Mission and Pastoral Measure 2011

2011 No. 3

PART 5

CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

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, the Parsonages Measure 1938 (1 & 2 Geo. 6 No. 3) shall apply to all such moneys as it applies to moneys arising from the sale of property of the benefice under 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 section 5 of the Parsonages Measure 1938 (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 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.