

Mission and Pastoral etc. (Amendment) Measure

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Schedule – Schedule 1A to be inserted into the Incumbents (Vacation of Benefices) Measure 1977

DRAFT of a Measure to amend and simplify certain provisions of the Mission and Pastoral Measure 2011, the Endowments and Glebe Measure 1976 and the Patronage (Benefices) Measure 1986; and for connected purposes.

1 Pastoral schemes and orders: consultation

- (1) In section 6 of the Mission and Pastoral Measure 2011 (pastoral schemes and pastoral orders: formulation and submission of draft proposals), after subsection (8) insert –
- “(8A) The duties under subsections (1), (5) and (6) do not apply in relation to a plan for pastoral reorganisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan if –
- (a) the plan has also been approved by the mission and pastoral committee,
- (b) the draft proposals submitted under subsection (7) are to the same effect, or substantially the same effect, as the plan as so approved,
- (c) the interested parties have been consulted on the plan, and
- (d) any person holding office under Common Tenure whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee.
- (8B) The duty under subsection (8) does not apply to draft proposals which relate to a plan of the kind referred to in subsection (8A).”
- (2) After subsection (9) of that section insert –
- “(10) The reference in subsection (1) to the interested parties includes a reference to any other person who the mission and pastoral committee considers might be affected by the matters in question; and the references in subsections (5), (6), (8) and (8A) to the interested parties are accordingly to be read as including a reference to those other persons.”
- (3) In section 7 of that Measure (approval by bishop of draft proposals), in subsection (3), after “the statement referred to in section 6(8)” insert “(unless, as a result of section 6(8B), it is not required)”.
- (4) In section 21 of that Measure (pastoral church building schemes: formulation and submission of draft proposals), after subsection (9) insert –
- “(9A) The duties under subsections (1), (4) and (5) do not apply in relation to a plan for pastoral organisation which has been approved by the deanery synod of each deanery which would be affected by implementation of the plan if –

- (a) the plan has also been approved by the mission and pastoral committee,
- (b) the draft proposals submitted under subsection (8) are to the same effect, or substantially the same effect, as the plan as so approved, 5
- (c) the interested parties have been consulted on the plan, and
- (d) any person holding office under Common Tenure whose office would or might be abolished if the plan took effect has had an opportunity to meet the mission and pastoral committee.
- (9B) The duty under subsection (9) does not apply to draft proposals which relate to a plan of the kind referred to in subsection (9A).” 10
- (5) After subsection (10) of that section insert—
- “(11) The reference in subsection (1) to the interested parties includes a reference to any other person who the mission and pastoral committee considers might be affected by the matters in question; and the references in subsections (4), (5), (9) and (9A) to the interested parties are accordingly to be read as including a reference to those other persons.” 15
- 2 Pastoral schemes and orders: preparation by the Commissioners**
- (1) In section 7 of the Mission and Pastoral Measure 2011 (approval by bishop of draft proposals and preparation of draft scheme), in subsection (1)— 20
- (a) after “he shall” insert “—
- (a) ”, and
- (b) at the end insert “, or
- (b) send the proposals to the Commissioners, with any amendments, for the preparation of a draft scheme or order and, having done that, inform the mission and pastoral committee.” 25
- (2) In subsection (2) of that section, after “the mission and pastoral committee” insert “or the Commissioners (as the case may be)”. 30
- (3) In subsection (3) of that section, for the words from the beginning to “shall prepare” substitute “Where the proposals are returned to the mission and pastoral committee under subsection (1)(a), the committee shall, on receipt of the proposals, prepare”. 35
- (4) After subsection (3) of that section insert—
- “(4) Where the proposals are sent to the Commissioners under subsection (1)(b), the Commissioners shall, on receipt of the proposals, consider whether the procedures set out in section 6 have been properly applied.
- (5) If the Commissioners consider that the procedures set out in section 6 have been properly applied, they shall— 40
- (a) prepare a draft scheme or order giving effect to the proposals, with any amendments, and
- (b) send a copy of the draft scheme or order to the mission and pastoral committee.

