

Mission and Pastoral Measure 2011

Code of Recommended Practice
Volume 1:
Pastoral Reorganisation

May 2021

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Code of Recommended Practice – Volume 1: Pastoral Reorganisation

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List of Common Acronyms

2011 Measure	Mission and Pastoral Measure 2011
2009 Measure	Ecclesiastical Offices (Terms of Service) Measure 2009
2007 Measure	Dioceses, Pastoral and Mission Measure 2007
2006 Measure	Pastoral (Amendment) Measure 2006
1983 Measure	Pastoral Measure 1983
AMS	Ancient Monuments Society
APCM	Annual Parochial Church Meeting
BMO	Bishops' Mission Order
CC	Church Commissioners
CBC	Church Buildings Council
CCT	Churches Conservation Trust
CD	Conventional District
CPO	Compulsory Purchase Order
CPM	Church Property Measure 2018
CRR	Church Representation Rules
CTBI	Churches Together in Britain and Ireland
CUF	Church Urban Fund
CWGC	Commonwealth War Graves Commission
DAC	Diocesan Advisory Committee
DBF	Diocesan Board of Finance
DBP	Diocesan Board of Patronage
DCA	Department for Constitutional Affairs
DCC	District Church Council
DCLG	Department of Communities and Local Government
DCMS	Department for Culture, Media and Sport
DDA	Diocesan Debtors Account
DEFRA	Department for Environment, Food and Rural Affairs
DPA	Diocesan Pastoral Account
DPB	Diocesan Parsonages Board
DMPC	Diocesan Mission and Pastoral Committee
DSF	Diocesan Stipends Fund
E & G MEASURE	Endowments & Glebe Measure 1976 (property provisions of this Measure now found in CPM)
EH	English Heritage (See also HBMC)

EIG	Ecclesiastical Insurance Group
GS	General Synod
HBMC	Historic Buildings and Monuments Commission for England
JPCC	Joint Parochial Church Council
LA	Local Authority
LBC	Listed Building Consent
LPA	Local Planning Authority
MoJ	Ministry of Justice
MPCPC	Commissioners' Mission, Pastoral and Church Property Committee
NPM	New Parishes Measure 1943(Now repealed – see CPM)
NSM	Non-Stipendiary Ministry (now known as Self Supporting Ministry)
OLM	Ordained Local Ministry
PC	Privy Council
PCC	Parochial Church Council
P in C	Priest in Charge
PH	Parsonage House
PP	Planning Permission
PR	Pastoral Reorganisation
RAM	Reorganisation Areas Measure 1944
RCHME	Royal Commission on the Historical Monuments of England
RD	Rural Dean
RCF	Redundant Churches Fund (former name of CCT)
SAC	Statutory Advisory Committee of Church Buildings Council
SSM	Self Supporting Ministry (formerly Non Stipendiary Ministry)
SoP	Suspension of Presentation or Statement of Particulars
SPAB	Society for the Protection of Ancient Buildings
T & CP	Town & Country Planning (Acts)
TPO	Tree Preservation Order
TR	Team Rector
TV	Team Vicar
UBM	Union of Benefices Measure 1923
VIC SOC	Victorian Society

Chapter 1 - Introduction

The introduction to Volume 1 of the Code sets out the background to the Mission and Pastoral Measure 2011, the Code's purpose and various roles assigned under the Measure to diocesan and national Church bodies.

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Introduction

- 1.1 The [Mission and Pastoral Measure 2011](#) (“the 2011 Measure”) is a Measure of the General Synod confirmed by both Houses of Parliament which has received Royal Assent and become part of the law of England.
- 1.2 It provides the legal basis for structural and organisational changes to enable the local church to be more effective in its mission and ministry while balancing needs and resources.
- 1.3 The 2011 Measure consolidated, with corrections and minor improvements, the Pastoral Measure 1983 and Parts 3, 4, 5 and 6 and section 61 of the Dioceses, Pastoral and Mission Measure 2007, and related enactments which are designed to make better provision for the cure of souls.
- 1.4 The 2011 Measure, in most of its essentials, dates from the Pastoral Measure 1968 which replaced a number of existing statutes that dealt with pastoral reorganisation. The 1968 Measure also provided new comprehensive arrangements for dealing with church buildings no longer required for regular public worship. The 1983 revision brought some modifications and improvements, and subsequent changes, particularly in the Pastoral (Amendment) Measure 1994, the Team and Group Ministries Measure 1995, the Pastoral (Amendment) Measure 2006, and the Dioceses, Pastoral and Mission Measure 2007, have elaborated the legislation. The 2011 Measure has subsequently been amended by the Mission and Pastoral etc. (Amendment) Measure 2018 and this edition of the Code reflects those changes.
- 1.5 There are two parts to this Code of Recommended Practice to the 2011 Measure:
 - Volume 1 – Deals primarily with pastoral reorganisation (including the legal process for rearranging benefices and parishes, and for team and group ministries)
 - Volume 2 – Deals with matters relating to church buildings under the Measure, most particularly to the process for closing church buildings no longer required for regular public worship and for settling their future.
- 1.6 In addition, separate guidance is available on the following aspects of the 2011 Measure:
 - House of Bishops’ Code of Recommended Practice on Bishops’ Mission Orders (concerning Part 7 of the 2011 Measure dealing with Mission Initiatives)
 - Wider Use of Part or Parts of a Church – A guide to section 68 of the Mission and Pastoral Measure 2011 (concerned with powers to lease churches in use and prepared by the Legal Office of the National Institutions of the Church of England)
 - Deanery Plans

- 1.7 This Volume of the Code is primarily concerned with pastoral reorganisation excluding matters dealing with church buildings (see Volume 2).
- 1.8 New arrangements for pastoral care are given legal effect by schemes made by the Commissioners (pastoral schemes) or by orders made by the bishop (pastoral orders or bishop's pastoral orders). Sections 31-54 of the 2011 Measure cover the matters which may be dealt with by a scheme while s.51 lists more minor matters which may also be dealt with by an order. S.17 enables all matters capable of being dealt with by an order to be dealt with under a simplified procedure if none of the interested parties object and s.54A enables some of these to be dealt with by a bishop's pastoral order with more limited consultation and no requirement for consent or rights of representation. Appendix 1.3 of this Code lists the most common reorganisation matters for which the Measure provides and the method which may be used to implement them (i.e. scheme, order, s.17 order or bishop's pastoral order). Sections 55-79 of the 2011 Measure deal with the future of closed churches.

Background to the Code

- 1.9 An initial Code to the Pastoral Measure 1968 was first issued in 1976. Its main aim was to inform practitioners of best practice after the first few years' experience of working with the 1968 Measure. A second edition was issued in 1983 to coincide with the coming into operation of the Pastoral Measure 1983. There have been subsequent updates to take account of amendments which have been made to the 1983 Measure, principally by the Patronage (Benefices) Measure 1986, the Pastoral (Amendment) Measure 1994, the Team and Group Ministries Measure 1995, the Church of England (Miscellaneous Provisions) Measures 2000 and 2005 and the Pastoral (Amendment) Measure 2006. The last edition was updated to take account of the changes made by the Dioceses, Pastoral and Mission Measure 2007 and consolidated into the 2011 Measure. It also incorporated the separate Code on Team and Group Ministries.

What the Code sets out to do

- 1.10 Under [s.98](#) of the 2011 Measure the Commissioners may at any time give advice to a mission and pastoral committee (DMPC) or diocesan board of finance (DBF) on any matter concerning its functions under the Measure and the Committee or board concerned shall have regard to any such advice (including that contained in the Code). This Code is intended to serve as the principal guidance, under s.98, for those who operate the legislation for pastoral reorganisation, closed church buildings and associated matters. It provides guidance on process and seeks to identify those areas where problems are most likely to occur in practice. Please also see the Commissioners' website for both recommended pastoral reorganisation forms and letters, and recommended closed churches forms and notices.

Presentation

- 1.11 The Code has two volumes. This volume deals primarily with pastoral reorganisation and Volume 2 deals with all matters to do with church

buildings under the 2011 Measure (including their closure and settling their future). 24 chapters are as follows:

In Volume 1, Chapters 2-11 primarily cover **Parts 1-3 and Part 5 of the 2011 Measure** dealing with the preparation and processing by dioceses of proposals for pastoral reorganisation, the role of the Commissioners, the contents of schemes and orders and suspension of presentation.

In Volume 2, Chapters 12-24 primarily cover **Parts 4 and 6 of the Measure** dealing with church buildings, their closure, and settling the future of closed church buildings.

- 1.12 Pro-forma letters, proposals, notices and other forms for use by DMPCs are found on the Commissioners' website – pastoral reorganisation and closed churches.
The nine appendices found at the end of this volume of the Code comprise a glossary of terms used in pastoral reorganisation; a summary of other Ecclesiastical Acts and Measures of interest; a list of the most common reorganisation matters for which the Measure provides; a flowchart detailing the progress for a pastoral scheme or order under Part 3 of the 2011 Measure. Also included are guidance notes on burial rights, dispossession of clergy and payment of compensation, the effect of the Ecclesiastical Offices (Terms of Service) Measure 2009 on pastoral reorganisation, and the theology of mediation. The appendices conclude with an overview of the role of the Church Commissioners' Mission, Pastoral and Church Property Committee, a code of conduct and the 7 principles of public life.
- 1.13 The Code is not intended as a substitute for the Measure itself and should always be read in conjunction with the relevant sections of the Measure and the DPMM 2007.

Updating the Code

- 1.14 When the need arises, the Code will be updated in electronic format only. The most up to date version available will always be online at <https://www.churchofengland.org/more/parish-reorganisation-and-closed-church-buildings/mission-and-pastoral-measure-2011-and-code#na>

Key statutory bodies under the 2011 Measure

Diocesan Mission and Pastoral Committees

- 1.15 Each diocese has a diocesan mission and pastoral committee (DMPC) appointed under s.2 of the 2011 Measure whose functions are as set out in s.3. These Committees were originally appointed under the Dioceses, Pastoral and Mission Measure 2007 to replace former diocesan pastoral committees and diocesan redundant churches uses committees. The DMPC may be known locally by a different name, may have additional functions and will have a written constitution provided by the diocesan synod (see also 2.2).

Diocesan Boards of Finance

- 1.16 The Diocesan Board of Finance is a company constituted by the diocesan synod and regulated by the Companies Acts. A DBF holds property for Church of England purposes, transacts business in that connection and acts as a committee of the diocesan synod. It normally also acts as the diocesan trust.

Diocesan Advisory Committees for the Care of Churches

- 1.17 Each diocese has a Diocesan Advisory Committee for the Care of Churches (DAC) set up under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. Its main functions are to give advice on the architecture, archaeology, art and history of places of worship to the diocesan chancellor, the archdeacon and the parishes.

Parochial Church Councils

- 1.18 Parochial Church Councils are representative bodies of parishioners elected from those on the electoral roll in accordance with the Church Representation Rules (see Chapter 8). They are usually chaired by incumbents.

Church Commissioners

- 1.19 The Church Commissioners exercise various functions under the 2011 Measure. Their statutory responsibilities under the Measure start when their Pastoral Division receives proposals or a draft scheme or order from dioceses. At this stage they draft and publish draft schemes or orders to give effect to the diocesan proposals or to validate draft pastoral schemes or orders before publication by a diocese. The main duty of the Commissioners' Mission, Pastoral and Church Property Committee is to consider any representations made to them. In the case of a pastoral or pastoral church buildings scheme, if there are no representations or if their Mission and Pastoral Committee decides that it should proceed notwithstanding any representations and there is no successful appeal against that decision, they make the scheme. In the case of an order, if there are no representations or if their Mission, Pastoral and Church Property Committee decides that it should proceed notwithstanding any representations, the Commissioners return it to the bishop for making by him. If objectors obtain leave to appeal to the Privy Council against a decision by the Commissioners to proceed with a scheme notwithstanding representations against it, the Commissioners have the responsibility of defending the scheme. There is no right to seek leave to appeal with respect to a pastoral order.
- 1.20 The Commissioners also perform a major role in relation to the settlement, under Part 6 of the Measure, of the future of closed churches. This includes a similar role in considering any representations against draft schemes they publish providing for the future of closed churches. A decision on the future of a closed church rests with the Commissioners. The Commissioners are also

always ready to offer their informal advice on any matter that may be dealt with under the Measure.

*Correspondence should be addressed to: The Pastoral and Closed Churches
Secretary, Church Commissioners, Church House, Great Smith Street, London, SW1P
3AZ (tel: 020 7898 1000; fax: 020 7898 1873; website: <http://www.ccpastoral.org>)*

Church Buildings Council

- 1.21 The Church Buildings Council (CBC) was established under the Dioceses, Pastoral and Mission Measure 2007 to serve as the single unified national Church source for information and advice on church buildings, whether in use or closed, other than cathedrals. It has a wide sphere of responsibility in providing advice on the care and conservation of church fabrics and the treasures and furnishings which they contain and various statutory functions under the 2011 Measure.

Under the 2011 Measure the DMPC is required to obtain from the CBC a report about the historic and aesthetic qualities of the church and its contents, as well as any special features of its churchyard or burial ground before deciding whether to make a recommendation for a declaration of closure for regular public worship. This report may also include advice on possible architectural or structural changes which would facilitate the church's use for other purposes consistent with regular public worship.

In the event of formal closure proposals going ahead, the statutory advisory committee (the SAC) of the CBC provides information and advice to the Commissioners at various stages on proposals affecting the future of the building. The SAC also provides information and advice to the CCT on proposals affecting churches in its care.

Contact: Church Buildings Council, Church House, Great Smith St, London, SW1P 3AZ (tel: 020 7898 1000; website: <http://bit.ly/x0zrd5>).

Churches Conservation Trust

- 1.22 The Churches Conservation Trust (the CCT) has as its object "the preservation, in the interests of the nation and the Church of England, of churches and parts of churches of historic and archaeological interest or architectural quality" (together with their contents) which have been vested in it by pastoral church buildings or pastoral (church buildings disposal) schemes under Part 6 of the Measure. The CCT may permit occasional use of its churches or grant a licence permitting their temporary use. It also has powers to lease churches in its care. "Occasional use" may include worship if this is authorised by the bishop after consultation with the local incumbent or priest-in-charge. The Trust welcomes participation at a local level in the day to day management of buildings which it owns, and produces a range of publications and general literature on the churches in its care, including guide books, county leaflets, and educational leaflets.

*Correspondence should be addressed to: The Chief Executive, Churches
Conservation Trust, Society Building, 8 All Saints Street, London, N1 9RL (tel: 0845
303 2760; website: <http://www.visitchurches.org.uk/>).*

General duty

- 1.23 Section 1 of the 2011 Measure lays down an important general principle which governs the Measure as a whole – namely that “it shall be the duty of any person or body carrying out functions under the Measure to have due regard to the furtherance of the mission of the Church of England.”
- 1.24 The expression “have due regard to” is used in comparable contexts in other recent Measures. It is also common in secular legislation and there is a body of case law on its meaning and effect. This general duty covers a wide range of bodies and office holders and an equally wide range of functions. Other factors necessarily have to be taken into account in exercising particular functions, in some cases under express provisions elsewhere in the legislation. The “due regard” formula allows and requires a person or body exercising a particular function under the Measure to take account of all the relevant factors, giving each their proper weight in that particular context.
- 1.25 Section 1 of the Measure has to be read together with s.106, dealing with interpretation, whereby ‘functions’ includes both powers and duties and ‘mission’ is defined as:

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

This is a broad and inclusive phrase was adopted in the Dioceses, Mission and Pastoral Measure 2007 and which is well established in Church legislation. It appears, for example, in the Parochial Church Councils (Powers) Measure 1956 in relation to the functions of a parochial church council. Some of the main factors which made it the appropriate meaning for the term “mission” in the 2007 Measure were:

- the wide range of functions covered by s.1 of the 2007 Measure and the Pastoral Measure 1983; and
- the fact that the weight and importance to be given to different aspects of the Church’s mission must necessarily depend on the nature of the function concerned and the context in which it is being exercised (see 2.14 - 2.15 on considerations, functions and duties of the DMPC).

This continues to be the case under the Mission and Pastoral Measure 2011.

Chapter 2 - The Role of the Diocesan Mission and Pastoral Committee in Pastoral Reorganisation

This chapter deals with the appointment of the DMPC and sets out its role with regard to pastoral reorganisation. For further details of the DMPC's role regarding church buildings, particular developing proposals for their closure for regular public worship, see [Chapter 13](#) of Volume 2 of the Code (which also outlines the DMPC's role in settling the future of closed church buildings).

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2.50	<u>Schemes and orders affecting more than one diocese</u>
2.51 – 2.59	<u>Shortened procedure orders and Bishop's Pastoral Orders for certain matters</u>
2.52-54	<i>Bishop's Pastoral Orders</i>
2.55-58	<i>Shortened procedure Orders (s.17)</i>
2.59	<u>Pluralities</u>

Appointment and constitution

- 2.1 [Section 2 of the 2011 Measure](#) requires each diocesan synod to appoint a mission and pastoral committee (DMPC); [Schedule 1](#) outlines the DMPC's constitution and procedure. Although referred to in the 2011 Measure as the DMPC, it may be known locally by whatever name the diocesan synod decides and may perform functions other than those under the Measure. This allows dioceses flexibility in their arrangements for carrying out functions under the Measure (for example, in some dioceses the DMPC functions are carried out by the Bishop's Council, which avoids having two separate policy making bodies).

Membership of the committee and any sub-committees

- 2.2 The DMPC is responsible for keeping arrangements for mission and pastoral care in the diocese under review and making recommendations to the bishop. The 2011 Measure allows the bishop, as chief pastor for all within his diocese, to be a member or chairman of the DMPC, if he or she wishes. In deciding whether to be either, a bishop should consider whether this is likely to lead to a challenge to the process on the grounds of appearance of bias in relation to his subsequent consideration of any DMPC recommendations.
- 2.3 The membership of the DMPC as set out in [Schedule 1](#) of the Measure is as follows:
- the diocesan bishop as the chair if he or she so wishes (see [2.2](#)); if not, (s)he appoints the chair, and may be a member;
 - all archdeacons in the diocese; and
 - the diocesan synod decides the number of other members, how they are appointed or elected and their period of office, but the number of clergy and lay members, taking the committee as a whole, should, as nearly as possible, be the same.
- 2.4 The DMPC may appoint sub-committees including members who are not members of the main committee. It may delegate any of its functions except its duty under [s.6\(5\)](#) or 6(8A) and [s.21\(4\)](#) or 21(9A) of the Measure (allowing incumbents of benefices and vicars in team ministries and any remunerated Common Tenure office-holder whose office would be terminated to meet the committee itself) – see [2.27](#). The constitution may prescribe the minimum number or proportion of members of a sub-committee who are members of the main committee. The number of clergy and lay members of a sub-committee should also, as nearly as possible, be the same (taking the membership of the sub-committee as a whole).

Personal interests of committee members

- 2.5 Any member of the DMPC with a personal interest (direct or indirect) in a matter which comes before the committee, including a connection with an area or with any member of the clergy affected by a proposal, should declare it and this should be noted in the minutes. Where the interest is a substantial one (pecuniary or otherwise) the member should withdraw from the meeting and the minutes should record this. One test of a substantial interest is whether a reasonable person might well believe the member's view would be likely to be coloured by it. Declarations of interest should be drawn to the bishop's attention when the Committee makes its recommendations.
- the interest of a member's spouse or partner should be treated in the same way as the member's own;
 - a member should also consider his or her position when a close relative, friend or associate has an interest;
 - the interest of an archdeacon, rural dean or deanery lay co-chair in their archdeaconry or deanery does not constitute a personal interest, but they should consider whether they might have such an interest in another capacity;
 - bishops' and archdeacons' membership of the diocesan board of patronage (DBP) would not constitute a personal interest given their wider diocesan role, but other members of the DBP on the committee should declare an interest when it is an interested party and not vote on the specific issue of patronage;
 - members of a patronage trust have a substantial personal interest and should withdraw.

DMPCs should adopt a code to cover these matters and may find the Code of Conduct that has been adopted for use by the Commissioners' Board and Committees

a useful guide (see [Appendix 1.9](#)).

- 2.6 A member of the committee who dissents from its recommendations and wishes to make representations to the Commissioners against a draft scheme or order to give effect to the proposals should consider whether this is an appropriate course of action while remaining a member of the committee. If exceptionally (s)he concludes it is, (s)he should notify the bishop and the committee of his or her intentions.

Committee's annual report

- 2.7 The DMPC is required by [s.2\(5\)](#) to present an annual report of its activities to the diocesan synod. It is recommended that reports should consist of more than a bare record of the benefices and parishes which have been affected by pastoral reorganisation and a list of committee members. They should also set

**2(5) &
3(3)(e)**

out the committee's aims and objectives for the year ahead and comment on whether those for the year under report have been met. Trends should be identified and analysed and relevant diocesan policy changes or reviews set out. Depending on the governance arrangements, the report may be part of the DBF's Annual Report. The DMPC also has to present a report annually to the Commissioners on the exercise of its closed church buildings' use seeking functions under [s.3\(3\)\(e\)](#) of the Measure (see [13.7 – 13.9](#) of Volume 2 of the Code) .

Liaison with other diocesan boards, committees and staff

2.8 It is important that recommendations of the DMPC are co-ordinated with the policies and decisions of other diocesan boards and committees. Particular examples are

- the Diocesan Parsonages Board about its views on the suitability and location of clergy houses in benefices where reorganisation is being considered;
- the Diocesan Board of Finance to ensure it is aware of possible financial implications such as the cost of maintaining a church which might be closed for regular public worship during the “waiting period” or of making compensation payments to office-holders who may be dispossessed;
- HR advisers regarding role descriptions, Statements of Particulars and any dispossessions of office-holders
- Decisions reached at the Bishop's Staff Meeting, especially those relating to clergy appointments.

The primary responsibility for achieving effective liaison between the various diocesan committees rests with diocesan staff but some common membership between the DMPC and other committees is also helpful.

Considerations, functions and duties

3

2.9 [S.3](#) sets out the DMPC's functions and the considerations to which it must have regard. The latter include the general principle set out in [section 1](#) of the Measure to have due regard to the furtherance of the mission of the Church of England (see [1.23-1.25](#)). [Subject](#) to that, the DMPC must have regard to:

“worship, mission and community as central to the life and work of the Church of England”;

- the financial implications for the diocese and the Church of England as a whole;

- the need to allocate appropriate spheres of work and to ensure that those employed or holding office in the diocese enjoy appropriate conditions of service and (where relevant) that those engaged in the cure of souls have reasonable remuneration provided for them. (NB the DMPC does not have power itself to fix or alter terms of service of those holding office in the diocese under s.3(5), although it may dispossess an office-holder under s.39)
- the traditions, needs and characteristics of particular parishes; and
- diocesan synod's policies to which it has asked the committee to have regard (The DMPC may wish to mention these to the interested parties when views are being ascertained. When considering representations, the Commissioners will need to know to what extent the proposals in question were affected by such policies).

2.10 Under [s.3\(3\)](#) the DMPC's main duties are as follows:

- to make better provision for the cure of souls in the diocese as a whole and, so far as it thinks appropriate, in particular parts of the diocese or particular parishes;
- to review arrangements for pastoral supervision and care in the diocese and, so far as it thinks appropriate, in particular parts of the diocese or particular parishes (including sharing agreements);
- to prepare strategies or proposal for giving effect to the two previous duties for approval by the bishop and diocesan synod;
- to maintain an overview of matters relating to church buildings and their use (other than those in the jurisdiction of the consistory court or which are functions of the Diocesan Advisory Committee);
- to carry out the use-seeking role in respect of churches which are listed buildings or in conservation areas and which have been or are proposed to be closed, and to develop proposals for the future of other closed churches, as provided for in [s.55](#) of the 2011 Measure. (For more details see [Chapter 13](#));
- to make recommendations to the bishop for matters which may be provided for in schemes and orders under the 2011 Measure.
- to review the arrangements for pastoral supervision in each conventional district in the diocese at least once every five years or when directed by the bishop.

The DMPC is also consulted about proposals for making a Bishop's Mission Order or Bishop's Pastoral Order. For more details of these aspects of the DMPC's work see the [House of Bishop's Code of Practice on Bishops'](#)

[Mission Orders](#), in particular Part 1 and also paragraphs 2.3.9 – 2.3.10 and paragraphs 2.52-2.54 of this Code. Copies of any Bishops' Mission Orders and Bishop's Pastoral Orders should be sent to the Commissioners' Pastoral Division.

Application of the considerations in s.3 of the 2011 Measure

- 2.11 [S.3\(4\)](#) of the Measure also requires the DMPC to consult other persons and bodies with relevant functions (whether or not they are within the Church of England) where it thinks that appropriate.

These might include:-

- consulting ecumenical bodies;
 - liaising with the DBF regarding financial implications;
 - maintaining regular contact with local planning authorities to provide input to their draft development plans, and to obtain up-to-date information on projected new housing development, demographic trends and other development or highway proposals which may affect the viability of church buildings or parochial life.
- 2.12 The DMPC will also need to take into account national policy in the fields of deployment, ministry, conditions of service and stipends. Sociological factors, the 'make-up' of congregations and differences in churchmanship will always have to be assessed and allowed for when having regard to the traditions, need and characteristics of particular parishes. Contact should also be maintained with other local government bodies, the County Council and any regional government office, although these matters will affect more committees than the DMPC and effective liaison is essential. In some dioceses contact is maintained via a regional consultant acting on behalf of several dioceses and denominations.

The Gaulby Judgement

- 2.13 In 1999 the Judicial Committee of the Privy Council dismissed an appeal from the Reverend A F B Cheesman & others against a decision by the Commissioners to proceed with a pastoral scheme affecting the benefice of Gaulby in the diocese of Leicester. The issue was whether it was right to bring forward proposals to reduce the size of the benefice of Gaulby by pastoral reorganisation when pastoral breakdown procedures under the Incumbents (Vacation of Benefices) Measure had been brought against the incumbent then discontinued. The Judicial Committee concluded that use of the then Pastoral Measure was appropriate in this case.

The following points emerge from the judgement:

- The need to have regard to the traditions, needs and characteristics of individual parishes in a proposed pastoral reorganisation can include consideration of 'interpersonal factors';
- Such consideration can include the relationships between parishes, between parishioners, or between clergy as well as the ability of particular incumbents to contribute to the better cure of souls;
- The organisation of the diocese into parishes is for the ease and benefit of the people and not the incumbent;
- The justification for a pastoral scheme must be the better cure of souls (with due regard to the furtherance of the mission of the Church of England); if **the sole or dominant purpose** of a scheme was to punish an incumbent or deprive him or her of office solely to remedy a breakdown in the relationship with his or her parishioners, it could not be upheld;
- There must be adequate evidence of any factors taken into consideration in a proposed reorganisation; any bad faith would invalidate a proposed scheme.

Ascertainment of views of interested parties: statutory requirements

6 & 21

- 2.14 The Measure lays down detailed procedures for formulating proposals for pastoral reorganisation and for bringing them into effect. These are designed to ensure that those who may be affected are fully consulted. The DMPC's work is of a sensitive nature and it is responsible for matters that are of close personal concern to people. The committee therefore needs to help the clergy and laity understand why and how pastoral proposals come to be initiated and the ways in which individual interests are safeguarded.

Interested parties

- 2.15 If the proposals are limited to creating, altering, dissolving or renaming archdeaconries or deaneries, the interested parties include any members of any team ministry affected who are licensed by the bishop in accordance with [s.34\(1\)\(b\)](#) of the 2011 Measure but do not include the patrons (NB proposals limited to these matters would now normally be carried out by Bishop's Pastoral Order (see 2.52-2.54 below).
- 2.16 Sections [6](#) and [21](#) of the 2011 Measure provide that before deciding to make any recommendations to the bishop the DMPC shall so far as may be practicable ascertain the views of the interested parties on the issues or on draft proposals (NB Where the recommendations arise from an approved deanery plan the DMPC may omit these consultations if the interested parties have already been consulted about the deanery plan). Where the proposals do not involve the possible closure of a church for regular public worship the parties are:

- the incumbents, team vicars (and in certain cases other team members - see [2.23](#)) of any benefices affected.
- the priests-in-charge of suspended benefices and of conventional districts;
- any other office holder on Common Tenure and receiving remuneration, **whose office may be abolished**;
- the patrons;
- the PCCs (including those of conventional districts);
- the archdeacons and rural deans and lay co-chairs of the deanery synods concerned.

2.17 Where the proposed reorganisation affects a benefice or benefices in a group ministry the DMPC secretary needs to consider whether it also affects other benefices in the group and should consult the Commissioners if in doubt. Some proposals would clearly affect the group. A union of any of its constituent benefices would mean either amending the group to include the united benefice or it being affected by the existing benefice or benefices ceasing to be part of it. Others, such as a union of parishes within it or a change of parish or benefice name would not. Other examples which should be considered as affecting the group are a plurality of one of the constituent benefices with a benefice outside the group or a reduction in the number of team vicars in a team ministry within it: in both cases this would affect the provision of ministry across the group.

Some special provisions and exceptions

2.18 Before recommending a declaration of closure for regular public worship, the DMPC must obtain a report from the CBC (see [13.18](#)) and ascertain the views of the Local Planning Authority and any Civil Parish Council in which the building concerned is situated (or, if there is no parish council, the chairman of the parish meeting). See paragraphs [13.17 – 13.19 of Volume 2](#) for more details. This does not apply to [s.66\(1\)](#) orders, which provide for the closures of churches which have not been used for worship since 1 April 1964 (e.g. ruins) (see [13.27](#)).

2.19 The DMPC secretary may treat any person or body as a "non-statutory" interested party and copy correspondence to such persons or bodies for their comments.

Examples might include:-

- a civil parish council in the case of an alteration of parish boundaries;
- district church councils or the separate congregations as well as the PCC when a declaration of closure for regular public worship in a multi-church parish is proposed;
- the PCCs of any neighbouring parishes likely to be affected by a declaration of closure for regular public worship in a single church

parish (parishioners may acquire marriage rights in adjoining parishes);

- assistant clergy or lay workers if they would be significantly affected;
- ecumenical partners where there is an LEP covering all or part of the area affected;
- a partner denomination sharing a church building.

Such persons/bodies should be noted in section 10 of [form P2](#) - see [2.47\(a\)](#).

Right for meetings with DMPC

- 2.20 The DMPC must, before reaching its decision, give each incumbent or team vicar who is an interested party the opportunity of meeting it or its sub-committee or representative. Interested PCCs must also be given an opportunity to meet the committee, sub-committee or a representative, though the PCC's consent must be obtained if the meeting is to be with a single representative of the committee.

An incumbent whose benefice may be united or otherwise dissolved or be held in plurality or be affected by the establishment of a team or group ministry, or a vicar in a team ministry has a right to meet the full DMPC if (s)he so desires. A priest-in-charge of a suspended benefice has rights equal to those of an incumbent by virtue of [s.6\(9\)](#) and [s.21\(10\)](#) of the Measure. Any other office holder on Common Tenure whose office may be recommended for abolition has a right to meet a sub-committee or member of the DMPC.

Where there is a deanery plan which is to be approved by the DMPC any common tenure office holder who could be dispossessed from his or her office under the plan has a right to meet the full DMPC before it decides whether to approve the plan. The Measure does not provide that a freehold incumbent whose office would be abolished under a deanery plan has such a right, but it would be good practice to offer one.

In the Deanery/deanery plans

- 2.21 Where there is no approved deanery plan, neither the deanery synod nor any ad hoc deanery pastoral committee is an interested party with a statutory role and the DMPC is not required to ascertain their views. However, as a matter of good practice the rural dean or the lay co-chairs (as interested parties whose views are ascertained) should keep the deanery synod, the synod's standing committee or any ad hoc deanery pastoral committee informed about proposals which are likely to be of particular concern to them and reflect on any views expressed. The rural dean or lay co-chairs should, however, make it clear to the deanery synod or any sub-committee of it that any discussions are of a non-statutory nature as it is the rural dean and the lay co-chairs as individuals who are the interested parties. DMPC secretaries should make this

clear to rural deans and lay co-chairs when ascertaining their views (see also [4.9](#)).

- 2.22 Where there is an approved deanery plan, all the statutory interested parties including the rural dean and deanery lay chair will have been consulted about the deanery plan and it will have been approved by the deanery synod. (See Guidance on Deanery Plans regarding the formulation of deanery plans attached).

Ascertainment of views: arrangements in practice

- 2.23 The DMPC's ascertainment of the views of the interested parties is the first formal step required by the 2011 Measure (except for proposals arising from an approved deanery plan). S.6(1) provides that the parties may be asked to give their views either
- on the recommendations the committee proposes to make; or
 - if the committee has yet to formulate recommendations, on the issues which the committee considers need to be addressed.
- 2.24 It is strongly recommended that such consultation should be on the issues rather than on specific proposals and that in most cases the process should begin with this formal stage. This is likely to be particularly appropriate where the initial consultation is on a deanery plan (See Guidance on Deanery Plans).

The main advantages of this approach are that:

- the interested parties have more obvious input into the formulation of proposals (and greater ownership of them) rather than being presented with specific proposals, which may be seen as a fait accompli on which consultation is regarded as nominal
- it avoids long drawn out informal consultations being followed by a formal consultation which is then seen as an unnecessary duplication

However, in some cases (and some DMPCs may wish to adopt this approach generally) there may have been earlier informal discussions as a result of which the DMPC will have drawn up and will consult upon draft proposals (There may also have been a local public meeting or meetings, particularly if the case involves a potential declaration of closure for regular public worship - see [2.21](#)).

A perceived disadvantage of this approach is that informal consultations may become excessively drawn out in an attempt to reach a consensus on the way forward.

- 2.25 Diocesan officials should make it clear to the interested parties when discussions are informal and when the formal stage begins. It is strongly recommended that the officials concerned inform the interested parties of their statutory rights at the outset of informal discussions. The minutes of the DMPC and of PCCs should provide a clear record of the progress of the

procedure and state clearly that it was at a particular meeting or meetings that the views of PCCs were formally being ascertained or given. (The minuting of informal discussions is also encouraged because it enables both sides to have a clearer understanding of each other's views). Misunderstandings once the formal procedure has begun may be difficult to eradicate later and may prejudice the outcome of proposals. In the event of representations being made against a draft scheme or order it may be necessary to demonstrate to the Commissioners that the requirements of the 2011 Measure have been satisfied and show how far this Code of Recommended Practice has been followed.

The following detailed recommendations are therefore made:

Initial letter

- 2.26 The DMPC should write to the interested parties (see [here](#) for a suggested letter for the formal ascertainment of views). The DMPC should set out the reasons why it is considering reorganisation and any factors which may increase the scope for or limit what may be possible and emphasise general duty under the Measure to further the mission of the Church of England.

Where formal consultation is on the issues it should identify these and offer guidance on the different options which may be available (but without inhibiting the interested parties from putting forward other solutions.)

Meetings

- 2.27 Whenever a statutory meeting is to take place with an incumbent or PCC (see 2.21):
- The DMPC should give at least 14 days' written notice of the meeting;
 - The notice should define the purposes of the consultation;
 - Notes should be taken of any expressed preference for one form of reorganisation rather than another (to counter complaints at a later stage that particular wishes were "ignored") and particulars of any decisions reached;
 - When a meeting is with a PCC the DMPC decides whether this is to be with the full committee or with a sub-committee (or, if the PCC consents, with a representative of the committee);
It is for the PCC to decide whether all the members or representatives only are to be invited. Non-members of the PCC have no right to attend such a meeting unless specifically appointed to represent the PCC. However, the PCC should consider what soundings it should take before the meeting, particularly with any district church councils;

- Where a number of parishes are affected each PCC has the right to a separate meeting with the DMPC or its representatives but, if all the councils agree, a joint meeting can be arranged;
- If there is a joint meeting the views of each PCC should be recorded and notified to the DMPC separately;
- following the meeting each council should be asked to minute and to notify its views to the DMPC as soon as possible in writing.

Action by DMPC

- 2.28 The DMPC (or its duly authorised sub-committee) must consider the views of the interested parties before deciding what recommendations to make to the bishop. A statement of the views of the interested parties should be annexed to the draft proposals submitted to the bishop and, if they include provision for declaring a church closed, a copy of the report by the CBC should also be attached. The DMPC should also summarise its consideration of the views of the interested parties and any CBC report.

Persons entitled to be notified, and transmission of documents

- 2.29 All notices, consents, directions, determinations and requests under the Measure must be in writing, which may be electronically, and all notices and documents must be left at or posted to the correct address. Where there is no PCC in a parish, the churchwardens are substituted for the purposes of the Measure. If the Bishop certifies that there are no churchwardens or PCC, the requirements of the Measure in relation to that council are of no effect. Similarly, if at the material time an office of archdeacon, rural dean, lay co-chair, incumbent or team vicar is vacant the procedural requirements of the Measure in relation have no effect regarding that office.
- 2.30 However, if a priest-in-charge has been appointed for a vacant benefice to which presentation has been suspended, (s)he is an interested party. It is good practice to treat any priest with charge of a parish or with a special responsibility for part of its area as an interested party. Where the office of the diocesan bishop is vacant or the bishop is absent or unable to act a colleague duly authorised under [s.13](#) or [s.14](#) of the 2007 Measure may act.

Deadlines

- 2.31 When ascertaining the views of interested parties the DMPC should give a reasonable deadline for receipt of responses. Six weeks is recommended as it allows for monthly meetings of PCCs plus a further two weeks for correspondence. At holiday periods or where it is known that PCCs concerned meet less frequently the DMPC may wish to allow longer or suggest that an extra meeting is called.

Draft proposals

- 2.32 Examples of the most common types of draft proposals and suggested consultation documents are provided on the Mission and Pastoral Measure 2011 web page [here](#). The DMPC is encouraged to seek the Commissioners' informal advice on the wording of the draft proposals before circulating them formally to the interested parties for comment, particularly if in any doubt about their contents.

Nature of consultations

Key principles to bear in mind on consultations

For consultations to be fair, they must take place at a time when proposals are:

- (i) still at a formative stage;
- (ii) the proposer must give sufficient reasons for any proposals to permit of intelligent consideration and response;
- (iii) adequate time must be given for consideration and response; and
- (iv) the product of the consultations must conscientiously be taken into account when finalising any decision.

- 2.33 Subject to what is said below about the importance of being able to demonstrate that the DMPC has not taken a final view, it is recommended that when DMPCs are having discussions with interested parties - whether at an earlier informal stage, or when views are formally being ascertained - they should be clear, concise and widely accessible and as forthcoming as possible about:

- what the issues or its provisional proposals are, the reasons for them, the questions being asked, and the timescale involved;
- any wider considerations that apply to those provisional proposals;
- any supplementary matters, especially those which would not form part of a draft scheme or order (for example, who would occupy a parsonage being transferred for diocesan purposes);
- its wish to formulate proposals collaboratively with those who would be most affected by them; and
- (ultimately) giving feedback regarding the comments received and how the consultation process influenced the policy.

- 2.34 By way of example, if some incumbents or PCCs express a preference for, say, a union with a benefice or parish other than the one that is finally proposed, the DMPC or its representatives should inform the interested parties

why the other option was not recommended. But they should also make it clear that all options were considered before settling the recommendations to the bishop.

2.35 When consulting on issues it may be that the DMPC will want to consult more widely from the outset or as proposals develop. For example, the issue may be that a particular benefice is no longer considered viable and needs to be united with another or divided between two or more other benefices. The DMPC might:-

- consult at the outset the interested parties in all benefices with which all or part of the benefice concerned might be linked. This would have the advantage of ensuring that a range of options was considered and that no additional consultation was required (which would extend the process). The disadvantage might be that interested parties in benefices not affected by the final proposals would be unnecessarily worried about the possibility of reorganisation. Only those affected by the final proposals would remain interested parties for later stages of the procedure;
- consult initially only with the interested parties of the benefice concerned and then widen the consultation to those who would be affected by their preferred option. This would extend the process but would avoid consulting those not affected by the eventual proposals;
- if the DMPC itself has a definite pre-disposition to a particular course of action to consult those who would be affected by that, but making it clear that it is prepared to consider alternatives and consult on them if need be;
- it is recommended that consultation on subsidiary issues should generally be in the form of open questions. For example, “if these benefices were united who should be the patrons and how should the patronage be exercised (giving the various possibilities)” or “where should the incumbent live and what should happen to any surplus parsonage (again listing the possibilities)”. This does not mean that the DMPC should not draw attention to constraining factors it regards as relevant (e.g that one parsonage is regarded by it as “suitable” and another as “unsuitable” or that it has a policy of preferring joint patronage to patronage by turns).

2.36 As much information as possible should be given about supplementary matters such as:-

- the responsibilities which might be allocated to team vicars or other team members in their licences;
- the use which might be made of various church buildings;

- the functions which could be delegated to district church councils or a joint PCC, team council or group council, etc.

2.37 The DMPC should try to respond to differences in the views of the interested parties by personal contact if possible. The value of dialogue rather than correspondence has been proved time and time again. The views of PCCs, in particular, ought always to be given the fullest possible consideration as they speak, in effect, for the congregation. Any pastoral reorganisation which is carried through against the wishes of a PCC is bound to be much more difficult to operate than one which is brought into effect with the good will and acceptance of the church people it most closely concerns.

Avoiding pre-judgement

2.38 While the DMPC or its representatives may feel it necessary to emphasise any constraining factors, e.g. the availability of clergy or funds, or matters of diocesan policy, that may impose limitations on the recommendations the committee, they should on no account make it appear that the committee has already decided on its recommendations regardless of any suggestions made by those who are being consulted. The DMPC should have a proper minuted discussion of interested parties' views before settling any recommendation to the bishop. The Committee or an archdeacon may have a pre-disposition towards a particular recommendation but should always be open to reconsidering this in the light of the views expressed.

Mediation

2.39 If proposals are disputed at the consultation stage, the DMPC should consider the possibility of using mediation to resolve the dispute before moving to the next stage in the Mission and Pastoral Measure process. Although mediation will not be an appropriate option in every such case, where it is used, it may help to reduce local tensions as well as the possibility of the Commissioners being required to consider objections at a later stage and, perhaps, to defend an appeal at the Privy Council (see [2.43](#)). (See [Appendix 1.9](#) for some brief comments on the theology of mediation by Professor Anthony Thiselton.)

2.40 The need for full consideration of interested parties' views and mediation, where appropriate, is emphasised by the Judicial Committee of the Privy Council's response to an application in 2002 for leave to appeal against the making of a scheme which the Commissioners had concluded should proceed notwithstanding representations. The Judicial Committee invited the parties to undertake informal discussions to establish whether they could resolve their differences without recourse to a full hearing. This reflects the modern desire of the judiciary to encourage parties to resolve differences without recourse to the Courts. In the case in question the DMPC commissioned further local consultation within the deanery. The Bishop then accepted the DMPC's recommendation that the scheme should be withdrawn with a view to promoting new proposals for a deanery-wide solution.

The Commissioners were not involved in the local consultations as they needed to remain neutral if representations were received against a new draft scheme.

Action following the bishop's approval of recommendations

- 2.41 Having approved any draft proposals recommended by the DMPC (with any amendments which he or she has decided to make) the bishop must sign and return them to the DMPC (at which point they become the Bishop's proposals not draft proposals). The DMPC secretary then takes the following action (depending on the content of the proposals and who is to draft any pastoral scheme or order to implement them).
- If the proposals include provision for the closure of a church, sends a copy of the proposals, as approved by the bishop, to the Commissioners, to draft a pastoral church buildings scheme, and to each of the interested parties, informing them that if the Commissioners prepare a draft scheme or order in pursuance of the proposals an opportunity will be given for making representations. This will have the effect of restricting the registered patrons' rights of presentation (where the proposals also include provisions where this applies).
 - If the proposals do not include provision for the closure of a church, send a copy of the bishop's proposals to the registered patrons (in order to restrict their rights of presentation) and send to the Commissioners a copy of the approved proposals (if they are to draft the scheme or order) or a draft scheme or order for validation (if the DMPC is to draft it).

Submission of proposals or draft schemes or orders to the Commissioners

- 2.42 Proposals or drafts sent to the Commissioners' Pastoral Division, should be accompanied by:
- the information forms P2 / P2A found on the Mission and Pastoral Measure 2011 & Code of Practice web page [here](#);
 - a map showing any proposed alteration of parish areas except where a verbal description will be adequate - see [2.47](#);
 - the Crown's consent if a patron - see [2.48](#);
 - the written consent of all patrons affected where the patronage of an existing benefice is being altered or where a special patronage board is being set up - see [11.10](#) and [11.19\(a\)](#);

- form P10 (found on the Code of Practice webpage [here](#)) where a declaration of closure for regular public worship is proposed, together with photographs of the interior and exterior of the church, a copy of the CBC report (not essential for a s.66(1) case), a site plan, a copy of the latest quinquennial inspection report and an inventory;
- form P20 (found on the Code of Practice webpage [here](#)) in any case involving an appropriation under s.44 of part of a consecrated churchyard or burial ground;
- copies of any unresolved objections to the draft proposals from the statutory interested parties together with any relevant diocesan mission and pastoral committee minutes. (This is not a requirement but such information is extremely useful as background information in the event of any objections to the proposals subsequently being raised.)

Names and addresses

- 2.43 Before sending papers to the Commissioners the DMPC secretary should ensure that all the names and addresses of the interested parties are up to date. (S)he should also enter on form P2 any known date when clerical interested parties are soon to vacate or resign from their offices

Public inspection of draft scheme or order

- 2.44 Form P2 must indicate where any draft scheme or order may be made available to the public for inspection. The place of inspection (referred to in the newspaper notice, if one) should be easily located and accessible during daytime, e.g. the local Post Office, Public Library or the Vicarage. A protected notice board, e.g. inside a church porch, may be suitable for the display of a copy of a draft scheme or order but pinning a copy to a notice board outside the church unprotected against the weather or vandalism is not recommended. Display inside a church is not recommended unless the church is open during the day.

Newspapers

- 2.45 Where a draft scheme provides for a declaration of closure for regular public worship of a church, or for the appropriation of part of a churchyard, a notice has to be published in a local newspaper. The DMPC should state on form P2 the names and contact details of a local newspaper or newspapers in which publication should take place. It is important that the local newspaper selected should be one with a wide readership in the area and appear at least weekly. If parts of the area concerned are covered by different newspapers, then notices should be placed in both (or all). The placing of the newspaper notice will be done by whichever of the DMPC or the Commissioners undertakes the publication of the draft scheme.
- 2.46 Where proposals include the closure of a church for regular public worship the Commissioners will draft and publish the scheme. For any other proposals the

DMPC may choose whether to ask the Commissioners to draft and publish the scheme or order or to do so itself (in which case the draft must be validated by the Commissioners before being published).

