Mission and Pastoral Measure 2011

2011 No. 3

PART 5

CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

Changes in benefices, parishes, extra-parochial places, archdeaconries and deaneries

31 Creation, alteration or dissolution of benefices, parishes and extra-parochial places

(1) A pastoral scheme may provide for any of the following matters—

(a) for the creation, whether by union or otherwise, of new benefices or parishes;

(b) for the dissolution of existing benefices or parishes;

(c) for the alteration of the areas of existing benefices or parishes (including the transfer of a parish from one benefice to another) or the definition of their boundaries;

(d) for the creation of new extra-parochial places, the incorporation in parishes of existing extra-parochial places, or the alteration or definition of the boundaries of existing extra-parochial places.

(2) A pastoral scheme shall name every new benefice and new parish created by the scheme, and may alter the name of any benefice or parish.

(3) A pastoral scheme providing for the union of two or more benefices may provide for uniting all the parishes within a new benefice, or for uniting some but not all those parishes, or may leave them as separate parishes.

(4) A pastoral scheme may provide for the creation of a new parish with full parochial status, notwithstanding that the parish so created will have no parish church when the provision comes into operation.

[[F1](4A) A pastoral scheme providing for the creation of a new parish may include provision for securing representation of the new parish on the deanery synod during the period which—

(a) begins with the creation of the new parish, and

(b) ends with the next ordinary election of parochial representatives from that parish under Rule 19 of the Church Representation Rules.**]**

(5) A pastoral scheme may also authorise the making of sharing agreements on behalf of the Church of England in respect of a church or parsonage house which under the agreement will be in the joint ownership of that Church and any other Church.

(6) A pastoral scheme authorising the making of any sharing agreement shall specify the church or parsonage house to which it relates, and may specify terms and conditions subject to which the authorisation is given.

Textual Amendments

F1 S. 31(4A) inserted (1.1.2020) by Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 32**; S.I. 2019/1460, art. 2

Commencement Information

I1 S. 31 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

32 Holding of benefices in plurality

(1) A pastoral scheme may provide for the holding in plurality of any two or more benefices subject to such conditions, if any, as may be specified in the scheme.

(2) The provisions of a pastoral scheme for the holding of benefices in plurality shall, unless the scheme otherwise provides, continue in force notwithstanding the occurrence of any vacancy:

Provided that, when the bishop gives notice of any vacancy or impending vacancy under section 7 of the Patronage (Benefices) Measure 1986 (1986 No. 3) those provisions may be terminated either by the bishop or by one of the interested parochial church councils, as follows:

(a) the bishop may state in the notice that the provisions are to be terminated and shall in that case serve the notice on all the persons who are or, on the termination, become the patrons of the benefices concerned and on the Commissioners and the said provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later; or

(b) any interested parochial church council may, within 28 days after the service of the notice, pass a resolution that the provisions are to be terminated, and shall forthwith notify the bishop of the resolution, and the bishop shall notify the other interested parochial church councils, the Commissioners and all the persons who are or, on the termination, become, the patrons of the benefices concerned, and the provisions shall cease to have effect on the vacancy or the service of the notice, whichever is the later, and the bishop shall serve a fresh notice under section 7 of that Measure on all the councils and patrons concerned, which shall have effect in substitution for the previous notice.

(3) The termination of the provisions under subsection (2) shall be without prejudice to any provisions relating to the future exercise of the rights of patronage of the benefices concerned in the event of a renewal of the plurality.

(4) Except with the leave of the bishop, an incumbent of two or more benefices held in plurality may not resign any of those benefices without resigning the other or others; and, if leave is granted for the resignation and there are at least two other benefices, the resignation shall not affect the holding in plurality of those other benefices, but the Commissioners may by instrument make such consequential amendments of the pastoral scheme which provided for the holding of the benefices in plurality as they think necessary.

Commencement Information
I2 S. 32 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

33 Archdeaconries and deaneries

A pastoral scheme—

(a) may provide for creating, altering or dissolving an archdeaconry or deanery, and shall name any new archdeaconry or deanery created by the scheme;

(b) shall, where necessary, designate the archdeaconry or deanery to which any parish created or altered by the scheme is to belong;

(c) may alter the name of any archdeaconry or deanery.

Commencement Information
I3 S. 33 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Team and group ministries

34 Establishment of team ministries

(1) A pastoral scheme may make provision for the establishment of a team ministry for the area of any benefice, and such a scheme shall provide—

(a) for the sharing of the cure of souls in that area by the incumbent of the benefice which, if it is not or would not otherwise be a rectory, shall be a rectory and one or more other ministers who shall have the title of vicar and a status equal to that of an incumbent of a benefice; and

(b) for the pastoral care of persons in that area by those who are to share the cure of souls therein together with all other persons who are from time to time authorised by a licence or permission of the bishop to serve in that area as members of the team.

The persons who are to share the cure of souls in the said area shall constitute the team chapter, and the team chapter together with the other persons referred to in the scheme by virtue of paragraph (b) of this subsection shall constitute the team.

(2) The office of a rector in a team ministry who is not subject to Common Tenure and who holds his or her office for a term of years shall be held by each holder thereof for the specified term of years; but the fact that the office is held for a term of years shall not affect its other attributes as a benefice and, in particular, the rector shall be a

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Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Part 5. (See end of Document for details)*

corporation sole and as such hold the property of the benefice during his or her term of office.

[[F2](2A) A person ordained to the office of deacon may be authorised under subsection (1)(b) by licence of the bishop–

(a) to serve in a team ministry as a member of the team; and

(b) for the purposes of the team ministry to perform, so far as consistent with the office of deacon, all such offices and services as may be performed by an incumbent.**]**

(3) No person shall be authorised under subsection (1)(b) by licence of the bishop to serve in a team ministry as a member of the team unless he or she has been nominated for that purpose by the rector with the consent of a majority of the other members of the team and of each parochial church council concerned:

Provided that it shall not be necessary for the person concerned to be nominated for the purpose by the rector where that person is authorised to serve in a team ministry for a period immediately following a period of service in the team ministry.