- (6) If the Commissioners consider that the procedures set out in section 6 have not been properly applied, they shall return the proposals to the bishop; and the bishop, having received the proposals from the Commissioners, shall return them to the mission and pastoral committee for further consideration.” 5
- (5) In section 8 of the Mission and Pastoral Measure 2011 (consideration of draft scheme or order by Commissioners), in subsection (1), for “under section 7” substitute “by the mission and pastoral committee under section 7(3),”.
- (6) In subsection (7) of that section, after “prepare a new draft scheme or order under section 7” insert “or request the Commissioners to do so”. 10
- 3 Pastoral schemes and orders: notice, publication and amendment**
- (1) In section 9 of the Mission and Pastoral Measure 2011 (pastoral schemes and orders: notice and publication), in subsection (1), for “prepared under section 7” substitute “prepared by it under section 7(3)”. 15
- (2) After subsection (1) of that section insert –
- “(1A) The Commissioners shall serve a copy of any draft scheme or order prepared by them under section 7(5) on each of the interested parties, together with such a notice as is mentioned in subsection (1).”
- (3) After subsection (1A) (inserted by subsection (2)) insert –
- “(1B) The Commissioners shall, in the case of every draft scheme or order, publish the draft online together with a notice stating the objects of the draft and that written representations may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after such publication.” 20
- (4) In subsection (2) of that section – 25
- (a) after “the mission and pastoral committee” insert “or the Commissioners (whichever of them prepared the scheme)”,
- (b) in paragraph (b), after “stating the objects of the scheme” insert “, specifying the address online at which the notice is published under subsection (1B)”, and 30
- (c) in that paragraph, for the words from “a date not less than” to the end substitute “the date specified for the purposes of subsection (1B)”.
- (5) In subsection (3) of that section – 35
- (a) after “every draft scheme or order” insert “prepared by it, and the Commissioners shall, in the case of every draft scheme or order prepared by them”,
- (b) after “require him or her” insert “ –
- (a) ” and
- (c) at the end insert “, and
- (b) to ensure that, at at least one service held at each of those churches or buildings during the period within which written representations may be made in accordance with the notice, the person conducting the service informs the congregation of the contents of the notice.” 40
- (6) In section 10 of the Mission and Pastoral Measure 2011 (power of 45

Commissioners to amend draft scheme or order), after subsection (2) insert –

- “(3) The power under subsection (1) to amend a draft scheme or order includes power to amend it so as to give effect instead to proposals included in representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind – 5
- (a) subsection (2) does not apply, and
- (b) the Commissioners shall instead carry out such consultation on the amended draft scheme or order as they think appropriate.”
- (7) In section 24 of that Measure (church building schemes: notice and publication), in subsection (2) – 10
- (a) after paragraph (a) (but before the following “and”) insert –
- “(aa) publish the draft scheme or notice online together with a notice stating the objects of the draft scheme and that written representations may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after such publication;”, 15
- (b) in paragraph (b), after “stating the objects of the scheme” insert “, specifying the address online at which the notice is published under paragraph (aa)”, and 20
- (c) in that paragraph, for the words from “a date not less than” to the end substitute “the date specified for the purposes of paragraph (aa)”. 25
- (8) In subsection (3) of that section –
- (a) after “require him or her” insert “ – 25
- (a) ” and
- (b) at the end insert “, and
- (b) to ensure that, at at least one service held at each of those churches or buildings during the period within which written representations may be made in accordance with the notice, the person conducting the service informs the congregation of the contents of the notice.” 30
- (9) In section 25 of the Mission and Pastoral Measure 2011 (power of Commissioners to amend draft scheme), after subsection (2) insert –
- “(3) The power under subsection (1) to amend a draft scheme includes power to amend it so as to give effect instead to proposals included in representations made to the Commissioners on the draft; and where the Commissioners make amendments of that kind – 35
- (a) subsection (2) does not apply, and
- (b) the Commissioners shall instead carry out such consultation on the amended draft scheme as they think appropriate.” 40

4 Team and group ministries

- (1) In section 34 of the Mission and Pastoral Measure 2011 (establishment of team ministries), in subsection (3) (authorisation to serve as team member), for “with the consent of a majority of the other members of the team and of” substitute “after consultation with the other members of the team and with”. 45
- (2) In subsection (6) of that section (responsibility of rector), omit from “; and the scheme” to the end.

