



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 8

### MISCELLANEOUS AND GENERAL

#### *Restrictions on presentation*

#### **85 Suspension of presentation for period not exceeding five years**

- (1) Where a benefice is vacant or is shortly to become vacant, the bishop may, subject to the following provisions of this Measure, with the consent of the mission and pastoral committee, and after consultation with—
- (a) the registered patron of the benefice,
  - (b) the parochial church council of the parish or each of the parishes concerned, and
  - (c) both chairmen of the deanery synod of the deanery concerned;

give notice that during such period not exceeding five years as may be specified in the notice (in this Measure referred to as the “suspension period”), the registered patron shall not exercise his right of presentation without the consent of the mission and pastoral committee and (if he is not the registered patron) of the bishop; and thereupon that right shall only be exercised in accordance with the notice during the suspension period.

When consulting any person or body in accordance with this subsection the bishop shall inform him or her or it of the reasons why he is considering whether he should exercise the power conferred by this subsection.

- (2) The power conferred by subsection (1) may be exercised in relation to any benefice at any time within three months before the benefice is due to become vacant or at any time during the vacancy.
- (3) Except where any consultation required by subsection (1) takes place at a meeting between the bishop or his representative and the person or body to be consulted or his or her or its representative, that person or body shall be advised that he or she or it may,

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within twenty-eight days after receiving a request from the bishop for his views about the giving of the notice under that subsection, request a meeting with the bishop or his representative, and where such a request is made, the bishop shall convene a meeting which all the persons whom he is required by that subsection to consult shall be invited to attend, either in person or by representatives, for the purposes of enabling those present to consult with the bishop or his representative about the giving of the notice.

(4) The suspension period shall come to an end before the date on which it would otherwise expire, in any of the following circumstances—

- (a) if notice is given by the bishop that the necessary consent or consents have been given to the exercise of the patron's right of presentation;
- (b) if notice is given by the bishop with the consent of the mission and pastoral committee, terminating the suspension period; or
- (c) if a pastoral scheme or order provides for the holding of the benefice in plurality with another benefice or other benefices, or a pastoral scheme otherwise affecting the benefice expressly provides for the termination of the period;

and the termination shall, in the cases mentioned in paragraphs (a) and (b), take effect on such day, not being less than fourteen days after the date of the notice, as may be specified in the notice, and, in the cases mentioned in paragraph (c), shall take effect when the relevant provisions of the pastoral scheme or order come into operation.

(5) The bishop may, before the expiration of a suspension period, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), extend the period for a further period not exceeding five years; and that power may be exercised from time to time before the expiration of any extension of a suspension period.

(6) After the expiration of a suspension period, the bishop may, by a further notice given with the same consent and after the same consultation as were required for the original notice given under subsection (1), declare a new suspension period in relation to the vacancy and, if he does so, subsections (1), (3), (4) and (5) shall apply in relation to any notice given and any suspension period declared under this subsection as they apply to a notice given and a suspension period declared under subsection (1).

(7) A notice given by the bishop under this section shall be given to—

- (a) the designated officer within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986,
- (b) the mission and pastoral committee,
- (c) the registered patron of the benefice, unless the only registered patron is the bishop,
- (d) both chairmen of the deanery synod of the deanery concerned,
- (e) the churchwardens of the parish or each of the parishes concerned, and
- (f) the sequestrators;

and a copy of the notice shall be filed in the diocesan registry.

(8) The designated officer shall, not earlier than six months, and not later than three months, before any suspension period declared under this section is due to expire, other than a suspension period which comes to an end before the date on which it would otherwise expire under subsection (4), give notice to the bishop and, unless the designated officer is also the secretary of the mission and pastoral committee, to that secretary, of the date on which the suspension period is due to expire.

- (9) The churchwardens to whom any such notice is given shall forthwith cause it to be affixed at or near to the door of a parish church or, if there is no parish church, of the principal place of worship in the parish.

**86 During suspension period sequestration of profits, appointment of priest in charge and management of property**

- (1) Where the bishop has declared a suspension period in respect of any benefice under section 85, he shall during that period sequester the profits of the benefice.
- (2) The sequestrators shall, subject to and in accordance with the directions of the bishop, make provision for the performance during the suspension period of the ecclesiastical duties of the benefice, and before giving any such directions the bishop shall consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the registered patron of the benefice.
- (3) Where the bishop proposes to appoint a priest in charge for any benefice to which a suspension period applies, he shall before making the appointment consult the parochial church council of the parish or each of the parishes concerned and, so far as is reasonably practicable, the patron of the benefice.
- (4) Where the bishop appoints a priest in charge for any benefice to which a suspension period applies, the bishop may require the priest to reside in the parsonage house of the benefice.
- (5) The provisions of Schedule 7 shall have effect with respect to the management of the benefice property and the application of the profits of the property during any suspension period.