(4) A pastoral scheme establishing a team ministry may provide for the designation or selection of the first rector (who may be the existing incumbent) or the first holder of any office of vicar but, subject to any such provision—

(a) the rector shall be presented or collated to the benefice, as the circumstances require, in accordance with paragraph 1 of Schedule 3 and the provisions of the scheme made under that paragraph;

(b) the vicar or vicars shall be chosen in accordance with paragraph 2 of that Schedule, shall be appointed to the office by licence of the bishop under seal and, unless the bishop otherwise directs, shall be publicly admitted in a church in the area.

(5) Where a pastoral scheme designates a person as the first holder of the office of vicar in a team ministry, the bishop shall offer to issue a licence appointing him to the office, and if that person does not accept the offer within one month after it is made to him or her, the designation shall cease to have effect.

(6) The rector in a team ministry shall have a general responsibility for the cure of souls in the area of the benefice, which may be subject to any special cure or special responsibility given to a vicar as provided in this section, and shall be responsible for the leadership of the team [F3]... .

(7) A vicar in a team ministry shall by virtue of his office, but subject to his licence, have authority to perform in the area of the benefice all such offices and services as may be performed by an incumbent, and [F4]... the bishop's licence may—

(a) assign to a vicar a special cure of souls in respect of a part of the said area and, if appropriate, the name of vicar of a church in that part;

(b) assign to a vicar a special responsibility for a particular pastoral function;

(c) provide that any such special cure or responsibility shall be independent of the rector's general responsibility;

(d) assign to a vicar a general responsibility to be shared with the rector for a cure of souls in the area as a whole;

and, if any such provision is made by the bishop's licence, it may [F5]... be varied or revoked, with the consent of the rector and the vicar concerned, by a subsequent licence under seal:

[F6]…

(8) **[**[F7]The bishop's licence may assign to any member of a team ministry**]** who is not a member of the team chapter a special responsibility for pastoral care in respect of a part of the area of the benefice, so far as consistent with that member's office; and, if any such provision is made by the bishop's licence, it may [F8]... be varied or revoked by a subsequent licence under seal.

(9) The Ecclesiastical Jurisdiction Measures 1963 and 1974 shall apply to vicars in a team ministry and deacons in a team ministry **[**[F9]to whom subsection (2A) applies**]** as if they were incumbents of the benefice for the area of which the team ministry is established.

(10) The Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2) shall apply to deacons in a team ministry **[**[F10]to whom subsection (2A) applies**]** as if they were vicars in the team ministry and, accordingly, no person shall be capable of being authorised by licence of the bishop to serve in a team ministry as such a deacon if at the time of the issue of the licence he has attained the age of seventy years.

[F11](11) . . . . . .

[F12](12) . . . . . .

(13) Sub-paragraphs (1), (2)[F13]...and (5) of paragraph 4 of Schedule 3 shall apply to parochial church meetings and parochial church councils in the area of a benefice for which a team ministry is established, and for the election of district church councils and churchwardens, and, if the area comprises more than one parish, for establishing a team council and empowering that council to exercise certain powers.

(14) Where two or more benefices are, or are to be, held in plurality, and a team ministry is established or is to be established for the area of one of those benefices, a pastoral scheme may provide for extending the operation of the team ministry, so long as the plurality continues, to the area of any other benefice so held, and subsections (6), (7) and (13) and the provisions of Schedule 3 referred to in those subsections shall have effect as if the references to the area of the benefice were references to the combined area of the benefices concerned.

[F14](15) . . . . . .

(16) Where a benefice for which a team ministry is established becomes vacant the bishop may appoint a person holding the office of vicar in the team ministry to act as rector in the team ministry for the purposes of subsections (3) **[**[F15]and (6)**]**, and any person so appointed shall be deemed to hold the office of rector in the team ministry for the purposes of those subsections while the benefice remains vacant.

(17) In this section "specified term of years" in relation to a team ministry means such term of years as may for the time being be specified for the team ministry for the purposes of subsection (2) by a pastoral scheme or pastoral order; and in the case of a team ministry for which no term of years is so specified seven years shall be deemed to be the specified term of years for the purposes of that subsection.

[F16](18) . . . . . .

Textual Amendments

F2 S. 34(2A) inserted (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 1(2)**

F3 Words in s. 34(6) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(1)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)

F4 Words in s. 34(7) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(2)(a)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)

F5 Words in s. 34(7) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(2)(b)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)

F6 Proviso repealed (17.11.2014) by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 (No. 2), s. 4(2), **Sch.**; S.I. 2014/5, art. 2

F7 Words in s. 34(8) substituted (1.10.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(3)(a)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)

F8 Words in s. 34(8) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(3)(b)**, 14(3); S.I. 2018/722, art. 3(e) (with Sch. para. 2)

F9 Words in s. 34(9) inserted (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 1(3)**

F10 Words in s. 34(10) inserted (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 1(4)**

F11 S. 34(11) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(4)(a)**, 14(3); S.I. 2018/722, art. 3(e)

F12 S. 34(12) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(4)(b)**, 14(3); S.I. 2018/722, art. 3(e)

F13 Word in s. 34(13) omitted (1.1.2020) by virtue of Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 33**; S.I. 2019/1460, art. 2

F14 S. 34(15) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(4)(c)**, 14(3); S.I. 2018/722, art. 3(e)

F15 Words in s. 34(16) substituted (1.10.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(5)**, 14(3); S.I. 2018/722, art. 3(e)

F16 S. 34(18) omitted (1.10.2018) by virtue of Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 5(4)(d)**, 14(3); S.I. 2018/722, art. 3(e)

Commencement Information

I4 S. 34 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

35 Establishment of group ministries

(1) A pastoral scheme may provide for establishing for a group of benefices specified in the scheme a group ministry to which the following provisions shall apply—

(a) each of the incumbents of the benefices in the group shall have authority to perform in the area of every such benefice all such offices and services as may be performed by the incumbent of that benefice;

(b) the incumbent of any such benefice shall, in performing such offices and services in the area of another benefice, act in accordance with the directions of the incumbent of that other benefice;

(c) it shall be the duty of all the incumbents to assist each other so far as to make the best possible provision for the cure of souls throughout the area of the group ministry:

F17 …

(2) Where a group ministry is established, the rights and duties aforesaid of each incumbent shall attach to his or her office, and accordingly, so long as the group ministry continues and the benefice is included therein, the incumbent shall not be entitled to resign or withdraw from those rights and duties, except by resigning the

benefice, and on a vacancy the new incumbent shall be admitted to the benefice as an office in the group ministry, with the rights and subject to the duties of the office.

