

Mission and Pastoral Measure

CONTENTS

Preliminary

- 1 General duty

Mission and pastoral committees

- 2 Continuation
- 3 Parish-led proposals and other recommendations
- 4 General functions
- 5 Supplementary functions
- 6 Mission and pastoral collaboration framework

Pastoral schemes and orders

- 7 Pastoral matters
- 8 Ministry matters
- 9 Buildings matters
- 10 Appeal
- 11 Procedural and supplementary matters

Pastoral: general

- 12 Determination of boundaries
- 13 Parish with no church
- 14 Marriages and banns of matrimony

PCC's building management functions

- 15 Transfer of PCC's building management functions
- 16 Request for transfer: procedure
- 17 Transfer notice: taking effect
- 18 Transfer notice: revocation
- 19 General powers of transferee

Mission initiatives

- 20 Mission initiative
- 21 BMO: provision relating to ministry
- 22 The Visitor

- 23 BMO: further provision
- 24 Review of duration of mission initiative etc.
- 25 Code of Practice

Ministry: general

- 26 Compensation for loss of office
- 27 No incumbent, team vicar, archdeacon or rural dean
- 28 Induction where more than one parish church
- 29 Assistant curates
- 30 Pluralities and preferments: authorisation
- 31 Bishop's powers to sue

Patronage

- 32 Right of presentation to benefice: pause period
- 33 Pause period: end and extension
- 34 Pause period: appointment of priest in charge
- 35 Administration in vacancy
- 36 Close of administration in vacancy
- 37 Pauses on presentation: other provision
- 38 Priest in charge as charity trustee
- 39 Minors
- 40 Determination of questions on patronage

Disposal of church: general

- 41 Recommendation for church closure
- 42 Church closure: functions of MPC
- 43 Lease of open church
- 44 Closure of church not used for past 25 years
- 45 Demolition of church not done under Measure
- 46 Dealings by Commissioners or DBF with land vested in CCT
- 47 Restoration of closed church
- 48 Schemes for redundant chapels belonging to charities
- 49 Closure or disposal of church to be by Measure
- 50 Guild churches

Disposal of church: property rights

- 51 Functions of vesting body following declaration of closure
- 52 Vesting of closed building
- 53 Vesting free of burial rights
- 54 Removal of legal effects of consecration
- 55 Charitable church trust: special powers
- 56 Easements
- 57 Covenants as to use: imposition and enforcement
- 58 Bishop's directions for disposal of contents of church
- 59 Trust funds for repair etc of closed church and contents
- 60 Charity affected by pastoral scheme or order

Disposal of church: human remains

- 61 Disposal of human remains

- 62 Order by Secretary of State
- 63 Human remains not buried in same place as memorial

The Churches Conservation Trust

- 64 Continuation and objects
- 65 Powers to manage property etc.
- 66 Power to acquire building disposed of under certain schemes
- 67 Power to let property
- 68 Provision of information, professional services etc.
- 69 Funding by Church Commissioners

Finance

- 70 Diocesan pastoral account
- 71 Diocesan debtors' account
- 72 Use of money in diocesan pastoral account
- 73 Grant of land for new church etc.
- 74 Closed Church Buildings Support Account

Church Commissioners

- 75 Mission, Pastoral and Church Property Committee
- 76 Guidance
- 77 Information and advice
- 78 Transfer of Commissioners' land in Sutton Coldfield

General

- 79 The regulations
- 80 Notices and other documents
- 81 Application to Crown or Duchy of Cornwall
- 82 Saving for planning legislation
- 83 Private or local Acts

Interpretation

- 84 Meaning of "church"
- 85 Meaning of "benefice" and "parish"
- 86 Meaning of "PCC" etc.
- 87 Meaning of "place of worship"
- 88 Meaning of "patron" etc.
- 89 Other interpretation

Ancillary provision

- 90 Consequential amendments
- 91 Repeals and revocations
- 92 Transitional, transitory and saving provision

Final

- 93 Commencement
- 94 Extent

95 Short title

-
- Schedule 1 – Mission and Pastoral Committee: constitution
 - Schedule 2 – Patronage boards
 - Schedule 3 – Lease under section 43
 - Schedule 4 – Charity affected by pastoral scheme or order
 - Schedule 5 – The Churches Conservation Trust
 - Schedule 6 – Consequential amendments
 - Schedule 7 – Transitional, transitory and saving provision

DRAFT OF A MEASURE of the General Synod of the Church of England to further the mission of the Church and make better provision for the cure of souls.

Preliminary

1 General duty

A person carrying out a function under this Measure or the regulations must, in doing so, have due regard to the furtherance of the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical.

