



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 8

### MISCELLANEOUS AND GENERAL

#### *General provisions*

#### **106 General interpretation**

(1) In this Measure, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say—

“admission” includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or (for the purposes of section 104) the holder of a cathedral preferment and “admit” shall be construed accordingly;

“the bishop” means the bishop of the diocese concerned;

“charity” has the meaning ascribed to it by [F1section 10 of the Charities Act 2011 ];

“church” means a church or chapel which has been consecrated for the purpose of public worship according to the rites and ceremonies of the Church of England, and includes a building used or intended to be used partly for the purpose of such public worship and partly for the purpose of a church hall, whether the whole building is consecrated or only such part thereof as is used or intended to be used for the purpose of such public worship, and any reference to the consecration of a church shall, in the case of such a building, be construed as including a reference to the consecration of the part of the building used or intended to be used for the purpose of such public worship as aforesaid;

“the Church Buildings Council” means the body of that name constituted in accordance with section 54 of the Dioceses, Pastoral and Mission Measure 2007 (No. 1);

“the Commissioners” means the Church Commissioners;

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*Changes to legislation:* There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 106. (See end of Document for details)

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“diocesan board of finance” means in relation to a diocese, the board of that name constituted under the Diocesan Boards of Finance Measure 1925 (15 & 16 Geo. 5 No. 3) for that diocese;

“diocesan pastoral account” means, in relation to a diocese, the account referred to in section 93 for that diocese;

“diocesan stipends fund” means, in relation to a diocese, the fund of that name established for that diocese;

“Dioceses Commission” means the body constituted under section 2 of the Dioceses, Pastoral and Mission Measure 2007;

“endowments” in relation to any benefice, does not include a church, churchyard, parsonage house or right of patronage, but subject as aforesaid any question as to what constitutes the endowments of a benefice or the income of the endowments shall be conclusively determined by the Commissioners, who may include income arising from a parsonage house;

“English Heritage” means the Historic Buildings and Monuments Commission for England known as English Heritage;

“functions” includes powers and duties;

“funding period” means a period determined as such by an order made under section 65(1);

“interested parties” has the meanings assigned by section 6 or 21, as the case may be;

“listed building” and “conservation area” have the meanings respectively assigned to them by sections 1(5) and 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);

“local planning authority” has the meaning ascribed to it by section 1 of the Town and Country Planning Act 1990 (c. 8);

“mission” means the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical;

“mission and pastoral committee” means the committee appointed in accordance with section 2;

“National Amenity Societies” means the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, The Twentieth Century Society and the Victorian Society and such other body as may from time to time be designated by the Dean of the Arches and Auditor as a national amenity society for the purposes of this Measure;

“the 1983 Measure” means the Pastoral Measure 1983 (No. 1);

[<sup>F2</sup>“Parsonages Board” means the Parsonages Board appointed or designated under section 1(1) of the Repair of Benefice Buildings Measure 1972.]

“parsonage house” means the house or other dwelling vested in the incumbent of a benefice (when the benefice is full) and being his or her official residence, and includes any outbuildings or land included in the curtilage of any such house or dwelling and any rights appurtenant thereto;

“pastoral order” means an order made by the bishop under section 11;

“pastoral scheme” means a scheme made by the Commissioners under Part 3 or 4, and includes (except where it is expressly or by necessary implication excluded) any such scheme made in pursuance of proposals by a joint boundary committee appointed under section 16 and a pastoral church buildings scheme;

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“pastoral church buildings scheme” means a pastoral scheme which contains a declaration of closure for regular public worship;

pastoral (church buildings disposal) scheme” has the meaning assigned to it by section 60;

“patron”, in relation to any benefice, means the person or persons for the time being entitled, otherwise than by lapse, to present to that benefice upon a vacancy, including—

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who is for the time being the person who would be entitled to present on the next or any subsequent turn,

and “right of patronage” shall be construed accordingly;

“provision” in relation to a building, includes, in addition to the construction or erection thereof, the acquisition of a site and the provision of necessary fittings, installations, outbuildings, fences, paths and drives, and “provided” shall be construed accordingly;

“registered patron”, in relation to a benefice or to benefices held in plurality, means every person who is for the time being registered under the Patronage (Benefices) Measure 1986 in a register of patrons as a patron of that benefice or those benefices;

“restoration” includes rebuilding or partial rebuilding;

“sharing agreement” has the same meaning as in the Sharing of Church Buildings Act 1969;

“suspension period” has the meaning assigned to it by section 85;

“the temporary maintenance account” means the account referred to in section 95.

- (2) In determining the net proceeds of the sale or exchange of any property by the Commissioners or the diocesan board of finance, or the net premium or net rent of any property let by the Commissioners or board, the deductions to be made shall include the deduction of any money expended by the Commissioners or board or a mission and pastoral committee on the property or for the purpose of furthering the disposal of the property or on the demolition of any building on the property; and if any question arises as to what are the net proceeds, net premium or net rent aforesaid, the decision of the Commissioners shall be conclusive.
- (3) Any reference in this Measure to the Church Representation Rules shall be construed as a reference to those Rules as for the time being amended by any resolution of the General Synod passed in accordance with section 7(1) of the Synodical Government Measure 1969 (1969 No. 2).
- (4) Any reference in this Measure to the demolition of a building shall be construed as including a reference to the demolition of part thereof.

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#### **Textual Amendments**

**F1** Words in s. 106(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 148](#) (with s. 20(2), [Sch. 8](#))

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Mission and Pastoral Measure 2011, Section 106. (See end of Document for details)*

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**F2** Words in s. 106(1) 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. 5**

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**Commencement Information**

**I1** S. 106 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

**Changes to legislation:**

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