Special points to be noted

Maps for alterations of areas of parishes

- 2.47 A brief verbal description of the area affected (e.g. all of the parish of X north of the middle of the A5000) may be sufficient to describe an alteration of the areas of parishes; otherwise a map should be used. If so, the map should be up-to-date and show all recent developments. The local planning authority may be able to assist with this. (The Commissioners will prepare a detailed map for attachment to a draft scheme or order where necessary.)

Crown patronage cases

- 2.48 Where the Crown has a patronage interest, the DMPC must obtain its consent to pastoral proposals before making recommendations to the bishop (see [11.20 – 11.21](#)). The Commissioners need to have a copy of the Crown's letter of consent. The Crown's consent is required to everything proposed, not just the provisions for patronage, and should be to actual draft proposals. If there appears to be any doubt over what the Crown's consent relates to, this should be clarified with the Crown.

Amendment of proposals

- 2.49 Sometimes the diocese wishes the contents of proposals to be altered after they have been approved by the bishop but before a draft scheme or order has been issued. The Commissioners themselves may also suggest and make, with the bishop's agreement after consultation with the DMPC, amendments to the proposals. If an intended alteration to proposals is of a fundamental nature the DMPC is advised to re-ascertain and consider the views of the interested parties before making a decision to seek the change; the DMPC should consult the Commissioners' Pastoral Division if in doubt. It may be helpful for the DMPC to delegate power to give its views on minor alterations to a sub-committee, archdeacon or its secretary to avoid having to wait for a meeting of the full committee in such cases.

Schemes and orders affecting more than one diocese

- 2.50 A DMPC may formulate proposals affecting another diocese as set out in [s.49](#) of the 2011 Measure (i.e. most basic reorganisation matters). The DMPCs concerned will need to agree which of them progresses the proposals. Usually it will be the DMPC of the diocese to which an area is proposed to be transferred. However, before the DMPC given this responsibility ascertains the views of the interested parties in the other diocese, the consent of the bishop of the other diocese, after consulting his or her DMPC, has to be

obtained in accordance with [s.15](#) of the Measure. Both bishops need to approve the proposals.

[S.16](#) of the Measure has provision, if it is felt necessary or if the reorganisation is beyond the scope of [s.49](#), for the bishops to constitute a Joint Boundary Committee to consider the boundaries of two or more dioceses. The consent of the Dioceses Commission has to be obtained and a member of the Commission is required to be a member of the Joint Boundary Committee. If the proposals are very wide-ranging in their effects, it may be more appropriate to proceed by a scheme prepared by the Dioceses Commission. Correspondence concerning the Commission should be addressed to the Secretary, Dioceses Commission, Church House, Great Smith Street, Westminster, London, SW1P 3AZ.

Bishop's Pastoral Orders and shortened procedure orders

17

- 2.51 Some matters which can be dealt with by Pastoral Order (broadly speaking those which do not affect the legal rights of parishioners, office holders or patrons) can now be dealt with by a Bishop's Pastoral Order. A shortened procedure is available (under [s.17](#) of the 2011 Measure) in all pastoral order cases where the interested parties consent or are deemed to consent (see [Appendix 1.3](#) for a list of matters which can be dealt with by pastoral order and which of those can be done by Bishop's Pastoral Order).

The Commissioners are not involved in either procedure other than receiving a copy of the completed Order. They will then update their records in respect of any parish boundary alterations or change of names. They are, however, ready to offer guidance in preparing a shortened procedure order or BPO. Examples of the most common types of these may be found on the Pastoral Matters – Procedural and Administrative web page [here](#) but DMPCs are encouraged to seek the Commissioners' advice if in any doubt about a proposed form of wording or if the matter does not seem straightforward.

It is also strongly recommended that where parish boundary alterations are proposed, the DMPC asks the Commissioners to check the accuracy of any existing boundaries before proceeding with the order.

Bishop's Pastoral Orders

- 2.52 Bishops may make a Bishop's Pastoral Order after consulting
- the DMPC; and
 - such other persons, groups of persons or organisations as he or she thinks fit.

No consents are needed for a Bishop's Pastoral Order and there are no rights of representation, although bishops are advised to consider carefully whether

they would wish to make such an order where those consulted express significant opposition to it.

2.53 Although the Bishop may consult who she or he thinks fit, the following consultations are recommended :-

- for the creation or dissolution of archdeaconries or deaneries or the alteration of their names, the deanery chapters and deanery synods of the deaneries affected and the archdeacon(s);
- for alterations of deaneries or archdeaconries, the archdeacons, rural deans, and deanery lay chairs of the archdeaconries or deaneries being altered and the incumbents or priests-in-charge and PCCs of benefices and parishes which will be changing deaneries;
- for pluralities the incumbent or priest-in-charge and PCCs and patrons of the benefices and parishes concerned
- for other matters the incumbents, priests-in-charge and PCCs of the benefices and parishes affected

2.54 Skeleton bishop's pastoral orders are available on the Commissioners' website [here](#). Copies of BPOs should be kept in the diocesan registry and **must** be sent to the Commissioners.

Shortened procedure (s.17) Orders

2.55 Under the shortened procedure, a pastoral order to give effect to the bishop's proposals can be prepared by the DMPC and made by the bishop for all matters which can be included in a pastoral order, including those which can be done by a BPO. A shortened procedure order rather than a BPO would have to be used for example where a plurality was also to include the transfer of a parsonage house under s.45 or for an alteration of deaneries where the deaneries were in different dioceses.

2.56 The following general points should be noted:

- Interested parties who have been sent a copy of the proposals and who do not respond within the timetable outlined are deemed to have given their consent.
- If not all the parishes in a proposed plurality are in one deanery it would be desirable to address this (see [2.60](#) and [4.9](#)).
- Each interested party must be provided with a copy of the proposals together with a consent form which should clearly relate to the proposals. The DMPC should not proceed with an order under the shortened procedure if the consent forms have been amended or qualified in any way before being signed by an interested party. (See the Pastoral Matters – Procedural and Administrative web page [here](#) for a sample letter to the interested parties seeking their formal consent under the shortened procedure.)

- The decision as to whether to use the normal or shortened procedure is for the diocese. Although the shortened procedure is intended to reduce the time taken to implement changes, it may result in greater delay if any of the interested parties object. To reduce this the letters to the interested parties seeking their consent should say that if any consents are not given these letters are also to be regarded as the formal consultation for a pastoral order under the full procedure

- 2.57 If it is desired materially to amend the proposals after the consents of interested parties have been obtained, fresh consents to the proposals as amended should be sought. Suggested forms for the consents of the interested parties are given in forms P30-36 (found on the Pastoral Matters – Procedural and Administrative web page [here](#)).
- 2.58 When a shortened procedure order is made by the Bishop, the DMPC **must** send a copy to the Commissioners and the interested parties in accordance with [s.17\(1\)\(c\)](#) of the 2011 Measure.

Pluralities

- 2.59 Although a plurality may be established, and the first incumbent designated, by a Bishop's Pastoral Order, there is no provision for a BPO to make patronage arrangements for a plurality. This means that a BPO can only be used to establish a plurality for one incumbency (unless all the benefices in the plurality have the same single or joint patron).
- 2.60 If the bishop gives an incumbent leave to resign one or more benefices held in plurality while still holding others in plurality, the Commissioners (or the bishop as the case may be) can by instrument make any consequential amendments of the pastoral scheme (or order or BPO) which provided for the plurality, as they think necessary.

Chapter 3 - The Role of the Church Commissioners in Processing Pastoral Proposals

This chapter explains the Commissioners' role in processing pastoral proposals and the procedure they follow for subsequently considering any representations made to them. It also indicates steps which should be considered in advance of the taking effect of the proposals.

- 3.1 - 3.3 [Consideration of the bishop's proposals and validation or preparation of the necessary draft scheme by the Commissioners](#)
- 3.4 - 3.6 [Validation of draft pastoral schemes and orders](#)
- 3.7 [Publication of draft schemes and orders](#)
- 3.8 [Extension of representation period](#)
- 3.9 [Completion of draft schemes and orders](#)
- 3.10 - 3.13 [Representations](#)
- 3.12 (a) [Population figures](#)
 (b) [Church finance](#)
 (c) [State of repair of churches proposed for closure](#)
 (d) [Churchmanship](#)
- 3.14 [Amendment of draft scheme or order](#)
- 3.15 - 3.16 [Advance preparation for the taking effect of pastoral reorganisation](#)
- 3.16 (a) [Creation of a new parish by union or division](#)
 (b) [Alteration in the status of a parish church to that of a chapel of ease](#)
 (c) [Churches ceasing to be available for marriages](#)

- 3.1 The Commissioners' responsibilities vary according to two different procedures set out in the Measure. For pastoral church building schemes (i.e. those including the closure of a church - see [Part 4](#) of the 2011 Measure) they are always responsible for drafting and publishing schemes. For pastoral schemes and orders (see [Part 3](#) of the Measure) dioceses have the option of asking the Commissioners to draft and publish the scheme or order or drafting and publishing it themselves, in which case the Commissioners must validate it before publication. The Commissioners' role in dealing with representations is similar under either procedure. The progress of a pastoral scheme or order under Part 3 of the 2011 Measure is detailed in a flowchart in [Appendix 1.4](#). More detail on the Commissioners' role in pastoral church building schemes is in [Chapter 15](#) of Volume 2 of the Code.

Consideration of the bishop's proposals and validation or preparation of the draft scheme or order

8

- 3.2 The Commissioners' formal role begins when they receive the bishop's proposals (where they are drafting the scheme or order) or the draft scheme or order (for all other proposals), but they are always prepared to offer informal advice at an earlier stage.
- 3.3 When they receive the proposals or draft scheme or order, the Commissioners' Pastoral Division:
- checks that these only include matters within the scope of the 2011 Measure;
 - checks that the DMPC has consulted all the interested parties under sections [6](#) or [21](#) of the 2011 Measure (including checking whether the Crown should have been consulted when a presentation should have been made by the diocesan bishop as patron/or one of the patrons during any vacancy in the See) or, if the proposals are implementing a recommendation in an approved deanery plan, that the interested parties were consulted about the deanery plan as required by s.6(8A) or s.21(9A) of the Measure;
 - verifies benefice and parish names and the identity of the patrons; liaises with [Closed Churches Division](#) and [Clergy Payroll](#) on matters affecting the proposals;
 - instructs the Mapping Section to prepare any map or plan required;
 - either validates the draft pastoral scheme or order prepared by the DMPC or prepares a draft scheme or order to give effect to the proposals and seeks the bishop's approval to the draft and the DMPC's confirmation of the accuracy of any map or plan. It also seeks the Crown's consent if it is a patron of any of the affected benefices or acting where the bishop is patron and there is a vacancy-in-see).

Validation of draft pastoral schemes and orders

8

- 3.4 When checking and validating draft schemes and orders prepared by a DMPC the Commissioners may make drafting amendments before returning them to the DMPC for publication.
- 3.5 If the Commissioners make amendments other than purely drafting points they must refer the amended draft back to the DMPC, with the reasons for the proposed amendments. The DMPC must consult the bishop and may, with his or her agreement, make further amendments before resubmitting the draft to the Commissioners with an explanation (if necessary this process can be repeated). It may be helpful for DMPCs which meet infrequently to delegate to a sub-committee, a member or an officer the power to agree such amendments on its behalf, in order not to delay matters.
- 3.6 In the rare circumstances where the Commissioners consider it is not possible to amend a draft scheme or order in a way that would enable it to give effect to what is intended or that the correct procedures have not been followed, they would return it to the DMPC. The DMPC would then take any steps which the Commissioners specified to correct a procedural error or, after consulting the bishop, make new recommendations or prepare a new draft scheme or order which can be given effect under the Measure.

Publication of draft schemes and orders

9(1) – (3)

- 3.7 After receiving the bishop's (and, if applicable, the Crown's) approval of the draft or validated scheme, the DMPC or the Commissioners' Pastoral Division:
- sends a copy of the draft scheme or order to all the interested parties with a notice giving the date by which any written representations (which may be by email) may be made to the Commissioners. Representations may be for or against any aspect of the draft scheme or order or just comments on it);
 - sends the secretary of each parochial church council a "church door notice" which summarises the main points of the draft scheme or order, names a place in the parish where a copy of it may be inspected and gives the date by which representations may be made
 - PCC secretaries are required to display a copy of the notice at all churches and places of worship within the parish. They will also be asked to ensure, so far as is practicable, that at at least one service in each church or place of worship in the parish where a service is held during the notice period, the person conducting the service informs the congregation of the contents of the notice.(see [2.49](#));
 - checks that the church door notice has been displayed for the statutory notice period (the Commissioners usually accept a minimum of three Sundays as being adequate for this purpose, preferably including a Sunday when a service is being held) and that the announcements of its contents have been made;

- arranges, where the draft scheme includes a proposed declaration of closure of a church for regular public worship (under [s.42](#), [s.58](#) or [s.59](#)) or disposal of all or part of a churchyard or burial ground (under [s.44](#)), for a similar notice to be published in at least one local newspaper at least 28 days before the expiry of the notice period(see [2.50](#)).

In all cases the Pastoral Division must publish the draft scheme or order on the Commissioners' website at least 28 days before the expiry of the notice period with a notice stating its effect and the date by which written representations must be received. Where the DMPC is publishing the draft scheme or order, it therefore needs to inform the Commissioners of the publication date and the end of the notice period in good time for them to display it on the website for the required period.

Extension of representation period

9(5) &
24(5)

- 3.8 The Commissioners may, under [s.9\(5\)](#) and [s.24\(5\)](#) of the 2011 Measure, extend the representation period. For an extension of more than a fortnight they will usually consult the DMPC secretary before doing so. It may also be necessary to extend the period for which the notice is displayed in a particular parish where there has been delay in displaying the church door notice or an announcement was not made when it was practicable to do so. The Commissioners will always inform the DMPC of the date to which they have granted an extension.

It might also be necessary for the Commissioners to extend the representation period online if the DMPC when publishing a draft scheme or order had not asked the Commissioners to add it to their website.

Completion of draft schemes and orders

11 & 26

- 3.9 If no adverse representations are made, the Commissioners:
- in the case of a draft order, issue a certificate to that effect and send the draft order to the bishop for sealing. The DMPC then arranges for copies of the completed order to be sent to the interested parties and others concerned
 - in the case of a draft scheme, arrange for the scheme to be signed by the bishop and made by them. The DMPC, or the Commissioners, where they have published the draft scheme, then sends copies of the scheme to the interested parties and others concerned

Where adverse representations are received:

- if their Mission, Pastoral and Church Property Committee decides that a draft order or scheme should nonetheless be made, the

Commissioners send the bishop, the interested parties and the representors a statement of reasons for their decision.

- For an order they also issue a certificate and send the order to the bishop to be made as in a) above (there is no right of appeal against the Commissioners' decision regarding a draft order).
 - For a draft scheme they inform those who made representations of their right to seek (within 28 days) leave to appeal to the Judicial Committee of the Privy Council against the decision;
- (d) where leave to appeal is granted, they prepare a response to the appeal, consulting the Bishop and DMPC as necessary, and present it at a Hearing of the Judicial Committee;
- (e) if there is no application for leave to appeal, if leave is not granted or if an appeal is dismissed, the Commissioners arrange for the scheme to be made as in (b) above.

Representations

9(4) &
24(4)

- 3.10 Anyone, not just the statutory interested parties, may make written representations to the Commissioners who must consider them. Where these include representations against any aspect of what is proposed the consideration will be by their Mission, Pastoral and Church Property Committee (unless all the objectors withdraw their representations or the bishop asks the Commissioners to withdraw or amend the draft scheme or order).

In many cases an explanation from either the Commissioners' Pastoral Division or the DMPC secretary of the effect of all or part of the draft scheme or order or the provisions of the 2011 Measure may lead to an adverse representation being withdrawn. However, it is important that objectors should not feel under pressure to withdraw.

Sometimes the bishop may wish to amend the proposals in the light of the representations in which case he or she will ask the DMPC or Commissioners to amend and reissue the draft scheme or order. Where this happens, the Commissioners will ask the objectors whether they wish their original representations (wholly or in part) to be considered as representations against the amended draft. Anyone may make representations regarding the amended proposals at this stage.

- 3.11 Where any adverse representations are maintained, the Commissioners' Pastoral Division:

- seeks the bishop's comments on all the representations (see [3.12](#)) - a copy of this letter will be sent to the DMPC Secretary who will normally advise the bishop on the reply;

- sends copies of the exchange of correspondence with the bishop to all those who made representations giving them the opportunity to comment further;
- asks the incumbents or PCC secretaries concerned, via the DMPC secretary, to fill in parish information forms (an example is included in form P100 - found on the web page [here](#)), giving details about the parishes, their Church life and other relevant information and the results of any votes by the PCCs on the draft scheme or order;
- presents information about the case to the Sifting Group of the Commissioners' Mission, Pastoral and Church Property Committee which decides whether a public hearing should be held when the full Committee considers the representations and informs the DMPC and representors of the decision;
- prepares a paper about the case for consideration by the full Committee and, where a hearing is to be held, sends a copy to the diocese and to anyone making a representation who wishes to attend and (potentially) speak at the meeting;
- if the Committee wishes some of its members to visit the parishes concerned before reaching a decision, arranges the visit.

3.12 After the Committee has considered the matter the Commissioners' staff will notify the diocese, the representors and the interested parties as follows:

- if the Committee decides that the scheme or order should *proceed* they prepare the statement of the reasons for the decision and send it to all representors and interested parties, with a notice about the right to seek leave to appeal (for draft schemes only - see Paragraph 3.9(c) above);
- if the Committee proposes to amend the draft scheme or order to give effect to an alternative proposal made by representors they will seek the consent of the Bishop (who must consult the DMPC) and inform the representors and interested parties of this and the Bishop's response and carry out any further consultation that the Committee thinks fit. Depending on the outcome of these, they will arrange for the scheme or order to be made or further considered by the Committee, which may then decide that the amended scheme should proceed;
- if the Committee decides to refer the draft scheme or order back to the bishop for further consideration, they will inform the bishop of the reasons and copy the letter to the representors and interested parties. Further action will depend on the bishop's response. This may result in the Committee reconsidering the matter or in the bishop withdrawing or amending the draft scheme or order (which may in turn lead to an amended draft scheme or order being published with a further opportunity to make representations about the amended draft.)

- if the Committee decides that the draft scheme or order should not proceed they will send the bishop, the interested parties and the representors a letter informing them of the decision and of the reasons for it. This decision brings the process to an end as there is no right of appeal against it. If the DMPC and Bishop wish to bring forward the same or similar proposals, they can only do so after beginning the whole process from the start.
- 3.13 The following factors are amongst those which may need to be addressed by the bishop and DMPC secretary:

(a) Population figures

Where facts about the present and future population of parishes are particularly relevant or in dispute, the DMPC secretary should contact the local planning authority for information about likely changes.

(b) Church finance

If any question of local church finance arises, the DMPC secretary should provide copies of the most recent church accounts. (S)he should check the accounts and make enquiries about any points that are unclear before sending them to the Pastoral Division.

(c) State of repair of churches proposed for closure

Where a draft scheme is to include provision for the closure of a church for regular public worship a copy of the latest quinquennial report on the church concerned made under the [*Inspection of Churches Measure 1955*](#) should be sent to the Commissioners with the bishop's proposals. This is helpful to their Mission, Pastoral and Church Property Committee if it has to consider representations where the state of repair of the church appears to be a major consideration.

Where the estimated cost of the required works and how soon they need to be done is being questioned, especially if some time has passed since the latest quinquennial report, the DMPC secretary should consider obtaining an up-to-date estimate by a suitably qualified person of the cost of repairs, plus fees and VAT. As in a QIR this should distinguish between urgent repairs required immediately and those which are need within five years or in the longer term and items which are desirable improvements rather than repairs.

Where an Inspection becomes due while the formal process to close a church for regular public worship in progress, a PCC may, understandably, be reluctant to incur the cost of obtaining one. However, where the state of the building and repair costs are the main reason why the closure proposal has been brought forward then an up-to-date estimate of the repair costs, as above, should be obtained.

(d) Churchmanship

Where representations raise the issue of differences in churchmanship between benefices or parishes which it is proposed to amalgamate, the Commissioners will wish to know what the differences are and what steps are to be taken - so far as is practicable - to ensure the maintenance of the traditions; or what alternative places of worship, with a similar tradition, are within easy reach. The Committee will particularly need to know whether parishes have passed a Resolution regarding women's ministry, as set out in the House of Bishops' Declaration on the Bishops and Priests (Ordination and Consecration of Women) Measure 2014, and the nature of their theological convictions.

- 3.14 In considering any representations the Commissioners have to take account of the duties of the DMPC and the considerations it must have regard to, notably those set out in [s.3](#) of the 2011 Measure, the General Duty in [s.1](#), and the presumption in favour of proposals arising from a deanery plan in Sections 11 and 26.

Amendment of draft scheme or order

10 & 25

- 3.15 As a result of representations or otherwise, the Commissioners may, at the request or with the agreement of the bishop after consultation with the DMPC, prepare an amended draft scheme or order. A draft scheme or order amended in this way will be published by the DMPC or the Commissioners, and a period for representations allowed, in the same way as with an original draft, except where the Commissioners themselves have proposed the amendment after considering representations (see [3.12](#) above). The Commissioners may, however, make minor editorial amendments to a draft scheme or order after it has been published providing that the original purposes of the scheme or order are unaffected.

A flowchart summarising the progress of a pastoral scheme or order is in [Appendix 1.4](#).

Advance preparation for the taking effect of pastoral reorganisation

11 & 26

- 3.16 When a scheme or order is made the Commissioners or the DMPC notifies interested parties. There will then normally be a period before the scheme or order comes into operation during which there may be actions which the incumbent and others should take. For pastoral schemes and pastoral (church buildings) schemes where the scheme has been allowed to proceed following the consideration of objections, the interval will be extended by at least the four week period during which representors can indicate that they wish to seek leave to appeal against the Commissioners' decision. Any objector who gives notice of an intention to seek leave to appeal then has a further period of four weeks within which to lodge an application for such appeal.

3.17 The following are examples of situations which give rise to the need for advance preparations by the DMPC secretary in liaison with the archdeacon:

- Dispossession of office holders

Schedule 3

Para. 10

Many schemes have the effect of dissolving existing benefices when creating new ones by union or other rearrangement. Where this occurs existing clergy offices (or those held by licensed lay workers) cease to exist. In most cases the office holders will be appointed by the scheme to an ecclesiastical office with equivalent or higher emoluments, but if they are not they become dispossessed (and entitled to compensation for loss of office). Schemes which dispossess office-holders must have a deferred coming into effect date of at least six months after the date the scheme is made or after the event which would bring it into operation (unless those affected all resign earlier).

Once the Scheme is made resignation by office-holders who would be dispossessed does not affect their right to compensation and, in some cases, they may be willing to do so before the six-month period expires to enable the Scheme to come into operation earlier.

Whether or not dispossessed office-holders agree to resign early, there will need to be discussions with them about the housing element of the compensation (the DBF must provide suitable accommodation for the person dispossessed and family members residing with him or her for twelve months after dispossession unless the Board and the person concerned agree to a payment instead). The Bishop will also need to consider whether the dispossession will cause such exceptional hardship to the person concerned or an immediate family member as to justify authorising an additional payment above the standard compensation of twelve-months stipend and pension contributions.

In the majority of cases where all those who would be dispossessed are appointed to other offices the DMPC may wish to consult the diocesan registrar about whether an amendment to their licences or Statements of Particulars is needed to reflect their new responsibilities.

- Creation of a new parish by union or division

A special parish meeting must take place as soon as possible after the Scheme takes effect. In a vacancy the rural dean (or, otherwise, the archdeacon) should initiate this. The meeting has, among other things, the duty of electing representatives of the laity to the PCC which can then elect its officers to maintain continuity in parochial administration. This is particularly important for the post of parish treasurer because new forms of authority to sign cheques, to redirect covenanted payments to bankers, etc. may well require urgent

attention. New arrangements cannot be formally put in place until the pastoral scheme has come into effect.

If authorised to do so by the scheme, a Bishop's Instrument should be drawn up for the representation of different congregations in the parish on the PCC.

(c) Where a church is closing for regular public worship

In pastoral (church buildings) schemes which close a church for regular public worship, the closure will usually take place on a date to be determined by the Commissioners after consultation with the bishop. Often, the parish will wish to hold a final service to celebrate the life of the church before it closes and the DMPC secretary should liaise with the incumbent or PCC before advising the bishop of the date for closure to ensure it does not happen before the date of the final service. (For special action in relation to the care and maintenance of a church which is being closed see [16.4](#)).

(d) Where a parish church is to become a chapel of ease

If it is intended that a parish church which is to become a chapel of ease should continue to be used for marriages, the incumbent should ask the bishop's legal secretary to arrange in good time for the grant of a licence under [s.20 of the Marriage Act 1949](#).

(e) Churches ceasing to be available for marriages

Where a church is declared closed for regular public worship by a scheme, or it is not intended to license a parish church which is becoming a chapel of ease for marriages, no banns may be called or marriages solemnised in the building after that provision of the scheme takes effect.

Completion of the calling of banns and any marriages already arranged can be transferred to the church building which takes its place, but clergy will wish to ensure that persons wishing to be married in the church which will cease to be available for marriages are made fully aware of the situation.

If it is desired that such a provision should not take effect until a marriage which has already been arranged has taken place, the Commissioners' Pastoral Division should be informed as soon as possible and, particularly where a parish church is becoming a chapel of ease, before the scheme is made. Schemes normally provide for a church closure to take effect on a date to be determined by the bishop and the Commissioners which can therefore be deferred even after the scheme is made. However, provisions under which a parish church becomes a chapel of ease will often have a fixed coming into effect date (usually the first day of the month after the date on which the

scheme is made) and in these cases it may be necessary to defer the making of the scheme itself.

Chapter 4 - General Provisions of Schemes and Orders

This chapter considers general matters relating to the content of pastoral reorganisation proposals, including boundary considerations, archdeaconry and deanery reorganisation and the status of clergy affected by the proposals, and the effect of such proposals on any church and parochial trusts.

- 4.1 - 4.2 [Pastoral reorganisation involving rearrangement of benefices and/or parishes](#)
- 4.3 - 4.5 [Boundaries](#)
- 4.3 [Boundaries to coincide with identifiable features](#)
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 - (a) [Extensive reorganisation](#)
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- 4.8 [Status of new benefices](#)
- 4.9 [Designation, selection and admission of certain incumbents](#)
 - (a) [Selection](#)
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 - (c) [Creation of new benefice whether by union, rearrangement of benefices or otherwise; or enlarging a benefice by transfer or a parish from another benefice;](#)
 - (d) [Plurality of benefices](#)
- 4.10 - 4.13 [Dispossession of clergy](#)
- 4.14 [Effects of Ecclesiastical Offices \(Terms of Service\) Measure and Regulations 2009](#)
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Pastoral reorganisation involving rearrangement of benefices and/or parishes

- 4.1 Proposals for reorganising benefices frequently involve a simple union of the benefices concerned and/or some or all of their constituent parishes. Examples of draft proposals for such cases may be found on the [Code of Practice webpage here](#) under “Parish Reorganisation Forms for Diocesan Administrators”. Sometimes, for example in proposals principally for the closure of a church for regular public worship, it is desired only to unite parishes.
- 4.2 The transfer of a parish from one benefice to another may also be proposed. A scheme providing for this may also provide, if there is a vacancy in the office of incumbent in the enlarged benefice when the transfer takes effect, for the designation or selection of the incumbent of that benefice. Otherwise it is only possible to designate an incumbent when creating a new benefice (by union or otherwise).

However, there is a potential problem if there is to be a change of patronage arrangements in conjunction with the transfer of the parish. Patronage cannot be altered in a scheme without the written consent of all the patrons concerned except when a new benefice is being created. If the patrons do not consent in such a case it would be necessary to create a “new benefice” out of the parish to be transferred and to immediately unite it with the benefice to which is to receive it or to dissolve the benefice from which the parish is to be transferred and create two new benefices, one to be immediately united and the other comprising the remaining part of the original benefice.

Some more complicated benefice reorganisation proposals may involve dividing one or more existing benefices and attaching parts to other benefices. In such cases it may be easier to dissolve one or more of the benefices concerned and create appropriate new benefices from the constituent parts, particularly if new incumbents need to be designated and patronage arrangements changed.

Another factor may be whether there is a wish for new benefices to be have the status rectories or vicarages (see 4.8 below for how this may affect the drafting of schemes)

Boundaries

Boundaries to coincide with identifiable features

- 4.3 New boundaries should so far as possible be aligned with identifiable features such as roads, railways, rivers, etc. Straight lines between particular points are likely to prove unsatisfactory and to need subsequent adjustment in the event of new housing development as they are likely to cut then through individual properties.

Detached parts of parishes, extra-parochial places and benefices or parishes of detached parts

- 4.4 DMPCs may wish to consider incorporating detached parts of parishes or extra-parochial places into the appropriate surrounding parish or parishes as part of proposals for other reorganisation. Conversely, there may be circumstances in which it is appropriate to create benefices or parishes which are composed of detached parishes or areas.

Alignment with civil boundaries

- 4.5 When ecclesiastical boundaries come under review DMPCs should consider how far these are, or should be, aligned with civil boundaries particularly at deanery or archdeaconry level. In such matters as education, health, social welfare etc. there are obvious practical advantages for both the Church and the civil authorities if the areas in which they operate are coterminous. Equally harmonising civil and ecclesiastical parish boundaries may make life easier for local residents. However, the primary consideration should always be to further the mission of the Church in line with the general duty under s. 1 of the Measure.

Termination of pluralities

- 4.6 [Section 32\(2\)](#) requires the bishop to notify patrons, PCCs and the Commissioners when the provisions of an order (or sometimes a scheme) for holding benefices in plurality are to be terminated. Termination may take effect on the initiative of either the bishop or an interested PCC on a vacancy. The bishop should also notify the DMPC secretary of the position.

Archdeaconry and deanery reorganisation

- 4.7 It is likely that most deanery and archdeaconry reorganisation will now take place by Bishop's Pastoral Order (see Chapter 2.52-54). However, where such provisions are included in a pastoral scheme or order, because undertaken in conjunction with other reorganisation, then under [s.33](#) the incumbents, priests-in-charge, vicars and team members in team ministries and PCCs to be treated as interested parties are those only of the parishes/conventional districts whose archdeaconry or deanery will be changed. However, the rural deans and the deanery synod lay co-chairs should consider wider discussions (see [2.23](#)). If the name of the archdeaconry or deanery is to be changed as part of such a scheme or order, all the incumbents, PCCs etc. involved would have to be treated as interested parties. Archdeacons, rural deans and lay co-chairs affected are also interested parties in all such cases, but patrons and local authorities are not. Usually it would be advisable to make such a name change by a separate Bishop's Pastoral Order.

(a) Extensive reorganisation

If proposals for deanery or archdeaconry reorganisation are extensive, particularly if the creation of whole new deaneries or archdeaconries or the dissolution of existing ones is proposed it may be appropriate,

unless the proposals originated there, for the views of the diocesan synod to be sought alongside the formal ascertainment of views under the 2011 Measure or as part of the consultation on a bishop's pastoral order. This would particularly apply where an additional archdeacon's post would be created, because of the financial implications.

(b) Sizes of deanery synods

When considering deanery reorganisation the DMPC should have regard to the maximum and minimum sizes of deanery synods provided for in the Church Representation Rules (made in pursuance of the [Synodical Government Measure 1969](#)) viz:

'The diocesan synod shall exercise their powers so as to secure that the total number of members of any deanery synod in the diocese shall not be more than 150 and, so far as practicable, shall not be less than 50: Provided that the maximum number of 150 may be exceeded for the purpose of securing that the house of laity is not less in number than the house of clergy' - 2017 Rules (s.25(6)).

For further details on Church Representation Rules (CRR), see [Chapter 8](#).

(c) Operative date of deanery reorganisation

If deanery reorganisation is extensive the coming into operation date may be significant especially in relation to elections to the diocesan synod or the deanery synods. It may be desirable for this date to coincide with the beginning of a new triennium. DMPCs are therefore advised to consider a date for inclusion in the proposals, consulting the Commissioners if necessary as any intended timetable should allow for the processes under the 2011 Measure, including the consideration of any representations (if not being implemented by a Bishop's Pastoral Order).

(d) Announcements about new rural or area deans

If one of the consequences of particular deanery reorganisation proposals would be new rural or area deans, appointments should not be announced before the bishop makes the pastoral order or bishop's pastoral order implementing the proposals.

Status of new benefices

- 4.8 Where two or more benefices are united, if one of them is a rectory, the new united benefice will be a rectory. The creation of a team ministry will make the benefice concerned a Rectory regardless of whether the existing benefice or any of the benefices from which a new benefice is being created is or are Rectories.

If a rectory ceases to exist as a result of pastoral reorganisation, other than by a union of benefices, any new benefice created as a result of that reorganisation

will be a rectory only if this is specified in the scheme. Apart from these cases and team ministry benefices, new benefices created by pastoral schemes are vicarages.

If a parish is being transferred from a benefice which is a rectory to one which is not and it is wished to make the receiving benefice a rectory then a new benefice comprising that parish would have to be created and designated as a rectory and then united with the receiving benefice, thus making the united benefice a rectory.

Designation, selection and admission of certain incumbents

- 4.9 However a new benefice is formed, the scheme may provide for the designation or selection, usually by the Bishop, of the first incumbent. The provisions of the Patronage (Benefices) Measure 1986 for the filling of vacant benefices will then not apply to that appointment. The person concerned will be deemed to have been admitted to the new benefice and will not have to be instituted by the bishop unless he or she directs otherwise.

The same provisions apply to a person who is designated or selected to hold two or more benefices in plurality except that if, before the scheme or order takes effect, (s)he does not hold any of the benefices involved, (s)he will have to be formally instituted to the benefices. The precise circumstances in which an institution is, or is not, required are dealt with in more detail below. (See [6.16 - 6.24](#) for information on the designation of team rectors/vicars).

Where a benefice includes one or more parishes which have passed a resolution under Paragraph 20 of the House of Bishops' Declaration on the Ministry of Bishops and Priests it will be necessary to consider whether it is appropriate to designate a woman as incumbent of that benefice.

(a) Selection

If a scheme specifies that the first incumbent of a new benefice is to be selected, it will normally provide that the selection is by the bishop after consultation with the PCC(s) and patron(s) concerned. The most common scenario in which selection was appropriate, before the changes to the compensation provisions made by the Mission and Pastoral etc.(Amendment) Measure 2018 was where it was anticipated that a priest-in-charge would be appointed to a vacant benefice after the publication of a pastoral scheme creating a new benefice to which it is intended that that priest-in-charge would be appointed as incumbent. However, as any common tenure office holder not appointed to another office by the pastoral scheme which dissolved their existing benefice now becomes entitled to compensation even if subsequently appointed to an office in a new benefice, this will no longer be a reason to include a selection provision. In such circumstances a clause specifying that if anyone holds the relevant office of priest-in-charge, that person shall be the first incumbent of the new benefice, should be included.

If for any other reason it is proposed to include a section clause, if there is any objection from any of the PCC(s) and patron(s) to the inclusion of a selection clause in pastoral proposals, it is recommended that the clause be omitted from the scheme and that the first appointment be made under the [Patronage \(Benefices\) Measure 1986](#). (See the webpage with Parish Reorganisation Forms [here](#) for an appropriate form of wording to include in draft proposals.)

Again, the Bishop when selecting an incumbent under such a provision will need to consider whether it is appropriate to appoint a woman to a benefice which includes one or more parishes which have passed a resolution requesting on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests.

(b) The need for institution

The relevant parts of the 2011 Measure are, in particular, sections [34\(4\)](#) and [34\(5\)](#), [35\(3\)](#), [38](#) and [91](#) together with [Schedule 3](#), paragraph 5 and their effect is as follows:

(i) Where a new benefice is created, by union, rearrangement of benefices or otherwise; or a benefice, currently in a vacancy is enlarged by transfer or a parish from another benefice

The scheme may designate or provide for the selection of the first incumbent of the new or enlarged benefice, and that person does not have to be presented or nominated to the benefice. As regards "admission" (or institution) to the benefice, however, paragraph 5 of [Schedule 3](#) provides these alternatives:

- the person is deemed to have become incumbent of the new benefice upon the coming into operation of the scheme (the "scheme date") whether or not (s)he is, immediately before the scheme, an incumbent; or
- if (but only if) the bishop so directs, the person may be formally admitted to the benefice at a date subsequent to the scheme date.

So far as arrangements for payment of the person are concerned, where (s)he is already incumbent or priest-in-charge of one of the constituent benefices (and being paid as such) there will be no interruption. However, in cases, where the person is "coming from outside", the Commissioners' [Clergy Payroll Department](#) will need to know whether (s)he is to be paid as incumbent from the scheme date or from the date of institution. Clergy Payroll will assume that payment is to be from the scheme date and will start to pay the incumbent from that date unless notified before the scheme date that the person is not to be paid as incumbent until formally instituted.

Even if the incumbent is paid from the scheme date, but is to be instituted subsequently, it would be helpful, for the proper maintenance of the Crockford database, if Clergy Payroll could be informed of the date of institution.

(c) Plurality of benefices

Where a plurality order (including a Bishop's Pastoral Order), or scheme contains a provision designating a person to be the first incumbent to hold the benefices in plurality, one of the following will apply:

- (i) If the person is already incumbent of one or more of the benefices, (s)he will at the date the order comes into operation be deemed to have been admitted to the other benefice(s) to be held in plurality. No further notification of institution need be sent to Clergy Payroll.
- (ii) If (s)he is not incumbent of any of the benefices, it will be necessary for him or her to be admitted to the benefices, although no presentation will be necessary. Under [s.91\(2\)](#) of the 2011 Measure the bishop may direct that the induction shall take place in one of the parish churches within the area of the benefices whereupon it will be deemed effective in all the parish churches within that area. In those circumstances, Clergy Payroll should be notified of the date of the incumbent's institution.

Dispossession of clergy

- 4.10 A scheme which dissolves a benefice, an archdeaconry or the office of a vicar in a team ministry or provides for the holding of benefices in plurality, or the establishment of a team or group ministry may be brought into effect even if an affected benefice, archdeaconry or team vicar's office concerned is not vacant or if any office holder on Common Tenure who is licensed to serve in one of the benefices does not consent. However, such a scheme may not come into effect until a date at least six months after it is made or, if its coming into effect depends on an event, at least six months after that event taking place (see [s.39\(3\)](#) of the 2011 Measure) unless all the affected office-holders are appointed to new offices by the scheme or they all agree to resign earlier in order to bring it into effect.
- 4.11 Any dispossessed office holder who is receiving remuneration for his or her existing office (which may include the provision of accommodation) and is not designated as the holder of a new office will be entitled to compensation for loss of office.

The amount of compensation, which is payable by the diocesan board of finance concerned under Schedule 4 of the Measure, is twelve months stipend (as being received immediately before the dispossession) plus twelve months of the pension contributions related to that stipend. If the person dispossessed was being provided with an official residence for the performance of the office lost, the DBF is also required to provide or arrange for the provision of suitable accommodation for the person, and any family members residing with

them immediately before dispossession, for twelve months. However, the DBF may agree with the person who is dispossessed to make a payment in lieu of providing accommodation.

The bishop may also authorise an additional payment and the person concerned may appeal (to a Reviewer appointed by the Archbishops) against a decision not to do so or about the amount authorised but only on the grounds that he or she or a family member will suffer exceptional hardship as a result. The office of rural or area dean is not a common tenure office so the delayed coming into effect and compensation provisions will not apply to rural or area deans deprived of such an office by the abolition of his or her deanery. In most cases rural deans also do not receive a stipend or housing in respect of the office of rural dean. However, if a rural dean who is dispossessed of that office does receive remuneration specifically in respect of that role, the Bishop will wish to consider whether he or she should be offered a compensation payment equivalent to that which a common tenure office who was dispossessed would receive.

- 4.12 The vast majority of dispossessions resulting from pastoral reorganisation schemes will be “technical dispossessions” as it will usually be intended to appoint the person(s) concerned to comparable offices in the new benefices created by the reorganisation as a consequential provision of the scheme and they will therefore not be entitled to compensation. However, amendment of their licenses or statements of particulars to take account of their different responsibilities may be necessary.
- 4.13 The consent of anyone who would be dispossessed (“technically or otherwise”) is not required to the scheme, but it is desirable that the bishop or his representative should contact him or her at an early stage to explain the consequences of the scheme. It is rare for dispossessions giving rise to compensation to arise but where it is unavoidable, detailed advice on the payment of compensation is provided in [Appendix 1.6](#).
- 4.14 The provision in the [Ecclesiastical Offices \(Terms of Service\) Measure and Regulations 2009](#) which took effect on 1 February 2011 for incumbent posts, where proposals for reorganisation are already in play to be designated as “subject to potential pastoral reorganisation” with limited compensation for holders of such offices who are dispossessed as a result of a scheme made within five years remains in force but is no longer relevant as the compensation for all office holders who are dispossessed is now on the same basis.

The 2009 Measure abolished the provision for new team rector and team vicar posts to be held for a term of years. They are now held on common tenure and all team vicar posts existing on 1 February 2011 were converted into common tenure offices. However, Team Rectors on limited terms of office at that date may choose not to opt in to common tenure for the remainder of their term of office but will then cease to hold the office on the expiration of the term with no entitlement to compensation except in the limited circumstances described in Paragraph 4.11 above. Those who elect to opt-in to common tenure before their

term expires will continue to hold the office as a common tenure office. The relevant provisions of the 2009 Measure and Regulations are set out in more detail in [Appendix 1.7](#).

Church and parochial trusts

- 4.15 Where a benefice or parish is dissolved, whether by union or otherwise, and the property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice or the churchwardens or PCC of that parish (with or without others), the trusts of the charity are automatically altered so as to apply instead to the new benefice or parish (in the case of a union) or to such relevant benefice, parish, or parishes as the Charity Commission may specify (in any other case).

Where there is a union of benefices or parishes, or the area of a benefice or parish is altered, and the purposes of such a charity are defined by reference to one of the benefices or parishes, the trusts of the charity are (unless a Charity Commission scheme provides otherwise) automatically amended so as to apply to the benefice or parish created by the union, or the benefice or parish as altered.

Where a parish is dissolved other than as a result of a union of parishes its property will vest on behalf of such parish or parishes as is or are specified in an order of the Charity Commission which must be parishes which incorporate all or part of the area of the dissolved parish (paragraph 9(2) of [Schedule 3](#)). In the absence of a Charity Commission order paragraph 9(8) of [Schedule 3](#) applies and the property vests in the PCC of the parish to which the parish church (or site thereof) has been transferred and the Bishop has power to decide any question as to which parish that is (for example where the dissolved parish has and has had no parish church or has more than one parish church and where it is wished to divide the property between more than one parish).

- 4.16 In the case of a team ministry, if a team vicar has been granted a special cure of souls for part of the area, or a special responsibility for pastoral care for part of the area has been assigned by the bishop to a member of the team, that person shall exercise the powers of an incumbent in relation to a charity established for ecclesiastical purposes of the Church of England for that area. Where such responsibilities have not been so granted (or assigned) the bishop may nominate any member of the team to exercise such powers.
- 4.17 [S.90](#) of the 2011 Measure substitutes priests-in-charge for incumbents as trustees of certain charities during vacancies.
- 4.18 Where a gift is by will and the pastoral reorganisation takes place after the testator's death, the provisions of the 2011 Measure described above will apply and therefore it is likely that the underlying object of the gift will be preserved. If, however, the testator dies after the pastoral reorganisation has occurred, application will normally need to be made to the Charity

Commissioners for a cy-pres scheme, under [s.62 of the Charities Act 2011](#). Further advice about legacies affected by pastoral reorganisation is available in "[Legal Opinions concerning the Church of England](#)" published by Church House Publishing. The provisions of [s.77](#) of the 2011 Measure apply to trust funds held specifically for the repair of a church which is declared closed.

Ecumenical relations

- 4.19 The [Sharing of Church Buildings Act 1969](#) allows the sharing of church buildings (which includes church halls, youth clubs and ministers' houses as well as places of worship) and in nearly all cases this takes place outside the Mission and Pastoral Measure process. For the Act to apply to a Church, it must either be named in the Act, or to have made a declaration in the London Gazette that it wishes to be a Church to which the Act applies. Only Churches represented on the governing body of the [Churches Together in Britain and Ireland](#), [The Evangelical Alliance](#) or [Affinity](#) may make such a declaration. The [Council for Christian Unity](#) maintains a list of 'gazetted' Churches and information about the use of Church of England places of worship by Churches to which the Act does not apply.

However, [s.31\(5\) - \(6\)](#) of the 2011 Measure provides for a pastoral scheme to authorise the making of sharing agreements in respect of a church which is to be jointly owned by the Church of England and another denomination or of an existing parsonage house, which are not otherwise permitted under the 1969 Act, although these provisions have in practice been used very rarely. The CTBI booklet "[Under the same roof](#)", published in 1994, and "[Ecumenical relations - Canons B43 and B44: Code of Practice](#)", published by the General Synod in 1989 (supplemented and corrected in 1995) may also be helpful.

Assistant curates

- 4.20 [S.99](#) of the 2011 Measure allows the bishop by instrument, to direct that an office of assistant curate shall be described in specified terms. The office must then be referred to in those terms in the person's licence and so construed in any other enactment or instrument. The bishop may also include in such a licence a special cure of souls in respect of part of the area of a benefice, with or without responsibility for a particular church, or a special responsibility for a particular pastoral function. Such cure or responsibility does not affect an incumbent or priest-in-charge's general responsibility or the special responsibility of a team member. The bishop must consult with the incumbent, priest-in-charge, or team chapter concerned before making such an instrument.