- (3) In subsection (7) of that section (authority of vicar) –
- (a) omit “the scheme or, subject to the scheme,”, and
 - (b) omit “(subject to the scheme)”.
- (4) In subsection (8) of that section (responsibility of certain team ministry members for pastoral care) – 5
- (a) for the words from the beginning to “any member of the team” substitute “The bishop’s licence may assign to any member of a team ministry”, and
 - (b) omit “(subject to the scheme)”.
- (5) Omit the following provisions of that section – 10
- (a) subsection (11) (duty of rector to convene meetings);
 - (b) subsection (12) (right of members to request meetings);
 - (c) subsection (15) (duty of rector to inform members of statutory notices);
 - (d) subsection (18) (definition of expressions used in subsection (15)).
- (6) In subsection (16) of that section (appointment of vicar to act as rector when vacancy arises), for “, (6) and (11)” substitute “and (6)”. 15
- (7) In paragraph 1 of Schedule 3 to the Mission and Pastoral Measure 2011 (supplementary provisions relating to pastoral schemes etc: team and group ministries), in sub-paragraph (1), for the words from “either” to the end substitute “by a patronage board constituted by the scheme”. 20
- (8) In sub-paragraph (3) of that paragraph, omit “or the diocesan board of patronage”.
- (9) Omit sub-paragraph (11) of that paragraph.
- (10) In paragraph 2 of that Schedule, omit sub-paragraphs (1) to (4).
- (11) For sub-paragraph (5) of that paragraph substitute – 25
- “(5) The vicar or vicars in a team ministry, other than the first holder of the office in the team, if designated by the pastoral scheme establishing the ministry, shall be chosen by the bishop and the rector jointly.”
- (12) In sub-paragraph (6) of that paragraph, for the words from the beginning to “, they” substitute “Before choosing a person to be a vicar in a team ministry, the bishop and rector”. 30
- (13) In sub-paragraph (7) of that paragraph –
- (a) in paragraph (a), for the words from the beginning to “as such” substitute “The bishop and rector shall not make any person an offer of appointment as vicar in a team ministry”, and 35
 - (b) in paragraphs (b), (c) and (d), for “the body or other persons”, in each place it appears, substitute “the bishop and rector”.
- (14) In sub-paragraph (10), omit “(2), (3), (4) and”.

5 Compensation of clergy

- (1) For section 40 of the Mission and Pastoral Measure 2011 substitute –

“40 Compensation of clergy

Schedule 4 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure and incumbents and archdeacons who are not) has effect.” 5

- (2) For Schedule 4 to that Measure substitute –

“SCHEDULE 4

COMPENSATION OF CLERGY

Persons entitled to compensation 10

- 1 (1) Each of the following is entitled to compensation under this Schedule –
- (a) the holder of an ecclesiastical office who is subject to Common Tenure whose office is abolished by or as the result of a pastoral scheme or order; 15
 - (b) the incumbent of a benefice dissolved by a pastoral scheme, or deemed to be vacated by virtue of section 39, who is not subject to Common Tenure;
 - (c) the archdeacon of an archdeaconry dissolved by a pastoral scheme who is not subject to Common Tenure. 20
- (2) But a person who comes within sub-paragraph (1) is not entitled to compensation under this Schedule if the pastoral scheme or order also provides for the person’s appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent level.
- 2 (1) This paragraph applies if the holder of an ecclesiastical office who is subject to Common Tenure, or the incumbent of a benefice or an archdeacon who is not so subject, agrees with the mission and pastoral committee that compensation will be payable if he or she resigns from the office in question to enable a pastoral scheme or order to come into operation or to facilitate its coming into operation. 25
- (2) The person is entitled, on resignation following the making of the scheme or order, to compensation under this Schedule.
- (3) But an agreement to the effect mentioned in sub-paragraph (1) is of no effect, and sub-paragraph (2) accordingly does not apply, in a case where the pastoral scheme or order also provides for the person’s appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent level. 35

Amount of compensation

- 3 (1) The amount of compensation payable to a person under this Schedule is – 40
- (a) six months’ stipend,
 - (b) the amount that would be required by way of contribution under section 4(1) of the Pensions Measure 1997 for six