5

Mission and pastoral committees

2 Continuation

(1) In each diocese, the committee established under section 2 of the Mission and Pastoral Measure 2011 (“the old MPM”) continues to be established.

(2) The committee is to be known as the “mission and pastoral committee”, or whatever other name the diocesan synod decides, and is referred to in this Measure as “the MPC”.

10

(3) Each MPC continues to have a written constitution provided by the diocesan synod; and the constitution must comply with the provisions in Schedule 1.

(4) Each MPC may amend its constitution, having obtained the approval of the diocesan synod.

15

3 Parish-led proposals and other recommendations

(1) Where the PCC, or each PCC, which would be affected by a matter for which a pastoral scheme or order may provide requests the MPC to recommend that matter to the bishop, the MPC must decide whether to accept or refuse the request.

20

(2) Where the MPC itself thinks it desirable, it must recommend to the bishop a matter for which a pastoral scheme or order may provide; but that does not include the alteration of boundaries between dioceses, except in so far as the regulations may provide.

25

(3) A request under subsection (1) may not be made unless the incumbent, priest in charge, or team vicar of each parish which would be affected has given consent.

(4) The guidance may make provision about the form to be used for making a request under subsection (1).

30

- (5) Where, in a case within subsection (1), the MPC accepts the request, it must make the recommendation to the bishop.
- (6) Where, in a case within subsection (1), the MPC refuses the request, it must notify the PCC, or each PCC, which made the request; and the notification must give the reasons for the refusal. 5
- (7) A proposal made by a bishop that is based on a recommendation made in a case within subsection (1) is referred to in this Measure as a “parish-led” proposal.
- (8) A provision in a pastoral scheme or order that gives effect to a parish-led proposal is referred to in this Measure as a “parish-led” provision. 10
- (9) The question of whether a proposal or provision is parish-led is to be decided by the MPC; and its decision is final.

4 General functions

- (1) The MPC must make, or assist in making, better provision for the cure of souls – 15
- (a) in the diocese as a whole, and
- (b) in so far as the MPC thinks appropriate, in particular parts of the diocese or in particular parishes.
- (2) The MPC must, whether at the bishop’s direction or on its own initiative, review arrangements for pastoral supervision and care (including sharing agreements in respect of a church or parsonage house and proposals for sharing agreements) – 20
- (a) in the diocese as a whole, and
- (b) so far as the MPC thinks appropriate, in particular parts of the diocese or in particular parishes. 25
- (3) The MPC must, at least once every five years and as the bishop may direct, review the arrangements for pastoral supervision in each conventional district in the diocese.
- (4) The MPC must maintain an overview of matters relating to church buildings in the diocese and their use; but that does not apply to – 30
- (a) matters within the jurisdiction of the consistory court, or
- (b) matters within the functions of the DAC.

5 Supplementary functions

- (1) In carrying out a function, the MPC must (in addition to complying with the general duty under section 1 have due regard to worship, mission and community as central to the life and work of the Church of England. 35
- (2) In carrying out a function, the MPC must also have due regard to –
- (a) the financial implications for the diocese and for the Church of England as a whole,
- (b) the need to allocate appropriate spheres of work and to ensure – 40
- (i) that appropriate terms of service apply in the diocese, and
- (ii) where relevant, that reasonable remuneration is provided for all those engaged in the cure of souls,
- (c) the traditions, needs and characteristics of particular parishes, and

- (d) any other aspects of the diocesan synod's policies to which the synod has asked the MPC to have regard.
- (3) In carrying out a function, the MPC must, so far as it thinks appropriate, consult any person, whether or not within the Church of England, who does something that is relevant to that function. 5

6 Mission and pastoral collaboration framework

- (1) Each MPC must prepare and publish a document setting out how it plans to exercise its functions during the period specified in the document; and that period must not exceed seven years.
- (2) The document is to be known as the "mission and pastoral collaboration framework"; and references in this Measure to the framework are to be read accordingly. 10
- (3) Each framework (other than the first one) –
- (a) must be published before the end of the period specified for the purposes of subsection (1) in the framework for the time being in operation ("the current period"), and 15
- (b) must relate to a period, not exceeding seven years, beginning before or immediately after the end of the current period.
- (4) The MPC may, before the end of the current period, review the exercise to date of its functions in accordance with the framework; and, if it does so, it must publish a report of the review. 20
- (5) The period to which the report of the review relates comes to an end on the date of publication under subsection (4); and the period to which the next framework (published in accordance with subsection (3)(a)) relates begins on that date and must not exceed seven years. 25
- (6) The framework must include –
- (a) strategies or proposals for carrying out the MPC's functions, and
- (b) whatever matters the regulations may specify.
- (7) The framework may impose requirements on the MPC; and the MPC must, accordingly, comply with a requirement so imposed. 30
- (8) Before publishing the framework, the MPC must consult the diocesan synod and each deanery synod in the diocese.
- (9) The MPC may not publish the framework unless –
- (a) it has obtained the approval of the bishop's council, and
- (b) the Church Commissioners have indicated that, in their view, the MPC has had due regard to the guidance in preparing the framework. 35