This allows a bishop to give an assistant curate in a non-team ministry benefice special responsibilities similar to those which can be given to team vicars or other members of a team ([6.37-38](#) and [6.41](#)). It would not generally be appropriate to use these provisions for someone in a first curacy training post. For other assistant curacy posts a title such as "associate vicar" and a special responsibility may clarify the nature of the post and encourage

potential applicants who may be deterred by what appears to be a “second curacy” post.

Curates-in-charge of parishes

- 4.21 See [11.28](#) below for the position where incumbents or priests-in-charge of neighbouring benefices are each appointed as curate-in-charge of different parishes in a benefice where suspension of presentation is in operation.

Chapter 5 - Collaborative Ministry: An Introduction

This chapter primarily deals with an overview of the basic framework for establishing team and group ministries as provided for in [s.34-36](#) of the 2011 Measure. [Chapters 6](#) and [7](#) explore in more depth the issues surrounding teams and groups ministries.

- 5.1 - 5.6 [An introduction – background & definitions](#)
- 5.7 - 5.9 [Getting together – preliminary steps to setting up a team or group ministry](#)
- 5.10 [Legal infrastructure](#)
- 5.11 – 5.12 [Diocesan oversight](#)

An introduction - background and definitions

34-36

- 5.1 Chapters 5 - 7 of the Code are concerned with the sections of the 2011 Measure ([s.34-36](#)) which provide for collaborative ministry in the form of team and group ministries. The term “collaborative ministry” covers a wide range of arrangements for shared ministry within (and beyond) the Church of England, some formal, and legally regulated, and others informal. It refers to a style of ministry based on partnership and teamwork and includes:

- Anglican clergy (and other legally authorised Anglican ministers) working in partnership;
- Anglican clergy and other Anglican ministers working in partnership with the laity;
- ecumenical partnerships of Anglicans and non-Anglicans.

These forms of collaborative ministry may serve a particular area, or be centred on, say, a cathedral or an institution such as a hospital or university and may co-exist. The Code deals primarily with formal team and group ministries established under the 2011 Measure (the type of collaborative ministry described in the first bullet-point above), but refers to related aspects of other forms of collaborative ministry.

Although the structures involved, in team ministries in particular, may appear complicated and these chapters, inevitably, concentrate on the potential problems and difficulties, there are also many potential benefits and there have been many examples of successful teams and groups.

- 5.2 Legislation cannot create the goodwill and other qualities necessary for collaborative ministry to work effectively but provides a legal framework in which those qualities can flourish, collaborative action can be directed to the best advantage and problems can be resolved. Legal structures have been put in place for all three of the approaches mentioned in [5.1](#):

- legal provision for collaborative ministry between Church of England ministers in the form of team or group ministries was introduced by in the Pastoral Measure 1968 and, with later amendments, is currently contained in the Mission and Pastoral Measure 2011.
- the role of the laity in Church Government is provided for in the Synodical Government Measure 1969, while the Deaconesses and Lay

Ministry Measure 1972 and the Canons made under it give scope for lay people to participate in ministry;

- the Sharing of Church Buildings Act 1969 provides formal arrangements for the sharing of church buildings between denominations, including the Church of England. The Church of England (Ecumenical Relations) Measure 1988 gives legal recognition to ecumenical arrangements by providing for shared worship (under Canon B43) and Local Ecumenical Partnerships (under Canon B44);

5.3 Team and group ministries can be defined and distinguished from a “ministry team” as follows:

A **team ministry** is a legal arrangement whereby a team of clergy, and sometimes lay people, share the pastoral care of the parish or parishes of a single benefice (or two or more benefices held in plurality) (see [6.1](#)).

A **group ministry** is a legal grouping of benefices whereby the clergy (incumbents or priests-in-charge) of two or more separate benefices are under a duty to assist each other to make the best possible provision for the cure of souls in the area as a whole. A benefice for which a team ministry has been established can be included in a group ministry ([s.35\(6\)](#)).

A **ministry team** (as distinct from a team ministry) is an informal arrangement whereby not only stipendiary clergy or non-stipendiary clergy (SSMs, OLMs and retired clergy) but also readers, lay workers, and other lay people (such as churchwardens, church musicians and leaders of group activities) are involved in the provision of ministry in a particular district, parish or benefice. This reflects the growing emphasis on involving the congregation as a whole in the Church's mission. Ministry teams may exist in benefices both with and without a formal team ministry but in the former, some (but not necessarily all) members of a ministry team may also be members of the formal team.

[Chapter 6](#) deals with teams, while [Chapter 7](#) covers groups.

- 5.4 Clarity about the task to be performed and trust and inter-dependence between participants are crucial if collaborative ministry is to be effective. Where these characteristics are lacking, the energy and effort needed to keep the team or group together may outweigh the benefit of having the team or group.
- 5.5 It is possible to develop a formal team ministry within a wider ministry team (including a group), an ecumenical team, or both. Conversely a formal team may include one or more informal ministry teams. The complexity of such arrangements can be somewhat daunting, but there are real benefits to be had if clarity of purpose and clear lines of communication are established from the outset. Such "mixed-mode ministry teams" may be the best way forward in

particular circumstances, but not if they lead to proliferating meetings and structures at the expense of pastoral effectiveness.

- 5.6 The ecumenical aspect of collaborative ministry should always be kept in mind (see also [6.72-6.76](#) and [7.19](#)). Where a collaborative form of Anglican ministry exists, it may be particularly appropriate to extend the collaborative approach to other Churches. The flexibility of the Church of England's legal structures for team and group ministries, and for local church government (in the form of a parochial church council or councils, and the possibility of district church councils and a team or group council - see [6.56](#) and [7.13-7.14](#) and [Chapter 8](#)) may provide a suitable framework for combining the Church of England's ministry with that of other Churches.

Getting together - preliminary steps to setting up a team or group ministry

- 5.7 Teams and groups can flourish in a variety of situations, but the context needs to be considered when deciding whether formal collaborative ministry is likely to be appropriate and effective. An audit of local needs and resources is recommended, and this may take place as part of the development of a deanery plan (see Guidance on Deanery Plans). An experimental approach often works well as it enables people to explore and experience the potential for collaboration in their area and to grow into a team or group structure. The motivation for progressing towards formal arrangements should be rooted in pastoral and mission considerations. Reduction in clergy numbers, pastoral reorganisation, of itself, or the creation of quasi second curacy posts, where there is no genuine commitment to collaborative ministry, are never good reasons for setting up a team or group. A team ministry can be set up for an existing benefice, or a group ministry for existing benefices, without other pastoral re-organisation.
- 5.8 After audit, experiment and due consultation, it will be possible to identify the most appropriate legal structure, including team and group ministries and formal ecumenical structures. It is strongly recommended that teams should normally have at least three members (not all necessarily clergy). Geographical extent, in rural situations, and population size, in more urban contexts, will be significant in deciding upon the best model. The need for team or group members to meet regularly and to share a common identity across a sensibly defined area must influence such decisions. It will also be necessary to weigh the advantages of different benefice and parochial structures.
- 5.9 At this preliminary stage it is also essential to consult other Churches with which the Church of England in the area has formal or informal ecumenical links, and to ensure that the proposals for Anglican ministry strengthen rather than weaken these. If the two are not compatible, priority may need to be given to the ecumenical dimension. For example, it is not possible under current legislation for a non-Anglican minister to be a member of a formal team ministry: setting up a team may, thus, have an impact on existing ecumenical collaboration, especially where an LEP is in existence.

Legal infrastructure

- 5.10 Team ministries must be established by a pastoral scheme but a group ministry may be set up by a pastoral order (under the [s.17](#) shortened procedure if all the statutory parties consent). The procedures in [Chapters 2](#), and [3](#) of the Code apply. Amendments to the formal structure may also require a scheme order or a bishop's pastoral order (see [Appendix 1.3](#) for which matters require which process).

The sub-structure of the representative bodies, district church councils, separate or joint parochial church councils, team councils or group councils; the representation of the laity on them; and the functions to be delegated to them, is often a significant aspect of collaborative ministries. This may be established by a Bishop's Instrument for a period of up to five years. Alternatively, or thereafter, permanent arrangements may be made under the Church Representation Rules (see [Chapter 8](#) for details about these provisions).

Diocesan oversight

- 5.11 The effective oversight of team and group ministries may involve the bishop or other senior diocesan staff (including, where appropriate, the person or body responsible for ecumenical development in the diocese) in:
- the steps leading to the formation of the team or group;
 - being sensitive, when involved in appointments, of the particular qualities which may be, required for successful participation in collaborative ministries, especially for team rectors (see also [6.10-6.13](#), [6.30](#) and [6.32](#));
 - training, especially, for individuals, through their Continuing Ministerial Development but possibly also for the members of specific teams or groups or generally (see also [6.64-6.66](#) below);
 - establishing and operating a system for reviewing the effectiveness of team and group ministries. Ministerial Development Reviews for participants in collaborative ministry will also need to cover this aspect of their individual ministries;
 - encouraging or requiring teams and groups to have agreed procedures in place for resolving any tensions or conflicts which may arise (see also [6.64](#) and [7.18](#) below) or to appointing an external consultant to help deal with problems and give constructive assistance of other kinds (see [6.64-6.66](#) and [7.18](#) below); and
 - having policies and practices at a diocesan level which reflect the differences between teams and groups and other parochial structures.
- 5.12 Some dioceses have found it helpful to appoint one person with responsibility for and oversight of team and group ministries. The person, if not a member

of the bishop's staff, may need access to the bishop's staff meeting in order to discharge his or her remit effectively and inspire confidence about the work of teams and groups in the diocese. It may be helpful for him or her to attend some team or group chapter meetings or to arrange occasional seminars for those engaged in collaborative ministry. It may also be helpful for the diocesan HR advisor to be involved.

Chapter 6 – Team Ministries

This chapter deals with the detailed arrangements for team ministries, the provisions for which are set out in [s.34](#) and [Schedule 3](#) of the 2011 Measure. Areas covered include membership, appointments, responsibilities and organisation of teams, and the ecumenical dimension.

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The nature of a team

34(1)

- 6.1 A team ministry is a formal collaborative ministry established, by a pastoral scheme, for the area of an existing or new benefice in which the cure of souls and pastoral care of those in the benefice are shared. A team normally covers a single benefice (which may include more than one parish and usually more than one church or place of worship). It may, although it need not, be extended to any other benefice(s) held in plurality with the team ministry benefice, while the plurality continues.
- The scheme establishing the team ministry must include some essential matters: others may be covered by a bishop's licence or instrument and these are dealt with more fully below.

Team membership

- 6.2 There are three categories of team member:

- the team rector;
- one or more team vicars; and
- other members of the team, clerical or lay.

Legally, a team must have a team rector and at least one team vicar but need not have any other members, although it is recommended that teams should always have at least three members (see [6.7-6.8](#) below). Additional members may be either team vicars or other members of the team and, thus, may be priests, deacons or deaconesses, or licensed lay people.

The team rector or team vicars may also be non-stipendiary.

- 6.3 In general, it is also recommended that, to work effectively, a team should have not more than eight to ten members. If the area requires a larger ministry (for example if it was to be co-terminous with a deanery), some might be licensed to the benefice without the status of team members or ministry teams might be formed at the sub-benefice level.

34(1)

The team rector

- 6.4 The team rector, who must be a priest, is the incumbent of the benefice with the legal rights, powers and duties attached to that office, including ownership of the benefice property. He or she is appointed to the benefice in the same way as other incumbents. Subject to any special cure or responsibility given to a team vicar or other team member (see [6.37-6.45](#) below) the team rector has a general responsibility for the cure of souls for those in the benefice (that is, the legal right and responsibility to provide those people with the Church's ministry, including the specific obligations laid down in Canon C24).

Thus, the team rector has ultimate legal responsibility, with and under the diocesan bishop, for the Church's pastoral care of those whom the team ministry serves. These provisions are needed to establish the legal position clearly on certain essential matters. However, the team rector's role should be one of leadership, rather than dominance, and in practice the team rector should be willing to share that leadership role with other members of the team whenever appropriate.

The team vicars

34(7)

- 6.5 The team vicars must also be priests, and together with the team rector they make up the team chapter. The office of team vicar is created by the pastoral scheme which sets up the team ministry, but the team vicar holds it by the bishop's licence. A team vicar is not legally the incumbent of a benefice but has a status equal to that of an incumbent. Team vicars share the cure of souls with the team rector; and, subject to the terms of the bishop's licence, have authority to perform the same offices or services in the area of the benefice as an incumbent.

The bishop's licence may also give a team vicar a special cure of souls in respect of a part of the area of the benefice or special responsibility for a particular pastoral function. The team vicar may also be given a general responsibility for the cure of souls in the benefice as a whole, to be shared with the team rector. These possibilities are dealt with in [6.37-6.45](#).

Other members

- 6.6 The other members of the team, clerical and lay, stipendiary and non-stipendiary, are not of incumbent status (although see [6.8](#)) and are authorised by the bishop, by licence or permission, to serve in the area of the benefice as members of the team. They should be distinguished from others who hold the bishop's licence or permission but are not specifically designated as team members. An assistant curate, reader or a lay worker licensed to the benefice may or may not be a team member. Team members should also be distinguished from others who may be part of a "ministry team", and who may either have no specific legal status or, as in the case of organists and churchwardens, may be subject to separate legal provisions.

- 6.7 These other members of the team join in the pastoral care of those in the benefice with the team rector and team vicars, and may also be given a special status or responsibility. The bishop's licence may authorise a deacon to carry out the same offices and functions as an incumbent, so far as is consistent with the office of deacon, or it may give a member of the team, other than the team rector or team vicars, a special responsibility for pastoral care, consistent with that person's office, for part of the area of the benefice and these possibilities are, again, explained in [6.37-6.45](#). An Assistant Curate who is not a member of the team may also be given a territorial or functional responsibility, so far as is consistent with those given to team members.

34(8)

Collegiality between team members

99(5)(3)

- 6.8 Subject to those provisions, the relationship between the team rector, team vicars, and other members of the team should be based on parity, subject to the team rector's sensitive leadership, rather than on the type of hierarchical structure which the three categories in [6.2](#) above might at first sight suggest.

Appointment of team members

- 6.9 This is an area where the Measure particularly seeks to honour the principles of parity and clarity. It makes mandatory provision for the involvement of team vicars and other team members in all appointments of team rectors and team vicars by team patronage boards, and the involvement of parish representatives in the appointment of a team vicar (see further [6.25-6.30](#) below). It is vital to good relationships in a team, and within the area it serves, that appointments should be "owned" as widely as possible. Where a team member is to be assigned, formally or otherwise, a particular sphere of responsibility, (for example, for a geographical area, church or type of sector ministry), representatives of that area, church or sector, and of any district church council involved, should be involved.
- 6.10 The effectiveness of ministry in a team often depends on the agreement of clear role descriptions. These will include a full description of the team ministry benefice, any special responsibilities, and other matters regarded by the team as essential (for example, any agreed policy within the team on baptism or re-marriage of divorced persons). Again, the more people who can be involved, either directly or through representatives, in "owning" the job description, the more likely it is that conflicts arising out of unfounded assumptions and expectations will be avoided. Adequate provision for continuing ministerial development is also essential, as is inclusion in the diocesan scheme of ministerial review (see [6.57-6.59](#) below).
- 6.11 Those involved at diocesan level in appointments will need to be especially sensitive to the characteristics and requirements of team ministry. The letter but also the spirit of the legislation must be observed, so that all concerned feel that they have been consulted. Some people need to be consulted individually, in particular the existing team members, while for others, such as the wider ministry team or local congregation, consultation through representatives will be more appropriate. Any sense that an appointment has been imposed or manipulated is likely to undermine effective collaborative ministry. It may helpful to provide diocesan guidance on appointments to team ministries, covering:
- advertising;
 - application forms, references and the treatment of confidential correspondence;
 - visits, and information meetings with a wide range of people, including team members, members of the wider ministry team, representatives of the laity, and ministers and other representatives of ecumenical partners; and
 - the formal interview process.

- 6.12 Whilst it is important to create opportunities for a wide variety of people to experience team ministry, it is also essential that all team members should possess a personality suited to collaborative styles of ministry. The advertisement, role description, application form, references and questions at interview should all give due emphasis to this in order to achieve a cohesive team. A process of induction into the team, and even some special training, may be needed so that new members can contribute as effectively as possible and can be integrated without difficulty.

Length of appointment

- 6.13 Since the [Ecclesiastical Offices \(Terms of Service\) Measure 2009](#) took effect on 31 January 2011, all existing and future team vicars and other team members hold their offices under Common Tenure with terms of office generally limited only by the requirement in the [Ecclesiastical Offices \(Age Limit\) Measure 1975](#) that they must retire at seventy. Team Rectors appointed after that date will also hold their office on Common Tenure. However, team rectors already in post on that date, like other incumbents, have the option of opting in, or not, to Common Tenure for the remainder of their current term of office. The effect of this is that an existing freehold team rector like any other freehold incumbent and may continue as a freeholder until the age of seventy but may also opt-in to Common Tenure at any time and convert the office to a Common Tenure one.

A team rector with a term of years commencing before the end of January 2011 may also choose whether to opt-in to Common Tenure up to the end of that term. A team rector who opts in would then hold the office as a Common Tenure one. An existing team rector who does not opt-in to Common Tenure before his or her term of office expires would cease to hold the office on the expiry of the term.

Team rectors' appointments

- 6.14 The patron of a team ministry benefice will be specified by the pastoral scheme establishing the team ministry. There are three possibilities:
- a team ministry patronage board constituted by the scheme. The board must include the bishop, as chairman, although he or she may authorise a suffragan or assistant bishop or archdeacon to discharge this function, and the team vicars¹. The Scheme must have regard to the interests of the persons who previously held patronage rights, but where there are pastoral or practical objections it is not essential for those persons or all of them to be members of the board. It is also possible to provide for representatives of the laity in the parish or parishes concerned to be members;

**Schedule 3
Paragraph 1
(1) and (2)**

¹ Team vicars in this context includes deacons licensed by the bishop as members of the team and any other member of the team who has special responsibility for the pastoral care of a particular area

- the bishop, but only if he held the sole right of patronage to the benefice before the team ministry was established; or
- the Crown where it held rights of patronage to the benefice or one of the constituent benefices before the team ministry was established. It may be sole patron or take turns with a team patronage board.

NB Some teams created before the Mission and Pastoral etc. (Amendment) Measure 2018 took effect may have the Diocesan Board of Patronage as patron (with former patrons of the benefice(s) for which the team was created having a right to attend and vote). It is recommended that where this is the case the Bishop should by a Bishop's Pastoral Order transfer the patronage to a team patronage board or to the Crown.

- 6.15 It is recommended that a new team ministry should not have the bishop as the sole patron and where the bishop is the sole patron of an existing team, he considers whether that arrangement is still justified. This is because collaborative decision making as regards appointments is particularly important for collaborative ministry, and because other team members have a greater formal role in the appointment process where it is carried out by a board, of which the bishop will always be a member. Transferring the bishop's patronage to a team patronage board would require an amending pastoral order:
- 6.16 It is recommended that those choosing representatives of the parish or parishes who are to be members of a team patronage board ensure that at least one of them should come from the area, church or sector for which the team rector is to have particular responsibility, whether formal or informal, or be a member of a relevant district church council.
- 6.17 Where the patron is a team patronage board the Measure provides that every team vicar, any deacon with functions equivalent to an incumbent's who is a member of the team (see [6.42](#) below) shall be a member of the board. They are entitled to one vote between them, to be exercised in accordance with the decision of the majority of those of them present at the meeting.
- 6.18 Where the bishop is the sole patron, it is recommended, in view of the collaborative nature of working in a team, that he ensures that those team members who would have had the right to attend and vote in the case of an appointment by a patronage board are fully involved in the appointment.
- 6.19 Where a team patronage board or the bishop is patron they must consult the other members of the team before choosing a new team rector: in the case of a right of patronage held by the Crown or the Lord Chancellor, the other team members have no legal right to be separately consulted. However, it was stated in the Answer to a General Synod Question in 1994 that this is done in practice.
- 6.20 As with other appointments of incumbents, the exercise of rights of patronage for a team rector is subject to the [Patronage \(Benefices\) Measure 1986](#) and the [Crown Benefices \(Parish Representatives\) Measure 2010](#) including the

**Schedule 3
Paragraph 1
(4) (8) and
(9)**

**Schedule 3
Paragraph 1
(3)**

requirement to consult parish representatives and their right of veto. Full details of the provisions of the 1986 Measure are to be found in the [legislation itself](#) and its Code of Practice on the Exercise of Rights of Presentation, published in 1988 (and only available in hard copy).[scan and put on line] . Where the appointment is by a team patronage board, the bishop has the same right to veto a particular candidate as the parish representatives.

- 6.21 In deciding on the suitability of a particular priest for appointment as a team rector, the general considerations set out in [6.13](#) are particularly relevant. The person chosen should be able to exercise leadership and communicate well , but should also be able and willing to share leadership, power, authority and information with other members of the team and to make constructive use of their strengths without feeling threatened by them. So far as experience is concerned, the House of Bishops stated in 1990 that clergy should not be appointed to posts of incumbent status if they had been in orders for less than four years, subject to the bishop's discretion to appoint a person aged 40 or over to such a post after a shorter period. This goes beyond the legal requirements under the [Benefices Act 1898](#) and the [Benefices Measure 1972](#), but bishops can be expected to apply it in making appointments where they have a right of patronage or in exercising their right of "veto" under the [Patronage \(Benefices\) Measure 1986](#).

Appointment of team vicars

- 6.22 Where a pastoral scheme provides for the team rector to be appointed by a team patronage board, it may also provide for the team vicars to be chosen by the same body. Otherwise, the team vicars are chosen by the bishop and the team rector acting jointly. However, these rights are subject to the provisions explained below in 6.23-26.
- 6.23 The body or persons responsible for choosing a team vicar must consult the following before making their choice:
- the other members of the team;
 - the parochial church council of every parish within the area of the team ministry benefice; and
 - if the vicar is to have a special cure of souls in respect of a particular area (see [6.37](#)), any district church council concerned.
- 6.24 The 2011 Measure provides that where the team vicars are chosen by a team patronage board the team rector and every team vicar, any deacon with functions equivalent to an incumbent's who is a member of the team and any other member of the team who has special responsibility for the pastoral care of a particular area (see [6.38](#)) shall be members of the board. The team rector is entitled to one vote and the others to one vote between them, to be exercised as decided by the majority of those of them present at the meeting.

Schedule 3

**Paragraph 2
(1)**

**Schedule 3
Paragraph
2(6)**

**Schedule 3
Paragraph
2(2) and (3)**

**Schedule 3
Paragraph
2(2)**

and (4)

6.25 In those remaining teams where the team vicars are chosen by the diocesan board of patronage:

- the team rector is entitled to attend and has one vote; and
- the others referred to in 6.24 are also entitled to attend.

They have one vote between them, to be exercised as decided by the majority of those of them present at the meeting.

6.26 The 2011 Measure also provides for two representatives to be appointed by the parochial church council or councils concerned (or the team council if there is one) with substantially the same rights for the appointment of a team vicar as the parochial church council or team council representatives have under the [Patronage \(Benefices\) Measure 1986](#) for the appointment of a team rector (see 6.20). As in the case of the appointment of a team rector, it is recommended that at least one of the representatives should be a representative of any area, church or sector for which the team vicar concerned is to have special responsibility, whether formal or informal, and of any district church council concerned.

**Schedule 3
Paragraph
2(7)**

6.27 The general considerations about:

- consultation and involvement of team members and others; and
- suitability for appointment;

set out in 6.10-12 apply to the appointment of team vicars as well as to that of the team rector. It is important to choose individuals with appropriate experience and qualities, and not to treat the post as equivalent to a second curacy. [The House of Bishops' statement in 1990 about posts of incumbent status (see [6.24](#)) also applies to the post of team vicar, although the [Benefices Act 1898](#) and the [Benefices Measure 1972](#) do not. [check this still stands]

Other members of team

34(3)

6.28 Before the person concerned is authorised by the bishop's licence or permission to serve as a member of the team, he or she must have been nominated for appointment to the team by the team rector with the consent of the majority of the other members of the team and of every parochial church council concerned. The 2011 Measure also makes it clear that the person's licence or permission must expressly provide that he or she is to be authorised to serve as a member of the team and not merely be authorised to serve in area of the benefice (see [6.7](#)).

6.29 Once again, the general considerations as to:

- consultation and involvement of others in the appointment; and
- suitability for appointment to a team;

set out in 6.10-12 above are relevant. As regards suitability, account should be taken of the person's experience, the nature of his or her proposed responsibilities, and for someone who will not be full-time the amount of time he or she will have available to devote to the team.

The [Ecclesiastical Offices \(Age Limit\) Measure 1975](#) applies to a deacon who is appointed a member of a team ministry with functions equivalent to an incumbent's (see [6.42](#)) in the same way as to a team rector or team vicar, so that such an appointment cannot be made after the person concerned has reached the age of 70, except for a limited period.

Bishops and Priests (Consecration and Ordination of Women) Measure 2014

- 6.30 Different parishes within a benefice may have different views on women priests and their ministry. Where a parochial church council in a parish which is to be included in a multi-parish team ministry benefice has passed or subsequently passes a resolution on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests published in conjunction with the Bishops and Priests (Consecration and Ordination of Women) Measure 2014, this will have implications for the team ministry as a whole and for the other parishes in the benefice.
- 6.31 The main effect of such a resolution is on the appointment of the team rector and team vicars in the team. A variety of responses may be appropriate given that Paragraph 25 of the Guidance says that in multi-parish benefices the needs of parishes which have not passed a Resolution need to be weighed against the needs of those which have done so. Where all, or a significant proportion of, the parishes in the benefice have passed a Resolution it may not be appropriate for the team rector or any of the team vicars to be female. Where only one, or a minority, of the parishes have passed the resolution the effect might be that at least one of the team chapter at any particular time should be a man.

However, if only one or two parishes in a benefice with many parishes have done so it may be that alternative provision could be made to meet its or their needs even within a team where the team chapter consisted entirely of women. Much would depend on the nature of the theological convictions of the parish or parishes which had passed the Resolution, the relative size of and the frequency of communion services in the parish(es) concerned .

The practicalities of exercising episcopal oversight in a multi-parish benefice where one or some, but not all, of the parishes has passed a resolution needs careful consideration.

- 6.32 This is clearly an issue which needs to be handled with great care and sensitivity. The same is true of cases where a single parish comprises several churches and several distinct congregations, holding opposing views on

women priests and their ministry, so that any decision by the parochial church council on the issue could be a major cause of division.

Whether or not a resolution has been passed, it is also essential that those responsible for appointments of team members should be alive and sensitive to the views of the existing members of the team and of different congregations within the benefice.

The House of Bishops' Guidance note on the Declaration, contains further material on this and the issues raised in 6.31 above. It may also be necessary to take account of the provisions of the Equality Act 2010, particularly where the Crown is patron (see [11.3-11.5](#)) The Remuneration and Conditions of Service Committee of the Archbishops' Council has published guidance on parochial appointments which deals with the Equality Act issues in more detail, which can be found at <https://www.churchofengland.org/clergy-office-holders/clergy-appointments-adviser/guidance-on-parochial-appointments.aspx>

Special responsibilities of team members

34(7)

- 6.33 The 2011 Measure allows team members to be given various types of formal special responsibility within the overall work of the team. So far as a team vicar is concerned, the bishop's licence, may give to him or her:
- a special cure of souls for part of the benefice and, if appropriate, the title of vicar of a particular church within the area concerned. Thus it is possible to give a team vicar a special cure of souls for a particular parish or parishes in a multi-parish benefice, or for one or more churches within a parish, whether or not it has its own district church council;
 - a special responsibility for a particular pastoral function (for example, ministry to a particular institution, or some other special type of ministry within the area of a benefice);
 - a general responsibility, to be shared with the team rector, for a cure of souls in the area as a whole.

(a) and (b) may be independent of the team rector's general responsibility.

- 6.34 Similarly, the bishop's licence may give to a member of the team other than the team rector and team vicars a special responsibility for the pastoral care of part of the benefice (so far as is consistent with the team member's office). Thus a deacon or even a lay person, such as a licensed lay worker, may be given a special pastoral responsibility for, say, a particular church and its area and local congregation. However, in the case of a non-stipendiary minister, it is important to establish before this is done that he or she has sufficient time available to discharge the responsibility adequately.

34(8)

- 6.35 Problems can arise where one congregation or parish within a team ministry seems to dominate others. This is especially prone to happen where small rural parishes are part of a team ministry centred on a larger town. Every effort must be made to be sensitive to such problems and to ensure that the interests of the smaller units are represented at every level of the life of the team. Giving a team member a "special cure" or "special responsibility" for one or more such parishes may well ease the sense of being overshadowed by the larger unit.
- 6.36 Members of the team may also have special responsibilities outside the team, for example as a sector minister. They would generally undertake these under a separate office or employment to which reference would be made in the person's Statement of Particulars with provision for terminating the person's team member office if they resign from the other post, if appropriate.
- 6.37 These formal special responsibilities are recognised by other legislation which gives functions to the "minister" of a church or parish and defines the term "minister" for that purpose. For example:
- "minister" in the Church Representation Rules normally means the incumbent (or a priest-in-charge). However, it also includes a team vicar, so far as the duties of the minister are specifically given to him or her in relation to a parish by bishop's licence. As regards chairmanship of the parochial church council "minister" means any team vicar with a special cure of souls for the parish or any other team member with a special responsibility for its pastoral care. (The team rector will be the "minister" when the person with the special cure or special pastoral responsibility is unable to act). Otherwise, the incumbent or priest-in-charge will be the "minister" for this purpose. (See also [Chapter 8](#) of the Code for the involvement of team members in other representative bodies);
 - [s.1\(3\) of the Sharing of Church Buildings Act 1969](#) recognises the responsibility a team vicar or other team member with a special cure of souls or special responsibility for the pastoral care of a parish, by providing that he or she as well as the incumbent of the benefice concerned shall be a party to any sharing agreement relating to a church building;
 - [s.31 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991](#) defines "minister" in relation to various functions relating to the church and its contents as meaning a team vicar with a special cure of souls or another team member with special pastoral responsibility for the parish, if there is such a person;
 - the same applies in the case of the Churchwardens.
- 6.38 Another type of formal special responsibility is that a deacon (who cannot be a team rector or team vicar) may be licensed by the bishop to serve as a member of the team and to perform all the offices and services which may be

performed by an incumbent in relation to the team ministry, so far as consistent with the office of deacon. This is intended for cases where a mature and experienced deacon is not seeking ordination to the priesthood. It is not intended for a newly ordained deacon in a first curacy - indeed, such a person would not usually be a team member but merely be given a licence as an assistant curate.

- 6.39 6.33-38 above outline the formal special responsibilities which may be given to a team vicar or other member of the team. However, it is also possible, and often helpful, for the team to agree informally that particular members of the team should be responsible for certain aspects of its activities, on a territorial basis, or for a particular church or type of ministry, without detracting from the collaborative nature of the team's work in the benefice as a whole. For example, it is common for the team rector to be "attached" to a particular church, but in some teams it may be more appropriate that he or she should relate equally to all the congregations and churches within the benefice. It is important that there should be agreed structures and procedures for dealing with "grey areas" of responsibility.
- 6.40 The Church is often involved with local bodies and organisations and the team rector should not necessarily be the Church's representative. Where the body or organisation relates to a particular parish, a team vicar with a special cure of souls for that parish or another team member with special responsibility for its pastoral care may be the most suitable person for the role.
- 6.41 However, where the body or organisation (such as a Church school) has a formal constitution, which specifies that the incumbent of the benefice shall hold a particular office the team rector should take advice from the diocesan registrar on how far, if at all, he or she can delegate the functions of the office to another team member. In the case of a charitable trust for ecclesiastical purposes of the Church of England, where the trust instrument provides for the incumbent to be a trustee, and a team ministry is established for the benefice, any team vicar with a special cure of souls of the area covered by the trusts or a major part of it, or another team member with special responsibility for the pastoral care of such an area, will replace the incumbent as trustee.

Housing of team members

- 6.42 A team ministry will normally have a benefice-owned parsonage house vested in the team rector as incumbent (see [6.5](#)) and one or more houses, vested as parsonage land or owned by the Diocesan Board of Finance (as diocesan glebe, as corporate property or on behalf of the parochial church council) or Diocesan Parsonages Board for the team vicars and other members of the team (see [6.72](#) as regards the sharing of buildings with other Churches.) It is possible for the team rector and team vicars to occupy any one of the houses in accordance with the bishop's directions and after consultation with members of the team. It is strongly recommended that all houses occupied by incumbent status clergy should be of parsonage standard, although this might not always be practicable. The important principle of equality and parity

should apply to all houses to be occupied by team rectors, team vicars and deacons with functions equivalent to incumbents. Other team members on common tenure are entitled to accommodation reasonably appropriate to their office in accordance with Section 4 of the [Ecclesiastical Offices \(Terms of Service\) Measure 2009](#).

6.43 In addition, one of the general principles underlying amendments made by the [Team and Group Ministries Measure 1995](#) was that decisions on team members' houses should not be taken without consulting those who live in them, irrespective of the legal position as regards ownership. It therefore introduced the provisions set out in the following paragraph in relation to the alteration, disposal or change of ownership of benefice or diocesan owned houses and property. It is also recommended that the diocese should bear in mind the legitimate interests of members of the team in such matters even where they occupy houses in other ownership.

6.44 The amended provisions made by the 1995 Measure are as follows:

- s.3 of the Diocesan Boards of Finance Measure 1925 has been amended so that a diocesan board of finance may not alter or dispose of any house occupied by a member of a team ministry without keeping the member concerned informed, giving him or her an opportunity to express views, and having regard to those views before proceeding.
- the following amendments were made to the [Parsonages Measure 1938, now entirely replaced by Part 1 of the Church Property Measure 2018 \(CPM\)](#):
 - s.3 of the CPM provides that where a parsonage house is occupied by a member of a Team Ministry, no power under ss.1 or 2 can be exercised without that member's consent.
 - During a vacancy in the benefice where the parsonage is occupied by another member of a team, the sequestrators may not carry out any of their powers under s.4 without the consent of that member.
 - s.5 provides that where the team rector or the bishop propose to exercise the general powers conferred on them by the Measure (for example, powers of sale or improvement) in relation to a parsonage house which is or is to be occupied by the team rector, all the members of the team must be kept informed of matters arising from the proposal and given an opportunity to express their views, and those views must be taken into account before proceeding;
 - the [Parochial Church Councils \(Powers\) Measure 1956](#) was amended so that the diocesan board of finance may not alter or dispose of any house which it holds under the Measure and which is occupied by a member of the team ministry without keeping the team member concerned informed of matters arising out of the proposal, giving him

or her an opportunity to express his or her views and having regard to those views before proceeding;

- as regards the [Endowments and Glebe Measure 1976](#) the property provisions of which are now in the Church Property Measure:
 - under s.22 of the CPM, where a DBF intends to dispose of glebe property, team vicars, as well as the incumbent (or the priest-in-charge or churchwardens during a vacancy) and the parochial church council must be notified of the proposed transaction. Additionally, if the property is a house occupied by a member of the team who is not a team vicar, they must also serve notice on that member.
 - under s.8, where parsonage land is not required for the convenient occupation of the incumbent is to be transferred to diocesan glebe, the DBF must consult every member of the team if the benefice has a team ministry in addition to the incumbent (or sequestrators) before doing so and their representations must again be considered by the Church Commissioners before deciding whether the transfer should proceed.

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- 6.45 In addition to these specific provisions regarding team members' houses [s.4 of the Ecclesiastical Offices \(Terms of Service\) Measure 2009](#) also applies to any of the team members who are full-time stipendiary office holders on Common Tenure. The Diocesan Parsonages Board as the relevant housing provider is under a duty to provide housing for them, although it may arrange for another body (including the DBF in a capacity other than as Diocesan Parsonages Board) to provide the house on its behalf. Where the Diocesan Parsonages Board provides the house itself, any disposal or exchange or proposal to improve, demolish, reduce, enlarge or otherwise alter will be a "regulated transaction" under [s.7 of the 2009 Measure](#) about which the occupant will have rights of representation..

Meetings of team chapter and team

- 6.46 Regular meetings are central to the life of an effective team ministry. The team rector should convene regular meetings of the team to discuss matters of general concern or special interest to the team and should respond positively to requests for such meetings from team members. As well as "business" meetings, it is also essential for the team to meet regularly for worship and prayer, and meetings simply to enjoy one another's company and to have fun are also to be commended! The use of a consultant may help the team to meet and work together (see [6.64-6.66](#)).
- 6.47 There will also be a need for the whole team to meet regularly. Good collaboration does not take place when people feel that they have been excluded from decision-making processes in which they have a legitimate

interest. An informal team constitution, though not legally binding, may help to clarify where various issues will be decided and by whom.

- 6.48 Although the sharing of leadership is commended, there still needs to be a designated leader through whom communication tends to be channelled, and who will play a crucial role in managing relationships within and across the team ministry. It will be usual for the team rector to fulfil that role, so that, as indicated in [6.5](#) above, the team rector must possess the ability and willingness to share leadership, power, authority and information

34(11) and
34(11)

Parochial Church Council, Team Council, Joint Council and District Church Council

Schedule 3
4(2) and (3)
and 11(1)

- 6.49 The Church Representation Rules and the 2011 Measure provide for various representative bodies in which the members of a team join with the laity in administration of the benefice and its constituent parishes. A parochial church council for each parish in the team is mandatory. A pastoral scheme establishing a team ministry may make provision for a team council, joint parochial church council or district church councils or provide for the bishop to do so by Instrument. Such arrangements last for a maximum of five years. Alternatively or on termination of these arrangements similar provisions may be made under the CRR. These are discussed in detail in [Chapter 8](#) of the Code and the choice of which structure to adopt and the powers to be delegated to various levels are important issues which need to be clarified at the outset and kept under review if a team is to function effectively.

Regular Review

- 6.50 Regular Ministerial Development Reviews for all team members on Common Tenure is a requirement under the Ecclesiastical Offices (Terms of Service) Measure 2009. In accordance with the principle of equality between team members it is strongly recommended that team rectors not on Common Tenure should also participate in this process which will of course take place within the context of the team ministry.
- 6.51 In addition, it is recommended there is a regular pattern of review of the working of the team as a whole, probably every three or four years and at least every five years. Some form of checklist of the characteristics of collaborative ministry such as that in [A Time for Sharing: Collaborative Ministry in Mission](#), published by the Board of Mission of the General Synod in 1995, will be helpful here. The congregations, as well as the team members and any consultant or adviser who has had regular contact with the team, should be involved. The review should not merely concentrate on how well the team is working and on goals for the future, but should also consider whether the team should now be re-structured or disbanded and replaced by some other form of ministry, under the 2011 Measure.

- 6.52 It is helpful if a departing member of a team ministry is given the opportunity to report on his or her experience and to offer recommendations regarding, for example, the terms of the job description. This could be in the form either of a written statement or an exit interview, or both.

Vacancies in the benefice

- 6.53 The guiding principles behind the law on vacancies in a benefice with a team ministry (that is, vacancies in the office of team rector) are that:
- the laity should retain their legitimate role on a vacancy, and in particular that the role of the churchwardens as sequestrators and the role of the lay vice-chair of the parochial church council should be preserved. In the latter case this means that the lay vice-chair rather than an acting team rector would normally chair a PCC for which the team rector was the minister (see [6.41](#));
 - at the same time, the team should continue to function effectively and have the leadership it needs, and where appropriate some of the team members should share tasks arising on the vacancy with the laity.
- 6.54 As in the case of any other vacancy in a benefice, sequestrators are automatically appointed under [s.1 of the Church of England \(Miscellaneous Provisions\) Measure 1992](#). In the case of a non-team ministry benefice, the sequestrators are the churchwardens, the rural or area dean and any other person whom the bishop thinks it desirable to appoint. However, in a team ministry the place of the rural dean is taken by the team vicars and any other member of the team who has special responsibility for the pastoral care of an area which is not within a team vicars' special cure of souls (see [6.38](#)). However, the bishop may decide that any one or more of them should not be sequestrators or appoint the rural dean as an additional sequestrator.
- 6.55 In addition, the bishop may appoint one of the team vicars to act as team rector during the vacancy in two specific respects:
- exercising the team rector's general responsibility for the cure of souls in the area of the benefice under [s.34\(6\)](#) of the 2011 Measure (see [6.5](#));
 - and nominating persons to be appointed as members of the team other than the team rector and team vicars under s.34(3) of the Measure (see [6.31](#)).

This is not an appointment to an office but only to carry out specific functions of one so would not require a separate Statement of Particulars although it may need an amendment to the team vicar's current Statement of Particulars.

- 6.56 The bishop has a complete discretion as to whether and when to exercise this power, and will take account of the likely length of the vacancy as well as the

way in which the team is likely to operate in the absence of a team rector. He or she also has a complete discretion as to which team vicar to appoint, and will need to consider who has the necessary qualities to carry out the task successfully without feeling "demoted" when a new team rector is appointed, and who is most likely to be acceptable to his or her colleagues. The person appointed may well be known in practice as the "acting team rector", and may well exercise leadership on an informal basis. However, it is important for all concerned to be clear that his or her legal functions are strictly limited, that they are not equivalent to those of a priest-in-charge, and that they do not displace the functions of the sequestrators or the lay co-chairs of the parochial church council. Alternatively the bishop may think it more appropriate to appoint one of the team vicars as priest-in-charge during the vacancy. This would be a separate office and have a separate Statement of Particulars.

Team development and training consultants

- 6.57 Team ministries, like any other form of collaborative ministry, have a dual focus: on the task to be addressed and on the maintenance of the team. In both a consultant can often be invaluable and some dioceses insist that teams have one. A consultant may play a number of different roles:
- a. as theologian, helping the team to handle the theological issues confronting it, and to open its eyes to other possibilities in their own task;
 - b. as group consultant, assisting the team to interact creatively and positively by understanding its own internal dynamics, coming to terms with differences and helping individuals to feel valued;
 - c. as management consultant, enabling the team to monitor its progress in relation to the original aims and objectives, and to set new ones.
- 6.58 A consultant may have a particular role to play where there are problems arising from conflict within the team. When such problems arise the team rector will have an important part to play but creative management of conflict is hard to exercise for any group of people from within their own resources. It is important to recognise when outside help is required and to have an agreed procedure for resolving them which may involve the consultant. If not addressed, such problems can lead to breakdown in relationships and even to the breakup of the team. At the very least they divert energies from the common task and encourage separation.
- 6.59 For consultancy to work effectively the person appointed must be someone the team members find acceptable and are willing to work with. Before anyone is appointed a "contract" needs to be worked out among the team as a whole, defining expectations and thereby avoiding misunderstandings. Dioceses can assist by having a list of suitable people. This also ensures that someone with the appropriate skills is appointed, as well as providing opportunities for mutual support and "supervision" for those undertaking this important work.

Other training issues

- 6.60 The principal training need for teams and groups centres on the necessity to live and work with others through mutual understanding and awareness. It will also include training in the ability to exercise effective, but co-operative, leadership, as well as the skill of setting one's whole work within a theological perspective.
- 6.61 While theological colleges and courses have a role in preparing individuals for collaborative ministry, this needs to be expanded and developed through the early years of continuing ministerial development. However, more intensive preparation will be necessary when an individual takes up a first appointment in a group or team. The initial requirement is induction training, to introduce the individual both to working in a team and to the particular context of that team's ministry. Subsequently, for those on Common Tenure, this should be addressed as part of the Ministerial Development Review process and this may require some form of training from outside the team itself as well as identifying opportunities arising within it.

Financial implications

- 6.62 A team ministry as such does not necessarily give rise to special financial problems. However, they frequently embrace more than one church or place of worship and more than one parish and there may be a fairly complex structure of local church government, including a team council or district church councils, or both, as well as the parochial church council (see [6.56](#)). The team ministry may also operate within a wider ecumenical partnership, for example an LEP or a sharing agreement for a church building (see [6.73](#)). The DBF will need to consider whether there are costs associated with the provision of suitable training consultants ([6.64-6.66](#)), such as the cost of training for the consultants themselves, and to budget for this.
- 6.63 Thus it is essential that all financial affairs should be dealt with meticulously and on the basis of known and agreed principles. These should specify:
- a. who has the power to undertake expenditure, and any restrictions which apply to that power;
 - b. how financial responsibility for matters such as payment of expenses and upkeep of buildings is to be apportioned between the different churches and bodies concerned; and
 - c. the position, rights and responsibilities of any team council, the parochial church council or councils and any district church councils, as well as their officers, in relation to financial matters generally.

- 6.64 Questions may also arise as to the ownership or use of church property or local trust funds. The 2011 Measure contains detailed provisions about the effect on local charitable trusts where the parish by reference to which they were set up is united with another parish or ceases to exist as a separate entity in some other way (see also [4.19-4.22](#), [8.18-8.19](#) and [8.33-8.34](#)). If any doubts or problems arise, it is essential to seek the advice of the diocesan secretary, who will consult the diocesan registrar as necessary, so that the funds or other property can be properly used and administered. If that is not done, there is a danger both of legal difficulties in the future and of contention over the matter becoming a threat to mutual trust.