- months' service by the person in the office in question on that stipend, and
- (c) if the number of whole years for which the person has been in stipendiary ecclesiastical service is seven or more, the amount calculated by multiplying that number of whole years by one month's stipend. 5
- (2) In sub-paragraph (1), the references to a stipend are to the stipend that the person was receiving immediately before ceasing to hold the office in question.
- (3) Where the number of whole years for which a person has been in stipendiary ecclesiastical service exceeds 21, the number of whole years for the purposes of the calculation in sub-paragraph (1)(c) is 15 (so as to ensure that, taking into account sub-paragraph (1)(a), the maximum number of months by reference to which compensation will be reckoned is 21). 10
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- (4) In determining the length of a person's stipendiary ecclesiastical service, no account is to be taken of any period of service which was included in the calculation of a previous entitlement to compensation under this Schedule.
- (5) "Stipendiary ecclesiastical service" has the same meaning as it has in regulations for the time being in force under section 6 of the Clergy Pensions (Amendment) Measure 1972. 20

Payments of compensation

- 4 (1) A payment of compensation under this Schedule is to be made as a lump sum by the diocesan board of finance. 25
- (2) The payment is to be charged on the capital account or the income account of the diocesan stipends fund; the board has the function of deciding on a case by case basis which account to charge.

Housing

- 5 (1) This paragraph applies where a person entitled to compensation under this Schedule was, immediately before ceasing to hold the office in question, occupying a parsonage house or other official residence for the better performance of the duties of the office. 30
- (2) The diocesan board of finance must provide the person with accommodation which is suitable for him or her, and the family members with whom he or she lives, for a period of six months beginning with the date on which the person ceases to hold the office in question. 35
- (3) In sub-paragraph (2), the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation. 40

Power to amend

- 6 (1) The Archbishops' Council may by order—
(a) amend the preceding provisions of this Schedule, and

- (b) make consequential amendments to this or any other Measure or any instrument made under this or any other Measure.
- (2) An order under this paragraph may not be made unless—
- (a) a draft of the order has been laid before the General Synod and approved by it with or without amendment, and
- (b) the draft so approved has been referred to the Archbishops' Council. 5
- (3) On referral of the draft, the Council must—
- (a) if the draft was approved without amendment, make the order by applying its seal, or
- (b) if the draft was approved with amendment—
- (i) make the order by applying its seal, or
- (ii) withdraw the draft for further consideration. 10
- (4) An order under this paragraph comes into force when it is sealed by the Council. 15
- (5) If the Business Committee of the General Synod determines that a draft of an order under this paragraph does not need to be debated by the General Synod, the draft is to be treated as approved for the purposes of this paragraph unless a member of the General Synod gives notice in accordance with its standing orders that he or she—
- (a) wishes the draft order to be debated, or
- (b) wishes to move an amendment to it. 20
- (6) The power to make an order under this paragraph is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—
- (a) as if the order had been made by a Minister of the Crown, and
- (b) as if this Measure were an Act of Parliament providing for the instrument containing the order to be subject to annulment in pursuance of a resolution of either House of Parliament.” 25 30
- (3) In Schedule 1 to the Mission and Pastoral Measure 2011 (constitution and procedure of the mission and pastoral committee), in paragraph 9 (which specifies functions which the committee may not delegate to a sub-committee), omit “and its functions under Schedule 4”.
- (4) In section 12A of the Incumbents (Vacation of Benefices) Measure 1977 (right of appeal against findings of provincial tribunal), in subsection (5), for the words from “in the same way” to the end substitute “in accordance with Schedule 1A”. 35
- (5) After Schedule 1 to that Measure insert the Schedule 1A set out in the Schedule to this Measure. 40