Pastoral schemes and orders

7 Pastoral matters

- (1) A pastoral scheme may provide for –
- (a) the alteration of the area, or the definition of the boundaries, of a parish, extra-parochial place, benefice, deanery or archdeaconry; 40

- (b) the alteration of the name of a parish, extra-parochial place, benefice, deanery or archdeaconry;
 - (c) the creation of a parish, benefice, deanery or archdeaconry (whether by the union of existing structures or otherwise);
 - (d) the dissolution of a parish, benefice, deanery or archdeaconry; 5
 - (e) the creation of a new extra-parochial place or the incorporation into a parish of an existing extra-parochial place;
 - (f) a church to be, or to cease to be, a parish church;
 - (g) such other pastoral matter as the regulations may specify.
- (2) A pastoral order may make provision in reliance on subsection (1)(a) for the alteration of the area, or the definition of the boundaries, of a parish or extra-parochial place which would not involve the transfer of a church or parish property; but that is subject to subsection (3). 10
- (3) A pastoral order may make provision in reliance on subsection (1)(a) for a matter referred to in subsection (2) which would involve the transfer of a church or parish property but only if that provision were parish-led. 15
- (4) A pastoral order may make provision in reliance on subsection (1)(a) for the alteration of the area, or the definition of the boundaries, of a benefice, deanery or archdeaconry.
- (5) A pastoral order may make provision for a matter referred to in subsection (1)(b) to (f) but provision for the creation or dissolution of a parish or for a matter referred to in subsection (1)(e) may be made only if it is parish-led. 20
- (6) A pastoral order may not make provision in reliance on subsection (1) which would result in the abolition of an ecclesiastical office and, accordingly, the dispossession of the holder of that office. 25
- (7) The provision which may be made in reliance on subsection (1)(a) includes provision for the alteration of the boundaries between a parish or extra-parochial place in the diocese and a parish or extra-parochial place in another diocese.
- (8) The provision which may be made in reliance on subsection (1)(a) includes provision for – 30
- (a) the transfer of a parish from one benefice to another;
 - (b) the transfer of a parish or benefice from one deanery to another;
 - (c) the transfer of a parish, benefice or deanery from one archdeaconry to another. 35
- (9) In this section, “parish property” means property vested in a diocesan authority for the parish in question under section 6(2) of the Parochial Church Councils (Powers) Measure 1956 but does not include an interest in personal property held on permanent trusts.
- (10) Regulations specifying a pastoral matter under subsection (1)(g) must also state whether, or to what extent, a pastoral order may provide for the matter specified. 40

8 Ministry matters

- (1) A pastoral scheme may provide for –

- (a) the establishment, alteration or termination of a team ministry for the area of a benefice;
- (b) the establishment, alteration or termination of a group ministry for a group of benefices;
- (c) the holding in plurality of two or more benefices; 5
- (d) the exchange or transfer of rights of patronage or the vesting of new rights of patronage;
- (e) the payment into the income account of the diocesan stipends fund of the income of endowments of a benefice or a sum determined by reference to the amount of that income; 10
- (f) the designation of a house as a priest's place of residence, the transfer of land for use as a priest's official residence or the transfer of parsonage land;
- (g) the merger with a benefice of a sinecure rectory or office of minister of a church or chapel without cure of souls; 15
- (h) such other matter relating to ministry as the regulations may specify.
- (2) A pastoral order may provide for a matter referred to in subsection (1)(a) to (d), (f) or (g) (but not for a matter referred to in subsection (1)(e)); and that is subject to subsection (3).
- (3) A pastoral order may not make provision in reliance on subsection (1)(d) which would transfer all of a person's patronage rights without that person's consent. 20
- (4) Provision made in reliance on subsection (1)(a) for the establishment of a team ministry must include provision for the constitution of a patronage board for the purpose of holding the rights of patronage conferred on it; but that does not apply in a case where the bishop is the sole patron of the benefice (and the scheme or order in question does not vary that). 25
- (5) Schedule 2 (which makes further provision as to a patronage board) has effect.
- (6) The provision which may be made in reliance on subsection (1)(c) includes provision for the holding in plurality, whether for a specified period or indefinitely, of one or more benefices in the diocese and one or more benefices in another diocese; and the regulations may require a review of the operation of ministry in the benefices concerned. 30
- (7) Where two or more benefices are or are to be held in plurality and a team ministry is or is to be established for the area of one of those benefices, a pastoral scheme or order may provide for extending the operation of the team ministry, while the plurality continues, to the area of another of those benefices. 35
- (8) Where a person is designated by or selected under a pastoral scheme or order as the incumbent of a benefice –
- (a) the person need not be presented to the benefice, and
- (b) the bishop need not nominate the person for collation to the benefice. 40
- (9) A pastoral order may not make provision in reliance on subsection (1) which would result in the abolition of the office and, accordingly, the dispossession of the holder of an ecclesiastical office.
- (10) Regulations specifying a matter relating to ministry under subsection (1)(h) must also specify whether, or to what extent, a pastoral order may provide for the matter specified. 45