The ecumenical dimension

- 6.65 It is important that, where possible, the collaborative ministry of a team established under the 2011 Measure should be set within the wider framework of ecumenical collaboration, whether formal or otherwise. So far as the Church of England is concerned, ministers and laity must of course comply with the Church's legal rules. However, it is important to take a positive approach, emphasising what can be done within the present law, and not what is impossible at present.
- 6.66 At present, the main legal provisions permitting formal collaboration at the local level are:
- a. the [Sharing of Church Buildings Act 1969](#), which provides for the joint use and in some cases the joint ownership by different Churches of church buildings. For the Act to apply to a Church, it must either be named in the Act, or to have made a declaration in the London Gazette that it wishes to be a Church to which the Act applies. Only Churches which are represented on the governing body of either [CTBI](#), [The Evangelical Alliance](#) or [Affinity](#) may make such a declaration. "Church buildings" are not confined to places of worship and include, for example, ministers' residences. The sharing Churches are normally represented on a "joint council" which exercises various functions in relation to the building, its use and financial and other matters. Further information about sharing of church buildings under the 1969 Act is contained in the CTBI booklet [Under the Same Roof](#), published in 1994. There is also material on the Churches Together in England website on sharing church buildings. The [Council for Christian Unity](#) maintains a list of 'gazetted' Churches. Information about the use of Church of England places of worship by Churches to which the Sharing of Church Buildings Act does not apply is available from the Council for Christian Unity;
 - b. Canon B 43, made under the [Church of England \(Ecumenical Relations\) Measure 1988](#). This provides for Anglican ministers to participate in the services of Churches designated under the Measure, for ministers of those Churches to participate in Church of England worship, and for those other Churches to hold services according to their own rites, or joint services with the Church of England, in

Anglican places of worship. Further guidance on the use of this Canon is to be found in [Ecumenical Relations - Canons B 43 and B 44: Code of Practice](#), published by the General Synod in 1989 (supplemented and corrected in 1995), which also deals with (c) below. The Code of Practice is available from the Council for Christian Unity;

- c. Canon B 44, also made under the 1988 Measure, makes provision for the bishop to establish within his diocese Local Ecumenical Projects, now usually called Local Ecumenical Partnerships (LEPs), by agreement with the authorities of the same possible partner Churches as under (b). There are various types of LEP, as described in the Code of Practice, with varying degrees of complexity. Canon B 44 makes provision for the bishop to authorise ministers of partner Churches to exercise a ministry of word and sacrament in the area of the LEP, as well as joint worship, including joint confirmations. A constitution agreed by the partner Churches for the LEP, distinct from the authorisations under Canon B 44, may also provide for an ecumenical church council and a common membership roll, and will thus have an impact on local Church government in the area of the LEP (see sub-paragraph (d) below);
- d. under rule 1 of the Church Representation Rules, a person who is a member in good standing of another Church which subscribes to the doctrine of the Holy Trinity but who is also prepared to declare him- or herself to be a member of the Church of England and has habitually attended public worship in the parish for six months is entitled to be entered on the church electoral roll of the parish without abandoning his or her original Church membership. In the case of LEPs which have joint services of confirmation, those confirmed jointly by the bishop and the ministers of other Churches will be in a position to exercise responsible membership of all the participating Churches; some well-established LEPs have a substantial number of people in this position in their congregations; and
- e. paragraph 1(b) of Canon B 15A permits communicant members of good standing of other Churches which subscribe to the doctrine of the Holy Trinity to receive Holy Communion in the Church of England. If a member of another Church who is on the church electoral roll of the parish has received Holy Communion according to the use of the Church of England at least three times during the previous twelve months under paragraph 1(c) of the Canon, he or she will be an "actual communicant" for the purposes of the Church Representation Rules and able, for example, to stand for election to the parochial church council.

6.67 Many of the issues relating to ecumenical co-operation which are specific to team ministries (and group ministries) under the 2011 Measure relate to ministry itself, bearing in mind that a non-Anglican minister cannot be a member of the formal Anglican team or group. However, as explained, a minister of a partner Church may be authorised by the bishop to exercise

pastoral care, and a ministry of word and sacrament within the area of the LEP, and this authorisation provides a basis, from the point of view of the Church of England, for inclusion of such a minister in an ecumenical team. Our partner Churches have their own ways of authorising Church of England clergy. In responding to issues that may arise:

- a. care has to be taken that the ecumenical collaboration is a genuine partnership, and that the non-Anglican partner is not "swamped" where the majority of those in the "ecumenical team" belong to the Church of England;
- b. every effort should be made to ensure parity between the members of the wider ecumenical team. For example it is important that the arrangements for ministerial review of other Churches are compatible with those for the Anglican team;
- c. ministers of other Churches can be present, by invitation, at team meetings, and this will often be of value in fostering co-operation and joint action. Duplication of meetings should in any case be avoided and it is often convenient for ecumenical meetings to immediately follow those of the Anglican or partner denomination;
- d. guidance on some of the legal and other problems that may arise in attempting to integrate the work of the members of the Anglican team with that of a wider ecumenical team may be found in the Council for Christian Unity booklet *Diocesan Authorization for Ministers of Other Churches in LEPs* (2011).

6.68 If legal difficulties relating to aspects of ecumenical co-operation arise, the diocesan registrar should be asked for advice. Information and advice on good practice in this sphere can also be obtained from the Council for Christian Unity and from diocesan ecumenical officers. The Council for Christian Unity provides resources on all aspects of ecumenical collaboration, and more about their work can be found at <https://www.churchofengland.org/about/work-other-christian-churches/council-christian-unity>.

Chapter 7 – Group Ministries

This chapter deals with the detailed arrangements for group ministries, the provisions for which are set out in [s.35](#) and [Schedule 3](#) of the 2011 Measure. Areas covered include membership, organisation and the ecumenical dimension.

- 7.1 - 7.5 [What is a group?](#)
- 7.6 - 7.9 [Who are the members?](#)
- 7.10 - 7.14 [Meeting points](#)
- 7.10 - 7.12 [The group chapter](#)
- 7.13 - 7.14 [Group councils](#)
- 7.15 - 7.18 [Growing together in ministry](#)
- 7.19 [The ecumenical dimension](#)

What is a group?

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7.1 Under the 2011 Measure, a group ministry consists of a group of benefices, established by pastoral scheme or order or a bishop's pastoral order, in which:

- the incumbent of each benefice in the group has authority to minister throughout the group, and to perform those offices and services which may be performed by an incumbent in all the benefices. However, in a benefice other than his or her own the incumbent must act in accordance with the directions of the incumbent of that benefice. In giving such directions the incumbent of a benefice which includes a parish which has passed a resolution on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests will need to take account of the requirement in Paragraph 23 of the Declaration to do everything possible to achieve an outcome that does not conflict with the nature of the conviction which underlies the PCC's resolution. ; and
- it is the duty of all the incumbents to assist each other so as to make the best possible provision for the cure of souls throughout the area of the group ministry.

In these provisions, and in almost all the provisions of the 2011 Measure relating to group ministries, "incumbent" includes a priest-in-charge

7.2 The arrangement is intended as a permanent grouping of the benefices concerned (subject to alteration or termination by a pastoral scheme or order). It should not be a temporary expedient to deal with specific problems. It is not personal to the incumbents in office when the group comes into operation. The rights and duties attach to the office, so that the incumbent cannot resign or withdraw from them (except by resigning the benefice), and a new incumbent or priest-in-charge automatically succeeds to them.

35(2)

7.3 The main legal difference between a team and a group is that a group ministry is a collaborative ministry between priests who are incumbents of their individual benefices, and have all the rights and authority which that involves; they do not in law give up any of those rights or that authority as a result of entering into the group. On the other hand, a team ministry is normally confined to a single benefice (see [6.1](#)), may include clergy of non-incumbent status and lay people, and involves sharing of the incumbent's normal functions and authority.

It is possible for a team ministry benefice to be one of the benefices within a group. In that event the team rector and team vicars (but not other members of the team) are treated as "incumbents" under the provisions regarding the group outlined in [7.1](#), except that only the team rector is able to give directions to incumbents of other benefices when they are ministering in the team ministry benefice.

- 7.4 A group is a less tightly structured arrangement than a team, but it is important that all those involved should be committed to collaborative working. If so, an effective group can produce important advantages in terms of mutual support and practical help, shared insights, a shared plan of ministry and mission to a larger area than a single benefice, and the possibilities of pooling resources and undertaking initiatives which would be impossible for one benefice alone.
- 7.5 The looser structure also means that it is easier to unpick a group which is not working well. However, it may also mean that a group which does work well initially becomes less effective or even moribund, following changes among the incumbents or lay leaders. When a benefice in a group is vacant it is important that the existence of the group and the expectation of collaborative working is made known to applicants and patrons (see 7.8 and 7.9 below) as this is likely to be a factor influencing the choice of the next incumbent. A vacancy is also an opportunity to review the effectiveness of the group and decide whether it should continue.
- 7.6 Group ministries, of their nature, tend to give rise to less acute problems than team ministries so far as parity between members and their legal relationships to one another are concerned. However, that does not mean that setting up a group ministry should be considered as a "fall back" option, to be undertaken only if proposals for a team ministry have been examined and rejected.

Who are the members?

- 7.7 The members of the "group chapter" are the incumbents (or priests-in-charge) of and any team vicars in the benefices covered by the group. As membership of the group chapter involves a legal duty (see 7.1b above) it is essential that where the members of the group hold their offices on Common Tenure their Statements of Particulars refer to membership of the group. Assistant clergy and lay ministers are not part of the group chapter, but it is important that they should all be involved in the collaborative ministry of the group (see [7.13-7.14](#)).
- 7.8 Like those involved in a team ministry, it is essential that they should be people with the qualities and personality necessary for collaborative working (see [6.13](#)). Indeed, it may well require particular maturity and experience to function both as a clear and effective leader of the assistant clergy and laity in one's own benefice and as an equal partner in a collaborative ministry with clergy of the same status as oneself.
- 7.8 The incumbent of a benefice in a group ministry is appointed by the patron in the normal way, subject to the provisions of the Patronage (Benefices) Measure 1986 except that before making a nomination the patron must consult all the other incumbents and priests-in-charge in the group. When the patron is not the bishop, the bishop must also give his consent to the choice of incumbent. If he refuses to consent his decision can be overridden only by the archbishop of the province.

**Schedule 3
Paragraph 3**

- 7.9 However, as for all appointments to collaborative ministry posts, it is important to go beyond the strict letter of the law and consult widely about any proposed appointment. It is recommended that when the parochial church council prepares its statement under the [Patronage \(Benefices\) Measure 1986](#) on the conditions, needs and traditions of the parish it stresses this point and the importance of seeing the benefice and the appointment in the context of the group and its work and the need for the personal qualities referred to in [7.7](#).

Meeting points

The group chapter

35(4)

- 7.10 Under the 2011 Measure, the group chapter is to meet as such for the purposes of discussing and reaching a common mind on all matters of general concern or special interest to the group ministry, and the chairman (see [7.12](#)) must convene chapter meetings at regular intervals. As in a team ministry, this is essential. It is also important that all members of the chapter should be encouraged, to bring forward matters for consideration.
- 7.11 As with teams, chapter meetings should include regular opportunities for worship, prayer and reflection, and for each member to get to know the others. It may be helpful to arrange for the meeting venue to "rotate" between the benefices, to allow the members to meet assistant clergy, lay ministers and representatives of the congregation(s) in the benefice where the meeting is being held.
- 7.12 The pastoral scheme or order or bishop's pastoral order setting up the group ministry may provide for the chairmanship of the chapter. Subject to that, the members elect their own chairman, normally for a period of three years. The chairman convenes meetings (see [7.10](#)) and presides when present; in his or her absence a deputy chairman appointed by the meeting presides. The chairing of chapter meetings is a significant role, as apart from the legal duties, the person concerned needs to play a very sensitive leadership role in the life of the group, generally, and possibly also on specific issues.

Group councils

Schedule 3

- 7.13 It is possible for a group council to be set up for the whole of the area covered by the group ministry, either:
- under the 2011 Measure, by the pastoral scheme or order or bishop's pastoral order establishing the group ministry or by the bishop under powers conferred by the scheme or order (in each case for a maximum of five years); or
 - under the Church Representation Rules, by a joint scheme made by the parochial church meetings of the parishes concerned, subject to the

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consent of the bishop's council and standing committee of the diocesan synod.

The procedure for setting up the council and the legal provisions which apply to it are very similar to those for a team council or joint parochial church council (see [Chapter 8](#) for more detail about the possible arrangements). However, in view of the nature of group ministries, it is likely that fewer specific functions will be formally delegated to a group council than to a team council.

- 7.14 In addition to exercising delegated functions, where there is a group council it is required to meet from time to time for the purpose of consulting on matters of common concern. It also provides an opportunity to involve assistant clergy and licensed lay workers within the group, as well as the laity, in the group ministry's work. Although it is desirable to delegate functions to do with activities spanning the group to a group council, there may be limitations arising from its unincorporated status. Employment, for example of a lay youth worker or administrator, or the organisation of events requiring insurance may need to be dealt with on behalf of the group by one of the PCCs with appropriate financial contributions from the others.

Growing together in ministry

- 7.15 Ministers other than members of the group chapter - for example, SSMs, OLMs, readers and other lay ministers - may be authorised to serve in parishes covered by the group ministry. It is recommended that these ministers should participate from time to time in meetings of a "greater chapter" (as well as in any group council - see [7.14](#)). The chair of the group chapter should take the initiative in convening such meetings. It is also to be commended that regular interchange of ministry takes place across the group, not only to cover for holidays, illness and the like. This does much to foster a group identity without prejudice to the special relationship between an incumbent and the parish or parishes in his or her benefice.
- 7.16 It is for the group chapter and group council to agree areas for joint action and co-operation. Every effort should be made to consult widely on matters of common concern and identify those which can be undertaken as a joint venture. The pooling of resources for greater effectiveness is a fundamental principle of good group ministry. Of course, lines of communication and information need to be clear and reliable, and the chair will play a crucial role in this respect.
- 7.17 As with team ministries, it is important for the group ministry to be regularly reviewed - say every five years - and for members leaving the group to be given an opportunity to report on their experience and to offer suggestions for the future (see [6.57-6.59](#) above).
- 7.18 There is much to be said for the appointment of a consultant to the group, and this task will closely resemble that identified for team ministries (see [6.64-](#)

[6.66](#) above). Because a group ministry is less structured in legal terms, it differs from a team ministry so far as managing disputes and breakdowns in collaboration are concerned. However, an external consultant can help to handle such difficulties creatively and with an appropriate degree of objectivity, and can also be useful in other areas of group development.

The ecumenical dimension

- 7.19 In general, the ecumenical issues and opportunities arising from a group ministry are similar to those for team ministries (see [6.72-6.76](#) above). However, individual parishes and benefices within the group may be involved in separate ecumenical partnerships, whether formal or informal, possibly with different partner churches, and thought needs to be given to the best way to link these initiatives without depriving them of the freedom to develop naturally in the light of local circumstances. It is recommended that the diocesan ecumenical officer is approached for advice on this, and on the possibility of group-wide ecumenical collaboration.

Chapter 8 – Church Representation Rules

This Chapter provides guidance on the Church Representation Rules and on the relevant provisions in the 2011 Measure on representative bodies and officers.

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Introduction

- 8.1 The role of the laity in the government of the Church of England is provided for in the [Synodical Government Measure 1969](#) and the [Church Representation Rules](#) (CRR) made under [Schedule 3](#) of the Measure. The CRR make provision for representation of the laity at parish level on the parochial church council (PCC), on deanery and diocesan synods and, at national level, on General Synod. The Rules also provide for the establishment of supplementary bodies to which parochial church councils may delegate most of their functions. These bodies may also be created, on a short-term basis, under the provisions of the 2011 Measure as part of pastoral reorganisation. This section of the Code describes the different bodies which may be established, the different procedures under which this may be done and offers guidance on the advantages and disadvantages of different structures. It also summarises the legal provisions regarding churchwardens which are found in the Churchwardens Measure 2001.

General provisions relating to representative bodies and officers

Churchwardens

- 8.2 Churchwardens are the principal lay officers of a parish and are officers of the bishop. Their duties include: representing the laity and co-operating with the incumbent; encouraging the parishioners in the practice of religion and promoting unity and peace among them; maintaining order and decency in the church and churchyard and ownership of the plate, ornaments and other moveable goods of the church². They are ex-officio members of the PCC.
- 8.3 Churchwardens are appointed under the provisions of the [Churchwardens Measure 2001](#) and there are normally two for each parish unless it has more than one parish church, when two wardens are appointed for each church, although all are wardens of the whole parish. A parish centre of worship³ counts as a parish church for this purpose. Churchwardens are elected by a parish meeting, at which any parishioner or electoral roll member may vote and which must be held on or before 30th April each year. Normally each pair of wardens are elected by the meeting but the minister, if he or she believes that the appointment of one of the nominated persons will lead to difficulties between that person and the minister, may declare that only one warden shall be elected having first chosen the other from among those nominated.

Annual Parochial Church Meetings

- 8.4 Rule 6(1) of the CRR requires an Annual Parochial Church Meeting (APCM) to be held no later than 30th April each year in each parish. The APCM differs

² Churchwardens' duties are set out in more detail in Canon E1. Provisions regarding their qualification for office and election are in the Churchwardens Measure 2001. A useful short guide to their duties is *The Churchwarden's Handbook A Practical Guide* (Ian Russell, 2000, Kevin Mayhew Ltd)

³ A parish centre of worship is a chapel of ease or licensed place of worship which has been designated as a parish centre of worship as which it is treated for most purposes as if it is parish church.

from the parish meeting which elects the churchwardens in that only electoral roll members may participate although the two meetings normally follow one another. One of the duties of the APCM is to elect members of the PCC for the ensuing year. A special parochial church meeting may be convened by the minister or on a written request of one-third of the lay members of the PCC. An extraordinary meeting may be convened by the archdeacon on a written request of one-third of the lay members of the PCC or one-tenth of the electoral roll members.

Parochial Church Councils

- 8.5 Every parish is required to have a PCC which must meet on a minimum of four occasions a year⁴. The general functions of PCCs are set out in [s.2 of the Parochial Church Councils \(Powers\) Measure 1956](#). There is a duty for the minister and the PCC to consult together on matters of general concern and importance to the parish and other general functions of the council include co-operation with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical. PCCs are corporate bodies and are governed by charitable legislation, whether or not they are registered with Charity Commissioners.

Specific functions of the council include:

- the financial affairs of the church including the collection and administration of all money raised for church purposes and the keeping of related accounts;
 - the care maintenance preservation and insurance of the fabric of the church and its goods and ornaments; and
 - the care and maintenance of any churchyard or burial ground (open or closed), unless responsibility for one which has closed has been passed to the Local Authority.
- 8.7 PCCs have powers to acquire property for any ecclesiastical purpose affecting the parish and for providing facilities for the spiritual moral and physical training of persons residing in or near it. Property acquired by PCCs is vested in the body designated as the Diocesan Authority (usually the Diocesan Board of Finance but in some dioceses a separate trustee body) to hold trust property on their behalf as “custodian trustee” with the PCC acting as “managing trustee” with day to day responsibility for management of the property.
- 8.8 The CRR also include provision for the creation of bodies covering an area within a parish (district church councils) or more than one parish (joint parochial church councils, team councils, or group councils) to which most functions of the PCC, with specified exceptions, can be delegated. However, the establishment of any of these other bodies does not remove the requirement for the PCC itself to meet at least four times a year.

⁴ Paragraph 2 of Appendix II of the CRR

- 8.9 The membership of PCCs is set out in Rule 14(1) of the CRR. However, where there is more than one church or place of worship in the parish the APCM may make a Scheme under Rule 18 providing for the election of the lay members of the PCC so as to ensure the representation of each congregation. Such a scheme can also provide for the election of one or two deputy churchwardens for each church or place of worship and may either specify which duties of the churchwardens shall be delegated to them or allow the churchwardens to do so and may provide that they shall be ex-officio members of the PCC. A Scheme under Rule 18 requires a two-thirds majority of those present and voting and does not take effect until approved by the Bishop's Council. It remains in effect unless revoked or amended by a subsequent APCM by the same majority. Under Rule 18(6) a special parochial church meeting may be called to vote on the making, amendment or revocation of such a scheme.

District Church Councils

- 8.10 A Rule 18 Scheme may also provide for the establishment of a district church council (DCC) for any church or place of worship in a parish and for the chairmanship, ex-officio members and the election of lay members. The Scheme may provide for the delegation of specified functions to the DCCs and the PCC may also decide to delegate other functions. However, certain functions cannot be delegated by a PCC to a DCC. These are:

- the PCC's role as an interested party under the Mission and Pastoral Measure 2011;
- its functions under Part II of the [Patronage \(Benefices\) Measure 1986](#); and
- the production of the financial statement of the parish.

There need not be a DCC for every church or place of worship in the parish. Unlike a PCC, a DCC has neither corporate nor charitable status (see also [8.23-8.26](#)).

Joint Parochial Church Councils

- 8.11 Under Rule 19 of the CRR the APCMs or special parochial church meetings of some or all of the parishes in a multi-parish benefice or in benefices which are held in plurality may make provision for a joint parochial church council. A joint PCC is required to meet to discuss matters of common concern and the PCCs may also, subject to the Scheme, delegate to it functions other than those in sub-paragraphs a) and b) of 8.10 above. However, the PCCs' functions under Part II of the Patronage (Benefices) Measure 1986 automatically pass to the joint PCC, if it is established for all the parishes in the benefice. A Scheme under Rule 19 requires the same majority and the same approval by the Bishop's Council as a Rule 18 Scheme and similarly continues in effect until revoked or amended, except that a joint PCC for parishes across benefices held in plurality ceases if the plurality is terminated.

Again not all parishes in the benefice or benefices concerned need be participants in the joint PCC. A joint PCC is not a corporate body and does not have charitable status.

Team Councils

- 8.12 Rule 20 of the CRR provides for the APCMs or special parochial meetings of the parishes in a team ministry benefice to make a Scheme for a team council. The Scheme will provide for the election of lay members and for the chairmanship, meetings and procedure of the team council. A team council is required to meet to discuss matters of common concern and the PCCs may also, subject to the Scheme, delegate to it functions other than those in sub-paragraph a) of [8.10](#). The PCCs' functions under Part II of the Patronage (Benefices) Measure 1986 automatically pass to the team council as does the appointment of parish representatives in connection with the appointment of team vicars. A Scheme under Rule 20 requires the same majority and the same approval by the Bishop's Council as a Rule 18 Scheme and similarly continues in effect until revoked or amended. It differs from a joint PCC in that all the parishes in the team ministry benefice must participate. Like a joint PCC, a team council is not a corporate body and does not have charitable status

Group Councils

- 8.13 Rule 21 of the CRR provides for the APCMs or special parochial meetings of the parishes in a group ministry benefice to make a Scheme for a group council. The Scheme will provide for the election of lay members and for the chairmanship, meetings and procedure of the group council. The Scheme may delegate to the group council the PCCs' functions other than those in sub-paragraphs a), b) and c) of [8.10](#). A Scheme under Rule 21 requires the same majority and the same approval by the Bishop's Council as a Rule 18 Scheme and similarly continues in effect until revoked or amended. As with a team council, all the parishes in the area of the group ministry must participate. A group council is not a corporate body and does not have charitable status.

Provisions of the 2011 Measure relating to lay officers and representative bodies

- 8.14 The 2011 Measure allows a Pastoral Scheme or Order to modify the provisions of the [Churchwardens Measure 2001](#) as regards the number of churchwardens and to provide for most of the matters which can be provided for in CRR Schemes under Rules 18-21, for a limited period, for a benefice or parish or team or group ministry created by that Scheme (or Order). A Pastoral Scheme or Order may also provide for such provisions to be made by Bishop's Instrument. These provisions enable such arrangements to be put in place for an initial time-limited trial period without the need for a two-thirds majority in all the PCCs concerned.

It is recommended that, so far as possible, the DMPC or the Bishop secures the support of the PCCs for what is proposed, but, as a last resort, it can be

helpful to be able to impose such arrangements, particularly where one PCC or a significant minority of a PCC's members has been opposed to the reorganisation itself. In such circumstances it can prevent a minority from frustrating the operation of the new pastoral arrangements by refusing to allow structures to facilitate this from being put in place. The inclusion of such provision in a Scheme or Order is of course subject to the right of representation to the Commissioners.

- 8.15 Arrangements for lay representation under a Pastoral Scheme or Order lapse automatically after a maximum period of five years from the date the Scheme or Order comes into operation or a lesser period if this is specified. These arrangements cannot be extended or renewed so, thereafter, a CRR Scheme will be necessary to continue them. In many cases the experience of how the arrangements work in practice will demonstrate their benefits to those originally sceptical about them and there will be no difficulty about renewing them under the CRR process. If this does not happen may be a signal for the PCCs to consider whether different arrangement would better suit their needs or in some cases for the DMPC to consider whether the reorganisation itself is the best provision for the parish(es) concerned.

Churchwardens

- 8.16 [S. 41\(5\)](#) of the 2011 Measure allows a pastoral scheme to make such adaptations or modifications of enactments relating to churchwardens as may be necessary or expedient. Thus a pastoral scheme may, for example, provide for a parish with more than one church or place of worship to have only one warden for each instead of two or for a fixed number of wardens for the whole parish. This may be particularly useful where a union of parishes is proposed because of difficulties in recruiting parish officers but there is no desire to close any of the churches or places of worship. A scheme could make such provision in respect of an existing parish where that parish has been created by an earlier scheme under the Pastoral Measure 1968 or its successors, as an amendment of the earlier scheme.

Annual Parochial Church Meetings

- 8.17 There is no power in the 2011 Measure to vary the CRR provisions for holding APCMs. However, Rule 7(5) provides that where a new parish is created by a pastoral scheme, the minister, or in the absence of a minister a person appointed by the Bishop, shall as soon as possible after that provision of the scheme comes into operation convene a special parochial church meeting to carry out the functions of an APCM. Under Rule 7(6) if such a meeting takes place in November or December it may resolve that it shall be treated as the APCM for the following year.

Parochial Church Councils

- 8.18 The 2011 Measure makes no provision for establishing PCCs under a Pastoral Scheme. This because under the CRR a new parish must have a PCC and Rule 7(5) requires this to be done as soon as practicable after the creation of a new

parish. The 2011 Measure does however provide, in paragraph 9 of [Schedule 3](#), for what should happen to the parochial property of a parish which ceases to exist as a consequence of pastoral reorganisation. Where there is a union of parishes property of the constituent parishes will vest automatically on behalf of the PCC of the new parish.

- 8.19 Where a parish is dissolved other than as a result of a union of parishes its property will vest on behalf of such parish as is specified in an order of the Charity Commissioners which must be a parish which incorporates all or part of the area of the dissolved parish ([paragraph 9\(2\)](#)). In the absence of a Charity Commissioners' order [paragraph 9\(8\)](#) applies and the property vests in the PCC of the parish to which the parish church (or site thereof) has been transferred and the Bishop has power to decide any question as to which parish that is (for example where the dissolved parish has and has had no parish church or has more than one parish church). Under paragraph 9(8) all the property would be transferred to one of the successor PCCs, except that where the bishop has to decide he or she may specify that the property shall be divided between two or more parishes. Otherwise, where it is desired to divide the property between more than one of the successor parishes, this will require a Charity Commissioners' order under [s.69 of the Charities Act 2011](#). [Paragraph 9\(6\)](#) permits such an order and allows the diocesan board of finance as well as one of the PCCs to apply for one.
- 8.20 Parishes often have practical questions regarding the effects of dissolving and creating parishes and PCCs and the Parish Resources website has some useful advice which can be accessed by the following link:
<https://www.parishresources.org.uk/>

Representation of the Laity and Deputy Churchwardens

- 8.21 A pastoral scheme which creates a new parish which has more than one church or place of worship may make provision for ensuring that each congregation has its own elected lay representatives on the PCC. The Scheme can also provide for the Bishop to do so by Instrument. As explained in [8.15](#) either of these provisions lasts for a maximum period of five years.
- 8.22 Where a parish will be the only parish in a benefice for which a team ministry is established, the Scheme establishing the team or the Bishop's Instrument may also provide for the election of deputy churchwardens for each church or place of worship and the functions of the churchwardens which must or may be delegated to them.

District Church Councils

- 8.23 A Scheme establishing a team ministry which comprises a single parish may also provide, either itself or via a Bishop's Instrument, with the concurrence of the team rector, for the election of district church councils for any church or place of worship in the parish, their constitution and chairmanship and for the functions of the PCC, other than those which are excluded by the CRR (see [8.10](#)) which must or may be delegated to them. Any functions which are not

specified cannot be delegated. Again these provisions have a maximum life of five years.

NB: In parishes which are not in a team ministry provision for DCCs can only be made by a CRR Scheme.

Joint Parochial Church Councils

- 8.24 A Pastoral Scheme which provides for two or more parishes to comprise the area of a single benefice or two or more benefices held in plurality may provide, either itself or via a bishop's Instrument, with the agreement of the incumbent, for a joint parochial church council for all or some of the parishes, for its chairmanship and for matters which must or may be delegated to it. Again functions excluded by the CRR cannot be delegated and nor can functions not specified in the Scheme or Instrument. By virtue of [paragraph 20 of Schedule 2 of the Patronage \(Benefices\) Measure 1986](#) where there is a joint PCC for all the parishes in a benefice or plurality the PCCs' functions in relation to appointment of an incumbent are automatically delegated to the joint PCC (but the function of appointing parish representatives in the appointment of team vicars is not). A joint PCC could be established for a team ministry under this provision as an alternative to a team council (see [8.36](#)). Again these provisions have a maximum life of five years, after which they would have to be renewed by a CRR Scheme. A joint PCC for a plurality is automatically terminated if the plurality comes to an end.

Team Councils

- 8.25 A Pastoral Scheme which provides for two or more parishes to comprise the area of a benefice for which a team ministry is established may provide, either itself or via a bishop's Instrument, with the agreement of the team rector, for the establishment of a team council, for its Chair, meetings and procedure and for matters which must or may be delegated to it. As for a joint PCC, functions excluded by the CRR cannot be delegated and nor can functions not specified in the Scheme or Instrument. By virtue of [paragraph 19 of Schedule 2 of the Patronage \(Benefices\) Measure 1986](#) where there is a team council the PCCs' functions in relation to appointment of an incumbent (i.e. the team rector) are automatically delegated to the team council as is the appointment of parish representatives in connection with the appointment of team vicars (by virtue of [paragraph 2\(9\) of Schedule 3 to the 2011 Measure](#)). Again these provisions have a maximum life of five years, after which they would have to be renewed by a CRR Scheme.

Group Councils

- 8.26 Where a Pastoral Scheme or Order establishes a group ministry it may provide, either itself or via a bishop's instrument with the concurrence of all the members of the group, for the establishment of a team council, for its Chair, meetings and procedure and for matters which must or may be delegated to it. Again functions excluded by the CRR cannot be delegated and

nor can functions not specified in the Scheme or Instrument and the provisions have a maximum life of five years, after which they would have to be renewed by a CRR Scheme.

Which structure and which authority?

- 8.27 The number of different bodies which can be created under the CRR or the 2011 Measure and the fact that two or more of them can exist side by side gives rise to a wide variety of possible structures some of which, especially where a team or group ministry is involved, may be quite complex. The most appropriate structure for any particular parish or group of parishes will depend on a number of factors which need to be balanced against one another. There may also be advantages or disadvantages arising from the different ways in which the structures can be authorised which need to be taken into account. Some of these issues are considered in [8.28-8.41](#) and some examples of different structures are given at the end of this section.

Coordination and simplification

- 8.28 A major reason for the creation of overarching bodies such as Joint PCCs, Team or Group Councils is to coordinate the activities of parishes which are grouped together by pastoral reorganisation by delegating to the joint body those functions which are more effectively dealt with across the benefice or group as a whole. The benefice, team or group may have the resources to undertake particular forms of mission or ministry, such as youth work, which are beyond those of the individual parishes. Team and group ministries in particular often need a forum in which the team or group clergy consult with representatives of the laity about mission strategy or coordination of ministry across the team or group.

There may be limitations arising from the unincorporated status of team and group councils and joint PCCs. Employment, for example of a youth worker or administrator, or the organisation of events requiring insurance may need to be dealt with on behalf of the benefice, team or group by one of the PCCs with appropriate financial contributions from the others.

There may be alternative ways of structuring such an arrangement, for example a benefice might either have a number of parishes with some functions delegated “upwards” from the PCCs to a joint PCC or team council or have a single parish with functions delegated “downwards” from a PCC to district church councils.

- 8.29 A disadvantage of such arrangements, particularly if there is no reduction in the number of meetings at the PCC or DCC level, is that the benefits of organising mission and ministry and fundraising or social activities over a wider area may be offset by the proliferation of meetings. This can absorb too much of the time and energy of both clergy and laity and can also result in duplication of discussion if there is too much overlap between the functions carried out by the different bodies.

Conversely the creation of such structures may serve as a means of reducing the number of meetings. For example a benefice might have three parishes with each of the three PCCs meeting 8-10 times a year (24-30 meetings in all) but by delegating some functions to a joint PCC meeting say six to eight times a year it may be possible to reduce the number of meetings of the individual PCCs to the minimum of four per year (18-20 meetings in all). In a rural benefice with many parishes it may be desirable to unite groups of parishes or create several joint PCC s for “clusters” of parishes. The aim is good governance and in general this is likely to be best served by a structure which includes no more than two levels.

- 8.30 Similarly where there are a number of parishes with small congregations which struggle to fill offices such as churchwarden or PCC secretary or treasurer it may be appropriate to unite parishes and provide for less than the usual number of churchwardens and delegate functions to DCCs or deputy churchwardens as there may be people willing to take on less onerous posts while reducing the number of parish officers.

Finance, property ownership and trusts

- 8.31 Parish finances, the ownership of property and the scope for applying trust funds may all be significant issues in determining the appropriate structure of representative bodies. On the one hand there may be a desire to share resources across a number of parishes or congregations: on the other there may be a wish to ring-fence particular funds or property for the use of particular parishes or congregations.
- 8.32 The CRR specifically prohibits the delegation of the production of the financial statement of a parish to district church councils. This is not to say that a DCC might not have a separate bank account and funds under its own immediate control but its accounts must be consolidated into a single financial statement for the PCC. There is no equivalent restriction on the delegation of this function to a joint PCC or team or group council but if this is proposed advice on the implications should be obtained from the diocesan secretary who will, as necessary, consult the diocesan registrar and/or finance officer particularly where any of the bodies concerned are already registered charities or are to become such.
- 8.33 Parish property is held on behalf of a PCC by the Diocesan Authority as “custodian trustee” with the PCC as “managing trustee”. Control of such property and responsibility for its maintenance thus rests with that PCC and it would retain the ultimate responsibility even if it delegated day-to-day management to another body. Uniting parishes under the 2011 Measure automatically has the effect of transferring the vesting of these properties so that they become held on behalf of the PCC of the new parish. Similarly, responsibility for the maintenance of all the churches, churchyards and burial grounds in the area of a united parish will pass to the new PCC. The desirability of this may affect decisions about whether a united parish with DCCs or separate parishes with a joint PCC or team council is preferable.

- 8.34 Similar considerations will affect many charitable trusts for ecclesiastical purposes where the objects of the trust, if defined by reference to a parish, will extend to the area of the united parish where there is a union of parishes. For example a trust fund “for the maintenance of the parish church of the parish of X” would become applicable to any of the parish churches in a united parish of X with Y, whereas if it was “for the maintenance of the church of St. A, X” it would remain applicable to that church only. Where a union of parishes is desirable but there is a wish to restrict the use of a particular fund to a district within it may be necessary to obtain a Charity Commissioners Order or amending Order to redefine the purpose of the trust or draw up a separate deed ring-fencing a particular fund for a particular use. A trust fund for the maintenance of a church which is closed for regular public worship will continue to be applied for the maintenance of the closed building while it is vested in the Diocesan Board of Finance pending a Pastoral (Church Buildings Disposal) Scheme or where such a scheme vests it in the Churches Conservation Trust or in the Commissioners or the Board for uses specified in the scheme (see also [16.4](#)).

Clergy appointments

- 8.35 As indicated in [8.24-8.25](#) the choice of structure for representation of the laity can have particular significance in relation to the appointment of incumbents and team vicars. The automatic delegation of the parish representatives’ role under the Patronage (Benefices) Measure 1986 where there is team council or joint PCC may be a significant factor for PCCs in deciding whether to create either a joint PCC or team council under a CRR scheme. As regards team vicars, however, it may influence the decision as to which structure to adopt as under [paragraph 2\(9\) of Schedule 3 to the 2011 Measure](#) the parish representatives function automatically passes to a team council where there is one but the same does not apply where there is a Joint PCC. Particularly where team vicars have specific responsibilities for particular parishes the parishes concerned may therefore prefer a Joint PCC in order to retain more control over the appointment of a team vicar for their parish by not delegating this function.
- 8.36 PCCs cannot delegate their role regarding the passing of a Resolution on grounds of theological conviction that “arrangements be made for it in accordance with the House of Bishops’ Declaration on the Ministry of Bishops and Priests” and this may influence parishes’ views on proposals to unite parishes as such decisions will pass to the PCC of the new wider parish and representatives of a particular congregation may find themselves outvoted by those with different views. This might be a factor in deciding whether to opt for a single parish with DCCs or multiple parishes with a Joint PCC or Team Council.

Rigidity and flexibility

- 8.37 If detailed provision is made in a Pastoral Scheme or Order for district church councils, a joint parochial church council, a team council or a group council a further Scheme (or Order), with the opportunity to make representations, will

be needed if there is a wish to amend the provisions before they expire. To avoid the cumbersome nature of this procedure it is often preferable to provide for the Bishop to make provision by Instrument as amendments can be more easily made by a further Instrument which will require the consent of only the incumbent(s). However, in some circumstances it may be preferable to specify the provisions in the Scheme (or Order) to reassure parishioners about the extent of the original terms or to give them the opportunity to object to amendments. This balance between rigidity and flexibility may also be a consideration in deciding whether to make the initial provision by Scheme or to leave the PCCs to agree an arrangement under the CRR. A CRR Scheme once in place needs a two-thirds majority in each APCM to be amended whereas provisions in a pastoral scheme are subject only to a right of representation (or to the incumbent's consent if under a Bishop's Instrument).

Ecumenical considerations

- 8.38 Where there is a Local Ecumenical Partnership in place this may be a reason to establish a DCC, joint PCC, team council or group council where one would not otherwise be created. For an LEP which covers only part of a parish or more than one parish it may be appropriate to have an Anglican representative body covering the area of the LEP which can relate to the equivalent bodies of the other denomination(s) involved or from whose members the Anglican representatives on an Ecumenical Church Council can be drawn. It may also be convenient for an Ecumenical Church Council meeting to immediately precede or follow meeting of an Anglican body which relate to the area of the LEP.
- 8.39 Under rule 1 of the Church Representation Rules, a person who is a member in good standing of another Church which subscribes to the doctrine of the Holy Trinity but who is also prepared to declare him- or herself to be a member of the Church of England and has habitually attended public worship in the parish for six months is entitled to be entered on the church electoral roll of the parish without abandoning his or her original Church membership. In the case of LEPs which have joint services of confirmation, those confirmed jointly by the bishop and the ministers of other Churches will be in a position to exercise responsible membership of all the participating Churches; some well-established LEPs have a substantial number of people in this position in their congregations.
- 8.40 Paragraph 1(b) of Canon B15A permits communicant members of good standing of other Churches which subscribe to the doctrine of the Holy Trinity to receive Holy Communion in the Church of England. If a member of another Church who is on the church electoral roll of the parish has received Holy Communion according to the use of the Church of England at least three times during the previous twelve months under paragraph 1(c) of the Canon, he or she will be an "actual communicant" for the purposes of the Church Representation Rules and able, for example, to stand for election to the parochial church council.

- 8.41 An ecumenical church council and common membership roll in the case of an LEP do not displace the requirements of the Church Representation Rules as regards church electoral rolls and the parochial church council. If a meeting of the ecumenical joint council or another joint body is to be treated as a meeting of the parochial church council, it may be necessary for some business have separate voting or a separate session by the parochial church council alone. The problems may be less acute when there is a substantial body of people with membership of two or more Churches and membership of the joint body can fulfil the denominational requirements of all the partner Churches for local Church government.

Deanery Synods

- 8.42 The CRR also contain provisions for representative bodies at the deanery, diocesan and national level. Of these only deanery synods are affected by pastoral reorganisation although the 2011 Measure does not include provision for a pastoral scheme or order or a bishop's pastoral order to make specific provision for deanery synods as it does for DCCs, joint PCCs, team councils and group councils. However, in formulating deanery reorganisation the DMPC should have regard to the maximum and minimum sizes of deanery synods provided for in the CRR:

'The diocesan synod shall exercise their powers so as to secure that the total number of members of any deanery synod in the diocese shall not be more than 150 and, so far as practicable, shall not be less than 50: Provided that the maximum number of 150 may be exceeded for the purpose of securing that the house of laity is not less in number than the house of clergy' - 2011 Rules (s.25(6))."

The cumulative effect of reorganisations of benefices and parishes may result in a deanery synod with a membership outside these parameters. When this occurs it may prompt a consideration of deanery reorganisation or an amendment of the diocesan synod's provision for the make-up of deanery synods.

Chapter 8 - Examples

In the following examples, compulsory provisions are in **blue** and optional arrangements are in **red**.

All of these optional arrangements can be achieved by a scheme under the Church Representation Rules but some provisions can also be included in a pastoral scheme doing one or more of the following: creating a new parish; providing for either two or more parishes to be comprised in a single benefice or for two or more benefices to be held in plurality; establishing a team ministry; or establishing a group ministry.

Example 1

SINGLE BENEFICE, ONE PARISH	
PCC	
2 Churchwardens unless a Scheme provides otherwise	
Parish Church	

Example 2

SINGLE BENEFICE, TWO PARISHES			
Parish A	Parish B		
PCC	PCC due representation of each congregation		
2 Churchwardens unless a Scheme provides otherwise	2 Churchwardens unless a Scheme provides otherwise		
Parish Church	Parish Church DCC	Chapel of ease DCC Deputy churchwardens	Licensed place of worship DCC Deputy churchwardens

Example 3

SINGLE BENEFICE (WITH OR WITHOUT TEAM MINISTRY), ONE PARISH			
<p>PCC due representation of each congregation 6 Churchwardens of parish unless a Scheme provides otherwise (i.e. 2 x number of parish churches) E.g. 3 churchwardens (1 x number of parish churches) OR 2 churchwardens for the whole parish</p>			
Parish Church A DCC	Parish Church B DCC	Parish Church C DCC	Chapel of ease DCC Deputy churchwardens

Example 4

SINGLE BENEFICE (<u>WITHOUT</u> TEAM MINISTRY), TWO PARISHES			
Parish A		Parish B	
Joint PCC			
PCC due representation of each congregation 4 Churchwardens of parish unless a Scheme provides otherwise (i.e. 2 x number of parish churches including a parish centre of worship)		PCC due representation of each congregation 2 Churchwardens unless a Scheme provides otherwise	
Parish Church X DCC	Parish Centre of Worship DCC	Parish Church Z DCC	Chapel of ease DCC Deputy churchwardens

Example 5

TEAM MINISTRY BENEFICE, TWO PARISHES					
Parish A				Parish B	
Joint PCC or Team Council					
PCC due representation of each congregation 4 Churchwardens of parish unless a Scheme provides otherwise (i.e. 2 x number of parish churches)				PCC due representation of each congregation 2 Churchwardens unless a Scheme provides otherwise	
Parish Church X	Parish Church Y	Chapel of ease	Licensed place of worship	Parish centre of worship	Licensed place of worship
DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens

Example 6

TWO BENEFICES HELD IN PLURALITY		
Benefice A		Benefice B
Parish X	Parish Y	Parish Z
Joint PCC		
PCC 2 Churchwardens unless a Scheme provides otherwise	PCC 2 Churchwardens unless a Scheme provides otherwise	PCC 2 Churchwardens unless a Scheme provides otherwise
Parish Church	Parish Church	Parish centre of worship

Example 7

THREE BENEFICES IN A GROUP MINISTRY				
Benefice A			Benefice B	Benefice C
Parish W		Parish X	Parish Y	Parish Z
Group Council				
Joint PCC				
PCC due representation of each congregation 2 Churchwardens unless a Scheme provides otherwise		PCC 2 Churchwardens unless a Scheme provides otherwise	PCC 2 Churchwardens unless a Scheme provides otherwise	PCC 2 Churchwardens unless a Scheme provides otherwise
Parish Church DCC	Chapel of ease DCC Deputy churchwardens	Parish Church	Parish Church	Licensed place of worship

Example 8

GROUP MINISTRY INCLUDING A TEAM MINISTRY					
Group Council					
Benefice A (Team ministry)				Benefice B	
Team Council (or joint PCC)					
Parish X		Parish Y		Parish Z	
PCC due representation of each congregation 4 Churchwardens of parish (i.e. 2 x number of parish churches) unless a Scheme provides otherwise		PCC due representation of each congregation 2 Churchwardens of parish unless a Scheme provides otherwise		PCC due representation of each congregation 2 Churchwardens unless a Scheme provides otherwise	
Parish Church X1	Parish Church X2	Parish Church Y	Licensed place of worship	Parish centre of worship	Licensed place of worship
DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens	DCC Deputy churchwardens

Chapter 9 - Disposal of Churchyard

This section explains the procedure for disposing of churchyard, or other land consecrated for the purpose of burials, under [s.44](#) of the Measure.

- 9.1 - 9.2 [General application of s.44 of the 2011 Measure](#)
- 9.3 [Types of s.44 scheme](#)
 - (a) [Disposal without limitation of use](#)
 - (b) [Disposal for specified use](#)
 - (c) [Appropriation for parochial purposes](#)
 - (d) [Appropriation for use as a parsonage site](#)
- 9.4 [Planning permission](#)
- 9.5 [Ascertainment of views of interested parties](#)
- 9.6 [Title](#)
- 9.7 - 9.9 [Burials](#)
- 9.10 - 9.14 [Covenants, rights of way and other easements](#)
- 9.11 [Conditions/covenants](#)
- 9.12 - 9.14 [Rights of way and other easements](#)
- 9.15 [Application of any proceeds of disposal](#)
- 9.16 - 9.19 [Non-church owned land](#)
- 9.20 - 9.25 [Miscellaneous](#)
 - 9.20 [Unconsecrated ground](#)
 - 9.21 [Rights of access etc.](#)
 - 9.22 - 9.25 [Open Spaces Act 1906](#)

General application of s.44 of the 2011 Measure

44

- 9.1 The powers in [s.44](#) of the 2011 Measure can be exercised in relation to any land consecrated for the purpose of burials including a churchyard or other land annexed or belonging to a church or parish church cathedral and any other burial ground subject to the jurisdiction of the bishop, regardless of who owns it.

- Ground which has been set apart and consecrated for burials but which does not contain any burials is also covered.
- The disposal of unconsecrated land does not require a s.44 scheme (see [9.20](#)) but unconsecrated land may be included in a scheme which is dealing with adjoining consecrated land.

A s.44 scheme enables all or part of a churchyard or burial ground to be appropriated to and disposed of or held for a different use. It almost always provides for the removal of the legal effects of consecration. Most churchyards and burial grounds are vested in the incumbent of the benefice within which they are situated. The scheme usually transfers the land into diocesan ownership and empowers the diocesan authority, usually the DBF, to dispose of it, or, where the land is to be used for an ecclesiastical purpose, to hold it on trust on behalf of the PCC.