6 Bishop's pastoral order

- (1) After Part 5 of the Mission and Pastoral Measure 2011 insert—

“PART 5A**BISHOP'S PASTORAL ORDER**

54A Bishop's pastoral order	5
(1) The bishop may by order provide for any of the following matters—	
(a) the alteration or definition of the boundaries of an extra-parochial place;	
(b) the alteration of the name of a benefice or parish;	
(c) the holding in plurality of two or more benefices;	10
(d) the creation or alteration of an archdeaconry;	
(e) the dissolution of a vacant archdeaconry;	
(f) the creation, alteration or dissolution of a deanery;	
(g) the alteration of the name of an archdeaconry or deanery;	
(h) the termination of a group ministry by abolishing the rights and duties attaching to the benefices in the group under section 35;	15
(i) the alteration of a team ministry by abolishing an office of vicar which is vacant or increasing the number of the offices of vicar;	
(j) the alteration of a team ministry by transferring a right of patronage held by the diocesan patronage board;	20
(k) the designation of the first incumbent of a new benefice or of two or more benefices to be held in plurality;	
(l) the designation of a house as the place of residence of a vicar in a team ministry;	
(m) the designation of a parsonage house as such.	25
(2) An order under this section is referred to as a “bishop's pastoral order”.	
(3) A bishop's pastoral order which provides for the creation of a new archdeaconry or deanery must name the archdeaconry or deanery.	
(4) Before making a bishop's pastoral order, the bishop must consult such persons, groups of persons or organisations as the bishop thinks fit.	30
54B Supplementary provisions	
(1) A bishop's pastoral order may contain such supplementary or consequential provisions as appear to the bishop to be necessary or expedient for giving effect to the purposes of the order.	
(2) A bishop's pastoral order must, where the bishop considers it appropriate, have a map or plan annexed showing the changes made by the order.	35
(3) A bishop's pastoral order may provide that the order, or specified provisions of it, are to come into operation on a specified date or on the happening of a specified event or contingency; and different dates, events or contingencies may be specified for different provisions.	40
(4) A bishop's pastoral order must be signed by the bishop or a person authorised by the bishop.	

(5) The bishop must send a copy of a bishop's pastoral order to the Commissioners.

(6) Where a bishop's pastoral order makes provision for the holding in plurality of two or more benefices, section 32 applies in relation to the order as it applies in relation to a pastoral scheme making such provision.

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54C Amendment and revocation

(1) A bishop's pastoral order may be amended or revoked by a subsequent bishop's pastoral order.

(2) An amending order may provide for any matters for which provision could have been made by the order to be amended.

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(3) A bishop's pastoral order, or a specified provision of it, may be amended or revoked under this section before it comes into operation.

(4) Where a bishop's pastoral order has made provision for the holding in plurality of two or more benefices and the provision has been terminated, the bishop may, by instrument, make such consequential amendments to the order as the bishop thinks fit.

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(5) The bishop must send a copy of an instrument under subsection (4) to the Commissioners."

(2) In section 87 of the Mission and Pastoral Measure 2011 (the title to which becomes "Restrictions on presentation pending making of pastoral schemes or orders or bishop's pastoral orders"), after subsection (3) insert—

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"(3A) Where the bishop proposes to make a bishop's pastoral order containing provision under section 54A(1)(k) (designation of first incumbent or a new benefice or of two or more benefices to be held in plurality)—

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(a) the bishop must give notice of the proposal to the patron concerned, and

(b) the patron's right of presentation to the new benefice or benefices may not be exercised after the date on which the bishop gives notice under paragraph (a) until the order containing the provision comes into operation."

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7 Churches Conservation Trust: number of members

In section 57 of the Mission and Pastoral Measure 2011 (appointment of Churches Conservation Trust), in subsection (2), for "nor more than nine other members" substitute "nor more than eleven other members".

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8 Buildings closed for regular public worship: consultation, etc.

(1) In section 62 of the Mission and Pastoral Measure 2011 (procedure for making pastoral (church building disposal) schemes), in subsection (4)—

(a) after "serve a copy of the draft scheme" insert "—

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(a) on the diocesan board of finance only," and

(b) after paragraph (a) insert "or

(b) if subsection (5A) applies,".