**87 Restrictions on presentation pending the making of pastoral schemes and orders**

- (1) Where any proposals are approved under section 7(1) or 22(1) or where the bishop is of the opinion under section 17(1) that proposals should be implemented and the proposals contain recommendations for any of the matters specified in sections 31 and 32 and 34 to 36, and any benefice which would be affected if the recommendations were implemented is vacant on the date on which the registered patron thereof is sent a copy of the proposals under section 7(2), 17(2) or 22(2) or becomes vacant thereafter, the patron shall not be entitled after that date or after the occurrence of the vacancy, as the case may be, to exercise his right of presentation to the benefice without the consent of the mission and pastoral committee and (if he is not the registered patron) of the bishop, until the occurrence of whichever of the following first occurs, namely—
- (a) the relevant recommendations are implemented by a pastoral scheme or order and come into operation, in which case the right of presentation shall be subject to the provisions of the scheme or order;
  - (b) the proposals are withdrawn or the draft scheme or order prepared in pursuance thereof is withdrawn, or the scheme made in pursuance thereof is disallowed or withdrawn;
  - (c) the relevant recommendations are omitted from the proposals, draft scheme or order, or scheme; or
  - (d) the period of three years from the date aforesaid expires:

Provided that, where an appeal has been brought against a draft scheme which implements the relevant recommendations, and Her Majesty in Council has not

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determined the appeal under section 12(4) or (6) within the period referred to in paragraph (d), that paragraph shall have effect as if that period had been extended to the date on which the decision on the appeal is delivered.

- (2) Where the bishop has given directions to the mission and pastoral committee under section 3(3) to consider or has been notified under that section that the committee intend to consider in relation to any benefices, any of the matters specified in sections 31 and 32 and 34 to 36, he may, upon a vacancy or impending vacancy in any of those benefices, or where a joint boundary committee has been appointed under section 16 upon a vacancy or impending vacancy in any benefice which might be affected by the exercise of the powers of that committee under sections 16 and 50 as limited (if at all) by instrument sealed by the bishops of the dioceses concerned, notify—
- (a) the registered patron, unless the only registered patron is the bishop;
  - (b) the parochial church council, and
  - (c) both chairmen of the deanery synod of the deanery concerned,

that those matters are being considered, and thereupon the registered patron shall not be entitled to exercise his right of presentation to that benefice without such consent or consents as are specified in subsection (1); and the provisions of section 7 of the Patronage (Benefices) Measure 1986 shall, subject to the modifications made by section 88 of this Measure, apply.

- (3) A restriction imposed by subsection (2) shall cease to operate at the expiration of one year from the date of the notice unless within that period proposals are approved under section 7 or section 22(1) or where the bishop is of the opinion under section 17(1) that proposals should be implemented containing recommendations for any of the matters specified in subsection (1) or (2) which would affect the benefice concerned, in which case the restriction shall continue until occurrence of whichever of the following first occurs, that is to say, the several events mentioned in paragraphs (a), (b) and (c) of subsection (1), and the expiration of three years from the date of the notice or, where the proviso to subsection (1) applies, the date on which the decision of Her Majesty in Council on the appeal is delivered.
- (4) The fact that restrictions are in force under this section with respect to any benefice shall not be taken as preventing the bishop from exercising his powers under sections 85 and 86 with respect to the benefice, and, if he does so, those sections and Schedule 7 shall apply to the benefice in lieu of this section.

## **88 Modification of Patronage (Benefices) Measure 1986 where presentation is suspended or restricted**

Where the bishop declares a suspension period in respect of any benefice, or any restriction imposed by or under any provision of section 38 or 87 comes into force in respect of any benefice—

- (a) save as provided in this section no notice under section 7 of the Patronage (Benefices) Measure 1986 of a vacancy or impending vacancy in that benefice shall be given during the suspension period or, as the case may be, while the restriction is in force;
- (b) any such notice relating to that benefice given before the suspension period began or, as the case may be, the restriction came into force shall be deemed to have been revoked and any act done under that Measure consequent upon that notice shall be of no effect;

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- (c) that benefice shall be deemed for the purposes of that Measure to become vacant immediately after the day on which the suspension period comes to an end or, as the case may be, the day on which the restriction ceases to be in force, but if a further suspension period is declared, the benefice shall no longer be deemed to be vacant; and
- (d) as soon as practicable after he becomes aware of the vacancy, the bishop shall give notice of that fact to the designated officer (within the meaning of section 7(5) of the Patronage (Benefices) Measure 1986 and, unless he is the designated officer, to the registrar of the diocese and section 7(4) of that Measure shall apply as it applies to a notice under section 7(1) or (2) so however that if the suspension period will come to an end as a result of a notice given by the bishop under section 85(4) of this Measure the notice referred to in this section may be given by the bishop at the same time as the notice under section 85(4) and in any other case the notice may be given not more than fourteen days before the suspension period will end or the restriction will cease to be in force as the case may be.

## **89 Suspension of new rights of patronage**

Where any proposals approved under section 7 or 22 contain recommendations for the creation of a new benefice for a new parish, and any church in the area which is to form the new parish is consecrated after the proposals are so approved but before any of the events mentioned in section 87(1) have occurred in relation to those recommendations, no person shall become the patron of that church by virtue of any rule of law or any provision of or instrument under any Act or Measure other than this Measure during the period between the approval of the recommendations and such one of those events as first occurs.