- 9.2 In all cases, the DMPC will need to arrange for form P20 (found on the Commissioners' website [here](#)) to be completed, usually by the incumbent. This provides the DMPC and Commissioners with full details of the background to the proposals and information essential for the drafting of the scheme. Form P20 should be accompanied by a plan which should follow the guidelines of the Land Registry as outlined on the Commissioners' website [here](#).

Types of s.44 scheme

- 9.3 The main types of s.44 scheme are:

(a) Disposal without limitation of use

These are the simplest form of s.44 scheme and allow for the disposal of consecrated land for an unspecified secular use. They vest the land in the diocesan board of finance which is empowered to "sell, lease or otherwise dispose of the land without limitation of use", usually subject to conditions, retaining a Church "veto" on an unsuitable development and protecting any adjacent or nearby church land or building (see [9.11](#)). The legal effects of consecration are almost always removed. A right of way over the remainder of the churchyard or burial ground may be included in the scheme rights regarding drainage and services should not be because of the difficulties which could arise

if a third party acquired and subsequently exercised them (without faculty) (see [9.12](#)).

The disadvantage compared with a scheme for a specified use is that future control by the Church is limited by the disposal being "without limitation of use. It is therefore only really appropriate where there is no adjoining church land or building. DMPCs also need to bear in mind that a disposal without limitation of use means that the Church will not receive any additional sum of money if the land is subsequently sold for a more valuable use (e.g. development). As such, this course of action is rarely recommended.

(b) Disposal for specified use

These schemes also allow land to be disposed of for secular purposes but specify the use. Again they usually provide for the land to vest in the DBF with powers to sell, lease or otherwise dispose of it for the use specified. This is generally preferable where a particular use is envisaged prior to disposal even though once the freehold of the land has been disposed of nothing in the Measure itself can prevent it from being used for another purpose.

The scheme will therefore specify that the lease or transfer of the land must include a covenant restricting the use of the land to that specified in the scheme (s.75(1) of the Measure makes such covenants enforceable even if there is no adjoining church land) This enables the Church to retain greater control as:.

- an amending scheme would be required to authorise a change of use where the land is leased
- the DBF would need to agree to vary the user covenant, where there has been a freehold disposal
- the DBF is also able to seek payment for agreeing to a change of use, which is especially important where the initial disposal is for a specified use not involving development, e.g. as a garden or school recreational area.

If for any reason no lease or transfer for the specified purpose was completed an amending scheme would be required to dispose of it for a different purpose.

(c) Appropriation for parochial purposes

These schemes provide for a parochial use for part of a churchyard or burial ground. Usually a new church hall or PCC car park is needed but the proposed site is consecrated. PCCs may acquire land under [s.5 of the Parochial Church Councils \(Powers\) Measure 1956](#), with the consent of the diocesan authority, and the land then has to be vested in that authority under [s.6 of the 1956 Measure](#). A s.44 scheme is needed

to remove the legal effects of consecration and will appropriate the land "for any ecclesiastical purpose affecting the parish" as if it had been acquired under the 1956 Measure.

In such cases a new church hall might be close to or touching the church and safeguards for the benefit of the church (see [9.11](#)) would be included in the scheme because of the possibility that the land may be disposed of to a non-Church body in the future. However, it would also be possible to include additional covenants in any subsequent /transfer of the land.

Rights of way and limited rights for services across the churchyard may also need to be included in the scheme but should benefit the DBF/PCC only (anyone acquiring title in the future would need to apply for a faculty); rights of access for maintaining the church building may need to be reserved (see [9.12](#)).

(d) Appropriation for use as a parsonage site

A s.44 scheme may appropriate part of a churchyard or burial ground as the site or part of the site for a parsonage house. The scheme appropriates the land to that use, removes the legal effects of consecration and vests it in the incumbent. Again, rights of way and limited right for services may need to be reserved in the scheme to safeguard the position should either the house or the remainder of the churchyard be separately disposed of in the future.

Church Property Measure 2018 consents for the erection of a new parsonage house on land appropriated to a parsonage site under a s.44 scheme will also be needed. This is because the scheme will simply deal with the removal of the legal effects of consecration from the land and its appropriation while the CPM is concerned with the actual design and construction of the house.

Skeleton diocesan proposals for the main types of s.44 scheme are found on the Commissioners' website [here](#). Examples of schemes drafted to give effect to the more common scenarios can be obtained from the Commissioners' Pastoral Division.

Planning permission

- 9.4 Before embarking on proposals under s.44 which envisage a specific future development (e.g. a church hall), it is essential to ascertain that planning permission is likely to be granted (but see [9.5](#)). This would normally be undertaken by the prospective purchaser in the case of a disposal to a third party, by the PCC in the case of appropriation to parochial purposes and by a Diocesan Officer in a parsonage case.

An actual grant of planning permission need not be in place but, if it is not likely to be obtained before the pastoral scheme is completed, then either;

- the Commissioners should be asked not to make the scheme until permission is granted: or
- the scheme should be drafted to come into effect on such date as the Commissioners shall determine after consultation with the bishop (this will be appropriate where the intended purchaser needs to show that the scheme has been made and is capable of being brought into operation in order to secure funding) .

This prevents the land from becoming vested in the DBF for a use which may not be capable of being implemented. Otherwise another scheme may be needed to revoke the provisions of the s.44 scheme.

Views of interested parties

- 9.5 The DMPC should seek these in the normal way (see [2.27](#)). The local planning authority is not a statutory interested party but if a planning application is in progress and it is thought that the LPA might make a precautionary representation against the draft pastoral scheme on planning grounds, it may be worthwhile explaining to the LPA that any future use of the land will still be subject to planning permission.

Title

- 9.6 When such property is transferred by a pastoral scheme, there is no transfer document as the scheme acts as such by virtue of [paragraph 6\(5\) of Schedule 3 to the 2011 Measure](#). The Commissioners will however need to know that the diocese is satisfied that the incumbent (or other owner) has a good and marketable title before they make a scheme. Question 10 on form P20 (found on the Commissioners' website [here](#)) asks for confirmation of this. If title investigation reveals that the land in question is not vested in the incumbent of a benefice, the Commissioners should be consulted at an early stage.

Burials

44(4) & (6)

- 9.7 S.44 schemes often affect land containing burials and sometimes involve their disturbance and removal. The procedure for dealing with burials is set out in [s.78](#) of and [Schedule 6](#) to the 2011 Measure. This is mainly used in relation to churchyards being dealt with together with closed churches but sections [44\(5\)](#) and [78\(9\)](#) of the 2011 Measure also apply it to appropriations of churchyards and burial grounds.

If the land concerned contains burials, research must be undertaken (which is likely to involve examination of burial registers and dates on tombstones) to ascertain the dates during which burials have taken place. The P20 form tells the Commissioners whether there are burials in the land and whether any of these have been within the last 50 years.

The 50 year period is significant because the [Disused Burial Grounds Act 1884](#), which prevents the erection of buildings on disused burial grounds, is overridden by [s.44\(4\)](#) of the 2011 Measure but only where

- there have been no burials during the previous 50 years; or
- if there have been such burials, the relatives or personal representatives of the deceased have not sustained objections to the draft scheme.

If there are objections and they are not withdrawn, then the scheme cannot proceed.

If burials have taken place in the last 50 years, the DMPC should trace any known relatives or personal representatives at an early stage and acquaint them with the proposals.

- 9.8 [Schedule 6](#) contains requirements for the proper exhumation and re-interment of human remains, which are the responsibility of the body or person in whom the land which is the subject of the scheme is vested. In most cases this will be the diocese, but it could be the incumbent (see [9.3\(d\)](#)). See [21.39 - 21.62](#) for detailed advice on the disposal of human remains; if dioceses want further advice in relation to human remains affected by s.44 schemes they should approach the Commissioners' Closed Churches Division which deals regularly with these matters in connection with the disposal of church buildings closed for regular public worship.
- 9.9 [S.78](#) invokes [Schedule 6](#) but also allows exemption from its requirements where the land containing burials is to be put to a new use for which the burials are not to be disturbed. Then, the owner of the land may, having consulted the bishop and Commonwealth War Graves Commission, apply to the Ministry of Justice for an order exempting him or her from the requirements of [s.78](#) and [Schedule 6](#) (see [21.39 - 21.62](#)). This is of great benefit because the cost of re-interment could reduce the viability of a project. Exemption would be particularly suitable where a consecrated churchyard was being appropriated to use as a public burial ground, open space or other similar use.

Covenants, rights of way and other easements

- 9.10 S.44 schemes often include conditions and reservation of rights of way etc. Such matters are generally not dealt with in the initial diocesan proposals, but appropriate provisions will need to be included in the draft scheme – the Commissioners can advise on the basis of the information provided. The Scheme will provide that such conditions must be included in any subsequent transfer or lease of the land. This does prevent additional covenants also being included in the transfer or lease if advised by the DBF's solicitors.

44(3) &
75

Conditions/covenants

- 9.11 Where land is being disposed of to a third party, whether for a specific use or not, conditions should be included in the scheme to prevent it being put to some undesirable purpose or to safeguard the use of the church, remaining churchyard, parsonage or other nearby church property. Such conditions then need to be mirrored by covenants in the transfer or lease. Under [s.75\(1\)](#) of the 2011 Measure covenants can remain in force irrespective of changes of ownership (see [22.1 -22.8](#)) but if [s.75\(1\)](#) is to apply it must be referred to in the scheme.

The general application of this section in the scheme also permits the transfer or lease to include any additional covenants necessary to give effect to the provisions of the scheme. The exact nature of the conditions is technically for the diocese and its legal advisers to decide on, although the nature of any general restrictions included in the scheme is often provided by the Commissioners. The most common conditions are

- a clause preventing new or undesirable building on the land concerned by making plans for any building subject to the approval of the DBF in consultation with the incumbent (or the PCC during a vacancy)
- a provision that nothing shall be done in or upon the land which may be or become a nuisance or disturbance to those attending or conducting services in the church or churchyard.

If any more stringent conditions are required these should be considered by the diocese at an early stage as the financial consequence of imposing them might affect the viability of the project.

Rights of way and other easements

- 9.12 The proposals may also require the grant of rights of way or easements to the new owner across adjoining consecrated land excluded from the scheme or reserving them over the land to be disposed of for the benefit of the church, churchyard or other retained church property.

Schemes appropriating land for parochial purposes often include rights for the provision of drainage and services to enable the land to be used for its intended purpose, but these should be limited so that they benefit only the DBF/PCC and not their successors in title, who would need to obtain a faculty.

In schemes where immediate disposal to a third party is planned, only a right of way should be provided (where necessary). It is not advisable for the new owner/developer of the land to acquire wide rights of entry as regards drainage and services because this could lead to difficulties in the future with the incumbent and the parish; such rights are more appropriately dealt with by faculty.

DMPCs/DBFs should consider on a case-by-case basis whether the circumstances justify the granting of any rights. Schemes may also provide for the reservation (in effect, the 'granting back') of rights over the property concerned in favour of the incumbent, for example, to enable continued access to the church or the remainder of the churchyard.

9.13 The rights of way and other easements needed will depend on the nature of the site to be appropriated, its location in relation to the church, its accessibility from the public highway and the identity of the proposed new owner. When deciding what provisions are required it is helpful to consider the following questions:

- Will the new owners of the subject site need access over the rest of the churchyard to reach their property? If the site fronts onto a road, the answer is probably "no".
- If the land is to be the site for a new building to be used by the PCC, where will the services (water, gas, electricity etc.) run? Provision need normally only be made in the scheme if it is likely that these will have to run under the remainder of the churchyard. The same would apply where, say, a church hall has already been built in the churchyard and the scheme was legalising the arrangement.
- Will the new owners of the site need access to the churchyard (and church if the properties are immediately adjacent) for maintaining their property? If they plan to build up to the boundary with the churchyard or church, then the answer is almost certainly 'yes'. For a PCC these rights can be written into the scheme. For a non-church party, a faculty would be more appropriate.
- Will the incumbent need access to the site to maintain any part of the church? Again, the answer lies in the proximity of the site to the church.
- Will the incumbent need general access over all or part of the site to reach the church and churchyard? This is infrequent but there are occasions when a third party (or a PCC) will gain control of a central access strip over which rights for the incumbent will need to be provided.

Plan

9.14 A s.44 scheme will normally incorporate a scaled plan of the land, which may be the best way of showing the details of any rights of way or other easements are required.

Application of proceeds of disposal

**52(1) &
94(4)(a)**

9.15 If disposal of the land is expected to realise any money, the purpose(s) for which it is to be applied should be specified in the scheme. [S.52\(1\)](#) allows the Commissioners to include in a pastoral scheme "such supplementary or consequential provisions" as appear to them and to the diocese "to be necessary or expedient for giving effect to the purposes of the scheme". There is therefore no specific limitation in the Measure on the use of churchyard

sale proceeds but it would normally be right to take [s.94\(4\)\(a\)](#) as a guide. In practice, they are generally paid into the DPA or held by the DBF on trust for any ecclesiastical purposes of the parish. Occasionally it might be appropriate for the proceeds to be paid direct to the PCC, or another party and it is usually for the diocese to decide this.

Non-church owned land

- 9.16 Sometimes proposals are received for the removal of the legal effects of consecration from non-church owned land. Under [s.22 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991](#) the bishop can, without a pastoral scheme, order that consecrated property not held or controlled by any ecclesiastical corporation or DBF shall, subject to the imposition of certain conditions, no longer be subject to the legal effects of consecration.
- 9.17 [S.3 of the Disused Burial Grounds Act 1884](#) generally prohibits secular development on disused burial grounds but these provisions may be waived by a s.44 scheme (see [s.44\(4\)](#)). [S.22 of the 1991 Measure](#) was intended mainly to apply to buildings such as cemetery chapels and their immediate curtilages where no development was planned and there is no provision in that Measure for overriding the restrictions on development found in the 1884 Act.
- 9.18 Use of the 2011 Measure in respect of land in the ownership of a local authority which has been consecrated for use as a cemetery and which is now required for development is not considered appropriate as it can lead to the Commissioners being asked to adjudicate the merits of a case on planning rather than pastoral grounds. The then Department of the Environment suggested that [s.239 of the Town and Country Planning Act 1990](#), which deals with the use and development of burial grounds, provides a way round the provisions of the 1884 Act in such circumstances. Such land may be appropriated by a local authority for planning purposes as described in [s.240\(3\)](#). The bishop's powers under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to waive the legal effects of consecration would still be needed in such a case and, also, where a third party simply wishes to free land from the legal effects of consecration without development.
- 9.19 A s.44 scheme would only be needed to deal with consecrated land owned by a non-church body where the land was not in local authority ownership and intended for development. Such a scheme differs from other s.44 schemes only in that there is no change of ownership of the land concerned.

In most cases the scheme will be limited to removing the legal effects of consecration and providing for a use. The latter is important because [s.44\(5\)](#) permits the scheme to apply the provisions of [s.74](#) relating to the removal of the legal effects of consecration only if the scheme also provides for "the matters aforesaid" i.e. the appropriation of the land to a use. The appropriation may in some cases be "notional" e.g. the land may still be required for burials but of persons not requiring burial in consecrated ground (i.e. non-Anglicans). In appropriating such land the expression "burial ground" should be avoided

as under [s.74\(3\)](#) the legal effects of consecration may not be removed for that particular use. Despite not being in Church ownership, the requirements of [s.78](#) and [Schedule 6](#) of the 2011 Measure will still apply in such cases and should be referred to in the scheme. Any change in the specified use would require an amending scheme.

Miscellaneous

Unconsecrated ground

- 9.20 The powers of s.44 are designed to deal with consecrated churchyard land or burial grounds. When such land is unconsecrated and not subject to faculty jurisdiction, it will generally be possible to dispose of it under the powers of the New Parishes Measure 1943 (as subsequently amended, most lately by the Church of England (Miscellaneous Provisions) Measure 2010). If, however, the land is subject to faculty jurisdiction, it may be sold under the authority of a faculty. Further information on the procedures in each case can be obtained from the [Commissioners' Pastoral Division](#) and the diocesan registrar respectively.

Rights of access etc.

- 9.21 Proposals limited to the granting of rights of way or easements etc. across consecrated ground should, wherever possible, be dealt with by faculty and not the 2011 Measure. In cases of doubt, the advice of the diocesan registrar should be sought initially.

Open Spaces Act 1906

- 9.22 The DMPC is asked to provide details on form P20 of any Open Spaces Act agreements affecting land which is to be the subject of a s.44 scheme. Difficulties can arise where a site is already subject to an Open Spaces Act agreement and, in these circumstances, it is essential to obtain a copy of the agreement as soon as possible.
- 9.23 Broadly speaking, under the provisions of the Open Spaces Act 1906, a local authority may acquire an estate or interest in or control over any burial ground and "shall,....) hold and administer the burial ground in trustas an open space and for no other purpose" ([s.10](#)). In other words, a local authority will not normally actually own the burial ground, but will be responsible on trust for the whole or partial care, management and control of it . The trust concerned is a public one i.e. there are no identifiable individual beneficiaries who may release it.

The four main classes of Agreement are:

- (a) an Agreement which may be brought to an end by the operation of provisions within it for its termination ;

- (b) an Agreement for a set period which will simply expire;
- (c) an Agreement containing no specific duration nor provisions for termination; and
- (d) an Agreement expressed to be of a perpetual nature.

Agreements of type (a) will not usually present any problems as they can or will be terminated in accordance with the provisions of the agreements themselves. Those of type (b) will not present a problem where the period of the agreement is relatively short and it is possible to wait for it to expire.

However, for agreements of types (c) and (d) neither party, acting unilaterally, or together can terminate what is effectively a statutory trust to maintain the land as public open space. The same would apply to an agreement of type (b) which would delay the use of the site for its new purpose to an unacceptably long period. In these cases the trust has to be terminated under statutory powers in the Town and Country Planning Act 1990 or the Local Government Act 1972. It is generally advisable to proceed under the 1972 Act.

9.24 The following action is needed to free from the statutory trust a parcel of land which may be subject to an Open Spaces Act agreement and which is to be the subject of a [s.44](#) scheme:

- (a) The DBF (in whom the land would vest once the pastoral scheme was made) would need to establish at the outset that the local authority was prepared to play its part in the legal processes required.
- (b) The DBF would also have to ascertain that the LA would be prepared to acquire the land (under [s.120 of the 1972 Act](#)) from the DBF and sell it on to the prospective purchaser (under [s.123 of the 1972 Act](#)) subject to the provisions for giving people the opportunity to make representations to the LA ([s.123\(2A\) of the 1972 Act](#)).
- (c) It follows from the above that two transfers (from the DBF to the LA; and from the LA to the prospective purchaser) would normally be needed, although they may be dealt with in one deed. This will add to the cost of the transaction, and early agreement on the question of whether the prospective purchaser will meet some, or all, of the DBF's and LA's costs would be desirable.
- (d) Timing will often be crucial, as there would be no point in making a s.44 scheme if there were no likelihood of the LA being willing to participate or if representations were likely to be received when it canvassed local opinion on the proposal to terminate the trust.

9.25 LAs tend to take differing views of their responsibilities and powers under the 1990 and 1972 Acts and it may not always be possible to provide entirely satisfactory answers to the problems posed by these Agreements. In the case of doubt the diocesan registrar's advice should be sought.

Chapter 10 - Parsonage Houses

This chapter explains the procedure for dealing with parsonage houses under the Parsonages Measures or the 2011 Measure, depending upon the progress of any related pastoral reorganisation proposals, and describes the available options. It also explains "parsonage land" and describes the options for dealing with such land.

- 10.1 - 10.3 [General](#)
- 10.4 - 10.5 [Parsonage house sales, purchases etc. unconnected with pastoral reorganisation](#)
- 10.6 [Parsonage house replacements during interregna](#)
- 10.7 [Application of parsonage sale proceeds](#)
- 10.8 - 10.11 [Parsonage house sales when pastoral reorganisation is expected](#)
- 10.9 (a) [Where no relevant draft proposals have been circulated by the DMPC nor is such circulation imminent](#)
- (b) [Where relevant draft proposals have been circulated by the DMPC or the informal ascertainment of views has commenced](#)
- 10.11 [Transfers of sale proceeds](#)
- 10.12 [The provisions of s.45 of the 2011 Measure](#)
 - (a) [Designation/vesting as the parsonage house of a new benefice](#)
 - (b) [Designation/vesting as a new team vicar's house](#)
 - (c) [Transfer to the DBF for diocesan purposes](#)
 - (d) [Transfer to the DBF for parochial purposes](#)
 - (e) [Transfer to the DBF for disposal](#)
 - (f) [Transfer to the DBF to be held as part of the diocesan glebe land](#)
 - (g) [Transfer to the Diocesan Parsonages Board](#)
 - (h) [Retention of part of parsonage grounds as "parsonage land"](#)
- 10.13 [Discharge of loans](#)
- 10.14 - 10.15 [Changing a designation](#)
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General

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- 10.1 The parsonage house is the dwelling vested in the incumbent of a benefice (when the benefice is full) as his or her official residence, and includes any outbuildings or land and any rights attached to it (general interpretation may be found in [s.106](#) of the 2011 Measure). [S.45](#) contains powers exercisable by a pastoral scheme in respect of parsonage houses (including any parsonage land - see [10.18](#)) and the residences of vicars in team ministries (but not residences of assistant curates). The same powers are exercisable by a pastoral order, except so far as they relate to a new benefice ([s.51](#)) and a bishop's pastoral order may designate a house as a team vicar's residence. (See [10.12](#) for details of the various provisions.) These powers are mainly intended for dealing with the parsonage houses of benefices subject of pastoral reorganisation. In other cases it will normally be better to use the powers in the [Church Property Measure 2018](#) unless it is desired to make special provisions for the disposal of the proceeds.
- 10.2 The location and suitability of existing houses, new housing needs and their financial implications are all factors that the DMPC should take into account when formulating proposals for pastoral reorganisation. It should therefore consult the Diocesan Parsonages Board (or Committee) (DPB) at the outset and continue to liaise closely with it as the proposals progress.
- 10.3 Some parsonage house sales occur independently of any pastoral reorganisation whilst others are dependent on the reorganisation. The following sections explain the procedure under the Parsonages Measures, the circumstances when these Measures may be used even if pastoral reorganisation is expected and those in which the 2011 Measure should be used. Where the only proposal is to dispose of a parsonage (and in most cases provide a replacement), the Commissioners' view is that the 2011 Measure should not be used to by-pass the rights of the incumbent, who would be the vendor under the CPM and therefore that legislation should be used. The Commissioners would be reluctant for a draft pastoral order to be issued to deal with such a matter where all interested parties were not content with the proposal. If a diocese is determined to use the 2011 Measure in such circumstances, the Commissioners would need very strong reasons to allow it to proceed if objections are received.

There may be cases where a change of parsonage is linked to pastoral reorganisation, for example where a union of benefices is planned and the diocese wants the incumbent to move houses. In such cases the 2011 Measure is the right Measure to use, although the diocese would need to show good reasons why objections on the housing point in particular from the incumbent should not prevail. In any event, where an incumbent or priest-in-charge has to move to facilitate pastoral reorganisation or otherwise within the benefice, dioceses generally offer the priest the resettlement grants recommended by the Central Stipends Authority and the Commissioners endorsed this practice.

Parsonage house sales, purchases etc. unconnected with pastoral reorganisation

- 10.4 The usual legal process for buying, selling, building, demolishing and improving parsonage houses is by way of the Part 1 of the [Church Property Measure 2018](#).
- 10.5 The CPM provides that where a parsonage house is "*is inconveniently situated or is too large, or it is thought advisable for some other good and sufficient reason to dispose of the house*", the incumbent (or bishop if there is a vacancy) shall have the power to do so on certain conditions. Any proposal must have the consent of the bishop and the DPB. Notice of the proposal must be given to the patron(s) of the benefice and the PCC(s) unless they consent in writing to the waiving of such notice. If they object to the proposal, their objection must be considered by the Commissioners, who will decide the matter one way or another after consultation with the DPB. Unlike representations in relation to pastoral schemes, there is no right of appeal against the Commissioners' decision to proceed notwithstanding such representations.

Parsonage house replacements during interregna

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- 10.6 When it is proposed to replace a parsonage house (which may be unsuitable either on housing or other pastoral grounds) but such replacement is unlikely to be achieved during a normal interregnum (either because no suitable alternative property is immediately available or there are difficulties in obtaining planning permission) it may be appropriate for the bishop to seek to suspend presentation to the benefice. This would be on the basis of providing the person engaged in the cure of souls with "appropriate conditions of service" (see [s.3\(2\)](#) of the 2011 Measure). In such cases, it is recommended that suspension should be proposed for a maximum period of three years, and preferably less. Prospective priests-in-charge who are likely to become incumbents of benefices suspended in this way once the housing situation is resolved (and suspension lifted) should be informed of the DPB's intentions so that they are aware that they might have to move twice in quick succession. A short minimum period of occupation of an unsuitable house might be offered to prospective priests-in-charge if they are otherwise unwilling to take up the post. (See [11.24](#)).

Application of parsonage sale proceeds

47(5)

- 10.7 Where a house has been sold under the CPM the proceeds net of all legal and other costs arising from the sale are held by the DBF on a Parsonage Building Fund for the benefice concerned. The first call on the Fund will be for the provision and/or improvement of a replacement parsonage house - if one is necessary – and other purposes specified in s.13(1)(a-h). Any funds not required for these purposes may be credited to either the DPA or to the capital account of the DSF (under [s.13\(1\)\(i\) of the Church Property Measure](#)) or a

combination of the two. The DPB must serve notice of its proposals for transferring surplus sale proceeds in this way on the patron(s) and the PCC(s) and send any objections received to the Commissioners, who decide whether the transfer should take place. Where there is pastoral reorganisation, the funds will generally be dealt with in a pastoral scheme/order. Under [S.47\(5\)](#) of the 2011 Measure a pastoral scheme/order may provide for parsonage sale proceeds to be applied for another benefice, to the Capital Account of the DSF, to the DPA or the provision or upkeep of a church, place of worship, parsonage, team vicar's or curate's house.

Parsonage house sales when pastoral reorganisation is expected

- 10.8 If pastoral reorganisation is expected it is important to ensure that immediately preceding sales (or transfers of sale proceeds) under the CPM do not confuse or prejudice such reorganisation. If the proposed reorganisation is likely to be controversial, an early parsonage house sale under the CPM might be prejudicial. Sale should be deferred and provision for it included in the pastoral scheme or order which would be the test of whether a house was pastorally surplus to requirements. However, proper weight should be given to the general desirability, as an exercise of good stewardship, of disposing of unsuitable houses which, for example, might otherwise be left empty for long periods.
- 10.9 The desirability of selling a parsonage house without replacement depends on the progress of any relevant pastoral proposals or deanery plan and whether the house is 'unsuitable' or 'suitable'.
- (a) Where formal consultations on proposals (or on a deanery plan) have not begun and are not imminent
- (i) If the house is unsuitable the Commissioners would, if their approval is required, normally consent to a CPM sale, subject to the consideration of any objections from the patron(s) or PCC(s).
- (ii) If the house is suitable, a CPM sale is most likely to be proposed where the benefice is vacant, but its pastoral future is either unclear or cannot be put into operation for a long time, or where it is undesirable to leave the house empty and disposal seems the only available option. In such circumstances and where there are no objections from the patron(s) or PCC(s), the Commissioners would, if their approval is required, normally consent to such a sale. If, however, there were objections of substance the diocese would need to provide strong reasons for the Commissioners to consider overruling them.
- (iii) In both cases the sale proceeds would be kept by the DBF in a PB Fund for the benefice concerned. Any proposal to transfer the proceeds to the DPA or DSF could proceed only if notice

has been served on the patron(s) and PCC(s) and either they have no objections, or the Commissioners have adjudicated on their objections and decided the proposal may proceed.

- (iv) If pastoral proposals are in hand before such a sale under the CPM is completed, the draft pastoral scheme/order will include an "either/or" clause in case the parsonage house has not been sold when the scheme/order takes effect. This enables it to be sold either under the CPM before the scheme/order comes into effect or be disposed of by the diocese under the 2011 Measure thereafter.

- (b) Where a deanery plan has been approved, relevant proposals have been signed by the bishop or the ascertainment of views by the DMPC or consultation on a deanery plan has commenced

- (i) If the house is unsuitable and the diocese is able to confirm to the Commissioners (where their consent is needed) that consultation has revealed no likely objection to its sale, the sale may proceed with an "either/or" clause in the draft pastoral scheme (subject to there being no objections to CPM notices).
- (ii) If the house is suitable the Commissioners would, if their approval is required, be unwilling to agree to a CPM sale and the proposed disposal should be included in the draft pastoral scheme/order instead.

- 10.10 Where a sale agreed under the CPM is delayed and is completed via an "either/or clause" under the 2011 Measure, the vendor, will be different (the DBF becoming the owner of a house transferred for disposal by a pastoral scheme) and the documents would have to be redrafted to take this into account. Dioceses will want to balance the cost of this against the pastoral urgency to bring a scheme into effect.

Transfers of sale proceeds

- 10.11 Where a sale has taken place in the past and proceeds are held on a PB Fund, the diocese may, after serving notice on the patron(s) and PCC(s), transfer the proceeds to the DPA or DSF (see [10.7](#)) or, where there is an approved deanery plan, proposals have been signed by the bishop or the ascertainment of views by the DMPC or consultation on a deanery plan has commenced, the DMPC may include provision for the transfer of the proceeds in the draft pastoral scheme.

The provisions of s.45 of the 2011 Measure

- 10.12 [S.45](#) of the 2011 Measure makes the following provisions for dealing with parsonage houses and parsonage land in pastoral schemes/orders:

(a) Designation/vesting as the parsonage house of a new benefice

45(1)(a)
& (c)

If a parsonage house is to be the parsonage house of a new benefice created by a union of benefices, it will be designated as the place of residence of the incumbent of a new benefice and vest in him or her automatically by virtue of paragraph 6 of [Schedule 3](#) to the Measure. If it is to be the parsonage house of a new benefice created otherwise than by a union, the scheme will recite that it will be vested in the incumbent in his or her corporate capacity as his or her official residence. A house, which is already parsonage land, can be designated as a parsonage by a Bishop's Pastoral Order.

(b) Designation/vesting as a new team vicar's house

If a house ceases to be needed as a parsonage, but is required to accommodate a team vicar, it is generally transferred to the diocese to be held as diocesan glebe and is designated as the place of residence of a vicar in the team ministry established by the scheme. It may then be occupied rent free under [s.20\(3\) of the CPM 2018](#). (Team vicarages may also be held by the DBF either corporately or in trust for the PCC or as the Diocesan Parsonages Board or by a separate Diocesan Parsonages Board.) A house can also be designated as a team vicar's residence by a Bishop's Pastoral Order (but its vesting cannot be changed)

NB:

1. If in the future such a house is no longer needed for a team vicar it may also be occupied rent free by a person declared by the Bishop to be engaged in the cure of souls within the diocese (under [the same section](#) of the CPM).
2. Some early team ministry schemes established under the Pastoral Measure 1968 designated a parsonage house as a team vicar's residence without making any provision regarding its ownership. When the Endowments & Glebe Measure 1976 came into effect on 1 April 1978 such a house would automatically have become diocesan glebe vested in the DBF by virtue of the definition of glebe land in [s.45 of that Measure](#), providing that the team rector (i.e. the incumbent) lived elsewhere.

(c) Transfer to the DBF for diocesan purposes

45(1)(d)

If a surplus parsonage house is to be used for the foreseeable future either for housing a minister engaged in pastoral work in the diocese (e.g. a sector minister), or for another purpose connected with furthering active pastoral ministry, the scheme may provide for it to be transferred for diocesan purposes (without consideration unless the scheme so provides). It would then become diocesan corporate

property (see note below) and, subject to the Memorandum and Articles of Association of the DBF concerned, would be available for a wide variety of uses by the diocese; any subsequent sale proceeds could be applied accordingly.

This option should not be used if it is only intended to retain the house for a short period before selling it. In such circumstances the house should be transferred to the DBF for disposal (see [10.12\(e\)](#)).

NB: In the case of *Barnes v Derby DBF*, the claimant argued that the DBF had no power to sell a house transferred to it for diocesan purposes by virtue of a pastoral scheme without the authority of a further scheme. However, in his Judgment dated 5 February 2003, the Judge ruled that there was an implicit power of sale.

(d) Transfer to the DBF for parochial purposes

45(1)(d)

The transfer would be without consideration unless the scheme otherwise provides and the parsonage house would become parochial property held in trust by the Diocesan Authority (usually the DBF) in accordance with the PCC (Powers) Measure 1956. Subject to the consent of the Diocesan Authority (and Charity Commission if required), the benefiting parish could, if it wished, dispose of the property at some future date, at which point the PCC would be entitled to the sale proceeds and any income arising from them (see 10.16).

NB: A scheme can provide for a house to be transferred for either diocesan or parochial purposes but not both. Transfer for "diocesan purposes" is generally preferred as it allows a wider range of uses than "parochial purposes" and enables the diocese as a whole to benefit from any future sale. In practice "parochial purposes" is very little used, particularly as any parochial purpose is also a purpose of the diocese.

(e) Transfer to the DBF for disposal

45(1)(d) &
Schedule 3
Para. 8

If the diocese wishes to sell the house, either immediately or in the near future, the scheme can provide for it to be transferred to the DBF for disposal in accordance with paragraph 8 of [Schedule 3](#) to the 2011 Measure. The pastoral scheme/order may provide for the net proceeds of disposal (including net premiums and rents) to be applied towards the provision, restoration, improvement or repair of a parsonage house, a team vicar's house, an assistant curate's house or a church or place of worship; otherwise the proceeds must be credited either to the DPA or to the Capital Account of the DSF, or be split between the two, either as the DBF may determine or as the scheme may provide.

The DBF can subsequently take over such a house as corporate property on terms agreed with the Commissioners (usually the

payment of the market value of the property). If the sale of the house is delayed for any reason (e.g. if planning permission is awaited for development of part of its grounds, the state of the housing market is poor, or if some preliminary works are required to enhance its sale prospects), the diocese may let the property pending its sale. The Commissioners have produced a guidance note for dioceses about letting parsonage houses in these and other circumstances.

(See [10.9\(a\)\(iv\)](#) for cases in which it is intended to sell the house under the CPM before the scheme/order becomes effective and an "either/or" clause is included in the scheme/order.)

(f) Transfer to the DBF to be held as part of the diocesan glebe land 45(1)(d)

If the diocese wishes to let the house commercially, the scheme can provide for it to be transferred to the diocese to be held as diocesan glebe in which case the DBF will be required under the Church Property Measure to manage the property for the benefit of the Income Account of the DSF. However, if the property is to be used to house someone engaged in the cure of souls, no rent needs to be charged - see s.20 of the CPM. If and when a diocese wishes to dispose of glebe property it has a statutory duty to notify the incumbent (or priest-in-charge or churchwardens during a vacancy) and the PCC. For this reason, where there is local concern over the transfer of a house for diocesan purposes (see [10.12\(c\)](#)), consideration should be given to transferring it to glebe so that there is a further opportunity for local comment when sale is proposed.

(g) Transfer to the Diocesan Parsonages Board 45(3)

Under [s.5 of the Ecclesiastical Offices\(Terms of Service\) Measure 2009](#) the Diocesan Parsonages Board (which in most dioceses is the Diocesan Board of Finance) has a duty to provide housing for all Common Tenure office holders for whom it is the designated housing provider under s.4 (that is all office holders except diocesan bishops, incumbents and cathedral clergy).

The DPB may arrange for another person or body (including the DBF in a different capacity) to provide a house on its behalf, but [s.6 of the 2009 Measure](#) enables it to acquire properties in its own right for this purpose. This power is reflected in [s.45\(1\)\(e\)](#) of the 2011 Measure under which a pastoral scheme or order may provide for the transfer of a parsonage to the Diocesan Parsonages Board in this capacity. The Commissioners recommend that this provision will be used in all instances where the initial use of a parsonage which is to be transferred will be to house such an office holder (except that diocesan glebe should continue to team vicars' houses).

The disposal of any house in diocesan ownership occupied by a common tenure office holder is subject to a right of objection by the occupier, which will be adjudicated on by the Commissioners.

(h) Retention of part of parsonage grounds as "parsonage land"

See [10.25](#).

Discharge of loans

- 10.13 Any Commissioners' loan to a diocese that remains outstanding on a parsonage house to be transferred or disposed of must be discharged by the Diocesan Board of Finance. Such a loan may be discharged out of the DPA, DSF Capital Account, other diocesan funds, or the proceeds of disposal.

Changing a designation

45(1)(c) &
45(2)

- 10.14 Should the DMPC wish to designate as a parsonage house a property which has been transferred to the DBF for diocesan or parochial purposes this cannot be achieved under the 2011 Measure. It would normally be conveyed/transferred back into benefice ownership under Part 3 of the Church Property Measure 2018 or the Parsonages Act 1865. However, a house which is held by the diocese as diocesan glebe or by the Diocesan Parsonages Board may be designated and vested as a parsonage house in a pastoral scheme or order ([s.45\(1\)\(c\)](#) of the 2011 Measure).

In the absence of other proposals under the Measure, it may be more convenient, with the consent of the incumbent (if any), to effect the transfer from glebe under [s.23\(1\)\(h\)](#) of the Church Property Measure 2018. The bishop should always seek the views of the patron(s) and PCC(s) whenever it was proposed to designate a new parsonage house.

- 10.15 Provisions made within a pastoral scheme to designate a house as a parsonage house or a team vicar's house are not in perpetuity. The diocese may make alternative provisions within a subsequent scheme or under another Measure ([s.45\(2\)](#) of the 2011 Measure).

Making further provision in an amending scheme

- 10.16 Where the original scheme vests a parsonage house in the DBF for disposal, or for diocesan or parochial purposes, or in the Diocesan Parsonages Board as a general rule the house is then beyond the scope of the 2011 Measure. However, an amending scheme can be made to correct some fundamental error or omission in the original scheme e.g. if it became apparent that the house had, in fact, been vested in trustees whose proprietary interest the scheme had expropriated.

Title

**Schedule 3
Para. 6(5)**

- 10.17 Finally, when property is transferred by a pastoral scheme, there is no conveyance/transfer as the scheme/order affects the transfer without one by virtue of paragraph 6(5) of [Schedule 3](#) to the Measure. The Commissioners will assume that any proposal to transfer a surplus house via a pastoral scheme/order implies that the diocese is satisfied that good and marketable title to the house exists.

Parsonage land

Definition

- 10.18 "Parsonage land" is defined in [s.48 of the Church Property Measure](#) 2018 (for the purposes of that Measure) as any of the following:
- (a) the parsonage house of the benefice;
 - (b) an excluded part of the parsonage house;
 - (c) a building or other land which the incumbent has acquired or agreed to acquire as, or for the site of, the parsonage house;
 - (d) a building or other land which is vested in the incumbent or would be if the benefice were full and should, in the opinion of the DBF, be retained for use as, or as the site of, the parsonage house;
 - (e) a house which, under a pastoral scheme or order, ceases to be the parsonage house but is not transferred;
 - (f) a house which, otherwise than under a pastoral scheme or order, ceases to be the parsonage house and for the sale of which the Church Commissioners' consent has been given or is not required.

This definition would generally also apply to parsonage land being dealt with in a pastoral scheme.

Dealing with parsonage land in pastoral scheme

**45(1)(c) &
(d)**

- 10.19 [S.45](#) of the 2011 Measure makes various provisions for dealing with parsonage land. It may be transferred to an incumbent as his or her official residence (or as a site for it). It may be transferred to the DBF to hold as glebe or to dispose of in accordance with paragraph 8 of [Schedule 3](#) or to use for diocesan or parochial purposes or to the Diocesan Parsonages Board. In practice, very few schemes have to deal with parsonage land.

Parsonage houses not provided for in a scheme

- 10.20 If a scheme was completed and made no provision for the parsonage of one of the benefice which ceased to exist, the house would become "parsonage land" of the benefice in which it became situated. It would remain benefice property and technically the incumbent has the power to let it.
- 10.21 In general every house belonging to a benefice should be dealt with in a pastoral scheme for the reasons set out below. There may, however, be occasions when, for special pastoral reasons, the diocese wishes no provision for a house to be made in a scheme. Such reasons could, for example, reflect a genuine uncertainty about whether a future incumbent would prefer to live in the 'reserved' parsonage house, and the present incumbent/PCC do not wish the house to be transferred to the DBF in case it proves difficult to get it back.

Consequences of not making provision in a scheme

- 10.22 It is generally unsatisfactory to leave a spare house as parsonage land as the house has no specific purpose and is likely to be an under used asset. If, however, this situation has arisen the diocese is left, essentially, with two options for providing for the future of the house. It can either seek to deal with the house in a new pastoral scheme/order or, if it wishes to dispose of the house, it can deal with it by way of a two-stage procedure under the Church Property Measure 2018.
- 10.23 The CPM procedure is as follows: the first stage is for the bishop to make an Order under [s.8 of the CPM](#) to transfer the property to the DBF as glebe. The Measure does not provide specifically that a consideration may be paid but this is possible with the consent of the bishop under s.8(11). The DBF must serve notice of its intention to proceed with a s.8 Order on the incumbent (if the benefice is full) or sequestrators (if the benefice is vacant). If a team ministry has been established for the benefice, then the DBF must also serve notice on every member of the team. A period of one month must be given following such notification for written representations to be made to the Commissioners. The Commissioners' consent to the Order is required where there are sale proceeds or if representations are received against the proposed transfer which cannot be resolved locally. If there are no objections to what is proposed, or if the Commissioners are satisfied that the property in question is not necessary for the convenient occupation of the incumbent nor required as the residence house of the benefice, the s.8 Order can be made providing for its transfer on a specified date to the DBF to be held as part of the diocesan glebe land.

Once it has a s.8 order, the DBF may let the property and credit the income to the DSF. If it wishes to dispose of it, it must do so under [s.20](#) of the CPM. This entails the DBF serving notice under s.22 on the incumbent, priest-in-charge or churchwardens of the relevant parish (if there is no incumbent or priest-in-charge), all the vicars in a Team Ministry, and, if the property is

occupied by another member of the team, then also on that member. In all cases notice must also be served on the PCC. Generally, there are no rights of representation but this gives those notified the opportunity to raise any concerns with the DBF. However, if a common tenure office holder was in occupation this would become a regulated transaction under the Ecclesiastical Offices (Terms of Service) Measure and he or she would have a right of representation to the Commissioners under that Measure.

- 10.24 One effect of making no provision in a scheme for a house so that it becomes parsonage land is that the subsequent procedures for transfer and disposal under CPM do not involve any right of Appeal on the part of objectors. The "interested parties" are also greatly reduced. However, the procedures will be just as time-consuming and, in most cases, it is preferable to make the appropriate provision for a house in the original pastoral scheme rather than let it become "parsonage land". It is also better practice to deal with such matters in an open even-handed way rather than exploit technical means of inhibiting people's right to object.

Residual land

45(3)

- 10.25 Under [s.45\(3\)](#) of the 2011 Measure, part of the site of any parsonage house transferred to the DBF may be left vested in the incumbent and the pastoral scheme which provides for the transfer may also provide that the land shall be deemed to be parsonage land as defined by the CPM (e.g. for building a new parsonage house). This means it may be dealt with either in a subsequent scheme or under [s.8 of the CPM 2018](#).
- 10.26 If a parsonage house is sold under the Church Property Measure, and some land is excluded from that sale, there is provision under the Church of England (Miscellaneous Provisions) Measure 1983 for such land to be dealt with under the Parsonages Measures at a later date. This enables property of the sort which was retained from a parsonage sale to be sold without first needing to be transferred to glebe.

Chapter 11 - Patronage

This chapter explains the legislation affecting patronage rights, the various types of patronage arrangement to consider which may be included in pastoral schemes, the Commissioners' role with regard to patronage issues, the various methods of transferring patronage rights and the Crown's involvement in patronage matters. It also explains the legislation affecting the suspension or restriction of patronage rights. (Readers should also refer to the Code of Practice on the Exercise of Rights of Presentation under the Patronage (Benefices) Measure 1986.)

- 11.1 [Patronage \(Benefices\) Measure 1986](#)
- 11.2 [Mission and Pastoral Measure 2011](#)
- 11.3 - 11.5 [Priests \(Ordination of Women\) Measure 1993](#)
- 11.6 [Team and Group Ministries Measure 1995](#)
- 11.7 - 11.13 [Types of patronage arrangement](#)
- 11.8 [Joint patronage](#)
- 11.9 [Patronage in turns](#)
- 11.10 - 11.11 [Special patronage boards](#)
- 11.12 [Patronage trusts](#)
- 11.13 [The Crown](#)
- 11.14 ["Pastoral or practical objections"](#)
- 11.15 - 11.18 [The Commissioners' role](#)
- 11.15 - 11.17 [Representations against patronage proposals](#)
- 11.18 [Position where registered patron cannot be found](#)
- 11.19 [Transfer or exchange of patronage](#)
 - (a) [Transfers under the Mission and Pastoral Measure](#)
 - (b) [Transfers by non-Mission and Pastoral Measure methods](#)
- 11.20 - 11.21 [Benefices in Crown patronage](#)
- 11.21 [\(a\) Team ministries](#)
- [\(b\) Group ministries](#)
- [\(c\) Pluralities](#)
- [\(d\) Alteration of deaneries and archdeaconries](#)
- [\(e\) Vacancy in see](#)

(f) Suspension of presentation in cases involving Crown
patronage

11.22 - 11.25 Suspension of presentation

11.26 Notices about suspension

11.27 - 11.29 Appointment of priest-in-charge

11.30 - 11.31 Restriction in cases where pastoral proposals issued

11.32 Sequestration and management of benefice property during suspension
period

11.33 Suspension of presentation in Crown patronage cases

11.34 - 11.36 General matters relating to suspension of presentation

Patronage (Benefices) Measure 1986

- 11.1 This Measure (the [PBM 1986](#)) governs the ownership and exercise of patronage rights. It was enacted after a detailed review of patronage arrangements in the Church of England in which it was decided that private patronage should continue but with limitations on the way in which it is exercised. The main changes brought about by the Measure were as follows:
- (a) A register of patrons was established for each diocese and from 1 January 1989 became the definitive authority for the existence of patronage rights. The diocesan registrar must be notified of all transfers of patronage and entries to the patronage register can only be altered on his or her authority.
 - (b) A patron who is an individual must now be a communicant member of the Church of England (or of a Church in communion with the Church of England) in order to exercise his or her patronage right and must sign a declaration to that effect on each occasion. The representative of a corporate patron must also be able to make such a declaration. Patronage may still be vested in non-communicants. They cannot personally exercise the right to present but may nominate someone who is a communicant or one of certain named corporate bodies as their representative to present on their behalf.
 - (c) Patrons do not have an unfettered choice in making a presentation to a benefice. They must obtain a statement from the parish(es) concerned describing the conditions, needs and traditions of the parish, and, if requested, meet the PCC to discuss this. In addition, each parish concerned appoints two representatives and the patron cannot make a presentation without the approval of the bishop and all the parish representatives. This effectively gives the bishop and each parish a right to refuse any individual candidate, although the patron may ask the archbishop of the province concerned to review a refusal to approve an offer. The archbishop may override both the episcopal and the parochial refusal. Where the archbishop of the province concerned is also the patron or the bishop, the review will be by the archbishop of the other province.
 - (d) Under [s.16\(1\)](#) of this Measure, if a patron does not present within twelve months of being notified of a vacancy the right of presentation for that occasion is exercised by the bishop unless the PCC **[or one of them]** asks that it should be by the archbishop of the province concerned (see also [11.33](#)). Where the registered patron is an incumbent of another benefice and that benefice is vacant, the right of presentation is exercised by the bishop. Where the bishop is the registered patron/or one of the registered patrons whose turn it is to present, the right to present during a vacancy-in-see passes to the Crown but by virtue of [s. 2 of the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010](#) presentation will normally be exercised on the Crown's behalf by "the relevant bishop", who will

be the suffragan or assistant bishop to whom the right of collation has been delegated by an instrument under [s.10 of the Dioceses Measure 1978](#) or [s.13 of the Dioceses Pastoral and Mission Measure 2007](#).