- (2) In subsection (5) of that section, at the beginning insert “If subsection (5A) applies,”.
- (3) After subsection (5) of that section, insert –
- “(5A) This subsection applies if –
- (a) there are burials in the building closed for regular public worship or in any churchyard or burial ground annexed to it, 5
 - (b) the scheme provides for the demolition of the building, or
 - (c) the scheme provides for the building to vest in the Churches Conservation Trust.”
- 9 Bishop’s mission order 10**
- (1) In section 81 of the Mission and Pastoral Measure 2011 (the Visitor), in subsection (1) (functions) –
- (a) omit “, on behalf of the bishop or bishops”,
 - (b) in paragraph (a), at the beginning insert “on behalf of the bishop or bishops”, and 15
 - (c) omit paragraphs (b) and (d) to (f).
- (2) After that subsection insert –
- “(1A) The Visitor may take such other steps as the Visitor thinks fit for ensuring the proper governance of the mission initiative.”
- (3) Omit subsection (3) of that section. 20
- (4) In section 82 of that Measure (supplementary provisions), in subsection (6) (right of leader to make representations), for “the mission and pastoral committee or committees” substitute “the bishop or bishops”.
- (5) In subsection (7) of that section (duration of order) –
- (a) after “shall specify its duration” insert “(which may be defined or indefinite)”, and 25
 - (b) omit the words from “, but” to the end.
- (6) After subsection (8) of that section –
- “(8A) The bishop or bishops shall send a copy of each of the following to the Commissioners – 30
- (a) any bishop’s mission order;
 - (b) any order varying or revoking a bishop’s mission order;
 - (c) any supplementary instrument;
 - (d) any instrument varying or revoking a supplementary instrument.” 35
- (7) In section 83 of that Measure (review of duration of mission initiatives), in subsection (1), for the words from the beginning to “under section 82(7),” substitute “In the case of a bishop’s mission order of defined duration, the Visitor shall conduct a review of the mission initiative not less than six months before the expiry of the order,”. 40
- (8) In subsection (2) of that section (Visitor’s recommendations), for “the period (not exceeding five years) of the renewal” substitute “the duration of the renewal (which may be defined or indefinite)”.

- (9) In subsection (5) of that section (duration of further order etc.), for the words from “and the order shall continue” to the end substitute “(which may be defined or indefinite) and the order shall continue in force accordingly.”
- (10) In subsection (6) of that section (duty to report on further orders), after “a further order under subsection (4)” insert “that is of defined duration,”. 5
- (11) In subsection (8) of that section (orders containing provision for participation in local ecumenical project), after “Where a bishop’s mission order” insert “of defined duration”.
- (12) In subsection (11) of that section (orders and supplementary instruments: procedural requirements etc.), for “and (6)” substitute “, (6) and (8A)”. 10
- 10 Removal of requirement to give notice of certain dealings in glebe land**
- (1) In section 20 of the Endowments and Glebe Measure 1976 (powers of diocesan boards of finance to deal with diocesan glebe land), omit subsections (5) to (7) (which require notice in certain cases to be given to the incumbent, PCC etc).
- (2) In subsection (2A) of that section, omit “Subject to subsection (6B) below and”. 15
- (3) In subsection (8) of that section, for “such land as is referred to in subsection (6) above” substitute “land which had it not become diocesan glebe land would be an excluded part of a parsonage house”.
- (4) In Schedule 3 to that Measure (transactions for which Commissioners’ consent is required), for “Lease of such land as is referred to in section 20(6) of this Measure” substitute “Lease of land which had it not become diocesan glebe land would be an excluded part of a parsonage house.” 20
- (5) In consequence of the repeals made by this section, omit the following –
- (a) in Schedule 3 to the Church of England (Miscellaneous Provisions) Measure 1992, paragraph 13, 25
 - (b) section 14(2) of the Team and Group Ministries Measure 1995,
 - (c) in Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2000, paragraph 5(e) and (f), and
 - (d) in Schedule 3 to the Church of England (Miscellaneous Provisions) Measure 2005, paragraph 2(c) and (d). 30
- 11 Right of patronage to lapse to diocesan bishop**
- (1) In section 16 of the Patronage (Benefices) Measure 1986 (presentation to benefices remaining vacant for nine months), for subsection (1) substitute –
- “(1) This section applies where –
- (a) a benefice of which the registered patron is a person other than the bishop becomes vacant, and 35
 - (b) no notice of presentation under section 13(6) has been received by the bishop at the end of nine months beginning with the date on which it became vacant.
- (1A) The right of presentation to the benefice shall be exercisable by the bishop in accordance with this section.” 40
- (2) Omit subsections (3) and (4) of that section.

- (3) In subsection (5) –
 - (a) for the words from the beginning to “the bishop,” substitute “Before deciding on the priest to whom an offer to be collated to the benefice is to be made, the bishop shall consult”,
 - (b) omit “the bishop or”, and 5
 - (c) for the words from “the archbishop shall” to “as the case may be,” substitute “the bishop shall not make any offer to that priest under this section unless the consent of”.
- (4) Omit subsection (6).
- (5) This section applies only in relation to a vacancy arising in a benefice after the commencement of this section. 10