(3) A pastoral scheme establishing a group ministry may provide for the designation or selection of the first person (who may be the existing incumbent) to hold any benefice as a benefice in the group, but, otherwise, the incumbent of any such benefice shall be presented or collated to the benefice by the patron thereof, with the approval of the bishop (in the case of presentation) given in accordance with paragraph 3 of Schedule 3.

(4) The incumbents in a group ministry shall meet as a chapter for the purpose of discussing and reaching a common mind on all matters of general concern or special interest to the group ministry; and a pastoral scheme may provide for the Chair of the chapter and, in default of such provision, the members shall elect a person to be known as the "Chair", normally for a term of three years; and the Chair shall convene meetings of the chapter at regular intervals and shall preside when present, and in his absence a deputy Chair appointed by the meeting shall preside.

[F18](5) . . . . . .

(6) A pastoral scheme may include in a group ministry a benefice for which a team ministry is established, and in that case the provisions of this section shall apply to all the vicars in the team ministry, as well as to the rector, in like manner as they apply to the incumbents of the other benefices in the group, except that directions to those incumbents in respect of their ministry in the area of the benefice for which the team ministry is established shall only be given by the rector.

(7) In this section, except subsections (2) and (3), "incumbent" includes a priest in charge.

Textual Amendments

F17 Proviso repealed (17.11.2014) by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 (No. 2), s. 4(2), **Sch.**; S.I. 2014/5, art. 2

F18 S. 35(5) omitted (1.1.2020) by virtue of Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 34**; S.I. 2019/1460, art. 2

Commencement Information

I5 S. 35 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

36 Termination and alteration of team ministries and group ministries

(1) Without prejudice to the generality of the powers of revocation and amendment of pastoral schemes, a pastoral scheme may—

(a) terminate a team ministry by abolishing the offices of the vicars;

(b) alter a team ministry by abolishing one or more of the offices of the vicars or increasing the number of such offices;

(c) alter a team ministry by providing for the right of presentation of the rector to be transferred to a patronage board constituted by the scheme or to the diocesan board of patronage;

(d) alter a team ministry by providing for the vicars of the team to be chosen by the body entitled to present the rector, in accordance with paragraph 2(1) of Schedule 3;

(e) terminate a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 35;

(f) alter a group ministry by reducing or increasing or changing the benefices in the group;

(g) provide for such supplementary, consequential or transitional provisions as may be necessary or expedient, including in particular the provision relating to patronage required by paragraph 1(14) of Schedule 3 and provisions relating to the matters mentioned in paragraph 4 of that Schedule.

(2) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, the offices of the vicars in the team ministry (as well as the office of rector) shall cease to exist, without prejudice to the creation of such offices for any benefice created or altered by the scheme.

Commencement Information

I6 S. 36 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Other provisions as to clergy and ministry

37 Status and duties of new benefices

(1) Where a pastoral scheme provides for the union of two or more benefices one of which is a rectory, the new benefice created by the union shall be a rectory.

(2) Where a pastoral scheme provides for the dissolution of a rectory, otherwise than as a result of a union of benefices, any new benefice created in consequence of the dissolution shall, if the scheme so provides, be a rectory.

(3) Subject to subsections (1) and (2), and except in the case of a benefice for which a team ministry is established, every new benefice created by a pastoral scheme shall be a vicarage.

(4) Any question under this section whether a benefice is or was a rectory shall be determined by the Commissioners.

(5) The rector or vicar of a new benefice created by a pastoral scheme shall have the exclusive cure of souls in the area of the benefice, subject to the rights of the bishop of the diocese and, if there is a team or group ministry established for the benefice, to the rights and duties of the other members of the team or group, and shall accordingly have all the rights and duties appertaining to a benefice with cure of souls, and shall be a corporation sole.

(6) Where any office attaches to a benefice which is united with any other benefice or benefices by a pastoral scheme, that office shall attach to the new benefice created by the union unless the scheme otherwise provides.

Commencement Information

I7 S. 37 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

38 Designation, selection and admission of certain incumbents

(1) A pastoral scheme providing for the creation of a new benefice may provide for the designation or selection of the first incumbent of the new benefice and of the incumbent of any benefice concerned which falls vacant before the new benefice comes into being, and for restricting rights of presentation on any such vacancy.

(2) A pastoral scheme providing for the transfer, under section 31(1)(c), of a parish from one benefice to another may, if there is a vacancy in the office of incumbent in the benefice to which the parish is transferred at the time when the transfer takes effect, provide for the designation or selection of the incumbent of that benefice and for restricting rights of presentation on the vacancy.

(3) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the designation or selection of the incumbent who is to hold all the benefices concerned and of the incumbent of any such benefice falling vacant before all the said benefices come to be held in plurality, and for restricting rights of presentation on any such vacancy.

(4) Subsections (1), (2) and (3) shall not apply for the first rector of a team ministry or the first incumbent of a benefice in a group ministry to whom sections 34(4) and 35(3) respectively apply.

(5) Paragraph 5 of Schedule 3 shall apply with respect to the admission and induction of incumbents of benefices created or affected by pastoral schemes in accordance with the provisions of that paragraph.