- (e) The Crown is not bound by most of the provisions of the 1986 Measure although to some extent non-statutory arrangements are in force. Further information about these can be obtained from the Prime Minister's Secretary for Appointments (see also [11.19](#)).

Mission and Pastoral Measure 2011

46

- 11.2 Where pastoral reorganisation takes place, [s.46](#) of the 2011 Measure provides for patronage rights in benefices that are dissolved (by union or otherwise) to cease to exist; for the creation of new patronage rights for newly created benefices and the manner in which they shall be exercised; for exchanges or transfers of patronage (with the consent of the patrons); and for the creation of special patronage boards. Where pastoral reorganisation is limited to holding existing benefices in plurality, a new patronage interest cannot be created but the scheme or order may provide for how the existing rights are to be exercised in relation to the plurality.

In formulating proposals for pastoral reorganisation the 2011 Measure states that "regard shall be had to the interests of existing patrons whose rights will cease to exist or otherwise be affected". In other words, it is expected that, on a union of benefices, provision should be made for the patrons of those benefices each to have a share of the patronage of the new benefice. It is however permissible not to include them where there are "pastoral or practical objections" to doing so. This would of course have to be justified in the event of representations and appeal. For a team ministry benefice patronage can be vested only in one (or a combination) of the following: the Crown, the bishop, or a team patronage board.

(NB some teams created before the Mission and Pastoral etc. (Amendment) Measure 2018 may have the Diocesan Board of Patronage as a patron. This is no longer possible for new teams and it is recommended that where the DBP is a patron that its patronage is transferred to a team patronage board.)

Bishops and Priests (Consecration and Ordination of Women) Measure 2014

- 11.3 The House of Bishops' Declaration on the Ministry of Bishops and Priests issued in conjunction with this Measure includes within its Statement of five guiding principles the following:
- Since those within the Church of England who, on grounds of theological conviction are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains

committed to enabling them to flourish within its life and structures;
and

- Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England

- 11.4 Paragraph 20 of the Declaration recommends a form of Resolution to be passed by a PCC which wishes arrangements to be made for it in accordance with these principles as follows:

“The PCC requests on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops Declaration on the Ministry of Bishops and Priests.”

This Resolution is also qualified by Paragraph 25 of the Declaration which states that in the case of a multi-parish benefice the needs of the parishes in the benefice which have not passed a Resolution should be weighed alongside those of any parish that has when decisions are taken about appointments to the benefice. Depending on the nature of the theological conviction this need not prevent the appointment of a female incumbent or team vicar in a benefice where a parish has passed the Resolution, particularly where there is a team ministry or where the benefice is in a group ministry where one of the priests holding office in the team or group is male. The same may apply where other benefices where there is an assistant curate in post as well as the incumbent.

- 11.5 As regards the relationship between the [2014 Measure](#) and discrimination law, the provisions of the [Equality Act 2010](#) in relation to discrimination on grounds of sex can only have a limited effect in relation to the parochial clergy as they apply only to employees or the holders of a “personal office” or a “public office”. Parochial clergy are not employees; and whilst incumbents and team vicars are office holders, they do not hold personal offices as they are not (as the definition in the Act requires) “under the direction of another person” in the exercise of the functions of their office. An assistant curate, on the other hand, is likely to hold a “personal office” for the purposes of the Act, especially if it is a training curacy.

“Public offices” for the purpose of the Act are those to which appointments are made by, or on the recommendation of, a Minister of the Crown; and this definition would include incumbents appointed under Crown patronage. (Team vicars and assistant curates are never appointed by the Crown.) However, there is an exception in the Act which allows certain requirements, including one that the office holder should be of a particular sex, to be imposed in respect of appointments for the purposes of organised religion where the requirement is imposed to avoid conflict with the strongly held beliefs of a significant number of the religion’s followers. This exception can be relied upon where the PCC has passed the Resolution on the basis of the theological convictions of a significant number in the parish.

Team and Group Ministries

- 11.6 For team ministries there is provision in the Mission and Pastoral Measure for the team members to be involved in the selection of the team rector and vicar and a right for parish representatives to refuse (subject to appeal) the proposed appointment of a team vicar in addition to their rights under the [PBM 1986](#) to refuse the appointment of a team rector. There is also a provision for the other incumbents in the group to be consulted about the appointments of an incumbents who will be a member of a group ministry. (see [6.16-6.24](#) for further details).

Types of patronage arrangement

- 11.7 The patronage of a new benefice created under the 2011 Measure can be exercised in a variety of ways to cater for the interests of existing patrons and some of the implications of different arrangements are set out below. How the patronage of a new benefice is to be exercised will depend on the patrons' views and any current diocesan policy. The most usual arrangements are for joint patronage or for patronage in turns. It is not always appropriate for each of the former patrons to be given an equal share in the patronage of a new benefice and DMPCs should take account of population, electoral rolls and any potential future growth in the areas in which the patrons currently exercise their rights before deciding how to weight patronage shares. This can be achieved by giving patrons more turns (or more votes on a special patronage board) to reflect the relative "size" of the benefices of which they are currently the patrons. It is sometimes possible to resolve patronage concerns by a combination of joint patronage and patronage in turns and weighting the turns accordingly.

Joint patronage

- 11.8 The advantage of joint patronage for some patrons is that they will be involved more frequently and for PCCs that there may be more continuity. The perceived disadvantage for some patrons is that their influence is diluted especially if there are a large number of joint patrons. Joint patrons have to reach a unanimous decision so any one of them can veto the nomination of a particular candidate. Parishes may expect more consistency from joint patronage.

Patronage in turns

- 11.9 Generally, the advantage for patrons of patronage in turns is that they have the maximum influence when acting alone for their turn. The disadvantage is that, if there are a large number of turns, there will be long intervals between each patron's opportunities to present. In particular patrons who are individuals with one turn among many in a single benefice may have no or only one opportunity to present during their lifetime. However, this is less of a problem for bodies such as Patronage Societies or Colleges which have patronage interests in a significant number of benefices as they will have more frequent

opportunities to present. The impact on parishes of patronage by turns may be that successive clergy will vary more in their approach to their ministry.

Special patronage boards

46(3) – (4)

11.10 A special patronage board may, with the consent of all the existing patrons, be constituted whether or not the scheme creates any new benefice. Such a board will consist of such members as the scheme provides and it may also designate who is to be chairman. In addition, the following provisions in paragraph 1 of [Schedule 3](#) to the Measure (relating to patronage boards for team ministries) apply:

- (a) any member of the board may be represented by a suitable person authorised to act and vote on his, her or their behalf;
- (b) each member of the board will be entitled to one vote unless the scheme provides otherwise;
- (c) the board will be a corporate body with power to regulate its own procedure;
- (d) the right to be a member of the board will, unless such a right is vested in a person in right of his or her office, be transferable.

NB: The consent of each patron is required to the final scheme as well as to the bishop's proposals for a special patronage board can proceed. It is not possible to make a scheme with a special patronage board if any of the patrons object to any aspect of it, including voting rights.

11.11 The main difference between joint patronage and a special patronage board is that a decision of joint patrons has to be unanimous whilst a board may make a decision by majority vote. A board gives an opportunity to weight members' voting rights which might in some circumstances better reflect historic patronage interests. A large board would again dilute each patron's voice, but parishes may expect a reasonably consistent approach.

Patronage trusts

11.12 Before the PBM 1986, when patronage boards could only be established for team ministry benefices, patronage trusts were sometimes established as a means of weighting patrons' interests by numbers of votes. Such trusts cannot be constituted by the pastoral scheme but require a separate deed between the parties involved, drawn in terms which would bring its provisions into effect immediately before the taking effect of the pastoral scheme. It is for the parties to appoint a solicitor, e.g. the diocesan registrar, to undertake the legal work involved. It is quite common for the patronage of benefices created in the 19th century to be exercised by trustees. These sometimes create procedural difficulties of their own (because of uncertainties after a number of years of the identities of the trustees or because of problems in finding new trustees willing to serve) and it would now be usual to create a special patronage board.

The Crown

- 11.13 The Crown, which for patronage purposes includes the Duchies of Cornwall and Lancaster as well as the patronage exercised directly on Her Majesty's behalf by the Prime Minister or the Lord Chancellor, must always be given a separate turn as, for constitutional reasons, it regards itself as unable to be a joint patron. This also applies to team ministries (see [11.21\(a\)](#)).

"Pastoral or practical objections"

46(7)

- 11.14 Where there are "pastoral or practical objections" to conferring new patronage rights on one or more of the patrons it is permissible to omit them from the new arrangements. When such objections appear to arise, it is preferable for the patron to be told the nature of the difficulties and be given an opportunity to meet the bishop or his representative for an exchange of views. The patron concerned might in those circumstances be prepared to relinquish his or her interest altogether, or to exchange it for a patronage interest in another benefice. Such a meeting should be held before the DMPC formulates any recommendations to the bishop. If the patron of a benefice which would cease to exist as a result of the proposed reorganisation indicates that (s)he does not wish to have an interest in the patronage of any new benefice the scheme will achieve this by simply not naming them. The patron's previous interest automatically ceases upon the scheme taking effect. In practice where a patron has lost a patronage right it has nearly always been by agreement.

The Commissioners' role

Representations against patronage proposals

9(4) & 24(4)

- 11.15 DMPCs are advised to make every effort to try to reach agreement with existing patrons about their proposed patronage interests in any new benefice. It is very desirable for such concerns to be resolved without the need for the Commissioners to adjudicate on representations. If adjudication is necessary, the Commissioners will among other factors have regard to the two following paragraphs.
- 11.16 The Measure allows designation of any person or body as the patron of a new benefice. However, it also states that regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme subject to the proviso where there are pastoral or practical objections. Where a new benefice is being created but an existing right is not being extinguished there is no equivalent explicit provision regarding rights to be conferred on the patron(s) of the "mother" benefice. However, if called upon to adjudicate on representations, the Commissioners would generally expect the patron(s) of the new benefice to include the patron(s) of the mother benefice unless there were pastoral or practical objections, or some other arrangement had been agreed by all the relevant parties.

The Measure also provides that where a team ministry is terminated the patronage should be restored to those who would have been patrons but for the creation of the team (again subject to pastoral or practical objections). There is no equivalent provision for non-team benefices which are to be split into their original components, but the Commissioners would generally apply the same principle unless there were pastoral or practical objections, or some other arrangement had been agreed in the consultation process by all parties. Diocesan proposals should therefore pay due regard to existing patronage interests, including giving proper and fair weight to the respective interest of each patron, subject to pastoral or practical objections. Account may also be taken of the views of PCCs while bearing in mind that since the 1986 Measure, they have a full and early input in the selection process and ultimately, through their parish representatives, a power to refuse a particular priest.

- 11.17 The Commissioners do not have a general view on the question of whether joint patronage or patronage by turns is preferable or on precise criteria for deciding how different patronage interests should be weighted but will consider each case on its own merits. It is a requirement of general administrative law that decisions must be those which a reasonable person could have come to on consideration of all the facts and other considerations. Proper consultation, fair play and reasonable proportionality are essential and would need to be demonstrated to the Commissioners in the event of any dispute. Strict arithmetic weight is not required as, for example, electoral roll and communicant numbers are subject to fluctuation over quite short periods while patronage rights may exist for many years.

Position where registered patron cannot be found

97(1)

- 11.18 Under [s.97\(1\)](#) of the 2011 Measure, where the registered patron of a benefice cannot be found and it appears to the Commissioners that it is not possible or reasonably practicable to find that person, they may direct that the diocesan board of patronage shall be treated as the registered patron for any purposes of the Measure. In practice the DMPC should always approach the diocesan registrar to obtain the last known information about the whereabouts of the patron. If this information fails to result in the patron being traced, the Commissioners would need to know what efforts had been made and with what result before agreeing to make a direction. In practice, this procedure is very rarely used.

Transfer or exchange of patronage

- 11.19 Patronage rights are legally a form of property, but they cannot be bought and sold. They can only be transferred or exchanged by one of the methods described below.

(a) Transfers under the 2011 Measure

46(1)

There is power under the 2011 Measure to transfer patronage, including transfer by exchange, as an isolated matter where no other

reorganisation affecting the benefice is proposed. This can be effected, with the appropriate consents, by either scheme or order, including a shortened procedure order (but not by a Bishop's Pastoral Order except where a Diocesan Board of Patronage is transferring its interest in the patronage of a team ministry). The consent of the "old" and "new" patrons is required in all cases and must be recited in the scheme or order (unless one of the parties is the bishop, who will consent by signing the scheme or sealing the order).

(b) Transfers by non-2011 Measure means

This refers to simple transfers of patronage as distinct from the vesting or exercise of rights when a new benefice is created. The means are:

- (i) by a voluntary transfer (not a sale) to another person, or body, by the registered patron (in the case of an individual during his or her lifetime). Such a transfer cannot take place during a vacancy in a benefice unless presentation has been suspended **and** there is a priest-in-charge in post.
- (ii) by the death of the registered patron when it will pass automatically to his or her executors (where there is a will) or to the administrators of his or her estate (where there is not). Both executors and administrators are personal representatives of a deceased person.
- (iii) by a transfer by the personal representatives of a deceased patron to person (or persons) entitled under the will or on the intestacy.
- (iv) by the appointment of new trustees, where there is a valid trust (see [11.12](#)).

A transfer by the registered patron during his or her lifetime, other than under the 2011 Measure, must take place in accordance with the requirements of [s.3 of the Patronage \(Benefices\) Measure 1986](#). Where the donor patron is an ecclesiastical corporation, the bishop must give his consent to the transfer: in all other cases the PCC or PCCs concerned have the right to make representations to the bishop. Any objections raised should be carefully and sympathetically considered before it is decided whether or not to proceed with the transfer.

[S.27\(2\) of the PBM 1986](#) permits a diocesan board of patronage (DBP) to transfer any right of patronage held by it independently of the requirements of s.3. Such a transfer is subject to the consent of the PCC or PCCs involved except where a benefice is being transferred between dioceses and the right of patronage is being transferred to the DBP of the receiving diocese. However, as mentioned in a) above, the DBP's patronage interest in a team ministry can be transferred (to one of the permitted patrons of a team) by a Bishop's Pastoral Order.

NB: Patronage rights may also be affected by operation of law (other than on death or by pastoral scheme or order): for example, if a patron lacks capacity in relation to property and affairs, a court may confer these powers on a “deputy” under the Mental Capacity Act 2005 ([s.16-18](#)).

Benefices in Crown patronage

100

This section also applies to benefices in the patronage of the Duchy of Lancaster, Duchy of Cornwall and the Crown acting as Guardian of the Temporalities during the vacancy of the see.

- 11.20 The consent of the Crown is required before the provisions of the 2011 Measure can be applied to any benefices in Crown patronage. The DMPC must therefore obtain from the Prime Minister’s Secretary for Appointments or the appropriate Duchy Office a letter confirming the Crown’s agreement to particular proposals before it makes any recommendation to the bishop. A copy of this letter should accompany the papers relating to the proposals when they are sent to the Commissioners.
- 11.21 For new benefices formed by union or other reorganisation, provision may be made for the Crown to be the sole patron, alternate patron or a patron entitled to one or more turns of presentation. For constitutional reasons, however, the Crown cannot be designated as a joint patron. In summary the position is as follows:
- (a) Team ministries – see Pastoral Matters – Procedural and Administrative web page [here](#)

The Crown cannot be a member of a patronage board constituted under paragraph 1 of [Schedule 3](#) of the 2011 Measure. It must have a right to present the team rector as the sole patron, or as the patron entitled to one or more turns.
 - (b) Group ministries - see Pastoral Matters – Procedural and Administrative web page [here](#)

The Crown is not bound by the requirements of [s.35\(3\)](#) and paragraph 3(1) of [Schedule 3](#) to the 2011 Measure whereby a patron must obtain the consent of the bishop and the parish representatives before exercising the right of presentation.
 - (c) Pluralities

Where more than one patron in addition to the Crown is concerned in the holding of benefices in plurality it is necessary for patronage provisions to be made which ensure that the Crown has a turn or turns which is or are entirely separate from the other patrons.

(d) Alteration of deaneries and archdeaconries

The Crown has given a general consent to the inclusion of benefices in Crown patronage in schemes and orders dealing solely with these matters. The DMPC need not therefore consult the Crown in such cases.

(e) Vacancy in see

Where a diocesan bishop is the registered patron/or one of the patrons whose turn it is to present of a vacant benefice and he or she relinquishes the see or the see is vacant or becomes vacant in some other way, the Crown will discharge the bishop's functions as presenting patron. In accordance with [s. 2 of the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010](#) presentation will normally be exercised on the Crown's behalf by "the relevant bishop", who will be a suffragan or assistant bishop to whom the right of collation has been delegated by an instrument under [s.10 of the Dioceses Measure 1978](#) or [s.13 of the Dioceses Pastoral and Mission Measure 2007](#). However, the Crown needs to be consulted as a statutory interested party with regard to any pastoral proposals affecting the benefice and to give consent to what is proposed.

(f) Suspension of presentation in cases involving Crown patronage

See [11.32](#).

Suspension of presentation

85

11.22 In June 1992, the House of Bishops passed a resolution:

"That this House:

- (a) resolves to continue to act within the limits of the (then) Pastoral Measure 1983 (now the 2011 Measure) and its associated Code of Practice;
- (b) notes that sector ministry posts which are coupled with a suspended benefice come within the scope of pastoral reorganisation envisaged by the Measure;
- (c) confirms its intention to work with and take account of the views of the registered patron and the parish even when presentation to a benefice is suspended."

NB: The reference by the House of Bishops to sector ministry posts being coupled with a suspended benefice referred to a benefice that does not justify having a full time incumbent but where reorganisation is not immediately required because pastoral care is to be undertaken by a priest with other diocesan responsibilities. Since the [Ecclesiastical Offices\(Terms of Service\) Measure 2009](#) took effect it is no longer necessary to suspend presentation for this reason as it is now possible for Statements of Particulars to provide that the tenure of such posts to be automatically terminated if the post-holder ceases to hold the associated post.

- 11.23 The bishop must obtain the consent of the DMPC and consult the patron (as defined in [s.106](#)), the PCC(s), the rural dean and lay co-chairman of the deanery synod concerned before using his powers under [s.85](#) to suspend (for not more than five years at a time) a patron's right of presentation to a vacant benefice. It is recommended that the formal consultation be undertaken in writing. The bishop must give his or her reasons for proposing suspension or an extension of suspension and to advise those consulted that they may, within 28 days, request a meeting with the bishop or her or his representative, to which all those being consulted must be invited. The bishop should not have made up his or her mind before carrying out these statutory consultations; it is recommended that the letter or email to those being consulted should indicate that they are consulted so that the bishop can take their views properly into account when making his or her decision.
- 11.24 Suspension may be terminated by the bishop at any time with the consent of the DMPC. Suspension may also be renewed for a further period or periods with the same consent and following similar consultations. A further suspension of presentation may be imposed after the expiry of a period of suspension during the same vacancy in the benefice, subject to the bishop complying with the same requirements as applied to the original suspension. The designated officer (within the meaning of [section 7\(5\) of the PBM 1986](#)) has a duty to notify the bishop and the DMPC secretary when a suspension period is about to expire.
- 11.25 The use of these powers should, in the main, be confined to benefices where pastoral reorganisation is under consideration or in progress. The bishop should also consider whether the nature of the proposed reorganisation is such that it might be affected by the appointment of an incumbent. If it would not then there is no reason to suspend presentation.

Until the Mission and Pastoral etc. (Amendment) Measure 2018 took effect suspension of presentation was often imposed, and a priest-in-charge appointed, where there was any possibility that the office holder might be dispossessed as a result of the re-organisation (especially where the form of the reorganisation was not yet clear). This was because the compensation provisions for an incumbent who was dispossessed could be much more expensive for the diocese than where a priest-in-charge was dispossessed as a result of the eventual re-organisation. This is no longer a factor as the

amended compensation provisions given effect by the 2018 Measure are the same for all office holders.

The main reason for suspending presentation should now be where it is not intended to appoint either an incumbent or a priest-in-charge to the vacant benefice because different clergy are to be given responsibility for different parishes or areas within the vacant benefice (and will be licensed as assistant curates with special responsibility for their respective areas).

However, where two or more benefices are vacant and where the proposed reorganisation is to unite them it may be considered for someone appointed to have charge of all of them pending the reorganisation to have the same status in each of them. It may then be appropriate to suspend presentation to and appoint a priest-in-charge of both or all of the benefices.

The other main reason for suspending presentation is where a change of parsonage house is planned (see [10.6](#)).

Suspension should not be applied any longer than is necessary. Care should be taken to allay any fears on the part of the clergy, patrons and parishioners that suspension of presentation is being used to exclude the rights of patrons.

Notices about suspension

85(7)

- 11.26 The bishop must give notice of a proposed suspension or extension or termination of suspension to the designated officer, the DMPC, the patron, the rural dean and lay co-chairman of the deanery synod, the churchwardens of the parish(es) and any sequestrators appointed by the bishop.

Appointment of priest-in-charge or curate-in-charge

86(3)

- 11.27 Before a priest-in-charge is appointed to a suspended benefice the bishop is required to consult the PCC(s) and, so far as is reasonably practicable, the patron(s). If the proposed priest-in-charge is not to be the incumbent of a neighbouring benefice but a priest who will give his or her whole time to the benefice, the bishop should consider inviting the patron to submit names of suitable persons for the post, although it remains for the bishop to make the actual appointment.
- 11.28 Where incumbents of neighbouring benefices are to take charge of different parishes within a benefice where presentation has been suspended (which, in particular, may happen where the reorganisation being considered is the dissolution of a benefice and the transfer of its constituent parishes to other benefices) they cannot be appointed as priests-in-charge. They would be licensed as Assistant Curates to the benefice with a specific responsibility for named parishes. Technically there is no such office as curate-in-charge but under the provision in s.99 of the Mission and Pastoral Measure 2011 their licences could refer to them by this title.

- 11.29 The bishop when appointing a priest-in-charge of a suspended benefice needs to have regard to any resolution passed by a parish requesting on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops Declaration on the Ministry of Bishops and Priests, which accompanied the Bishops and Priests (Consecration and Ordination of Women) Measure 2014, especially where the priest-in-charge is likely to become the incumbent in due course. Depending on the nature of the theological conviction this need not prevent the appointment of a female priest-in-charge in a benefice where a parish has passed the Resolution. Paragraph 25 of the Declaration, which states that in the case of a multi-parish benefice the needs of the parishes in the benefice which have not passed a Resolution should be weighed alongside those of any parish that has when decisions are taken about appointments to the benefice, may apply. This is particularly so where there is a team ministry or where the benefice is in a group ministry where one of the priests holding office in the team or group is male. The same may apply in other benefices where there is an assistant curate in post as well as the incumbent. (The Equality Act 2010 does not apply to priest-in-charge appointments as they are never made by the Crown (see [11.5](#))).

Restriction in cases where pastoral proposals issued

87

- 11.30 Under [s.87\(1\)](#) of the 2011 Measure, presentation may not be made without the consent of the DMPC and (unless the bishop is the registered patron) the bishop to a benefice which is vacant or becomes vacant after the date on which a patron receives a copy of Mission and Pastoral Measure proposals submitted by the bishop to the Commissioners for any of the matters specified in sections [31](#), [32](#), [34](#), [35](#) or [36](#) of the Measure. This includes reorganisation or alteration of parishes or benefices, pluralities and team and group ministries. This restriction applies until the relevant proposals are implemented or withdrawn but for only up to three years. The fact that restrictions are in force under this section does not prevent the bishop from exercising the power of suspension under [s.85](#) in which case that section will apply instead of [s.87](#). Similar restrictions apply under [s.87\(2\)](#), but for a maximum period of one year, when the bishop directs the DMPC to consider, or the DMPC decides to consider, pastoral reorganisation matters within the range referred to at the beginning of this paragraph in respect of the benefice and the patron is given notice accordingly.
- 11.31 When a suspension period under [s.85](#) is about to end, it is possible to rely on restricting rights of presentation under [s.87](#), but it is advisable to renew suspension (see [11.23](#)) in case the particular pastoral reorganisation proposals do not proceed.

86

Sequestration and management of benefice property during suspension period

- 11.32 On any vacancy in a benefice, sequestrators are automatically appointed under [section 1 of the Church of England \(Miscellaneous Provisions\) Measure 1992](#). The sequestrators are the churchwardens, the rural dean and any other person that the bishop thinks it desirable to appoint. In a team ministry the place of the rural dean is taken by the team vicars and any other member of the team with special responsibility for the pastoral care of an area which is not within a team vicars' special cure of souls (see [6.38](#) above). However, the Bishop may decide that any one or more of them should not be sequestrators and may appoint the rural dean as an additional sequestrator.

Under [paragraph 1 of Schedule 7 of the 2011 Measure](#) the sequestrators have an additional power during a suspension period, if the bishop consents, to exercise the incumbent's powers in relation to benefice property other than those exercisable by the bishop. In practice this means the power to grant a lease or tenancy of the parsonage house for such period as the bishop may authorise. It is recommended that the views of the PCC(s) and patron be sought, and the advice of the diocesan registrar obtained before any such lease or tenancy is granted.

Suspension of presentation in Crown patronage cases

100

- 11.33 The Crown will be prepared to consider in each case whether or not to give consent under [s.100](#) to a suspension of presentation to a benefice in Crown patronage. When such consent is given the notice to the PCC under [s.85](#) of the 2011 Measure should be in the form given on the Pastoral website [here](#).

General matters relating to suspension of presentation

- 11.34 The secretary of the DMPC should keep a list of suspension of presentation cases and the dates of expiry so that if extension or a further term of suspension is necessary consultations can take place in good time.
- 11.35 When a benefice becomes vacant, its patron has twelve months to fill the benefice (see [11.1\(d\)](#)). Where a vacant benefice is suspended, the patron has a full twelve months from the date when the suspension is lifted in which to make an appointment (see [s.88](#) of the 2011 Measure).
- 11.36 As a further means of allaying apprehensions about the use of the power of suspension it is recommended that the annual report of the DMPC to the diocesan synod should list the benefices under suspension of presentation and give details of the use of the power during the year under review.

Appendices

- 1.1 [Glossary of terms commonly used in pastoral reorganisation and dealing with church buildings](#)
- 1.2 [Ecclesiastical Measures and other Acts of interest](#)
- 1.3 [Schedule of Pastoral reorganisation matters indicating what is possible by scheme or order/S.17 order](#)
- 1.4 [Part 3 Progress of a Pastoral Scheme or Order flowchart](#)
- 1.5 [Burial Rights](#)
- 1.6 [Dispossession of clergy and payment of compensation](#)
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Appendix 1.1 - Glossary of Terms Commonly Used in Pastoral Reorganisation and Dealing with Church Buildings

<i>Advowson</i>	The right to appoint a priest to [fill] a benefice by presentation or collation . The owner of an advowson is called the patron. (Note: An advowson is 'property').
<i>Appropriation</i>	To change the use to which any land is put without necessarily changing the ownership of the land. Commonly used when land is held for charitable purposes.
<i>Archbishop</i>	Senior bishop with authority over a Province - of Canterbury and of York.
<i>Archdeacon</i>	An office held by a senior member of clergy appointed by the bishop with an administrative responsibility over an archdeaconry . Some of his/her duties are laid down by law but in other respects vary according to diocesan practice: they include care for church property.
<i>Archdeaconry</i>	Sub-division of the diocese over which an archdeacon has administrative responsibility.
<i>Area Bishop</i>	In some larger dioceses a bishop who shares spiritual oversight with the diocesan bishop over a particular area.
<i>Assistant Bishop</i>	Usually a retired bishop or a bishop who has served abroad, who helps the diocesan bishop in some of his work.
<i>Benefice</i>	An ecclesiastical office carrying certain duties. An incumbent's benefice is therefore not a geographical area (see parish) but the office to which (s)he is appointed and may comprise one or more parishes. A benefice may be a rectory or vicarage from which the incumbent is called rector or vicar .
<i>Bishop (See also Area Bishop, Assistant Bishop, Flying Bishop and Suffragan Bishop)</i>	In the Church of England the bishop is the central focus of organisation and ministry within his diocese. He is the chief pastor and authority and shares the cure of souls with all the incumbents of that diocese. He is also, in his own person, the chief representative of the diocese in the work of the wider church. He may be assisted by suffragan or assistant bishops.
<i>Bishop's Legal Secretary</i>	Office always held by a solicitor, and not a freehold. Duties are not precisely tied down but include advising and assisting bishop in legal matters which affect his episcopal jurisdiction and office (e.g. formalities connected with ordination, filling of vacant benefices, suspension of presentation, institutions etc.). Office usually held in plurality by registrar.

<i>Bishop's Mission Order</i>	The Dioceses, Pastoral and Mission Measure 2007 made new provisions whereby a bishop may, following consultation, make an order providing recognition, accountability and oversight for a 'mission initiative' – see House of Bishops' Code of Practice on Bishops' Mission Orders . These provisions are now incorporated in Part 7 of the 2011 Measure.
<i>Bishop's Pastoral Order</i>	An order made by the bishop after such consultation with the DMPC and such others as he or she sees fit, to make changes mainly of an administrative nature. No consents are needed and there are no rights of representation.
<i>Canons</i>	Canons form part of the law of the Church of England. They are, in essence, 'by-laws' for the guidance of the church. Canons are made by General Synod and require Royal Assent but not Parliamentary Approval. They are applicable only within the Church of England and do not have the wider statutory force of a Measure.
<i>Cathedral</i>	The church in each diocese in which the bishop's throne is located. Although the bishop enjoys the pre-eminent rights in his own cathedral, its day-to-day administration is in the hands of a cathedral chapter . The cathedrals of dioceses founded between circa 1870 and 1930 remained as parish churches with parochial as well as cathedral responsibilities. Cathedrals dating from before the mid-19th Century are extra-parochial .
<i>Cathedral Chapter</i>	The body which governs and administers a cathedral. There is usually a 'greater' chapter which meets infrequently and has very limited duties and responsibilities. The 'administrative' chapter consists of the dean with the residentiary canons (i.e. those canons whose ministry is based wholly or in part on the cathedral). In parish church cathedrals administrative responsibility resides with a somewhat larger cathedral council which includes the dean, residentiary canons and a number of diocesan representatives. The property of the cathedral is legally vested in the chapter.
<i>Chancellor</i>	See Diocesan Chancellor
<i>Chapel of Ease</i>	A consecrated church that it is not a parish church but is within a parish that does have a parish church. Originally for the ease of parishioners who could not attend the parish church.
<i>Church</i>	Strictly, and exclusively for the purposes of the Mission and Pastoral Measure 2011 , a consecrated building used for public worship.

<i>Church Buildings Council (CBC)</i>	Statutory body serving as the unified national Church source of advice on church buildings. Under the Mission and Pastoral Measure 2011 it produces a report for the Diocesan Mission and Pastoral Committee on any church which it is proposed to declare closed and advises the Church Commissioners on churches closed for regular public worship on matters relating to the historic, architectural, and archaeological importance of such churches. Set up by the Dioceses, Pastoral and Mission Measure 2007, the CBC assumed in amended form the responsibilities formerly held by the Advisory Board for Redundant Churches and the Council for the Care of Churches. The CBC's Statutory Advisory Committee (SAC) advises the Church Commissioners on churches closing or closed for regular public worship.
<i>Churches Conservation Trust (CCT)</i>	A body established by the Pastoral Measure 1968 to care for closed churches of particular historic or architectural interest transferred to it by the Commissioners. (Formerly called the Redundant Churches Fund.)
<i>Church Representation Rules</i>	Schedule 3 to the Synodical Government Measure 1969 but updated as a separate booklet. They contain the mechanism for the setting up of representative bodies in the Church of England from parochial church councils to the House of Laity of the General Synod .
<i>Churchwardens</i>	The chief lay officers of a parish elected annually by parishioners with the consent of the incumbent. The number and qualifications of and the time and manner of choosing churchwardens are regulated by the Churchwardens Measure 2001. There are normally two churchwardens of every parish. They have various statutory duties. They have the right to make representations and to receive notices under the Pastoral Measure and the Church Property Measure if there is no parochial church council . They are frequently appointed as sequestrators during vacancies of benefices.
<i>Churchyard</i>	Consecrated land attached to a church that has often been used for burials.
<i>Civil consents</i>	See under secular consents.
<i>Civil Parish</i>	Until 1866 ecclesiastical parishes were also used as units of local government, but from this date a new unit known as the 'civil parish' was established. Sometimes these were identical to the older church parishes, but more often they were based around other divisions. Since 1866 these two types of parish have followed separate patterns of change, so in most cases the boundaries of these two units do not coincide.

<i>Closure, declaration of</i>	The act of closing a church for regular public worship under the Mission and Pastoral Measure 2011 .
<i>Collation</i>	The act of both presenting a priest to a benefice and of instituting him or her to that benefice when the bishop is patron .
<i>Common Tenure</i>	The basis on which all Church of England offices will eventually be held under the Ecclesiastical Offices (Terms of Service) Measure 2009. Under Common Tenure most office holders have security of tenure until reaching the age of 70 subject removal for lack of competency, ill health, or as a result of pastoral reorganisation or disciplinary proceedings and are entitled to a Statement of Particulars of their terms of service including the provision of housing. Existing holders of freehold offices may decide not to opt-in to Common Tenure but new office holders will be on Common Tenure.
<i>Commonwealth War Graves Commission</i>	A body established by Royal Charter whose duties are to mark and maintain the graves of Commonwealth forces that died in the two World Wars.
<i>Consecration</i>	<p>The act of setting apart land or buildings for sacred uses for all time. Performed by the bishop upon the decree of an ecclesiastical court. In the eyes of the law consecrated land can be used for none other than sacred purposes unless this legal aspect is set aside by due process of law. As a result of the Pastoral (Amendment) Measure 2006 it is now possible to lease under faculty part of a church building, provided that taken as a whole the building continues to be used primarily as a place of worship.</p> <p>(Note: The law does not provide for 'deconsecration'; when the future of a closed church is settled under the Mission and Pastoral Measure 2011 this normally removes the 'legal effects of consecration': the spiritual effects of consecration cannot be removed by legal process.)</p>
<i>Conventional District</i>	A defined area placed under the care of a curate in charge (called the Minister of the Conventional District) with a district church council, by agreement between the incumbent(s) and bishop . They are not parishes but can have all the apparatus of a parish. They are often thought of as experimental parishes pending their creation as proper parishes in their own right.
<i>Conveyance/Transfer</i>	The act by which title to property is conveyed/transferred from one party to another. Commonly refers to the legal document which sets out the details of what is to be conveyed/transferred. (Transfers relate to titles registered with H.M. Land Registry.)

<i>Covenant</i>	A legally binding agreement included in a conveyance, transfer or lease, between two or more parties to do, or to refrain from doing, a specified act. Covenants can be positive or negative.
<i>Curate</i>	Generally used to describe an assistant curate to an incumbent. Such assistant curates are licensed to their work by the bishop.
<i>Curate in Charge</i>	An assistant curate put in charge of an area within a parish , which may be a Conventional District , often with responsibility for a second or daughter church. Also used where a priest, who may also hold an incumbent or priest-in-charge office in another benefice, is in charge of one or more parishes within a vacant multi-parish benefice but is not priest-in-charge of the whole benefice.
<i>Cure of Souls</i>	'Cure' means 'care'. The bishop has the universal cure of souls in a diocese but, subject to this, the incumbent of a benefice (or team rector and team vicar(s) in a team ministry) has the exclusive cure of souls within his or her parish or parishes. The expression should not be confused with the more general phrase 'pastoral care'.
<i>Curtilage</i>	Land attached to a church , usually consecrated , but which has not been used for burials.
<i>Deanery</i>	A sub-division of an archdeaconry usually comprising between 10 and 20 parishes.
<i>Deanery Plan</i>	A plan approved by the deanery synod and DMPC for pastoral reorganisation in the deanery. It has legal status allowing a consultation stage on reorganisation flowing from it to be omitted and to be subject to a presumption in favour, when representations are being considered.
<i>Deanery Synod</i>	A body of clergy and laity elected or appointed by the PCCs in a deanery.
<i>Deed</i>	A written document giving effect to some legal arrangement or transaction, signed and sealed by the parties involved.
<i>Detached area</i>	Part of the area of a parish detached from the main area of the parish.
<i>Diocesan Advisory Committee for the Care of Churches (DAC)</i>	Statutory Committee established by the Faculty Jurisdiction Measure to advise on matters affecting changes to church buildings, their contents and curtilage.

<i>Diocesan Board of Finance</i>	A company constituted by the diocesan synod and regulated by the Companies Acts. A board of finance holds property for Church of England purposes, transacts business in that connection and acts as a committee of the diocesan synod. It normally also acts as the diocesan trust .
<i>Diocesan Board of Patronage</i>	A statutory body which may acquire, hold and transfer rights of patronage . (See Schedule 3 to the Patronage (Benefices) Measure 1986 for its constitution and rules of procedure.)
<i>Diocesan Chancellor</i>	An eminent lawyer appointed by the bishop to be Judge of the Consistory Court of the diocese. The Consistory Court among other functions administers the Faculty Jurisdiction within the Diocese.
<i>Diocesan Parsonages Board/Committee</i>	Statutory Board/Committee for which provision is made by the Repair of Benefice Buildings Measure 1972. Its duty is to oversee the management of the diocesan housing stock and to provide a residence house for stipendiary ecclesiastical office holders other than diocesan bishops, incumbents and cathedral clergy. (See section 1 of the 1972 Measure for its constitution and ss. 4-7 of the Ecclesiastical Offices (Terms of Service) Measure 2009 for its duties as a housing provider). In most dioceses the Diocesan Board of Finance acts as the Diocesan Parsonages Board.
<i>Diocesan Mission and Pastoral Committee</i>	Statutory Committee established by the Dioceses Pastoral and Mission Measure 2007 to replace the former diocesan pastoral committee and redundant churches uses committee. Its appointment and functions are now provided for in the 2011 Measure (see Chapter 2). Exercises a major role in relation to reviewing the arrangements for pastoral supervision in the diocese and, as appropriate, making recommendations to the bishop. (See s.2, s.3 and Schedule 1 to the Mission and Pastoral Measure for its constitution and rules of procedure.) Also maintains an overview of matters relating to church buildings and exercises functions in relation to church buildings closed for regular public worship.
<i>Diocesan Synod</i>	A body of clergy and laity, elected from the Deanery Synods , and chaired by the bishop of the diocese.
<i>Diocesan Trust</i>	A body, normally the diocesan board of finance , holding property upon trust for diocesan or parochial purposes.
<i>Diocese</i>	One of 41 main territorial units of the Church of England over which a bishop has responsibility. Divided into archdeaconries , deaneries and parishes .

<i>Dispossession</i>	The act under the 2011 Measure of depriving an archdeacon, incumbent or team vicar of his or her office by dissolving it or uniting it with another and not naming him or her as holder of any new office created by a pastoral scheme. This would include a team rector whose term of office comes to an end and who held a freehold prior to a pastoral scheme which created an office for a term of years. See also technical dispossession .
<i>District Church Council</i>	If a parish comprises two or more places of worship or churches then individual councils can be set up for the districts in which each place of worship or church is situated to exercise such functions as may be delegated within prescribed limits by the parochial church council .
<i>Draft</i>	As in draft “pastoral”, “pastoral church buildings” or “pastoral (church buildings disposal)” scheme . A document issued for consultation purposes.
<i>Easement</i>	A legal right to use some other person's land for a specific purpose e.g. to provide a right of access or to lay service pipes or wires.
<i>Ecclesiastical Commissioners</i>	The body which from 1836 to 1948 managed certain estates and revenues of the Church of England. It also took over the role of the Church Building Commissioners and gradually undertook national administrative tasks in relation to pastoral reorganisation. It was united with Queen Anne's Bounty in 1948 to form the Church Commissioners.
<i>Electoral Roll</i>	A register of lay members of the Church of England in each parish who are entitled to elect the parochial church council and attend the annual parochial church meeting.
<i>Endowment</i>	Capital (including land or securities) often deriving from gifts and held to provide an income, e.g. to the holder of an office.
<i>Extra-Parochial Place</i>	An area of land belonging to no parish. The exact historical reasons in any given case may be lost but often an extra-parochial place comprises a royal peculiar, a cathedral, or the site of an ancient priory etc.
<i>Faculty</i>	Official permission of the chancellor of a diocese (or an archdeacon) to make any changes to a consecrated building or land. Any such changes, e.g. structural works, must not alter the sacred nature of the building or land. A faculty is also required to authorise works to most unconsecrated places of worship and rights of way over a churchyard or church site - e.g. to provide access to the parsonage house.

Faculty Jurisdiction

The consecration of a piece of land has the automatic effect of bringing it within the jurisdiction of the **bishop** of the diocese whose permission by the granting of a **faculty** is necessary before alteration can be lawfully effected. In practice this jurisdiction is exercised on the bishop's behalf by the **Chancellor** of the diocese or an **archdeacon**. Jurisdiction would normally be claimed over unconsecrated places of worship. Faculty jurisdiction ensures that neither the structure nor the contents of churches are altered without authority. A church which has been declared closed by a pastoral scheme and has entered the "use seeking period" is still subject to faculty jurisdiction during this period (in addition, where applicable, to listed building consent).

Flying Bishop

The term commonly used to describe the suffragan bishops – Beverley, Richborough, Ebbsfleet and Maidstone - nominated by the archbishops as provincial episcopal visitors to undertake episcopal duties in those parishes who have petitioned their bishop for alternative arrangements in the light of their theological convictions regarding the ordination of women.

Fee Simple

To hold property "in fee simple" means to do so as one's absolute and rightful possession. It is another expression for **freehold**.

Freehold

An **incumbent** appointed before 1976 has, subject to certain conditions, the tenure of his **benefice** for life, even if the benefice to which he was originally appointed is subsequently affected by a pastoral scheme or order. Post 1976 appointees may only continue up to the age of 70. Certain other ecclesiastical office holders own a freehold. (See **parson's freehold**.). No new freehold appointments may be made following implementation of the Ecclesiastical Offices (Terms of Service) Measure 2009 on 31 January 2011. New appointments will be on **Common Tenure** but freeholders already in post on that date may decide not to opt-in to Common Tenure.

General Synod

The 'Parliament' of the Church of England comprising the Houses of Bishops, Clergy and Laity. It replaced the former Church Assembly and continues to exercise the functions delegated by Parliament in 1919. The General Synod usually meets twice a year to debate and discuss matters of interest and to consider and approve amendments to Church legislation.

Green Guide

The commonly used name for the booklet giving the Commissioners' advice to dioceses and benefice architects on the standards of accommodation and design recommended for parsonage houses.

Group Council

Where a **group ministry** is established the **parochial church councils** of the individual **parishes** can form a group council to

act in the area as a whole in such matters as the individual PCCs together decide.

Group Ministry

An arrangement, authorised by the **Mission and Pastoral Measure 2011**, whereby the clergy of two or more separate benefices can assist each other to make the best possible provision for the **cure of souls** in the area as a whole.

Guild Church

A church in the city of London designated as a Guild Church under the City of London (Guild Churches) Act 1952. Formerly **parish churches**, they have been converted to 'weekday churches' to take account of the large working, and small resident, population of the City of London. A Guild Church does not have a **parish** but does have a Guild Church Council equivalent to a parochial church council.

Incumbent

Holder of a **benefice** (which can be either a **freehold** or a **Common Tenure** office) – and can be either a **rector** or a **vicar** - with responsibility for the cure of souls. May be assisted by curate, deacon, licensed lay worker, retired priest etc.

Incumbent Designate

A priest who has been presented to a benefice by the patron but not yet instituted and inducted. Such a person does not enjoy the legal rights of an **incumbent**. Alternatively a priest on the point of presentation and often named in a **pastoral scheme**.

Interested Party

One of the statutory persons or bodies that the **DMPC** is required to consult in accordance with s.6 and s.21 of the **Mission and Pastoral Measure 2011**.

Joint Parochial Church Council

Where a **benefice** comprises two or more **parishes** the **parochial church councils** of the individual parishes can form a joint parochial church council to act in the benefice as a whole in such matters as the individual PCCs together decide.

Lease

A legal agreement by which one party grants possession of property to another for a defined period of time, normally for a rent or capital sum (premium) or both. Also the deed by which the agreement is made.

Leasehold

The holding of property on the terms and by the authority of a **lease**.

Leave to Appeal

Any person who makes a **representation** to the Commissioners against a **pastoral scheme or pastoral church buildings scheme** has a right to apply for leave to appeal to the Judicial Committee of the **Privy Council** against a decision of the Commissioners to proceed notwithstanding that representation.

