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,

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.

Commencement Information

I1 S. 85 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 85.