Commencement Information

I8 S. 38 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

39 Operation of schemes dispossessing clergy or dissolving archdeaconries or deaneries

(1) A provision of a pastoral scheme which dissolves any benefice, archdeaconry or deanery or abolishes or results in the abolition of any office of vicar in a team ministry **[**[F19]or any other ecclesiastical office held under Common Tenure**]**may be brought into operation without the assent of the incumbent, archdeacon, rural dean **[**[F19]or other office holder**]** and without waiting for a vacancy in the benefice, archdeaconry, deanery or office.

(2) If, on the date of the coming into operation of any provision of a pastoral scheme—

(a) for the holding of benefices in plurality, or

(b) for the establishment of a team ministry for the area of a benefice, or

(c) for the establishment of a group ministry for a group of benefices;

any of the benefices concerned, or the benefice concerned, is not vacant, and the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or any appointment under the scheme or this Measure, the benefice shall be deemed to be vacated on the said date.

(3) A pastoral scheme any provision of which will or may have the effect of vacating a benefice under subsection (2) or of dissolving a benefice or archdeaconry which is not already vacant or of abolishing the office of a vicar in a team ministry **[**[F20]or any

other ecclesiastical office held under Common Tenure**]**which is not already vacant **[**[F21], where the holder of the office is entitled to receive a stipend or other emoluments of office including the provision of accommodation, **]**shall provide that the provision is not to come into operation until a date at least six months after the date on which the scheme is made under this Measure or, if the operation thereof is dependent on the happening of any event or contingency (other than a vacancy in the office concerned), until a date at least six months after that happening: Provided that—

(a) this subsection shall not apply to a benefice which is dissolved if the incumbent of that benefice is designated by the scheme as the first incumbent of any benefice created or affected by the scheme or as the first holder of any office of vicar in a team ministry established by the scheme, nor shall it apply to an office of vicar in a team ministry which is abolished if the holder of that office is designated by the scheme as the first incumbent of any benefice created or affected by the scheme or as the first holder of any office of vicar in a team ministry established by the scheme;

(b) the scheme may provide that if, owing to a subsequent vacancy, any such provision will not have the effect mentioned in paragraph (a), it shall come into operation either on the date of confirmation of the scheme or the happening of the event or contingency or on the vacancy, whichever last occurs.

(4) If, on the coming into operation of any provision to which subsection (3) applies, the official residence of the incumbent, archdeacon **[**[F22]or other office holder**]** concerned, being the parsonage house or the house held on trust for use as such a residence, is not vested in the diocesan board of finance, the said board shall have a right to take proceedings to recover possession of the residence.

Textual Amendments

F19 Words inserted (1.7.2012) and words after "rural dean" substituted by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 2(a)**

F20 Words inserted (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 2(b)**

F21 Words inserted (6.8.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 19(5)**; S.I. 2014/2077, art. 2(1) (with Sch. para. 6(2))

F22 Words substituted (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 2(c)**

Commencement Information

I9 S. 39 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

[[F23]40 Compensation of office-holders

Schedule 4 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure and incumbents and archdeacons who are not) has effect.**]**

Textual Amendments

F23 S. 40 substituted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 6(1)**, 14(3); S.I. 2018/722, art. 2(a) (with Sch. para. 3)

Churches, churchyards and parsonage houses

41 Provisions as to parish churches

(1) A pastoral scheme may, in relation to any parish, including a new parish to be created by the scheme or a parish the area of which is to be altered by the scheme —

(a) designate as the parish church or as an additional parish church, or as parish churches or additional parish churches, any church or churches in the parish;

(b) provide for a church in the parish which immediately before the scheme comes into operation is a parish church to cease to be a parish church;

(c) provide for a new church and for it to become, after its approval by the bishop, after consultation with the diocesan advisory committee and the mission and pastoral committee as suitable to be a parish church and its consecration, the parish church, or an additional parish church, of the parish either in substitution for an existing parish church or otherwise;

(d) require the bishop to notify the Commissioners of his approval of a building or church as suitable to be a parish church and of its consecration.

(2) The designation by a pastoral scheme as a parish church of a building which immediately before the scheme comes into operation is not a parish church shall not take effect unless and until it has been approved by the bishop, after consultation with the diocesan advisory committee and the mission and pastoral committee, as suitable to be a parish church and, if necessary, the building has been consecrated.

(3) If the area of a parish is altered by a pastoral scheme but no provision with respect to the churches in that area is made by the scheme, every church in that area shall have the same status on and after the date on which the scheme comes into operation as it had immediately before that date.

(4) Where, in a parish which has no parish church, a church is approved by the bishop, after consultation with the diocesan advisory committee and the mission and pastoral committee as suitable to be a parish church and is consecrated, it shall become the parish church of that parish.

(5) Where by virtue of a designation made by a pastoral scheme or otherwise a parish has more than one parish church, the following provisions shall apply—

(a) the parishioners of the parish shall have the same rights of worship in each of the parish churches;

(b) marriages may be solemnized in any of the parish churches, and the bishop may give directions under section 23 of the Marriage Act 1949 (12, 13 & 14 Geo. 6 c. 76), as extended by paragraph 12(4) of Schedule 3 to this Measure, with respect to the publication of banns and solemnization of marriages in the parish churches;

(c) burial rights shall not be affected by the designation, but shall be governed by paragraph 13 of Schedule 3;

(d) the powers, duties and liabilities of the parochial church council of the parish shall extend to each of the parish churches;

and the pastoral scheme may make such other adaptations or modifications of enactments relating to parish churches or churchwardens (including this section) as may be necessary or expedient.

(6) It shall be lawful in any church designated by a pastoral scheme as a parish church or becoming a parish church under this section, to publish banns of matrimony, solemnize

marriages and perform all other such ecclesiastical offices as may be performed in a parish church.

(7) A pastoral scheme may provide for determining claims to sittings and other claims in respect of a church designated by a pastoral scheme as a parish church or becoming a parish church under this section.