Lessee

A person to whom property is leased.

Lessor	The owner or head lessee of the property which is leased.
Local Ecumenical Project (or Partnership)	A scheme under which Churches of more than one denomination agree, in relation to an area or institution specified in the scheme, to co-operate in accordance with the provisions of the scheme in matters affecting the ministry, congregational life or buildings of the Churches which are participating in the scheme.
Measure	The Church of England equivalent of an Act of Parliament. The General Synod has powers to formulate Measures which must be approved by Parliament and receive the Royal Assent. Whilst Parliament can reject a Measure it has no power to amend one. Measures form part of the laws of England.
Members ('Other') of a Team Ministry	May be clerical or lay (see s.34 of Mission and Pastoral Measure 2011). They share the pastoral care of the area with the team rector and team vicars, but NOT the cure of souls .
Memorials	See under Tombstones .
Mission and Pastoral Measure 2011	The Measure of the General Synod which authorises changes in pastoral reorganisation and deals with church buildings no longer required for public worship. Consolidated the Pastoral Measure 1983 , parts of the Dioceses, Pastoral and Mission Measure 2007 and other related Measures. Designed to "make better provision for the cure of souls ". Part of the law of the land and equivalent to an Act of Parliament.
Mission Church	Used loosely to describe a 'daughter church' in a particular area of a larger parish, usually an unconsecrated building.
Monuments	See under Tombstones .
Non-statutory Public Inquiry	Similar to a Public Inquiry. May be called by Secretary of State where sustained qualifying objections to the proposed demolition under a scheme under the 2011 Measure of a listed closed church or an unlisted one in a conservation area are made by the SAC of the CBC , English Heritage, the Local Planning Authority or a national amenity society.
Non Stipendiary Minister	See Self Supporting Minister
Order	See Pastoral Order .
Order in Council	Ordinarily a government decree made under the authority of a statute. Also the means by which some ecclesiastical legislation becomes law. Formally a decree of the sovereign and Privy Council . (Schemes under the Pastoral Measure 1983 used to be confirmed by an order in Council; this is no longer the case.)

P2/2A	The forms sent in by a diocese indicating which Interested Parties have been consulted.
P10	The form completed by a diocese giving details of a church to be declared closed .
P20	The form completed by a diocese giving details of any consecrated land which is to be disposed of or appropriated under s.44 of the Mission and Pastoral Measure 2011 .
P30-P35	Consent forms under the shortened procedure (section 17 of the Mission and Pastoral Measure 2011).
Parish	The basic geographical unit over which an incumbent has cure of souls . There may be several parishes within the area of one benefice.
Parish Centre of Worship	An unconsecrated Place of Worship designated by the bishop under s.43 of the 2011 Measure , whereupon for most purposes (other than marriage) it is regarded as a parish church .
Parish Church	A consecrated building in a parish in which, subject to the canons the statutory services must be held. Parishioners have a right to be married, baptised etc. in the parish church. S.41(2) of the Mission and Pastoral Measure 2011 requires that any new church or existing building which is to become a parish church must be approved by the bishop, subject to the bishop having consulted both the DMPC and the DAC .
Parish Information Form (P100)	The form sent to a diocese when representations are received to gain information about parochial life that is useful to the Commissioners' Mission, Pastoral and Church Property Committee when it considers the representations.
Parochial Church Council	Representative body of parishioners elected from those on the electoral roll in accordance with the Church Representation Rules . Usually chaired by incumbent.
Parsonage Building Fund	A Fund held by the Diocesan Board of Finance, comprising sale proceeds received under s.13 of the Church Property Measure, from the sale of a parsonage house or other parsonage land. It can only be used for parsonage purposes in the benefice from which it originates until transferred, under the Church Property Measure 2018 , or by a pastoral scheme for wider diocesan purposes once it has been established that it is no longer required for parsonage purposes in that benefice.
Parsonage House	The official place of residence of an incumbent of a benefice . The house belongs to the incumbent in right of his or her office.

<i>Parsonage Land</i>	Generally, any land or property no longer required as the official residence of an incumbent for which future provision has not yet been made. It is formally defined by s.48(5) of the Church Property Measure 2018. It does not simply mean land adjoining the parsonage house.
<i>Parson's Freehold</i>	Until 1969 the incumbent of a benefice could not be removed (except for misconduct) if he chose to stay. The freehold was subsequently limited in two main ways: (a) by schemes now under the Pastoral Measure introduced in 1969 which may have the effect of dispossessing the incumbent of his or her benefice by its dissolution, with proper provision for compensation; and (b) by the Ecclesiastical Office (Age Limits) Measure 1975 which provides that all those newly appointed to benefices after the coming into effect of that Measure on 1/1/1976 must retire at the age of 70. Those appointed before 1/1/1976 may, if they choose, stay for life so long as they are not dispossessed. This applies even if their benefices are subsequently affected by pastoral schemes or orders. Following implementation of the Ecclesiastical Offices (Terms of Service) Measure 2009 on 31 January 2011, no new freehold appointments may be made. New appointments will be on Common Tenure but freeholders already in post on that date may decide not to opt-in to Common Tenure.
<i>Mission, Pastoral and Church Property Committee</i>	A Committee of the Commissioners' Board of Governors which makes decisions on representations on pastoral, church buildings, houses and glebe matters. It is chaired by the Third Church Estates Commissioner.
<i>Pastoral Order</i>	A document which effects changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011 . Differs from a pastoral scheme mainly in that it deals with lesser matters and the procedures are simpler.
<i>Pastoral Scheme</i>	A document which effects more complex changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011 (excluding the closure of church buildings).
<i>Pastoral Church Buildings Scheme</i>	A document made under the Mission and Pastoral Measure 2011 which effects the closure of a church building for regular public worship (and may settle its future). Other reorganisation may also be included in the scheme.
<i>Pastoral (Church Buildings Disposal) Scheme</i>	A document made under the Mission and Pastoral Measure 2011 which settles the future of a church closed for regular public worship (or makes new provision for a church whose future had previously been settled, including under earlier legislation).

<i>Patron</i>	The person or body owning an advowson (i.e. right to present a priest to a benefice) who may be a private individual or a corporation (ecclesiastical or lay).
<i>Patronage</i>	Another word for advowson .
<i>Place of Worship</i>	An unconsecrated building in a parish licensed by the bishop for public worship. It may additionally be licensed for marriages.
<i>Planning Permission</i>	Consent to a development or change of use given under Town and Country Planning Acts by a local planning authority. An 'outline' application establishes whether consent for the proposal will, in principle, be forthcoming and may set out such further details as will be required before 'full' or detailed planning permission is given. A 'full' planning application seeks authority for a particular proposal which has been worked out in detail. In some circumstances e.g. in a conservation area, a 'full' application is required at the outset. Listed Building consent or Conservation Area consent may be separately required.
<i>Plurality</i>	The holding of two or more separate benefices by one incumbent . This can only be authorised by a scheme or order under the Mission and Pastoral Measure .
<i>Presentation</i>	The act, by a registered patron , of presenting a priest to fill a benefice .
<i>Priest in Charge</i>	A priest given charge of a benefice by licence of the bishop. (S)he has not been presented and therefore does not own the benefice property. A priest given charge of only one or some parishes in a multi-parish benefice is technically an Assistant Curate often described as a curate-in-charge .
<i>Privy Council</i>	The private council of the Sovereign largely comprising present and former government ministers.
<i>Province</i>	An area of the church under the authority of an archbishop comprising a number of dioceses. There are two in England - Canterbury and York.
<i>Queen Anne's Bounty</i>	A corporation formed by Queen Anne in 1704 to distribute income which had previously been payable to the Pope and confiscated for the Crown by Henry VIII. Queen Anne surrendered this income for the benefit of the Church, initially to augment the livings of poorer clergy. Later the Bounty was empowered to make loans and (from 1830) grants for building and repair of parsonage houses. In 1948 it was united with the Ecclesiastical Commissioners to form the Church Commissioners.

<i>Quinquennial Report</i>	A building inspection report of a church or parsonage required to be undertaken every five years.
<i>Quota</i>	The annual contribution asked of each parish towards diocesan funds for clergy stipends, building, maintenance, diocesan purposes, Synod purposes etc. Also, in some dioceses, referred to as 'the parish share'.
<i>Rector</i>	The incumbent of a rectory .
<i>Rectory</i>	Historically a benefice where the whole of the tithe and glebe land were available for the maintenance of the minister. Rectories have also been created by statute e.g. a benefice where a team ministry is established. Also the house where a rector lives.
<i>Redundant Churches Fund</i>	See Churches Conservation Trust .
<i>Representations</i>	The Mission and Pastoral Measure 2011 requires that any draft scheme or order be published and made available to the public. Any person can make written representations to the Commissioners either for or against what is proposed.
<i>Resolutions A, B and C</i>	Resolutions made by PCCs under the Priests (Ordination of Women) Measure 1993 and the Episcopal Act of Synod 1993 limiting women's ministry in that parish (or benefice) or requesting alternative episcopal oversight. Under the Bishops and Priests (Consecration and Ordination of Women) Measure 2014 those resolutions in force elapsed two years after the 2014 Measure took effect. PCCs may now make a Resolution under the House of Bishops Declaration.
<i>Resolution under the House of Bishops' Declaration</i>	A resolution passed by a PCC under the House of Bishops' Declaration on the Ministry of Bishops and Priests issued in conjunction with the Bishops and Priests (Consecration and Ordination) Measure 2014 requesting on grounds of theological conviction that arrangements be made to take account of its theological convictions regarding women priests and women bishops.
<i>Restriction of Presentation</i>	A provision whereby a bishop may restrict a patron from making a presentation to a vacant benefice for a period of up to one year while the Diocesan Mission and Pastoral Committee considers whether to initiate consultations for pastoral reorganisation affecting the benefice. Restriction of presentation for a period of up to three years (including the one year restriction if already imposed) also comes into operation automatically where suspension of presentation to the benefice is not already in force and the patron has received notice that formal proposals for reorganisation have been signed by the bishop.

<i>Reverter</i>	Provision in a conveyance for all or part of the property to return to the original grantor or his or her successors either at a specified time or when no longer required for its original purpose.
<i>Rural Dean (In some dioceses called Area or Urban Dean)</i>	The incumbent or priest-in-charge of one of the benefices in a deanery who acts as chairman of the clergy in the deanery and as a channel of communication between diocesan administration and parishes. His or her duties are not closely defined by statute and will vary from diocese to diocese. (S)he is however ex-officio a sequestrator of a vacant benefice.
<i>Rural Deanery</i>	See deanery .
<i>Scheme</i>	See pastoral scheme, pastoral church buildings scheme or pastoral (church buildings disposal) scheme .
<i>Sealing</i>	The final step in concluding a legal agreement or transaction by which the seals of the parties concerned are fixed to the document. (Only corporations need affix their seal.)
<i>Section 42</i>	The section of the Mission and Pastoral Measure 2011 which provides for a consecrated church which is not required as a parish church or chapel of ease to be declared closed for regular public worship, but does <u>not</u> settle its future..
<i>Section 44</i>	The section of the Mission and Pastoral Measure 2011 which permits the disposal or appropriation to another use of any land consecrated for the purpose of burials. In certain circumstances unconsecrated churchyards may also be dealt with under this section.
<i>Section 58</i>	The section of the Mission and Pastoral Measure 2011 which permits the whole of the proceeds of disposal of a church to be closed or church site to be used, so far as required, for the provision of a new church or place of worship .
<i>Section 59</i>	The section of the Mission and Pastoral Measure 2011 which permits both the closure of a church and its appropriation to a <u>new use</u> or its care and maintenance by the Churches Conservation Trust . Can also be used to authorise demolition if a church is unlisted and outside a conservation area.
<i>Section 66(1)</i>	The section of the Mission and Pastoral Measure 2011 which permits simplified procedure for churches to be declared closed where they have not been used for divine service since 1 April 1964 (five years before Pastoral Measure 1968 came into effect).
<i>Section 66(2)</i>	The section of the Mission and Pastoral Measure 2011 which permits the making of a pastoral (church buildings disposal) scheme to dispose of the site of any church or part thereof

	demolished before the commencement of the Measure or which is demolished otherwise than under Part III of the Measure.
<i>Secular (or Civil) consents</i>	The consents required to enable a change of use for a closed church (planning permission) or for alterations to a listed building (listed building consent) or a building in a conservation area (conservation area consent).
<i>See</i>	The official "Seat" or throne of a bishop , hence the place where the cathedral is generally situated and often used to denote the entire diocese . The See house is the bishop's official residence but need not be in the Cathedral City.
<i>Self Supporting Minister</i>	A deacon or priest who does not receive a stipend or clergy pension or a house but supports himself or herself from his or her own resources. An SSM may hold an office, such as incumbent or team vicar, which would usually be a stipendiary one.
<i>Sequestrator(s)</i>	The person(s) responsible for administering the income of a benefice in sequestration. The churchwardens of every parish in the benefice and the rural dean act as sequestrators together with a person appointed by the bishop if he so desires (s.1(1) of the Church of England (Miscellaneous Provisions) Measure 1992).
<i>Shortened Procedure</i>	Common name for the procedure under s.17 of the Mission and Pastoral Measure whereby, if all the interested parties agree to pastoral proposals which can be implemented by a pastoral order , the bishop can make the order without the need for a period inviting representations (includes provisions for 'deemed consent'). The Commissioners are not involved in such cases. Some of these matters can now be dealt with by Bishop's Pastoral Order .
<i>Stamp Duty</i>	Tax payable to the government on conveyances/transfers of property. Since the Finance Act 1982 all transfers to Charities (including glebe purchases) are exempt. An historic concession on most parsonage sales was removed by the Finance Act 2003.
<i>Statement of Reasons</i>	A written statement from the Church Commissioners explaining their reasons whether to allow diocesan proposals under the Mission and Pastoral Measure 2011 , or proposals for the future of a closed church, to proceed notwithstanding representations.
<i>Statement of Particulars</i>	Statement which must be given to an office holder on Common Tenure detailing the terms on which he or she holds the office.
<i>Statutory Advisory Committee (SAC)</i>	Statutory Committee of the Church Buildings Council with responsibilities (in amended form) formerly held by the Advisory Board for Redundant Churches, primarily advising the Church

Commissioners on churches closed or closing for regular public worship.

Statutory Declaration

Obtained when title deeds to a property cannot be found. It is a declaration made by someone who has known the property for an amount of time and is to the effect that they are not aware of anyone other than person X claiming title to the property. It is almost invariably the case that title documents to ancient churches cannot be found (if they ever existed at all).

Statutory Notice

Issued to certain statutory parties when a **draft pastoral, pastoral church buildings or pastoral (church buildings disposal) scheme** is published.

Suffragan Bishop

A suffragan bishopric, to which is attached the name of a prominent or ancient town within a diocese other than the cathedral city, is an office to which a bishop is appointed to assist the diocesan bishop in those functions which can only be undertaken by someone in episcopal orders e.g. confirmation or ordination. A suffragan bishop also shares in the diocesan bishop's pastoral care of the clergy and people of the diocese in such a way as the diocesan bishop requires him to. In some dioceses there are a number of suffragans each responsible for a geographical area in the diocese; elsewhere a suffragan operates on behalf of the bishop throughout the diocese.

Suspension of Presentation

A priest is 'presented' to the **bishop** as a candidate for a living by the patron. However, the bishop can initiate a period of suspension with the consent of the **Diocesan Mission and Pastoral Committee** and after local consultation. During such a period of suspension no-one may be presented to the living without the consent of the bishop and the diocesan pastoral committee. Such periods of suspension may not exceed five years but are capable of renewal for further periods of five years.
See also **Restriction of Presentation**.

Team Council

Where a **team ministry** is established a team council can be established, either under the authority of a **scheme** or under the **Church Representation Rules**. Such a council is similar to a **joint parochial church council** and provides a formal structure for all the parishes in the team to discuss matters of mutual concern.

Team Ministry

A special form of ministry whereby a team of clergy and possibly lay people share the pastoral care of the area of a **benefice**. Can only be established by a **pastoral scheme**.

Team Rector

The priest in a **team ministry** who heads the team and owns the property of the **benefice**. (S)he shares the **cure of souls** with the **team vicars**.

<i>Team Vicar</i>	A priest of incumbent status in a team ministry , other than the team rector . (S)he shares the cure of souls with the team rector and other team vicars.
<i>Title</i>	Documentary proof of ownership of land. This may take the form of deed(s), a Land or Charge Certificate issued by H.M. Land Registry or, where no such evidence exists, a statutory declaration by a person who has known the property for many years. Before property is conveyed or transferred it is necessary for the vendor to establish title to the satisfaction of the purchaser.
<i>Tombstones, monuments and memorials</i>	Found within churches or churchyards. They commemorate deceased persons whether or not they are buried in the building or land. They remain the property of the heirs-at-law of the deceased and may, in certain circumstances, be removed or re-sited in advance of the disposal of a closed church building/churchyard. Even if they remain <i>in situ</i> following disposal of the building/land they do not pass into the ownership of the new user.
<i>Trust</i>	The holding of money or property for a particular purpose by a body or group of individuals legally entrusted with its administration.
<i>Trust Deed</i>	A legal document by which a trust is created and in which its conditions are set out.
<i>Use-seeking period</i>	Period within which Diocesan Mission and Pastoral Committee has to seek suitable alternative uses for closed church buildings. Normal maximum of 2 years but can be extended in exceptional circumstances.
<i>Vesting</i>	The transfer of church property to e.g. the Churches Conservation Trust or a diocese without any conveyance or other assurance (usually provided for within a scheme).
<i>Vicar</i>	The incumbent of any benefice that is not a rectory .

Appendix 1.2 - Ecclesiastical Measures and other Acts of Interest

Ancient Monuments & Archaeological Areas Act 1979

This Act consolidated and amended the law relating to ancient monuments. It provides the machinery for scheduling buildings etc. as ancient monuments and makes it an offence to undertake works to or demolish without the consent of the Secretary of State. It provides for a body to advise the Secretary of State (English Heritage, now Heritage England, since 1999). Some ruined churches may have been designated ancient monuments but the then Department of the Environment agreed some years ago not to so schedule churches being dealt with under the Mission and Pastoral Measure 2011.

Bishops and Priests (Consecration and Ordination) Measure 2014

This Measure made provision for the continuation of the ordination of women as priests (formerly provided for by the Priests (Ordination of Women) Measure 1993, which was repealed by the 2014 Measure) and for the consecration of women as bishops. The House of Bishops' Declaration on the Ministry of Bishops and Priests, issued in conjunction with the Measure recommends, in Paragraph 20, a form of resolution for PCCs to pass requesting that arrangements be made to take account of its theological convictions regarding women priests and women bishops. Parishes with resolutions under the 1993 Measure in force at the time the 2014 Measure took effect were deemed for a period of two years to have passed the recommended resolution under Paragraph 20. These have therefore now ceased to have effect unless replaced by an actual resolution under the House of Bishops' Declaration. See 11.13-11.14 for some practical effects of a PCC passing these resolutions. Depending on the nature of the theological convictions in the parish concerned the arrangements may include alternative episcopal oversight by a Provincial Episcopal Visitor (see Episcopal Ministry Act of Synod 1993)

Building Act 1984

This Act is the primary legislation under which the Building Regulations and other secondary legislation are made. It consolidated certain enactments concerning "buildings and related matters", i.e. building regulations and action on dangerous structures. In this latter connection a local authority may serve notice on an owner that the state of a building is dangerous, prejudicial to health or a nuisance and, in the absence of action by the owner, may itself carry out the remedial work and recover the cost from the owner.

Burial Act 1857

This Act amended earlier legislation concerning the burial of human remains and made it necessary, except under faculty, for a licence to be obtained from the Secretary of State for the Justice to enable these to be moved from one place to another or for cremation. Where one or other of the burial places is consecrated a faculty will also be required. Separate arrangements are in place in the 2011 Measure

regarding human remains within closed churches and churchyards subject to disposal under the Measure.

Care of Cathedrals Measure 1990

This Measure established the Cathedrals Fabric Commission for England with responsibility for overseeing the care and conservation of cathedral churches, together with a separate fabric advisory committee for each cathedral.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

See Faculty Jurisdiction Measure 1964 for further context. Among other things this Measure extended the role of Diocesan Advisory Committees (s.2);

- passed responsibility for trees in churchyards to PCCs (s.6);
- confirmed that all churchyards of parish churches were subject to faculty jurisdiction (s.11(1));
- applied faculty jurisdiction automatically to all licensed places of worship licensed after the Measure came into force (s.11(2)) unless the bishop, after consulting the DAC, directed that it should not apply (s.11(3));
- provided for the power to grant certain faculties to be delegated to archdeacons (s.14) ;
- specified the procedure for the demolition or partial demolition of a church under faculty (s.17);
- provided for the emergency demolition or partial demolition of a church (s.18);
- and empowered a diocesan bishop to remove the legal effects of consecration from land not in church ownership (s.22). (See 6.22(e).)

Cathedrals Measure 1999

This Measure superseded the Cathedrals Measure 1963 and set up a single framework for the efficient, effective and transparent governance of all cathedrals, providing the governing bodies with proper support, ensuring accountability and encouraging effective links with the bishops and the diocese as a whole.

It provides, amongst other matters, for a Cathedral Chapter to sell, lease, exchange or acquire property. The consent of the Commissioners is required as is that of the bishop and the usual occupant, if a clergy house of residence is involved. It also provides for the Commissioners to pay the stipends of the dean and two residentiary canons and to make grants towards the stipends of other cathedral clergy and the salaries of cathedral staff and to reimburse Chapters a proportion of their expenditure on chancels for which they are liable.

Chancel Repairs Act 1932

This Act transferred from the ecclesiastical to the civil courts the matter of enforcing chancel repair liability on a lay rector. The Act sets down the procedure which a PCC should follow when requiring a lay rector to carry out chancel repairs (it is the responsibility of the PCC to require the lay rector to carry out any necessary work, rather than for the lay rector to ask whether any work is necessary).

Church of England (Ecumenical Relations) Measure 1988

This Measure enabled provision to be made by Canon with respect to local co-operation between the Church of England and other Churches. Canon B43 (of relations with other Churches) and Canon B44 (of Local Ecumenical Projects) indicate possibilities and procedures for local initiatives from tentative first steps to developed partnerships. A Code of Practice to these "Ecumenical Canons" is available.

Church of England (Miscellaneous Provisions) Measure 1992

This included a provision that any land acquired for church or churchyard purposes which remained vested in the Commissioners would pass automatically to the incumbent. S.10 allows a PCC to hold the right of patronage in its own name.

Church of England (Miscellaneous Provisions) Measure 2000

This Measure reduced the Church Commissioners' national administrative role as various matters were devolved to dioceses with effect from 1 January 2001. Dioceses no longer had to seek the Commissioners' consent to most parsonage and glebe transactions under the Parsonages Measures and Endowment and Glebe Measure, provided certain criteria were met and there were no objections to proposals from interested parties. Dioceses were given responsibility for holding their Diocesan Stipends Funds and Diocesan Pastoral Accounts. They were also able to deal with certain pastoral reorganisation matters subject to the interested parties giving their consent (see 2.56-2.59).

Church of England (Miscellaneous Provisions) Measure 2005

This Measure removed the need for pastoral schemes to be confirmed by Her Majesty in Council thus simplifying the administrative process.

Church of England (Miscellaneous Provisions) Measure 2010

This Measure removed the Commissioners as the acquiring body for acquisitions under the New Parishes Measure 1943 and also provided that the Commissioners' consent is only required for certain specified transactions.

It also provided for, extending the 3 year maximum period for restricting presentation to any affected benefice up to and including the date of delivery of the Privy Council's decision where this was awaited on appeal against a decision by the Commissioners in connection with adverse representations being received on a Pastoral Scheme.

Church Commissioners Measure 1947

The purpose of this Measure was to unite Queen Anne's Bounty with the Ecclesiastical Commissioners under the title of the Church Commissioners to "promote the more efficient and economical administration of the resources of the Church of England".

The Measure defined the constitution of the Church Commissioners, providing among many other matters that the Archbishop of Canterbury should be chairman of the Commissioners and setting up a Board of Governors. The amalgamation took effect on 1 April 1948.

The Measure has been amended several times and the functions in relation to the Mission and Pastoral Measure 2011 are now delegated by the Board of Governors to the Mission, Pastoral and Church Property Committee.

Church Commissioners (Assistance for Priority Areas) Measure 1988

This Measure enables the Commissioners to contribute if they feel able towards the Church Urban Fund in connection with projects for regenerating inner-city areas. This special Measure was needed as the Commissioners are ordinarily only empowered to spend their income on the stipends, housing and pensions of the clergy.

The Measure also amended the New Housing Areas (Church Buildings) Measure 1954 in relation to the qualifying period for population growth and gives the Commissioners power to provide assistance to other areas of social and economic change where suitable church buildings are required.

Church Property (Miscellaneous Provisions) Measure 1960

This Measure provided, among other things, for an incumbent or, during the vacancy of a benefice, the bishop, to grant an easement over part of the parsonage house grounds or to take an easement for the benefit of the parsonage, with the Commissioners, the Diocesan Parsonages Board and the Patron(s) as consenting parties.

The Measure also made provision for the sale of unconsecrated land acquired for churchyard purposes under certain 19th Century Acts of Parliament, with the sale proceeds in any such sale payable to the Commissioners who had to agree a suitable parochial purpose for their use in consultation with the bishop (after consulting the incumbent). The Commissioners are not, however, a consenting party to the sale itself.

Church Property Measure 2018

This measure consolidated, corrected and made minor improvements to the following pieces of legislation:

- Parsonages Measure 1938;
- New Parishes Measure 1943;
- Parsonages (Amendment) Measure 1947;
- certain provisions of the Church Property (Miscellaneous Provisions) Measure 1960; and
- Endowments and Glebe Measure 1976; and
- Certain other provisions relating to Church property.

The Measure makes no substantial changes to existing legislation relating to parsonages and glebe property, but combines it all into a single Measure which will make the associated statutory processes easier.

Churchwardens Measure 2001

This Measure, which came into force on 1 January 2002, sets out the legal rules on the appointment and tenure of office of churchwardens.

Crown Benefices (Parish Representatives) Measure 2010

This Measure applies certain provisions in the Patronage (Benefices) Measure regarding the rights of parish representatives to benefices in Crown patronage.

Dioceses, Pastoral and Mission Measure 2007

This Measure made a significant number of amendments to the Pastoral Measure 1983 which were later consolidated into the Mission and Pastoral Measure 2011. It also wholly replaced the Dioceses Measure 1978 and provided for the establishment of a new Dioceses Commission whose responsibilities include a general duty to keep the Church's provincial and diocesan structures under review. It laid down a new set of provisions for reorganisation schemes affecting dioceses and diocesan boundaries. In practice the Commission deals only with substantive changes to diocesan boundaries while more minor changes can be dealt with under the Mission and Pastoral Measure 2011.

S.13 provides for a diocesan bishop who has executed a deed of resignation or who considers himself unable to discharge any of or all his functions by reason of illness or absence from his diocese, to make an instrument delegating certain functions as may be specified in the instrument.

Ecclesiastical Dilapidations Measures 1923/9

These Measures, most of which dealt with the law regarding the repair of parsonage houses (now replaced by the Repair of Benefice Buildings Measure 1972)), make provision for the redemption of chancel repair liability by means of a capital payment by the lay rector to the Diocesan Board of Finance. If either the DBF or PCC require it the Commissioners can be asked to determine the amount of capital sum involved (sufficient to put the chancel concerned in good order and to maintain it thereafter, and to pay for insurance premiums).

Ecclesiastical Fees Measure 1986

This Measure, which follows an earlier Measure of 1962, in addition to providing for remuneration of certain ecclesiastical judges and legal officers, provides a statutory basis for fees for services which an incumbent is under an obligation to provide for his or her parishioners (i.e. a marriage or a funeral). It is the authority to prepare a parochial fees order, which needs to be approved by the General Synod and Parliament before it can become law, now rests with the Archbishops' Council.

Ecclesiastical Offices (Terms of Service) Measure 2009 Ecclesiastical Offices (Terms of Service) Regulations 2009

This Measure and its subsidiary Regulations, which took effect on 31 January 2011, provided that, with certain exceptions, office holders in the Church of England would from that date hold their offices on Common Tenure. Office holders on Common Tenure hold their offices until they are required to retire at the age of 70 in accordance with the Ecclesiastical Offices (Age Limit) Measure 1975 but are subject to removal for lack of competency as well as for ill health or disciplinary reasons or as a result of pastoral reorganisation. Office holders are entitled to a Statement of Particulars of the terms on which they hold the office and, where they are full-time stipendiaries to the provision of housing. Existing freeholders may choose not to opt-in to Common Tenure but all subsequent holders of the office will be on Common Tenure. Terms of years for office holders in team ministries were converted to Common Tenure offices except for existing team rectors who may decide not to opt-in for the remainder of their existing term of years. Time-limited posts are now only possible in circumstances specified in Regulation 29.

Endowments and Glebe Measure 1976

This Measure, which became effective on 1 April 1978, transferred all benefice glebe (property, other than the parsonage house and other parsonage land, vested in successive incumbents) into the ownership of the DBF of the diocese to which the benefice previously owning the glebe belonged.

Glebe can only be used (subject to the exception of a glebe house used as the residence of a team vicar, curate, deaconess or licensed lay worker) in such a way as to achieve the best income for the Diocesan Stipends Fund.

Each DBF is responsible for the management of its glebe. The requirement to seek the Commissioners' consent to certain transactions was removed by the Church of England (Miscellaneous Provisions) Measure 2000 subject to certain criteria being met.

The property provisions of the E&G Measure were replaced with effect from 1st March 2019 by the Church Property Measure 2018.

Episcopal Ministry Act of Synod 1993

This Act of Synod set out arrangements to provide an appropriate ministry for those who are opposed to the ordination of women including the appointment of additional suffragan bishops to act as provincial Episcopal Visitors. Each provincial episcopal visitor, commonly referred to as a "flying bishop", was commissioned to carry out for any parish in the province concerned such duties as the diocesan bishop may request. It was repealed by a subsequent Act of Synod in 2014 at the same time as the Bishops and Priests (Consecration and Ordination) Measure 2014 was approved. However, the Provincial Episcopal Visitors, appointed under its provisions, continue to be suffragan bishops and to perform the same functions in respect of parishes which have passed a resolution on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests issued in conjunction with the 2014 Measure, where the particular theological convictions of the parish concerned make it appropriate.

Faculty Jurisdiction Measure 1964

Faculty jurisdiction relates in the main to churches in use for worship and its basis is not statutory. The 1964 Measure dealt with certain aspects of faculty jurisdiction some of which were amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

(a) A faculty is a licence granted by the Chancellor of the diocese concerned, an eminent lawyer appointed by the bishop to be judge of the Consistory Court of the diocese. The 1964 Measure made provision for an archdeacon to authorise works of a lesser nature than those for which a faculty was required by means of an Archdeacon's Certificate. This provision was, however, repealed by the 1991 Measure which empowered an archdeacon to grant a faculty in an unopposed case, subject to seeking the DAC's advice unless the case was related exclusively to exhumation or the reservation of a grave space. This power is confined to the matters specified in Appendix A to the Faculty Jurisdiction Rules. Where an archdeacon declines to grant a faculty or the grant is opposed by any person, or the matter is sufficiently urgent to proceed without obtaining the advice of the DAC, it has to be referred to the Chancellor.

(b) A faculty is required for any alteration, repair, improvement or addition to the structure, fittings, ornaments, furniture or decorations of a church and to the disposal of any contents. Any such work carried out without a faculty is unlawful. Application for a faculty is usually made by the incumbent and churchwardens but anyone in the parish having an interest may apply. If a closed church is in the "use finding period" and vests in the DBF for care and maintenance, the DBF may find it necessary to apply for a faculty.

(c) A faculty is obtained by application to the diocesan registrar and a fee is charged (although some dioceses meet such fees from the quota). The advice of the DAC must be sought except in a case relating exclusively to exhumation or the reservation of a grave space or where the matter is particularly urgent. The DAC will consider the proposals and recommend (or not) their acceptance to the Chancellor. A General Citation is displayed in a suitable place e.g. church porch for 10 days including two consecutive Sundays and any interested party may object to the proposals at this stage. The final decision and the granting of the faculty rests with the Chancellor (or archdeacon) who is not duty bound to accept the DAC's recommendations.

(d) Examples of the type of work which should only be carried out under a faculty include:

- major schemes of repair to the structure of the church;
- any alteration to the structure of the church;
- the addition or removal of any furniture, ornaments, stained glass etc.;
- the introduction of a memorial tablet into the church;
- installation of new heating or lighting systems;
- repairs or additions to the bells;
- churchyard improvement or alteration schemes;
- reservation of grave space;
- work involving organs;
- introduction of certain churchyard memorials.

(e) A faculty is not required for certain items of a very minor nature, which will be specified by the Chancellor such as replacing slates or tiles, mending windows, cleaning out gutters or routine maintenance of organs. In case of doubt reference should be made to the DAC Secretary or the relative Archdeacon.

Inspection of Churches Measure 1955

The Measure requires the inspection of churches by architects at least once in every five years. Each diocese was required to establish a scheme to provide a fund to meet the cost and appoint architects to carry out the inspections. Archdeacons have a duty to ensure that regular inspections are carried out. Copies of the reports (known as Quinquennial Inspection Reports or QIRs) are sent to Archdeacons and PCCs.

New Parishes Measure 1943

This Measure originally re-enacted, with amendments, earlier legislation authorising the formation of new ecclesiastical districts as well as giving power for the (Ecclesiastical) Commissioners to acquire and deal with land for specific ecclesiastical purposes. The former powers were replaced by the Pastoral Measure 1968 but the latter, as amended, remain in force, and are mainly used in the acquisition of additions to churchyards or burial grounds or the disposal of unconsecrated churches or land. Since the Church of England (Miscellaneous Provisions) Measure 2010 the DBF, not the Commissioners, is now the acquiring body. The Commissioners consent is only needed in specific circumstances, such as where a transaction is with a connected person.

Open Spaces Act 1906

This Act consolidated earlier enactments relating to open spaces. It empowered the transfer of, inter alia, disused burial grounds either permanently or upon agreed terms to local authorities for the purpose of improving or laying out the same and for the purpose of giving public access. Where agreements have been made under this Act it is not possible to sell the land for any other use although it is possible under the Town & Country Planning Act 1971, as amended by the Local Government Planning and Land Act 1980 and the Local Government Act 1972, for the local authority to acquire the land and convey it to a third party for alternative use. (See 10.22 - 10.25 and 12.7(iv).)

Parochial Church Councils (Powers) Measure 1956

Under this Measure any interest in land (other than certain short leases), and any personal property held on permanent trusts, held or acquired for a PCC must be held by the diocesan authority in trust for the PCC. The "diocesan authority" is normally the DBF but in some dioceses there is a diocesan trustee body which acts as the "diocesan authority" under the Measure. A PCC may not acquire or dispose of any property without the consent of the diocesan authority.

Parochial Records and Registers Measure 1978

This Measure makes provision for:

- the provision and use of register books for baptisms and burials (a baptism register for each parish, or each parish church if more than one, and a burial register for each burial ground in use
- 2) The custody of register books by the incumbent or priest in charge or, if the benefice is vacant, by the churchwardens.
- 3) The establishment of diocesan record offices for the deposition of old register books.
- 4) The proper care and safekeeping of register books by the person having the custody of the books.
- 5) The disposal of register books in the event of a parish being dissolved by virtue of a pastoral scheme.

NOTE: Marriage registers are dealt with by the Marriage Act 1949.

Parsonages Measures 1938 & 1947

Under these Measures the incumbent of a benefice or, during a vacancy, the bishop has power to:

- sell the parsonage house and grounds or part of the grounds;
- exchange the parsonage house for another property;
- demolish the parsonage house;
- purchase or build a parsonage house.

The DPB and the bishop are consenting parties and notice has to be given to the patron(s) and PCC(s). The Commissioners' consent is no longer required provided that certain criteria are met.

Both of these Measures were replaced with effect from 1st March 2019 by the Church Property Measure 2018.

Pastoral (Amendment) Measure 2006

This Measure provided a new mechanism through which a lease may be granted of part of a church building, provided that taken as a whole, the building continues primarily as a place of worship (now consolidated in to the Mission and Pastoral Measure 2011).

Pastoral Measure 1968 and Pastoral Measure 1983

These Measures successively superceded the Union of Benefices Measure 1923 and other earlier legislation providing for pastoral reorganisation and the 1983 measure has in turn been replaced by the Mission and Pastoral Measure 2011

Pastoral Reorganisation Measure 1949

One of the Measures repealed by the Pastoral Measure 1968.

Patronage (Benefices) Measure 1986

This Measure is the current legislation governing the ownership and exercise of patronage rights. It was the eventual response to a General Synod motion seeking the abolition of all private patronage rights and presented a compromise in that it maintained the existence of private patronage but imposed limitations on the way in which it was exercised. See 11.1 for details of the main changes brought about by the Measure.

Places of Worship (Enfranchisement) Act 1920

The original Act enabled trustees holding a lease of a place of worship for a period of not less than 21 years to acquire the freehold. The term "place of worship" was defined as "any church, chapel, or other building used for public religious worship" and included a "burial ground, Sunday or Sabbath school, caretaker's house or minister's house attached to or used in connection with and held on the same trusts as a place of worship". The Act was amended by s.40 of the Leasehold Reform Act 1967 enabling the freehold of a leased parsonage to be acquired under the Parsonages Measures 1938 and 1947.

The implications of this Act are considered when disposing of a closed church by way of lease for use for worship by another denomination or as a church hall, when the term of such a lease should be for less than 21 years if the possible loss of the freehold is to be avoided.

Priests (Ordination of Women) Measure 1993

This Measure made provision for the ordination of women as priests. s Under s.3 and Schedule 1 a PCC was permitted to pass resolutions restricting the exercise of women's ministry in that parish. This Measure was repealed by the Bishops and Priests (Consecration and Ordination) Measure 2014 and resolutions in place at the date on which the 2014 Measure took effect were deemed for a period of two years to be the recommended resolution passed under Paragraph 20 of the House of Bishops' Declaration on the Ministry of Bishops and Priests issued in conjunction with the 2014 Measure. They therefore ceased to have effect in 2016 unless the PCC had subsequently passed the recommended resolution under the House of Bishops' declaration. (See also Episcopal Ministry Act Of Synod 1993 and 11.3-11.4 for some practical effects of a PCC passing the resolution.)

Redundant Churches and Other Religious Buildings Act 1969

This Act empowered the Secretary of State for the Environment, with the approval of the Treasury to make grants to the CCT. It also provided (s.2) that listed building consent was not needed for the demolition of a listed church if (but only if) demolition is carried out pursuant to a scheme under the Pastoral Measure.

Reorganisation Areas Measure 1944

The Measure authorised "the making of new arrangements for the pastoral supervision of areas which suffered war damage or in which, by reason of causes attributable to the war or as a result of planning schemes, material changes in the number or situation of the population have occurred or are likely to occur". It was repealed by the Pastoral

Measure 1968, but matters uncompleted under this Measure may be completed and schemes under it can be amended by pastoral schemes.

Repair of Benefice Buildings Measure 1972

The Measure superseded the Ecclesiastical Dilapidations Measures providing for the repair of parsonage houses and glebe property and placed this duty on Diocesan Parsonages Boards or Committees.

Sharing of Church Buildings Act 1969

This Act provided for the sharing and use of church buildings by different Churches and has played an important role in the development of local ecumenical relations. The CCBI booklet "Under the same roof" provides guidelines to the Act which includes detailed advice on producing a sharing agreement.

Sharing of Church Buildings Measure 1970

This Measure provided for a power under the Pastoral Measure 1968 for schemes to the purpose of authorise sharing agreements in respect of consecrated churches and parsonage houses. Sections 3(3)(b) and 31(5) of the 2011 Measure are relevant but in practice these provisions have been very little used. Sections 58(4), 58(6) and 63(8) apply when a church which is the subject of a sharing agreement is declared closed for regular public worship.

Team and Group Ministries Measure 1995

This Measure followed a review of the operation of team and group ministries and amended the provisions regarding team and group ministries in the Pastoral Measure 1968 with effect from 1 May 1996. The amended provisions were carried forward into the Mission and Pastoral Measure 2011, but most have since been further amended or removed by the provisions for Common Tenure in the Ecclesiastical Offices (Terms of Service) Measure 2009 or by the Mission and Pastoral etc. (Amendment) Measure 2018.

Union of Benefices Measure 1923

This Measure made provision for pastoral reorganisation outside the City of London. The Measure contained powers to pull down, sell and appropriate to other uses churches, parsonages and other property. The uses to which churches could be appropriated were limited to educational and charitable purposes and they remained in diocesan ownership and the legal effects of consecration were not removed. When the original use ceases, churches in this position are sometimes subject to an amending pastoral (church buildings disposal) scheme under s.69 of the Mission and Pastoral Measure 2011. Sites of demolished churches could not be used for secular purposes without the consent of the Archbishop of the Province and the diocesan bishop and, where human remains were interred, the Secretary of State for the Home Office. The Measure was repealed by the Pastoral Measure 1968.

Appendix 1.3 - Schedule of pastoral reorganisation matters indicating what is possible by scheme or order/s.17 order

SECTION OF MPM 2011	TYPE OF PASTORAL REORGANISATION	SCHEME	ORDER / S.17 ORDER	BISHOP'S PASTORAL ORDER
SECTION 31	Create, by union or otherwise, new benefices and/or parishes	Y	N	N
	Dissolve existing benefices or parishes	Y	N	N
	Alter areas of existing benefices or parishes	Y	Y ⁽¹⁾	N ⁽⁵⁾
	Transfer parish from one benefice to another	Y	Y ⁽¹⁾	N
	Create or incorporate an extra-parochial place	Y	N	N
	Alter or define an extra-parochial place	Y	Y ⁽¹⁾	Y
	Alter name of any benefice or parish	Y	Y	Y
SECTION 32	Hold in plurality any two or more benefices	Y	Y ⁽²⁾	Y
SECTION 33	Create or alter an archdeaconry	Y	Y ⁽²⁾	Y
	Dissolve an archdeaconry	Y	Y ⁽²⁾	Y ⁽⁶⁾
	Create, alter or dissolve a deanery	Y	Y	Y
	Alter the name of any archdeaconry or deanery	Y	Y	Y
SECTION 34	Establish a team ministry and designate team rector/team vicars	Y	N	N
SECTION 35	Establish a group ministry and designate first person to hold any benefice as a benefice in the group	Y	Y	N
SECTION 36	Terminate a group ministry	Y	Y	Y
	Alter a group ministry by changing the benefices in the group	Y	Y	N
	Terminate a team ministry	Y	N	N
	Alter a team ministry by amending number of team vicars; changing term of years of team rector/team vicars/certain team members; providing for team vicars to be chosen by patronage board; providing for right of presentation of team rector to be transferred to a patronage board or diocesan board of patronage	Y	Y ⁽²⁾	Y ⁽⁷⁾
SECTION 38	Designate the first incumbent of a new benefice	Y	N	Y
	Designate the first incumbent of benefices to be held in plurality	Y	Y	Y
SECTION 41	Designate any church in a parish as a parish church	Y	Y ⁽⁴⁾	N
	Provide for a parish church to become a chapel of ease	Y	Y	N
SECTION 42	Declaration of closure for regular public worship of all or part of a consecrated church	Y	N	N
SECTION 44	Appropriate to another use or dispose of all or part(s) of certain churchyards and burial grounds	Y	N	N

SECTION OF MPM 2011	TYPE OF PASTORAL REORGANISATION	SCHEME	ORDER / S.17 ORDER	BISHOP'S PASTORAL ORDER
SECTION 45	Designate a parsonage house in a benefice as the place of residence of the incumbent	Y	Y ⁽³⁾	Y
	Designate any house as the place of residence of any team vicar	Y	Y ⁽³⁾	Y
	Transfer to any incumbent of a parsonage house, or a house situated on any diocesan glebe land or parsonage land, as the official residence of the incumbent	Y	Y ⁽³⁾	N
	Transfer of a parsonage house or parsonage land as glebe, disposal or use for parochial or diocesan purposes	Y	Y	N
SECTION 46	Exchange or transfer rights of patronage of any benefice	Y	Y	N ⁽⁸⁾
	Vest patronage of new benefice in patron(s) or special patronage board	Y	N	N
	Vest patronage of benefices to be held in plurality in patron(s)	Y	Y	N
SECTION 49(f)	Alter boundaries between parishes in different dioceses	Y	Y ⁽¹⁾	N

- (1) *Such matters may be dealt with by an order providing that they do not involve the transfer of any church (as defined in s.106) from one benefice or parish to another.*
- (2) *Such matters may be dealt with by an order providing that they do not require any benefice to be vacated (under s.39(2)) or provide for dissolving any archdeaconry or abolishing any office of team vicar except with the assent of the archdeacon or vicar or on a vacancy (see s.51(1)).*
- (3) *Such matters may be dealt with by an order except in so far as they relate to a new benefice.*
- (4) *A scheme or order is not required for proposals relating solely to the designation of a church to be a parish church in a parish that has no existing parish church (see [Volume 2 14.4 and 14.15](#)).*
- (5) *A Bishop's Pastoral Order can only alter areas by altering the area of an extra-parochial place.*
- (6) *Only when the archdeaconry is vacant.*
- (7) *A BPO can increase the number of team vicars in a team. It can also reduce the number, but only when the office being abolished is vacant.*
- (8) *Though it is possible to use a BPO to transfer a right of patronage in a Team Ministry which is held by the Diocesan Board of Patronage.*

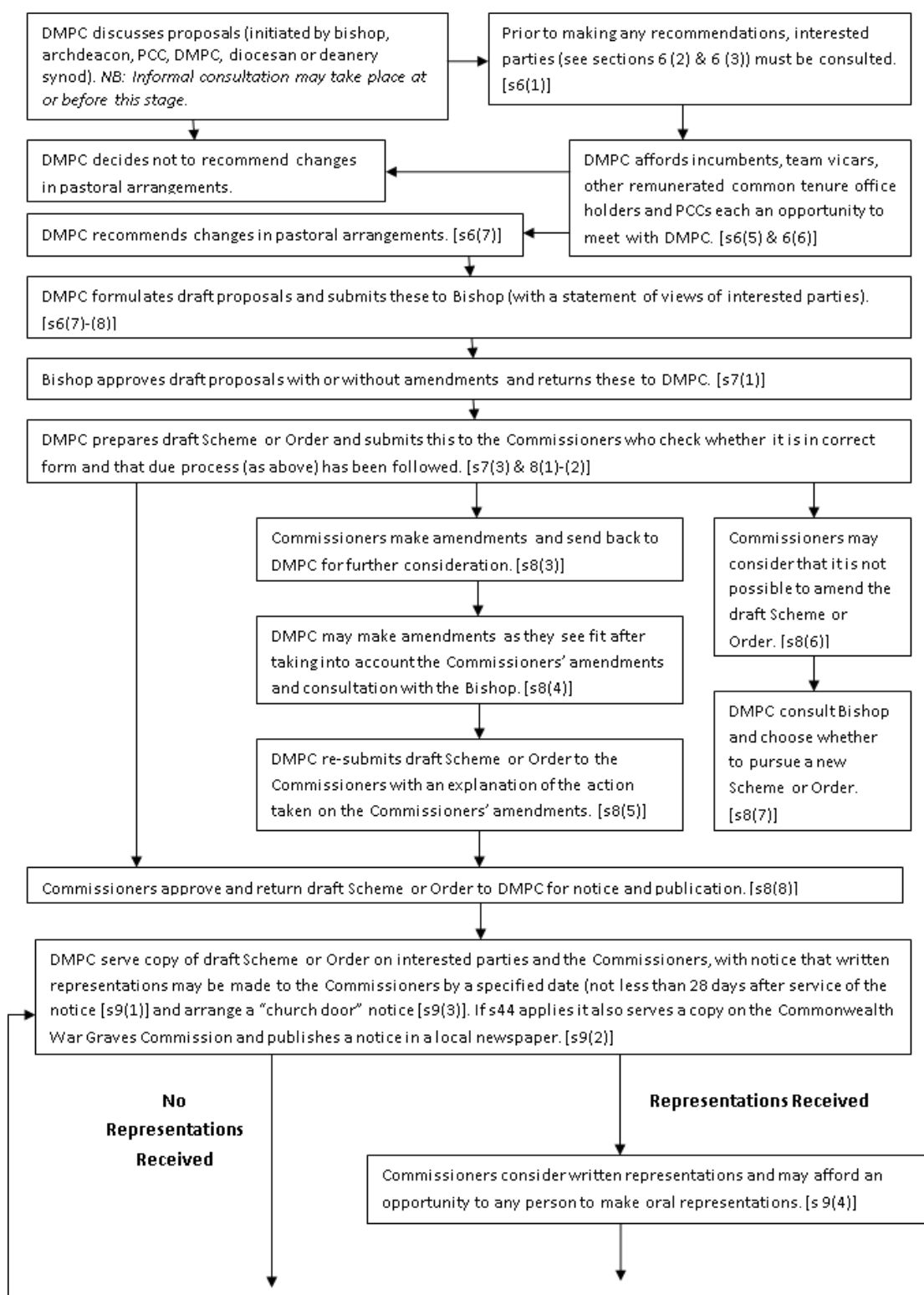
This schedule covers the most common pastoral reorganisation matters and indicates when it is possible to proceed under the shortened procedure. The Commissioners' Pastoral Division should be consulted in the event of any uncertainty over the correct procedure.