12 Short title, commencement and extent

- (1) This Measure may be cited as the Mission and Pastoral etc. (Amendment) Measure 2016.
- (2) This section comes into force on the day on which this Measure is passed. 15
- (3) The preceding provisions of this Measure come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.
- (4) The power to make an order under subsection (3) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament. 20
- (5) This Measure extends to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man (but see subsections (6) and (7)).
- (6) This Measure may be applied to the Channel Islands, or either of them, in accordance with the Channel Islands (Church Legislation) Measures 1931 and 1957; and a reference in this section to the Channel Islands or either of them has the same meaning as a reference in those Measures to the Islands or either of them. 25
- (7) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure extends to the Isle of Man subject to such exceptions, adaptations or modifications as are specified. 30

SCHEDULE

Section 5(5)

SCHEDULE 1A TO BE INSERTED INTO THE INCUMBENTS (VACATION OF BENEFICES) MEASURE 1977

“SCHEDULE 1A

Section 12A(5)

CONSTITUTION OF APPEAL PANELS

5

Introductory

- 1 Each of the Appeal Panels established under section 12A is to be constituted as follows.

Chair and Deputy Chairs

- 2 (1) The Dean of the Arches and Auditor is to be the Chair, and the Vicar-General of the Province of Canterbury and the Vicar-General of the Province of York are to be the Deputy Chairs. 10
- (2) Where an appeal is to be held under section 12A, one of those three is to sit on and preside over the appeal.
- (3) But if one of them is not available, a chancellor of a diocese nominated by the Dean of the Arches and Auditor or, in case of the Dean’s absence or illness, by the Vicar-General of the province concerned is to preside. 15

Other members

- 3 (1) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of Canterbury by the Standing Committee of that House in such manner as that House may determine. 20
- (2) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of York by the body of Assessors of that House in such manner as that House may determine. 25
- (3) A panel of twelve persons is to be appointed from among the members of the House of Laity of the General Synod by the Standing Committee of that House in such manner as that House may determine. 30
- (4) At least half of the persons appointed under sub-paragraph (3) must have a 7-year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).
- (5) Where an appeal is to be held under section 12A, the following persons are to be nominated in the manner described in paragraph 2(3) to sit on the appeal – 35

- (a) three persons from the panel appointed under sub-paragraph (1) or (2) for the province in question, and
 - (b) one person from the panel appointed under sub-paragraph (3).
- (6) But a person may not sit on an appeal under section 12A if the person—
- (a) was a member of the provincial tribunal which conducted the enquiry which is the subject of the appeal, or
 - (b) was ineligible to be appointed to that tribunal under Schedule 1.

Period of service

- 4 (1) An appointment under paragraph 3(1) or (2) is for the lifetime of the Convocation concerned; and an appointment under paragraph 3(3) is for the lifetime of that House of Laity.
- (2) Where a casual vacancy arises, another member of the House concerned is to be appointed in place of the person vacating office, in such manner as that person was appointed, for the remainder of the lifetime of that House.
- (3) A person appointed under paragraph 3 is, when a new House is to be elected, to continue to hold the appointment until the first session of the new House; and a person who has heard the whole or part of an appeal under section 12A may continue as a member of the Appeal Panel until the determination of the appeal.

Secretary

- 5 (1) The registrar of each province must appoint a secretary to the Appeal Panel for that province; and that person may be the registrar.
- (2) The same person may be appointed by both registrars; and the two registrars may agree that one of them is to be the secretary to both Appeal Panels.

Expenses

- 6 The expenses of an Appeal Panel in connection with an appeal under section 12A are to be paid out of moneys standing to the credit of the diocesan pastoral account of the diocese from which the appeal is brought.

Rules

- 7 (1) The Rule Committee established by section 25 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 may make rules prescribing the procedure on an appeal under section 12A.
- (2) Rules made under sub-paragraph (1) are to be treated for the purposes of section 27 of that Measure as having been made under section 26 of that Measure.

Transitional provision for existing membership

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| 8 | <p>Each person who, immediately before the commencement of section 5 of the Mission and Pastoral etc. (Amendment) Measure 2016, was a member of an Appeal Panel constituted under section 12A in the form it then took –</p> | 5 |
| | <p>(a) is to become a member of the Appeal Panel for the province in question constituted under section 12A in the form amended by section 5(4) of that Measure, and</p> | |
| | <p>(b) is accordingly to be treated as having been appointed and nominated in accordance with paragraph 3.”</p> | 10 |