(8) A pastoral scheme may provide for transferring to a church designated by such a scheme as a parish church or becoming a parish church under this section register books or records from any other church ceasing to be a parish church or otherwise affected by or in pursuance of that or any other pastoral scheme or for those books or records to be dealt with as the bishop of the diocese in which that other church is may direct under section 19 of the Parochial Registers and Records Measure 1978 (1978 No. 2).

In this subsection "register books" and "records" have respectively the same meanings as in that Measure.

Commencement Information

I10 S. 41 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

42 Closure of churches for regular public worship

(1) A pastoral church buildings scheme may make a declaration of closure for regular public worship in respect of—

(a) a church which is not required as a parish church or chapel of ease or will cease to be so required as a result of any provision of the scheme; or

(b) any part of a church (being a parish church or chapel of ease) which is no longer required for use as a part of the church or will cease to be so required as a result of any provision of the scheme;

and in that case provision may be made in accordance with Part 6, either by the scheme (in the circumstances specified in sections 58 and 59) or by a scheme made under Part 6 for the use, the care and maintenance, the vesting in the diocesan board of finance or the demolition of the church or part of the church to which the declaration relates (in this Measure referred to as the building closed for regular public worship), and also for dealing with a churchyard or other land annexed or belonging to the church.

(2) A declaration of closure for regular public worship may be made in respect of a parish church notwithstanding that the parish will have no parish church when the declaration takes effect, and the status of the parish shall not be affected by the lack of a parish church.

(3) As from the date when a declaration of closure for regular public worship takes effect in respect of the whole of a church, the church shall be closed for public worship except as may be provided under Part 6.

Commencement Information

I11 S. 42 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

43 Places of worship

(1) Where a parish has no church, the bishop shall make provision for public worship according to the rites and ceremonies of the Church of England by licensing one or more buildings or parts of buildings for public worship.

(2) The bishop may designate any church in any parish, other than a parish church, or any building or part of a building licensed for public worship in any parish, as a parish centre of worship and thereupon, but subject to subsections (3) and (4), for the purposes of—

(a) the Marriage Act 1949 and paragraph 12 of Schedule 3 to this Measure,

(b) any other enactment (including this Measure), or rule of law requiring or authorising any service or ceremony to be held or notices to be affixed or other thing done in or at the parish church or a parish church,

a church, building or part of a building so designated shall be deemed, while the designation is in force, to be a parish church.

(3) Where a church, building or part of a building in a parish has been so designated and the parish has no parish church, then, if the persons to be married so elect, they may proceed under sections 6 and 15 of the Marriage Act 1949 (which contain provisions whereby parishes in which there is no parish church are deemed to belong to adjoining parishes) as if the church, building or part had not been so designated; and this subsection shall have effect notwithstanding that there is in the parish a church or chapel licensed for marriages or a church or chapel in which divine service is usually solemnized every Sunday.

(4) A building or part of a building so designated shall not by virtue only of the designation be subject to the faculty jurisdiction, but without prejudice to the power of the bishop under **[**[F24]section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018**]** to direct that it shall be so subject.

(5) A designation under this section may be revoked by the bishop, but without prejudice to the continuation in force of any licence thereunder, if the bishop thinks fit.

(6) Any such designation or revocation shall be under seal and shall be registered in the registry of the diocese, and the registrar of the diocese shall give public notice of the designation or revocation in one or more newspapers circulating in the locality.

Textual Amendments

F24 Words in s. 43(4) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 3 para. 17** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Commencement Information

I12 S. 43 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

44 Use of certain churchyards and burial grounds

(1) Subject to the following provisions of this section, a pastoral scheme may provide for the appropriation of the whole or any part of—

(a) a churchyard or other land annexed or belonging to a church or to a parish church cathedral within the meaning of the Cathedrals Measure 1963 (1963 No. 2), or

Status: *Point in time view as at 01/09/2020.*
Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Part 5. (See end of Document for details)*

(b) any burial ground vested in the incumbent of the benefice but not annexed or belonging to a church, or

(c) any other burial ground which is subject to the jurisdiction of the bishop of any diocese,

to such use or uses as may be specified or generally described in the scheme, and the scheme may provide for the disposal of any such property for any such use or uses or without limitation of use.

(2) Subsection (1) shall not apply to a churchyard or other land annexed or belonging to a church to which a declaration of closure for regular public worship relates unless the scheme by which provision was made for the use, the care and maintenance, the vesting in the diocesan board of finance or the demolition of the church contained no provision for dealing with the land which is to be the subject of the proposed scheme.

(3) In the case of a churchyard or other land annexed or belonging to a church or a burial ground adjacent to a church, the pastoral scheme shall make such provision as appears to the bishop and the Commissioners to be desirable for safeguarding the use and amenities of the church or to be necessary for preserving a right of access to any grave in that land or burial ground.

(4) A scheme providing for the matters referred to in this section shall have effect notwithstanding section 3 of the Disused Burial Grounds Act 1884 (47 & 48 Vict. c. 72) (which prohibits the erection of buildings on disused burial grounds), if one or other of the following conditions is satisfied, namely—

(a) that no person has been buried in any of the land to which the provisions apply during the period of fifty years immediately before the making of the scheme; or

(b) that no relative or personal representative of any deceased person buried in the land during that period has objected to the draft scheme, or all such objections have been withdrawn;

and that section shall otherwise apply.

(5) Any scheme providing for the matters referred to in this section may also make provision for the vesting of the property and for applying in relation thereto, with such modifications as may be specified in the scheme, any of the provisions of Part 6 relating to the appropriation, disposal and vesting of property, rights of way and other easements, the removal of the legal effects of consecration and the imposing of covenants; and the provisions of Part 6 relating to the disposal of human remains shall apply to the property.

(6) In this section "burial ground" means any land set apart and consecrated for the purpose of burials whether or not burials have taken place in the land.