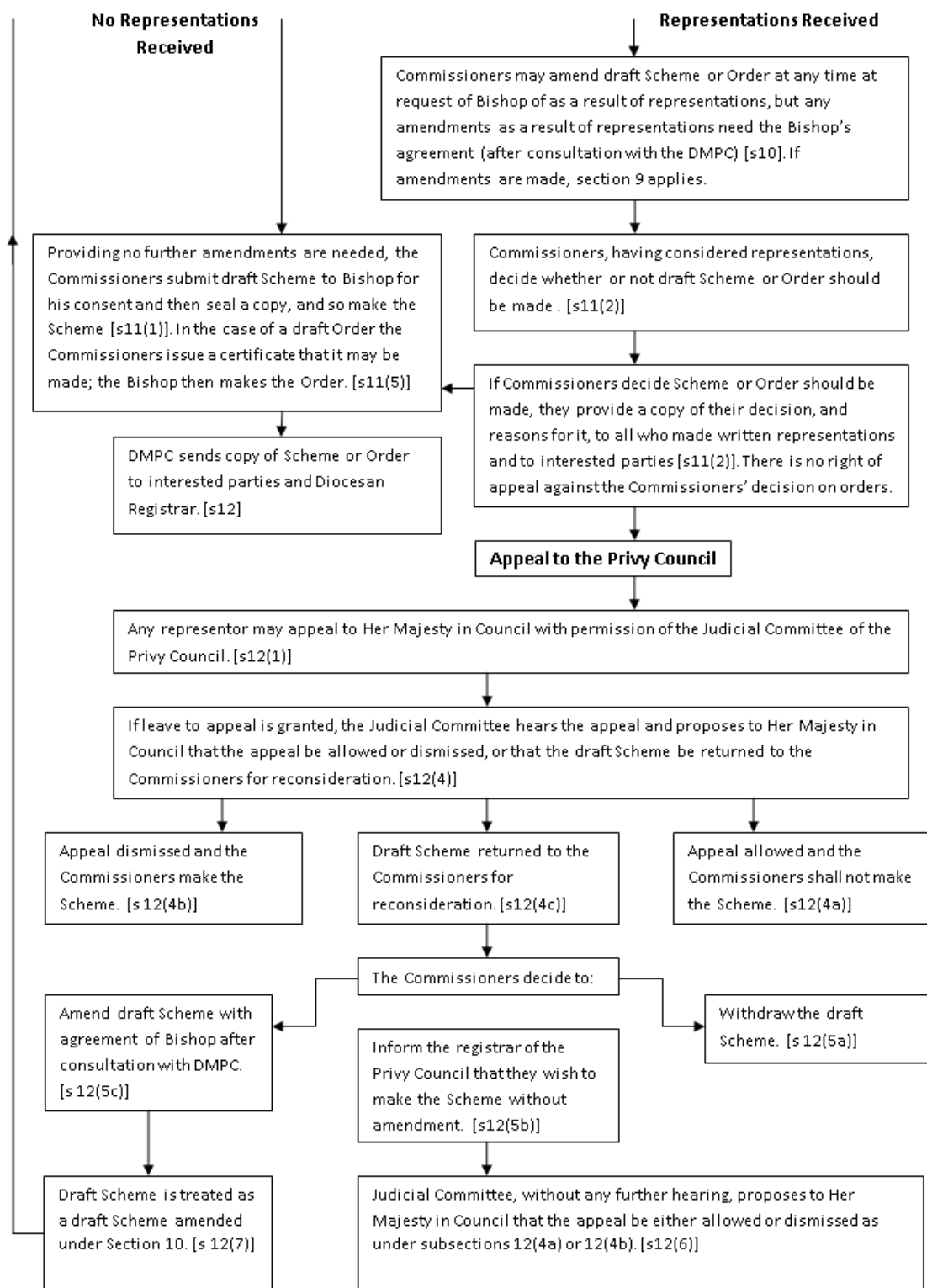
The following provisions in Part 6 of the Measure, which deals with the future of church buildings no longer required for regular public worship, may also be included in a pastoral church buildings scheme:

SECTION OF PM	TYPE OF PASTORAL REORGANISATION	SCHEME
SECTION 58	Declaration of closure for regular public worship all or part of a consecrated church and appropriate to another use or provide for its demolition, subject to a new church or place of worship being provided	Y
SECTION 59(1)	Declaration of closure for regular public worship all or part of a consecrated church and appropriate to another use	Y
SECTION 59(2)	Declaration of closure for regular public worship all or part of a consecrated church and vest in the Churches Conservation Trust	Y
SECTION 59(3)	Declaration of closure for regular public worship of all or part of a consecrated church which is unlisted and outside a conservation area and provide for its demolition and disposal of the site.	Y
SECTION 70	Restore a former church building to use as a church	Y

NOTE: S.66(1) of the Measure enables a church which has not been used for divine service since 1 April 1964 to be declared closed for regular public worship by an order of the Commissioners, subject to the consent of the incumbent, patron and PCC. This is effectively a shortened procedure similar to that under s.17.

Appendix 1.4 – Part 3 Progress of a Pastoral Scheme or Order flowchart





Appendix 1.5 – Burial rights

General rights of burial

The common law position as regards rights of burial is that every parishioner and inhabitant has the right of burial in the churchyard or burial ground of the parish in which (s)he resides. Also, any person whose death takes place within the area of a parish is by law entitled to be buried in that parish irrespective of the length of time (s)he has lived there. A person who has a right of burial in a churchyard or other burial ground also has a right of burial therein of his or her cremated remains by virtue of [s.3\(1\) of the Church of England \(Miscellaneous Provisions\) Measure 1992](#). Although a parishioner has the right of burial, unless a grave space has been reserved by faculty, the selection of the particular grave is within the discretion of the incumbent or priest in charge. If there are several burial grounds in the parish, it would seem that a parishioner (other than one affected by the proviso to paragraph 13(1) of [Schedule 3 to the Mission and Pastoral Measure 2011](#) - see below) has rights of burial in that parish but no rights in any particular burial ground.

[S.6\(1\) of the Church of England \(Miscellaneous Provisions\) Measure 1976](#) provides additionally that a person, who otherwise would have no right of burial, shall have a right of burial in the churchyard or other burial ground of the parish if at the date of his or her death their name is entered on the church electoral roll of the parish. [S.6\(2\) of the 1976 Measure](#) also provides that no person (not having a right of burial in the parish) shall be buried without the consent of the minister and also provides that in deciding whether to give such consent the minister shall have regard to any general guidance by the PCC of the parish with respect to the matter. Thus a person residing in a parish which has no facility for burials (and no entitlement for its parishioners to be buried in another parish - see below) has an automatic right to be buried in the parish on whose electoral roll his or her name is entered. If, however, (s)he resides in a parish which does have burial facilities (s)he may not be buried in a churchyard or burial ground of another parish, even if (s)he is on its electoral roll, without the consent of the minister of that parish in the light of any general guidance given by the PCC of that parish.

Effect on burial rights of parochial changes arising from pastoral schemes or orders under the Mission and Pastoral Measure 2011

Union of parishes

Where a new parish is created by a union of parishes, paragraph 13(1) of [Schedule 3 to the Mission and Pastoral Measure 2011](#) provides that the persons residing within the limits of the new parish shall have the rights and privileges (if any) of parishioners in respect of burials except that any parishioner who previously had rights of burial in a churchyard within the area of the new parish shall, so long as that churchyard remains open, continue to have those rights and shall not become entitled by virtue of the union to rights of burial in any other churchyard.

Creation of a new parish

Where a new parish is created, otherwise than by a union of parishes, paragraph 13(2) of [Schedule 3 to the Mission and Pastoral Measure 2011](#) provides that parishioners retain their original rights of burial until they obtain rights of burial as parishioners of the new parish. This right of burial would seem to apply to all parishioners of the new parish irrespective of whether they lived in the parish before or after the creation of the new parish.

Alteration of parochial areas

Where parishioners are moved from one parish to another by virtue of a pastoral scheme or order providing for the alteration of parochial boundaries, paragraph 13(3) of [Schedule 3 to the Mission and Pastoral Measure 2011](#) provides that they shall have the rights of burial possessed by the parishioners of the parish to which they have been moved and not any others.

Appendix 1.6 – Notes on dispossession of clergy and payment of compensation

See [Chapter 4](#) for a general introduction to this subject. Schedule 4 of the Mission and Pastoral Measure 2011 (as amended by the [Mission and Pastoral etc. \(Amendment\) Measure 2018](#)) applies where any Common Tenure office-holder or freeholder incumbent is dispossessed from his or her office by a pastoral scheme and is not appointed to another post by the scheme. The detailed procedure for dealing with such cases is as follows:

Preliminary Steps

1. Discussions with those affected

At the stage when his or her views are ascertained, any office-holder whose existing office would be abolished must be given an opportunity of meeting the DMPC (as distinct from a sub-committee or representative thereof) if (s)he so desires. It will generally be helpful in the case of a priest who is to be dispossessed if at this stage an explanation is given of the main features (see paragraph 4 below) of schemes which result in the dispossession of clergy. It may also be helpful if the provisions of the 2011 Measure with respect to compensation are explained in outline, although it should be noted that an actual entitlement does not arise until a scheme has become law and that the scheme itself will not refer to compensation, or even the fact of the dispossession.

2. Possibility of Appeal

A pastoral **scheme** is always required in order to dispossess any incumbent, archdeacon, team vicar or other Common Tenure office holder (*see s.51 proviso*). If adverse representations are made following the publication of the draft scheme and the Commissioners decide that the draft should proceed notwithstanding the objections, it is therefore possible for an application for leave to appeal to be made to the Privy Council against the dispossession (as well as any other provisions of the scheme).

3. Rural or Area deans

3.1 It is not, generally, necessary for proposals which result in the abolition of a rural deanery and thereby deprive a priest of the office of rural dean to be implemented by a pastoral scheme, as distinct from a pastoral order. S.40 does not confer any rights of compensation upon rural deans as the office of rural dean is not a Common Tenure one. In most cases too rural deans do not receive any part of their stipend or accommodation in that capacity.

3.2 In some dioceses rural deans do hold that office as a linked post with an incumbent or team vicar's office and receive some of their emoluments from the rural dean office. Legally a rural dean in such circumstances would still have no entitlement for compensation if dispossessed from the rural dean post only. In such circumstances it is recommended that the DBF should make a payment equivalent to

the compensation for that element of the post unless the person concerned is given another linked post or extended responsibilities to justify increasing the stipend of the incumbent post. If the office holder's statement of particulars requires him or her to cease to hold the incumbent office if she or he ceases to hold the rural dean office, then the effect would also be to dispossess the person from the incumbent office and entitle him or her to compensation in relation to that office.

3.3 In either of the circumstances described in 3.2 above the dissolution of the deanery should be carried out by a pastoral scheme to give the person concerned rights of objection and in the latter case to compensation. Otherwise, deaneries should usually be dissolved by Bishop's Pastoral Order.

4. Timing

Schemes which have the effect of dispossessing clergy of office (*see s.39(3)*):

4.1 Must provide that the provision which results in the dispossession shall not come into operation until a date at least 6 months after the scheme has been made. This provision will not, however, be necessary if a sitting incumbent or team vicar whose office is dissolved is designated in the scheme as the first incumbent of a benefice created or otherwise affected by the scheme or as the first holder of the office of team vicar in a team ministry established by the scheme or another common tenure office holder is appointed by the scheme to a comparable office in one of the benefices concerned.

4.2 If the coming into operation of the provision is dependent upon the occurrence of some other event (e.g. the vacation of another benefice), it cannot come into operation until a date at least 6 months after that event.

4.3 The scheme may provide that if the post held by the priest who would otherwise have been dispossessed is vacated, the provision shall come into operation upon the making of the scheme, or on the occurrence of the event referred to in 4.2, or upon the vacancy of the office, whichever last occurs.

Agreement to resign

4.4 Once a scheme which will result in the dispossession of such an office holder has become law (i.e. when it has been made by the Commissioners), any office holder affected may agree with the DMPC to resign his or her post to enable the relevant provisions of the scheme to come into operation, without losing his or her entitlement to compensation. (*Sch. 4, para. 2*). In the event that all such office holders agree to do this, the six-month delay would not need to run its full course; the scheme would take effect on the effective date of the last resignation.

Possession of parsonage house

4.5 The DBF is given the right to take proceedings, if necessary, to obtain possession of the official house of residence of a priest who is dispossessed of his or her office (*s.39(4)*).

5. Alternative posts

Appointing someone who has been dispossessed to another ecclesiastical office does not affect her or his entitlement to compensation unless the appointment is made by the scheme which provides for the dispossession.

6. Amount of Compensation

6.1 The amount of compensation is set out in Schedule 4 of the Measure and is on the same basis for all office holders (whether on common tenure or freeholders).

The compensation payment, which is payable as a lump sum, (*Schedule 4, Paragraphs 3 and 4*), is

- Twelve months' stipend (as being received immediately before ceasing to hold the office concerned)
- Twelve months' pension contributions related to that stipend

6.2 Accommodation (*Schedule 4, Paragraph 5*)

If the person concerned occupies a parsonage or other property provided for the better performance of their duties, the DBF must also provide suitable housing for the person dispossessed and any family members living with him or her for twelve months from the date of dispossession.

This could mean allowing the person to continue to live in the house he or she was occupying, if this is not required for the use of someone else who will be engaged in the cure of souls in the new pastoral arrangement. An alternative house need not be one that would be suitable for carrying out the duties of the office from which the person has been dispossessed but need only be suitable for the needs of the person concerned and his or her family. For example, a flat instead of a house may be suitable for an office holder who had been living alone and a study would not be necessary for a dispossessed incumbent. The property need not be (indeed may preferably not be) in the benefice in which the office was held. However, it should not be so distant as, for example, to require children to move schools.

The DBF may agree with the person dispossessed to make a payment in lieu of providing accommodation, but if the two parties cannot agree the DBF must provide suitable accommodation.

6.3 Additional payment (*Schedule 4, Paragraph 6*),

The bishop may also authorise an additional payment of such amount as he or she may determine. There is a right of appeal against a decision not to make such a payment or about the amount of the payment to a Reviewer appointed by the Archbishops. The only grounds for making such an appeal is that a decision not to make such a payment, or the amount awarded would cause exceptional hardship to the person concerned or a family member living with him or her. There is no right of appeal in respect of other elements of the compensation.

7. Commissioners advise clergy about rights

It is the practice of the Commissioners (which DMPCs publishing draft schemes should also follow) when sending to the priest concerned notice of a draft scheme under which (s)he would be dispossessed of his or her post to advise the person concerned of the delayed coming into effect provision and the entitlement to compensation. The Commissioners also draw attention to the fact that once the scheme had become law (s)he could, with the agreement of the DMPC, resign his or her post without prejudicing entitlement to compensation, but that if (s)he should resign the benefice before the scheme has become law (s)he would not thereafter be eligible for compensation under the Measure.

Appendix 1.7 – Effect of Ecclesiastical Offices (Terms of Service) Measure 2009 in relation to pastoral reorganisation

Terms of Office of Team Rectors, Team Vicars and other members of a team

The effect of [s.11\(4\)](#) and [Schedule 2](#) of the 2009 Measure was that after the 2009 Measure came into operation on 31 January 2011 the specified term of years for team rectors and team vicars in existing team ministries ceased to apply to all existing office holders apart from Team Rectors who opted not to go onto Common Tenure. Team Rectors had this option, like all other incumbents, but in their case they could only do so until the end of their existing terms of office. The terms of office of “opted out” Team Rectors cannot be extended on an opted-out basis and they will cease to hold their offices at the end of their current term unless they opt-in to Common Tenure before that date. It is good practice for the appropriate diocesan officer to remind them of this, say three months before their existing term expires. “Opted-in” Team Rectors hold their offices under Common Tenure until they reach the age of seventy as do other Common Tenure office holders. All other existing members of team ministries automatically moved onto Common Tenure on 31 January 2011 and are no longer on fixed terms. All office holders appointed to team ministries after 31 January 2011 hold their offices under Common Tenure

Suspension and Restriction of Presentation

The provisions for suspension of presentation under [s.85](#) of the Mission and Pastoral Measure 2011 and restriction of presentation under [s.87](#) were not affected by Common Tenure and a period suspension of presentation can still be renewed or a second suspension imposed during the same vacancy.

Priests-in-Charge of benefices subject to suspension or restriction on presentation

Priests-in-charge appointed to benefices where presentation is suspended or restricted because of possible pastoral reorganisation (or until a parsonage house is replaced) are on Common Tenure but their term of office, although not a fixed term, can be ended either by pastoral reorganisation as a result of which the office disappears or when the vacancy ends (i.e. the suspension or restriction is terminated and someone else is presented as incumbent). If the term of office ends as a result of pastoral reorganisation the priest-in-charge will be entitled to compensation of 12 months stipend and pension contributions and suitable accommodation for 12 months if not appointed by the pastoral scheme to an office with the equivalent or better emoluments, as would be the case for any other dispossessed common tenure office holder. , If the priest-in-charge’s term of office is ended because a new incumbent is appointed he or she becomes entitled to the same compensation by virtue of Regulation 30(5).. This applies however long the person has been Priest-in-Charge (e.g. where suspension of presentation has been renewed for one or more times) and

irrespective of whether they were licensed before or after [s.6](#) or [s.21](#) consultations under the Mission and Pastoral Measure 2011 began.

It is no longer necessary to suspend presentation to a benefice which is not regarded as a full-time post and is to be held with another post. It is now possible to appoint an incumbent to such a benefice on Common Tenure for a term which provides for termination on a specified event (i.e. ceasing to hold the other post). This is under Regulation 29(1)(d) if it falls under Regulation 29(4) and part of the remuneration (which includes accommodation and expenses as well as stipend) is provided by “a person or body other than a diocesan board of finance, parsonages board, parochial church council or the Commissioners” or under Regulation 29(1)(e) if it is held with another Church-funded post. This should be part of the person’s Statements of Particulars for both offices

Compensation for loss of office as a result of pastoral reorganisation

The Measure still provides that that incumbents or team vicars appointed to a benefice or team ministry and archdeacons appointed to an archdeaconry after [s.6](#) or [s.21](#) consultations under the Mission and Pastoral Measure 2011 have begun and whose posts are designated by the Bishop as subject to pastoral reorganisation are on “limited Common Tenure” and entitled to the Regulation 30(5) compensation if the reorganisation is completed within five years, rather than compensation under Schedule 4 of the Mission and Pastoral Measure 2011. However, since the relevant provisions of the Mission and Pastoral etc. (Amendment) Measure took effect on 1 July 2018 there is no difference between the compensation under Regulation 30(5) and that under Schedule 4 for dispossessions arising from pastoral schemes.

Appendix 1.8 – Ecclesiastical Offices (Terms of Service) Measure 2009 and Ecclesiastical Offices (Terms of Service) Regulations 2009: Effect in relation to Clergy housing

The impact of the Ecclesiastical Offices (Terms of Service) Measure and Regulations with regard to clergy housing was as follows:

Parsonage Houses

The Measure and Regulations did not alter the pre-existing law regarding parsonage houses. The parsonage continues to be benefice property, irrespective of whether the incumbent is a freeholder or on Common Tenure. The earlier proposal to transfer the ownership of parsonages to Diocesan Parsonages Boards or Diocesan Boards of Finance was defeated during the Measure's passage through General Synod. That being so, incumbents retain an effective right of veto on the disposal or acquisition of parsonages and parsonage land as any transfer will still require their signature.

The [Church Property Measure 2018](#) applies to sales, purchases, exchanges, and improvements of parsonages. Patrons and PCCs continue to have the right to have their objections to such transactions heard by the Commissioners. The consent of the Bishop and Diocesan Parsonages Board (DPB) is still be required for all transactions plus the consent of the Commissioners where a connected person is a party, where the transaction is not being carried out in accordance with the advice of a qualified agent or where there is an objection from a qualifying person.

The Repair of Benefice Buildings Measure 1972 continues to apply to all parsonages (regardless of who occupies them) and houses in any category of DBF ownership occupied by team vicars.

Other office holders' right to housing

All other full-time stipendiary office holders and all part-time office holders whose statements of particulars so provide are now entitled to be provided with a house of residence, except that a full-time stipendiary need not be provided with a place of residence if the statement of particulars for their office, with the office holder's agreement, specifies this. Where an office holder holds two part-time posts the statement of particulars will need to specify which post the place of residence is attached to. The duty to provide the place of residence lies with the relevant housing provider which for archbishops and diocesan bishops will be the Commissioners; for deans, residentiary canons and other stipendiary office holders in Holy Orders in a cathedral will be the Chapter; and for all other office holders will be the DPB. The DPB for this purpose is the body appointed or designated for that diocese under its scheme made under the Repair of Benefices Buildings Measure. All dioceses therefore already have a DPB although in most dioceses the Diocesan Board of Finance has been designated as the DPB

The relevant housing provider's duty is to oversee the provision of a place of residence which is reasonably suitable for the purpose. It need not provide the house itself as it may agree that another relevant housing provider will do so or arrange for another body, person or authority to do so. The Measure gives relevant housing providers powers to acquire and dispose of houses of residence and to carry out repairs, reduction, demolition, enlargement or alteration to them as appropriate. Where the DBF is the Parsonages Board this will be a distinct category of property ownership by the DBF alongside its glebe and corporate property and property held, as the Diocesan Authority, on behalf of PCC.

Regulated Transactions

Section 7 of the 2009 Measure provides for a regime for regulated transactions in respect of such places of residence equivalent to that under the Church Property Measure 2018. Disposal, purchase or exchange of properties directly owned by the housing provider (i.e. where the DBF is the DPB houses owned by it in that capacity but not those owned as diocesan glebe or corporate property) requires the approval of the Commissioners or, where they are the relevant housing provider, the Archbishops' Council, if it involves a connected person or is not in accord with a qualified agent's advice. In addition, for these transactions and for proposals to build, improve, reduce, enlarge or otherwise alter a house of residence the relevant housing provider must serve notice on the occupier or person for whose occupation the house is to be provided, the bishop and where there is a team ministry on all members of the team. For a diocesan bishop's house notice must also be served on the bishop's council and standing committee.

Those on whom notices are served may, within twenty-eight days, object to the proposed transaction in which case the objections must be considered by the Commissioners, or where they are the relevant housing provider, or their consent is required to the transaction, the Archbishops Council and the transaction cannot proceed unless the relevant housing provider satisfies them that it should.

Rights and Duties of Relevant Housing Providers and Occupiers

These are set out in Regulations 12-15 and apply similar provisions to those in the Repair of Benefice Buildings Measure to office holders' places of residence to which the RBBM does not already relate. Thus, the relevant housing provider must keep the property in repair; carry out quinquennial inspection reports and copy them to the occupier; pay council tax and any other outgoings specified in the office holder's statement of particulars; and keep the property insured. The relevant housing provider has a right to enter the property to carry out inspections and repairs. The occupier must allow access for these purposes; notify the relevant housing provider of repairs which are required; keep the property clean and free from deterioration; meet the cost of repairs made necessary as a result of damage or neglect by the occupier or his or her family; not use the property other than a place of residence or carry out repairs, additions or alterations without consent; observe the terms of any lease of covenant; notify the relevant housing provider of relevant notices from public authorities or

landlords; and vacate the property within one month of ceasing to hold the office or taking up a new office. In the event of the death of the occupier while in office his or her household may remain in occupation for up to three months or such longer period as may be agreed. These regulations only apply to houses directly provided by a relevant housing provider not to those provided by arrangement with another person or body such as a patron or a PCC.

This means that Regulations 12-15 do not apply to properties provided by the DBF as relevant housing provider which are held by it other than in its capacity as Diocesan Parsonages Board. However, given the underlying principle of Common Tenure that there should be parity between office holders and the undesirability of using a technical distinction to justify difference of treatment, it is strongly recommended that Dioceses apply the regime in Regulations 12-14 and the provisions of Section 7 and Regulations 16-17 regarding regulated transactions, through the medium of a licence occupy on the terms set out in those Regulations, to houses in glebe, or corporate ownership which it provides for occupation by office holders on common tenure.

Regulation 15 provides that any disputes relating to sections 4-6 of the Measure and Regulations 12-14 which cannot be settled under the Common Tenure grievance procedure shall be referred to and decided by a single arbitrator appointed by the President of the RICS.

Parsonages transferred to Diocesan ownership by Pastoral Schemes

The Mission and Pastoral Measure 2011 now includes provision, in s.45(1)(e), for a pastoral scheme to transfer a parsonage house no longer required as such as a result of pastoral reorganisation to the Diocesan Parsonages Board (as an additional option to transferring it for disposal; as diocesan glebe; or for diocesan or parochial purposes). There is also a reverse provision, in s.45(1)(c), for a house vested in a Diocesan Parsonages Board to be transferred to an incumbent as the parsonage house of a benefice. The expectation is that surplus parsonages which are to be used to house other common tenure office holders will be transferred to the Diocesan Parsonages Board, although the Commissioners will not insist on this where there is a diocesan policy to the contrary.

Appendix 1.9 – The Theology of Mediation: Some Brief Comments

In the New Testament a mediator (Greek, *mesites*) is one who “stands between” two opposing parties, usually to remove disagreement, misunderstanding, or alienation, and to promote a relationship of mutual understanding, acceptance, and reconciliation. The Mediator represents each party to the other. In the Epistle to the Hebrews Jesus Christ mediates between God and humankind. He shares in the human condition to represent humankind to God, and shares in the being of God to represent God to humankind. He mediates a new covenant, to establish the terms of the restored relationship (Hebrews 8:6; 9:15; 12:24). He is “Mediator” in 1 Timothy 2:5 and Galatians 3:19-20, and this becomes prominent in Calvin and the Reformers.

In the Old Testament Job cries out for a mediator, who will serve as a negotiator, arbiter, or umpire, and thus facilitate reconciliation between Job and God (Job 9:33). Such a negotiator will also interpret his case and defend his claims to innocence before a court (16:20-21). Job has become isolated from any who might understand his plea (19:13-19), and he longs for a mediator-helper (19:23-27). These themes draw on several Hebrew terms: *sah di*, advocate; *‘edi*, witness; and *sarsor*, negotiator, interpreter, broker.

The application to disagreements in contexts of pastoral or ecclesial affairs is clear. God wills restored relationships between humankind and God, and between human persons. Strong biblical traditions support the notion of calling in a “middle” (Greek *mesos*) party to represent each party to the other to interpret what may otherwise be misunderstood, and as a last resort perhaps to propose some kind of arbitration. In post-biblical Christian tradition to act as “go-between” (Greek *mesiteuo*) or mediator occurs frequently in the Church Fathers, including Origen, Chrysostom and Basil. Basil writes: “The complete elimination of suspicions and clashes... is impossible unless there be some trustworthy person to act a mediator (Greek *mesiteuo*) in the interest of peace” (Letters 156:1). A mediator may ensure that each side knows that it has been “heard”, and thereby facilitate acceptance, reconciliation, and ideally agreement.

Anthony C. Thiselton, 23rd March 2004

Appendix 1.10 – Mission, Pastoral and Church Property Committee: Role in relation to pastoral matters, code of conduct and 7 principles of public life

Introduction

1. The Mission, Pastoral and Church Property Committee is one of the Standing Committees of the Church Commissioners' Board of Governors and acts for the Board in matters relating primarily to pastoral reorganisation, church buildings, parsonages and diocesan glebe. The Committee comprises the Third Church Estates Commissioner (Chairman), two Diocesan Bishops, four other clergy, and four lay people and any such additional members as the Board shall from time to time appoint. The Pastoral and Closed Churches Secretary acts as Secretary to the Committee and is in turn supported by the staff of the Pastoral Division. The Committee has two main functions in relation to pastoral work:
 - ❑ **Quasi-judicial:** i.e. to consider representations against pastoral schemes and orders based on diocesan proposals under the Mission and Pastoral Measure 2011 ("the 2011 Measure");
 - ❑ **Advisory:** to produce in consultation with dioceses a Code of Recommended Practice to the 2011 Measure and to issue amendments from time to time as and when legislation or general policy changes.
2. This note deals with the Committee's quasi-judicial function under the 2011 Measure and explains the legal basis on which it must operate. The flowcharts in the Code summarise the procedures followed by the Commissioners when they receive representations.

The Mission and Pastoral Measure 2011

3. The 2011 Measure provides the legal machinery for reorganising the benefices and parishes which comprise the network of livings and territorial units which largely make up the Church of England. It also provides the process for closing churches which are no longer required for public worship, for disposing of parsonages made surplus in pastoral reorganisation, and for creating or altering team or group ministries. Major matters are dealt with by pastoral schemes and minor ones by pastoral orders. The main difference between the two processes is that, where the Commissioners have decided to proceed with a pastoral scheme notwithstanding adverse representations, objectors can seek leave from the Judicial Committee of the Privy Council to appeal against that decision. For pastoral orders, the Commissioners' decision is final.

Diocesan proposals, pastoral schemes/orders and the rights of third parties

4. In carrying out the duties set out in 7 below, the Diocesan Mission and Pastoral Committee ("the DMPC") consults the statutory interested parties and makes recommendations in the form of draft proposals to the Bishop who, if he is content with them, approves them. If the proposals include provision for the closure of a church for regular public worship (Part 4 of the 2011 Measure) the Bishop forwards them to the

Commissioners. Having checked that the proposals are *intra vires* and the procedures to date have been properly followed, the Commissioners' Pastoral Division then prepares and publishes a draft scheme and gives the statutory interested parties (and anyone else) an opportunity to make representations to the Commissioners for or against the draft. If the proposals do not contain provision for the closure of a church the Bishop returns them to the DMPC which drafts a scheme or order and after having it approved by the Commissioners undertakes its publication. Representations in that event are still made to the Commissioners (Part 3 of the 2011 Measure). It is the Commissioners' task - delegated to the Mission, Pastoral and Church Property Committee by the Board of Governors - to decide whether or not the scheme or order should be made, having considered any representations that are not otherwise resolved.

The consideration of cases by the Commissioners

5. Publication or approval by the Commissioners of a draft scheme or order does not mean that they have taken a prior view on the merits of the proposed scheme or order or any representations that may be made with respect to it. The publication of a draft scheme or order based on legitimate proposals is a legal requirement under the 2011 Measure and judgement by the Commissioners on the merits of the scheme or order is called for only if representations are received⁵.
6. There is no explicit guidance in the 2011 Measure as to the criteria by which the Commissioners should form an "opinion that any draft scheme should be made" (S.11(1) and S.26). Sections 11(2)(a) and 26(2)(a) make it clear that any statement in writing of the Commissioners' decision, and the reasons for the decision, should be with respect to the points made in representations. It follows that the Committee's consideration should be confined to matters raised in the representations and issues arising directly therefrom. General jurisdiction does not pass to the Commissioners simply because representations have been made, and the Committee is accordingly advised against querying aspects of the proposed scheme that are unconnected with the representations.
7. In general, when considering representations the Committee should look to the criteria to which the DMPC is required to have regard when formulating its proposals. Without prejudice to the General Duty in Part 1 "to have due regard to the furtherance of the mission of the Church of England", S.3(1) requires the DMPC to "have regard to worship, mission and community as central to the life and work of the Church of England". Section 3(2) goes on to record that the DMPC, and by extension the Commissioners, should also have regard to:

“(a) the financial implications for the diocese and the Church of England as a whole;

(b) subject to subsection (5), the need to allocate appropriate spheres of work and to ensure that appropriate conditions of service are enjoyed by those employed or holding office in the diocese and, where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls;

⁵ The exception is in the case of draft schemes under s. 58 or 59 where the Commissioners have to be satisfied with the proposals for future of the church to be closed (which is being settled at the same time).

- (c) the traditions, needs and characteristics of particular parishes; and
- (d) any other aspects of the policies of the diocesan synod to which the synod has requested the committee to have regard in discharging its responsibilities.”

Section 3(3) also provides that it shall be the duty of the DMPC:

- “(a) to make or assist in making better provision for the cure of souls in the diocese as a whole and, to the extent that the committee thinks appropriate, in particular parts of the diocese or in particular parishes;
- (b) from time to time, as the bishop may direct, or as the committee thinks fit, to review arrangements for pastoral supervision and care in the diocese as a whole and, to the extent that the committee thinks appropriate, in particular parts of the diocese or in particular parishes (including sharing agreements in respect of a church or parsonage house and any proposals for sharing agreements);
- (c) from time to time, as the bishop may direct, or as the committee thinks fit, to prepare strategies or proposals for carrying out the committee’s functions under paragraphs (a) and (b) for submission to the bishop and the diocesan synod for their approval;
- (d) to maintain an overview of matters relating to church buildings in the diocese and their use, other than matters which are within the jurisdiction of the consistory court or within the functions of the Diocesan Advisory Committee;
- (e) in the case of listed buildings or buildings in a conservation area, to make, in accordance with section 55, every endeavour to find a suitable alternative use or suitable alternative uses for churches which are proposed to be closed and buildings which have been closed for regular public worship in the diocese under a pastoral church buildings scheme and, in the case of any other such building, to develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and the disposal of its site;
- (f) where it considers it desirable, to make recommendations to the bishop in accordance with section 6 or 21 for any of the matters for which provision may be made under this Measure (other than section 50) by a pastoral scheme or order; and
- (g) to carry out any other functions conferred upon a mission and pastoral committee of a diocese by any enactment.”

8. As the Measure provides that the diocesan synod may request the DMPC to have regard to any other matters of diocesan policy, the Commissioners (and hence the Committee) should again also have regard to any such diocesan policy as is brought to their attention.
9. A major test which the Committee will wish to address during the consideration of representations is whether the criteria set out in S.3 of the 2011 Measure have been satisfied. There is also some guidance available in the Measure regarding, for example,

closure of churches and patronage (e.g. it is mandatory for the DMPC (in considering patronage provisions) to have regard to the interests of persons whose rights of patronage will cease to exist as a result of planned reorganisation). The 2011 Measure Code of Recommended Practice deals with these and other matters, and under s.98 the DMPC has to have regard to the advice set out by the Commissioners in the Code of Practice. Subject to these general tests, the Committee is entitled to take a view on the merits of the points raised in the representations when adverse representations have been made. However, the Committee should not lightly seek to substitute its judgement on the detail of the proposed reorganisation for that of the diocese. S.10(1)(b) and 25(1)(b) of the 2011 Measure record that the Commissioners, as a result of any representations, may amend any draft scheme or order prepared under Parts 3 or 4, but any such amendments shall only be made with the agreement of the bishop given after consultation with the DMPC.

10. Thus while there may be an opportunity for the Committee to share possible alternative proposals with the bishop and his advisers, the Commissioners cannot require the bishop to take a course of action which he is unwilling to follow. Nor must the Committee prejudice any representations that might be made with respect to a draft scheme or order based on the original proposals or on any alternative proposals. Unless the bishop chooses to promote alternative proposals the Committee has two ultimate choices in every representation case brought before it:
 - (i) to decide that the proposed scheme or order should be made; or
 - (ii) to decide that the proposed scheme or order should not be made.
11. In both cases, they must give cogent reasons for their decision. When the decision on a draft scheme is (i) above, any objector has the right to seek Leave to Appeal against that decision from the Judicial Committee of the Privy Council (see 14 – 18 below).
12. In theory, the diocese or anyone who had made representations in favour of a scheme or an order could seek a Judicial Review of the process if the Committee were to decide that a scheme or order should not proceed. This would also apply to an objector to a draft order which had been allowed to proceed. The grounds on which a Judicial Review might be granted are, however, limited and broadly similar to those set out in the Birkenhead Judgement (see 19 - 21 below).
13. Under Ss.9(4) and 24(4) of the 2011 Measure the Commissioners may, if they think fit, afford an opportunity to any person, whether (s)he has made written representations or not, to make oral representations with respect to the draft scheme or order. Their practice is for this to take place in a formal public hearing by the Committee. However it is also open to the Committee to appoint a Sub-Committee to visit the area.

Leave to Appeal

14. In various Judgements delivered by the Judicial Committee of the Privy Council under the Pastoral Measure 1968 when there was an automatic right of Appeal (the process of seeking Leave to Appeal having been introduced by the later Pastoral Measure 1983) their Lordships have made it clear that in general "they will not, unless for irregularity of procedure, for excess of jurisdiction, or on cogent evidence of erroneous judgement,

refuse to confirm a Pastoral Scheme" (Holy Trinity Birkenhead PCC v the Church Commissioners, May 1974).

15. In the case of *Morton and Others v the Church Commissioners* in June 1973 their Lordships noted that "while they have power to consider any Scheme submitted to them *de novo* on its merits as they appear to them yet they ought not save for the most cogent reasons to dissent from recommendations which have the approval of the (Diocesan) Mission and Pastoral Committee, the Bishop and the Church Commissioners". This was built on by the Birkenhead judgement referred to above wherein it was recorded that "in order to emphasise what has been said over and over again that their Lordships will be very reluctant to substitute their own judgement, based necessarily on a limited knowledge of all the local factors involved as to what is in the pastoral interests of a diocese or a parish".
16. This was echoed in *Cheesman and Others v the Church Commissioners* (March 1999) in the only appeal to be heard under the then 1983 Measure. It was recorded that the Appeal Board "must have in mind that the Scheme has the support of responsible bodies within the Church of England which in some cases, and this is such a case, have considered and weighed the very objections now being urged in support of the appeals".
17. In turning down an application for leave to Appeal under the 1983 Measure in 2012 the Judicial Committee for the first time gave reasons for its decision and indicated that it would only grant Leave to Appeal "if it is arguable that the decision was manifestly wrong or there was an error of principle or serious procedural irregularities."
18. It is clear from the above that, before agreeing to the making of a scheme notwithstanding adverse representations or subsequently to defend an appeal (if Leave were given for the same), the Committee needs to be satisfied that the S.3 criteria have been met and that the case has been handled in accordance (a) with the procedures laid down by the 2011 Measure and (b) with administrative law and best administrative practice.

Administrative Law/Judicial Review

19. In considering matters under the 2011 Measure, the Commissioners have a duty to the public and not just to those who make representations. Judicial Review is not concerned with the merits of a decision (unless it is irrational), but the process by which the decision was made. The grounds for an action have been classified as illegality, irrationality and procedural impropriety. The Human Rights Act is now also a factor, with any Court being under a positive duty to give effect to the European Convention on Human Rights.

Illegality

20. The decision makers must understand correctly the law that regulates their decision and must give effect to it. An action claimed to be *ultra vires* or an abuse of power would provide material for a review.

Irrationality

21. This is the test of reasonableness. A review could only succeed on this count if it could be demonstrated that the decision was one which no reasonable tribunal could have reached on the information before it.

Procedural Impropriety

21. This covers a variety of cases, most importantly those which involve a breach of "natural justice". There is no universal definition of this expression, but it is generally understood to mean a duty to act fairly - that is to arrive at a decision fairly, not necessarily to arrive at a fair decision. This would include the principles of listening to both sides of the arguments and not being a judge of one's own cause. The "right to a fair trial" under the Human Rights Act reinforces this.

NB. A flowchart showing the procedure followed by the Commissioners' Pastoral Division upon receipt of any representations against a draft pastoral scheme or order is included at [Appendix 1.4](#) of Volume 1 of the Code (relating to pastoral schemes and orders), and Appendix 2.3 of Volume 2 (relating to pastoral church buildings schemes).

Church Commissioners for England

CODE OF CONDUCT

FOR COMMISSIONERS AND OTHERS WHO SERVE AS MEMBERS OF THE BOARD OF GOVERNORS AND ITS COMMITTEES

Introduction

The Church Commissioners work on behalf of the Church of England and are an integral part of Her Christian witness to the nation. Living out this witness implies that:

1. Members of the Board of Governors and its Committees ('members') must at all times
 - observe the highest standards of impartiality, integrity and objectivity in relation to the business and management of the Church Commissioners for England; and
 - be accountable to the General Synod and Parliament, and to the Church and public more generally for the activities of the Church Commissioners and for the standards of service it provides.

Standards in Public Life

2. All members must:
 - follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life;
 - comply with this Code of Conduct, and ensure that they understand their duties, rights and responsibilities, and that they are familiar with the function and role of the Board of Governors and/or of any of its Committees on which they serve;
 - not misuse information gained in the course of their service to the Church and public for personal gain, nor seek to use the opportunity of such service to promote their private interests or those of connected persons, bodies or other groups or organisations to which they belong.

Role of Members

3. Members have collective responsibility for the activities and decisions of the Board of Governors and/or the Committees on which they serve. They must engage fully in collective consideration of the issues, taking account of the full range of factors, including the statutory and other powers under which they operate and, in the case of Committees, any guidance issued by the Board of Governors. They must abide by the decisions reached.

4. Members will receive much information that has not yet been made public and is still confidential for proper reasons (e.g. matters awaiting final decision by the Board or a committee). Some members will receive information that must always remain confidential for proper reasons (e.g. commercial terms). Members must not breach such confidences.

Handling Conflicts of Interest

5. The purpose of these provisions is to avoid any danger of members being influenced, or appearing to be influenced, by their private interests (or the interests of those persons or bodies they are closely connected with) in the exercise of their duties as a member.

Registration of Interests

6. All members should register in the Members' Register of Interests any personal interest which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so.
7. In particular, members should register:
 - a) relevant personal direct and indirect pecuniary interests;
 - b) relevant direct and indirect pecuniary interests of close family members of which members could reasonably be expected to be aware; and
 - c) relevant personal non-pecuniary interests, including those which arise from membership of Church, and other bodies, groups or organisations.

In this paragraph:

“relevant” interest, whether pecuniary or non-pecuniary, and whether direct or indirect, means any such interest which might influence the judgement of a member, or which could be perceived (by a reasonable member of the public) to influence his or her judgement, in the exercise of his or her duties;

“indirect pecuniary interest” means an interest which arises from connection with bodies which have a direct pecuniary interest; and

“close family members” include spouses, personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

8. The Members' Register of Interests should be kept up-to-date and be open to public inspection (and such availability be publicised at least annually).

Oral declaration of interests

9. An oral declaration of a relevant interest should be made at any meeting of the Board of Governors or of its Committees (and notwithstanding its inclusion in the Members'

Register of Interests) if it relates specifically to a particular issue under consideration and should be recorded in the minutes of the meeting.

Withdrawal from meetings

10. If the outcome of any discussion at a meeting of the Board of Governors or of any of its Committees could have an effect on any relevant pecuniary interest of a member or person or body connected to a member, or an effect on a non-pecuniary interest that is more than the generality of those affected, that member should not participate in the discussion or determination of the matters that might affect that interest and should withdraw from the meeting.

Lobbying of other members

11. A member should not seek to lobby fellow members about a matter in which he or she (or a connected person or body) has a relevant interest.

Gifts and Hospitality

12. Members must treat with great care any offer or gift, favour or hospitality that is made personally and in connection with their service as a member. Members should only accept gifts of nominal value.
13. Members should only accept hospitality in connection with their service as a member where it is commensurate with the style, presentation and value which it would be appropriate for a public body to provide on a reciprocal basis when acting as host.

Adopted by the Board of Governors on 25 May 2000

The Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands this.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.