, subsection (1) above shall apply to the donee as it applies to the registered patron except that, if the power is created during the vacancy concerned, there shall be substituted for the period of two months mentioned in that subsection the period of two months beginning with the date on which the power is created, and the information required to be sent under that subsection shall include information as to that date.

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*Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 9. (See end of Document for details)*

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- (5) Where the registered patron or his representative is a clerk in Holy Orders, the registered patron shall, before the expiration of the period during which the declaration of membership is required to be sent to the designated officer under the preceding provisions of this section, notify the designated officer of that fact, and a declaration of membership made by that clerk shall not be required to be sent to the designated officer under this section.
- [<sup>F3</sup>(5A) Subsections (5B) and (5C) apply where the functions of a registered patron are, as a result of paragraph 10 of Schedule 2 to the Mental Capacity Act 2005 (patron's loss of capacity to discharge functions), to be discharged by an individual appointed by the Court of Protection.
- (5B) If the individual is a clerk in Holy Orders, subsection (5) applies to him as it applies to the registered patron.
- (5C) If the individual is not a clerk in Holy Orders, subsection (1) (other than paragraph (b)) applies to him as it applies to the registered patron.]
- (6) As soon as practicable after receiving information under this section as to the appointment of a representative, the designated officer shall send to the secretary of the parochial church council the name and address of that representative.

#### **Textual Amendments**

- F1** Words in s. 9(1) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), **Sch. 3 para. 26(a)** (with s. 18); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F2** Words in s. 9(2) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), **Sch. 3 para. 26(b)** (with s. 18); Instrument dated 27.5.1992 made by the Archbishops of Canterbury and York.
- F3** S. 9(5A)-(5C) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 34(3)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 9.