[[F25](7) In this section "relative", in relation to a person, means—

(a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

(b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

(8) The reference in subsection (7)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.**]**

Textual Amendments

F25 S. 44(7)(8) inserted (1.9.2020) by Church of England (Miscellaneous Provisions) Measure 2020 (No. 1), **ss. 6(9)**, 16(3); S.I. 2020/835, art. 2

Commencement Information

I13 S. 44 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

45 Parsonage houses

(1) A pastoral scheme may provide for any of the following matters—

(a) the designation of any house belonging to a benefice as the place of residence of the incumbent of any benefice created or affected by the scheme or of the incumbent of any benefices to be held in plurality, by or by virtue of the scheme;

(b) the designation of any house as the place of residence of any vicar in a team ministry established for the area of any benefice by or by virtue of the scheme;

(c) the transfer to the incumbent of any benefice as his official residence, or as a site therefor, of a parsonage house, part of a parsonage house, a house situated on diocesan glebe land, any parsonage land or any diocesan glebe land **[**[F26]or any land held by a Parsonages Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009**]**;

(d) the transfer of a parsonage house, part of a parsonage house **[**[F27], a house or part of a house which, before it became diocesan glebe land under a pastoral scheme, was a parsonage house or part of a parsonage house **]** or any parsonage land to the diocesan board of finance to be held by the board as part of the diocesan glebe land of the diocese or for disposal in accordance with paragraph 8 of Schedule 3 or for use for parochial or diocesan purposes.

[[F28](e) the transfer of a parsonage house, part of a parsonage house or any parsonage land to a Parsonages Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009.**]**

(2) The power under paragraph (a) or (b) of the preceding subsection to designate a house as the place of residence of an incumbent or a vicar in a team ministry shall be without prejudice to the subsequent exercise of any power to dispose of the house or to the subsequent exercise by the bishop of any power he may have to give directions as to the place where the incumbent or vicar is to reside.

(3) Where in exercise of the power under paragraph (d) of subsection (1) a parsonage house or part thereof is to be transferred to the diocesan board of finance, but any land held with that house is not to be so transferred, the pastoral scheme which provides for the transfer may also provide that that land shall be deemed to be parsonage land for the purposes of **[**[F29]the Church Property Measure 2018**]**.

(4) In this section "diocesan glebe land" and "parsonage land" have the same meanings respectively as in that Measure.

Textual Amendments

F26 Words in s. 45(1)(c) added (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 4(a)**

F27 Words in s. 45(1)(d) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 19(6)**; S.I. 2014/1369, art. 2

F28 S. 45(1)(e) added (1.7.2012) by The Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012 (S.I. 2012/992), arts. 1(2), 2, **Sch. para. 4(b)**

F29 Words in s. 45(3) substituted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 24**; S.I. 2019/97, art. 2

Commencement Information

I14 S. 45 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Patronage

46 Provisions as to patronage

(1) A pastoral scheme may, with the consent of the registered patron or patrons concerned and of the person to whom the rights of patronage are to be transferred, provide for the exchange or transfer of rights of patronage of any benefice or church, whether or not that benefice or church is otherwise affected by the scheme.

(2) A pastoral scheme creating any new benefice may provide for vesting the patronage of the benefice in a patron or patrons and, where necessary, for determining the manner in which the rights of patronage are to be exercised.

(3) Without prejudice to the generality of subsections (1) and (2), a pastoral scheme (whether it relates only to an existing benefice or provides for the creation of a new benefice) may with the consent of the registered patron or patrons of any benefice affected by the scheme provide for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a special patronage board constituted by the scheme.

(4) A special patronage board constituted by a pastoral scheme by virtue of subsection (3) shall consist of such members as the scheme may provide, and the scheme may designate the member who is to be chairman of the board; and the following provisions of paragraph 1 of Schedule 3 shall apply to such a patronage board as they apply to a patronage board constituted by a pastoral scheme establishing a team ministry, that is to say—

(a) sub-paragraph (6), so far as it relates to any member of a board;

(b) sub-paragraphs (7), (8) and (9), so far as they relate to the entitlement to votes of any member of a board;

(c) sub-paragraph (10), and

(d) sub-paragraph (12), so far as it relates to the transfer of the rights to be members of a board.

(5) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including their exercise on a renewal of the provision for plurality.

(6) Where any benefice is dissolved by a pastoral scheme, or a chapel of ease becomes a parish church by virtue of a pastoral scheme, the rights of patronage of the benefice and any rights of patronage of the chapel of ease shall cease to exist.

(7) In the exercise of the powers conferred by this section regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral

scheme and to the interests of patrons of benefices to be held in plurality, but it shall not be necessary for the scheme to provide, in cases where there are pastoral or practical objections, for conferring new patronage rights on all or any of those persons or sharing the exercise of the patronage rights of the benefices to be held in plurality among the patrons of those benefices or all of them.

(8) Any provision with respect to rights of patronage made by or by virtue of this section shall have effect subject to any provisions made by virtue of section 38 with respect to the incumbents and vacancies mentioned in that section.

(9) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or (5) may also, in appropriate cases, provide for applying to those rights any trusts formerly applicable to rights extinguished or altered by or by virtue of the scheme.

(10) Nothing in this section shall affect the provisions of sections 34(4) and 35(3) and paragraphs 1, 2 and 3 of Schedule 3, and accordingly any rights of patronage exchanged or transferred or created by or under this section shall, on the establishment of a team or group ministry for the benefices concerned, have effect subject to those provisions.

Commencement Information
I15 S. 46 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Endowments, stipends and other remuneration

47 Provisions as to endowments, income, etc.

(1) A pastoral scheme may provide, on such terms and conditions as may be specified, that the whole of the income of the endowments of a benefice, or a specified annual amount thereof, or the excess over a specified amount thereof, shall be paid to the income account of the diocesan stipends fund.

For the purposes of this subsection two or more benefices which are held in plurality or are to be held in plurality by virtue of the scheme may be treated as if they constituted one benefice and as if the aggregate of the income of their endowments were the income of the endowments of that one benefice.

(2) The powers conferred by subsection (1) shall only be exercised with respect to the income of the endowments of any benefice (not being a benefice which ceases to exist by virtue of the scheme) in the following cases—

(a) where the provision is to take effect during a vacancy or on the occurrence of a vacancy in the benefice; or

(b) where the incumbent of the benefice consents; or

(c) where the aggregate of the income derived from the following sources, namely, the income of the endowments of the benefice (disregarding any gift or bequest made during the existing incumbency), any guaranteed annuity payable in respect of the benefice under the Endowments and Glebe Measure 1976 and any personal grant to which the incumbent of the benefice is entitled under that Measure, is not to be reduced below the amount thereof when the incumbent was admitted; or

(d) where the benefice is to be held in plurality and the provision will only operate during the continuance of the plurality;

and the Commissioners shall in every case satisfy themselves that the income derived from the sources mentioned in paragraph (c) is sufficient to support the incumbent.

(3) Any provision made under subsection (1) may be revoked, or may be varied so as to reduce the amount of the income payable under that subsection, by the Commissioners with the consent of the bishop and the diocesan board of finance.

(4) Where a benefice is dissolved by a pastoral scheme, in consequence of a union of benefices, and the diocesan board of finance holds moneys for expenditure on capital purposes in connection with a parsonage house for the benefice or moneys arising from or in connection with the disposal of a parsonage house of the benefice, **[**[F30]section 13 of the Church Property Measure 2018**]** shall apply to all such moneys as it applies to moneys arising from the sale of property of the benefice under **[**[F31]Part 1 of**]** that Measure, and shall have effect with the modification that references to the benefice for which the money was held or to which the property belonged shall be construed as references to the new benefice created by the union.

(5) Notwithstanding anything in **[**[F32]section 13 of the Church Property Measure 2018**]** (application of moneys derived from sale, etc. of benefice property), a pastoral scheme may provide that any moneys arising from any sale or exchange under **[**[F33]Part 1 of**]** that Measure of any part of the property of a benefice specified in the scheme, or so much of those moneys as may be so specified, shall—

(a) be held by the diocesan board of finance for the benefit of any other benefice so specified; or

(b) be paid into the capital account of the diocesan stipends fund; or

(c) be paid into the diocesan pastoral account; or

(d) be applied towards the provision, restoration, improvement or repair of a church or a place of worship within the meaning of section 58 or a parsonage house or a house for a vicar in a team ministry or an assistant curate.

Textual Amendments

F30 Words in s. 47(4) substituted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 25(2)(a)**; S.I. 2019/97, art. 2

F31 Words in s. 47(4) inserted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 25(2)(b)**; S.I. 2019/97, art. 2

F32 Words in s. 47(5) substituted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 25(3)(a)**; S.I. 2019/97, art. 2

F33 Words in s. 47(5) inserted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 25(3)(b)**; S.I. 2019/97, art. 2

Commencement Information

I16 S. 47 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Provisions as to sinecures

48 Sinecure rectories and chapelries

A pastoral scheme may provide for merging with a benefice any sinecure rectory, or any office of minister of a church or chapel without cure of souls, and may make further provision for any of the matters for which provision is or may be made by or under this Part in relation to a benefice, and in particular—

(a) for the vesting of any such church or chapel and its use either as a parish church or chapel of ease, or for making a declaration of closure for regular public worship in respect of it;

(b) for the transfer, vesting or disposal of rights of patronage, endowments or other property relating or belonging to any such rectory or office, on such terms as may be provided by the scheme.

Commencement Information

I17 S. 48 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Pastoral schemes affecting more than one diocese

49 Limited extension of pastoral schemes to other dioceses

(1) A pastoral scheme may, if the conditions specified in section 15 are complied with, apply to a diocese other than the diocese in which the proposal for the scheme originated, to the extent that the scheme may provide—

(a) for a union of benefices or parishes comprising one or more benefices or parishes from each of the two dioceses;

(b) for creating a new benefice (otherwise than by union) for an area comprising areas from the two dioceses;

(c) for the transfer of a benefice from the diocese in which it is to the other diocese;

(d) for the transfer of a parish from a benefice in one diocese to a benefice in the other;

(e) for creating a new extra-parochial place comprising areas from the two dioceses or transferring an extra-parochial place from one diocese to the other, whether by means of incorporation in a parish or otherwise;

(f) for altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in the other;

(g) for the holding in plurality of benefices comprising one or more benefices from each diocese;

(h) for establishing a group ministry for a group of benefices comprising one or more benefices from each diocese;

and may also provide, in relation to any benefice, parish or extra-parochial place affected by such a provision for any of the matters for which provision may be made by a pastoral scheme in relation to benefices, parishes and extra-parochial places wholly comprised in one diocese, subject to such modifications as may be necessary or expedient in consequence of the application of the scheme to another diocese.

(2) The powers conferred by subsection (1) may be exercised in relation to more than one diocese (other than the diocese in which the proposals for the scheme originated), and in that case shall include power to create a benefice or parish (by union or otherwise) or an extra-parochial place comprising benefices, parishes or areas from all the dioceses concerned, or to alter a benefice, parish or extra-parochial place so as to comprise areas from all those dioceses, or to establish a group ministry for benefices from all those dioceses.

(3) A pastoral scheme to which this section applies shall, in the case of any benefice, parish or extra-parochial place which includes areas from two or more dioceses, allocate it to such one of those dioceses and to such archdeaconry and deanery in that diocese as the scheme may designate.

(4) A pastoral scheme providing for establishing a group ministry for benefices from two or more dioceses shall make such transfers of benefices from one diocese to another as may be necessary to bring the whole group within the diocese designated by the scheme.

Commencement Information

I18 S. 49 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

50 Schemes for the alteration of diocesan boundaries

Where a pastoral scheme is made in pursuance of proposals formulated by a joint boundary committee appointed under section 16—

(a) the scheme may provide for altering the boundaries between any of the dioceses represented by the joint boundary committee, and for transferring any benefices, parishes or extra-parochial places affected by the alteration from one diocese to another, but not so as to create or dissolve any diocese;

(b) the scheme may also provide, as respects such areas of the said dioceses affected directly or indirectly by the alteration of boundaries as the scheme may specify, for any of the matters for which a pastoral scheme may provide with respect to an area in one diocese, subject to such modifications as may be necessary or expedient by reason of the application of the scheme to more than one diocese.

Provided that the powers conferred by this section shall be subject to any limitation imposed by instrument sealed by the bishops of the dioceses concerned under section 16, in force at the time when the scheme is made by the Commissioners.

Commencement Information

I19 S. 50 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Pastoral orders

51 Powers exercisable by pastoral order

The following powers exercisable under this Part by a pastoral scheme shall also be exercisable by a pastoral order, that is to say—

(a) the power to alter the areas of benefices or parishes or to define their boundaries under section 31(1)(c) or to alter or define extra-parochial places under section 31(1)(d), but not so as to transfer from any benefice or parish any church used for public worship;

(b) the power to alter the name of any benefice or parish under section 31(2);

(c) the power to provide for the holding in plurality of any two or more benefices (subject to such conditions, if any, as may be specified) under section 32;

(d) the powers to provide for creating, altering or dissolving, for designating, and for naming or altering the name of, an archdeaconry or deanery under section 33;

(e) the power to—

(i) assign a special cure of souls or other responsibilities to vicars in team ministries under section 34(7);

(ii) assign to any member of a team who is not a member of the team chapter a special responsibility for pastoral care, so far as is consistent with that member's office, under section 34(8);

(iii) alter a team ministry or change the office of a vicar in a team ministry under section 36(1)(b);

(iv) alter a team ministry under section 36(1)(c) or (d);

(v) establish a group ministry under section 35(1) and terminate or alter a group ministry under section 36(1)(e) or (f);

(vi) provide for supplementary, consequential or transitional matters under section 36(1)(g);

(f) the power under section 38(3) to provide for the designation or selection of incumbents of benefices to be held in plurality;

(g) the powers under section 41(1) to make provision with respect to churches;

(h) the powers under section 45 as respects parsonage houses and the residences of vicars in team ministries, except so far as they relate to a new benefice;

(i) the power under section 46(1) to provide for the exchange or transfer of rights of patronage of any benefice or church and the power to provide for the exercise of patronage of benefices held in plurality under section 46(5).

(j) the power to provide for the payment to the income account of the diocesan stipends fund of the income of the endowments of a benefice under section 47(1);

(k) the power under section 47(5) to make provision as to the manner in which moneys arising from any sale or exchange of the property of a benefice under **[**[F34]Part 1 of the Church Property Measure 2018**]** are to be dealt with;

(l) the powers under section 49 so far as they relate to altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in another, but not so as to transfer from any benefice or parish any church used for public worship, and the powers under that section so far as they relate to the holding of benefices in plurality, subject to the modification that the reference to the conditions specified in section 15 shall include a reference to the condition specified in section 17(3);

and accordingly those provisions of this Part, and also sections 32(4), 41(6), (7) and (8) and 47(2) and (3), shall apply, subject to any limitations specified above, to pastoral orders as they apply to pastoral schemes:

Textual Amendments

F34 Words in s. 51(k) substituted (1.3.2019) by Church Property Measure 2018 (No. 8), s. 53(2), **Sch. 1 para. 26**; S.I. 2019/97, art. 2

Commencement Information

I20 S. 51 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Supplementary

52 Supplementary provisions of pastoral schemes and orders

(1) A pastoral scheme or pastoral order may contain such supplementary or consequential provisions as appear to the Commissioners, with the agreement of the bishop or bishops concerned given after consultation with any mission and pastoral committee (including a joint boundary committee) concerned, to be necessary or expedient for giving effect to the purposes of the scheme or order.

(2) A pastoral scheme or order shall, where the Commissioners consider it appropriate or, in the case of an order made by virtue of section 17(1)(b), the mission and pastoral committee thinks appropriate, have annexed thereto a map or plan showing the changes made by the scheme or order.

(3) A pastoral scheme or order may provide that the scheme or order, or any provisions thereof, shall come into operation on a specified date, or on the happening of a specified event or contingency, and different dates, events or contingencies may be specified for different provisions.

Commencement Information

I21 S. 52 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

53 Amendment and revocation of pastoral schemes and orders

(1) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme or may, in respect of matters falling within the powers exercisable by a pastoral order, be amended by a pastoral order.

(2) A pastoral order may be amended or revoked by a subsequent pastoral order or pastoral scheme.

(3) If an amending pastoral scheme or order involves the exercise of powers under section 49 or 50, the conditions mentioned in those sections or in section 51(l), as the case may require, shall be complied with.

(4) An amending pastoral scheme or order may provide for any matters for which provision could have been made by the scheme or order to be amended.

(5) A pastoral scheme or order, or any provision thereof, may be revoked or amended under this section before it comes into operation.

(6) Where a pastoral order has made provision for the holding in plurality of any two or more benefices and any such provision has been terminated the bishop may, by instrument, make such consequential amendments to the order as he thinks fit.

Commencement Information

I22 S. 53 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

54 Application of Schedule 3 containing supplementary provisions and powers

Schedule 3 which—

(a) consists mainly of provisions applying generally by virtue of this Measure to such matters arising out of pastoral schemes and orders as are mentioned in the Schedule; and

(b) includes certain provisions conferring supplementary powers exercisable by pastoral schemes and orders in relation to such matters,

shall have effect, but without prejudice to the powers conferred by section 52(1).

Commencement Information

I23 S. 54 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Status:
Point in time view as at 01/09/2020.

Changes to legislation:
There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Part 5.