9 Buildings matters

- (1) A pastoral scheme may provide for –
- (a) a declaration for the closure of the whole or part of a church for regular public worship;
 - (b) the disposal of a building or part closed for regular public worship; 5
 - (c) the use of land surrounding or annexed or belonging to a church or of land set apart for burials and the disposal of such land;
 - (d) such other matter relating to church closure as the regulations may specify.
- (2) A pastoral scheme making provision for a matter referred to in subsection (1)(a) or (b) may also make provision for – 10
- (a) the use of the building or part;
 - (b) the care and maintenance of the building or part by the CCT or another body which has the purpose of preserving buildings of historic and archaeological interest or architectural quality; 15
 - (c) the building or part to be vested in the CCT or another body of the description given in paragraph (b);
 - (d) the building or part to be or to remain vested in the DBF of the diocese;
 - (e) the demolition of the building or part;
 - (f) dealing with a churchyard or other land annexed or belonging to the building. 20
- (3) A pastoral order may provide for a matter referred to in subsection (1)(a) only if the provision is parish-led.
- (4) A pastoral order may provide for a matter referred to in subsection (1)(b) (but not for a matter referred to in subsection (1)(c)). 25
- (5) The disposals for which a pastoral order may make provision under subsection (1)(b), whether or not the order makes parish-led provision for a matter referred to in subsection (1)(a), are limited to –
- (a) the use of the building or part for worship, including by a Church other than the Church of England; 30
 - (b) the care and maintenance of the building or part by –
 - (i) the CCT,
 - (ii) another body which has the purpose of preserving buildings of historic and archaeological interest or architectural quality, or
 - (iii) a body approved by the Church Commissioners; 35
 - (c) the building or part to be vested in a body referred to in paragraph (b);
 - (d) the building or part to be or to remain vested in the DBF of the diocese;
 - (e) where the building or part is a ruin, the preservation of the ruin;
 - (f) a disposal of a kind specified in the regulations.
- (6) A pastoral order making provision in reliance on subsection (1)(a) or (b) in accordance with subsections (3) to (5) may not provide for a matter specified in subsection (2)(e) or (f). 40
- (7) Regulations specifying a matter under subsection (1)(d) must also state whether, or to what extent, a pastoral order may provide for the matter specified. 45
- (8) In subsection (1)(c), “church” includes a cathedral which is, or part of which is, a parish church.

- (9) In subsection (5)(a), “Church” means a Church to which the Sharing of Church Buildings Act 1969 applies (see section 11 of and Schedule 2 to that Act).
- (10) In subsection (5)(e), “ruin” has the meaning given in section 46(4) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.

10 Appeal

5

- (1) An appeal may be made to His Majesty in Council against a draft pastoral scheme but only in so far as the scheme would, if made, provide for –
- (a) the alteration of the area, or the definition of the boundaries, of a parish which would involve a transfer of ownership of a church building or parish property; 10
 - (b) the creation or dissolution of a parish;
 - (c) the dissolution of a benefice, deanery or archdeaconry with the dispossession of the holder of an ecclesiastical office;
 - (d) the creation, alteration or termination of a team ministry with the dispossession of the holder of an ecclesiastical office; 15
 - (e) the closure of a church for regular public worship whether or not it is replaced with new premises for regular public worship;
 - (f) the disposal of a churchyard or other land surrounding or annexed or belonging to a church or of land set apart for burials, except where the church concerned itself is also being disposed of; 20
 - (g) the removal of all of a person’s rights of patronage without that person’s consent.
- (2) Accordingly, an appeal may not be made against a draft pastoral scheme in so far as it would provide for a matter which does not come within subsection (1).
- (3) No appeal may be made against a draft pastoral order. 25
- (4) In subsection (1)(a), “parish property” means property vested in the diocesan authority for the parish in question under section 6(2) of the Parochial Church Councils (Powers) Measure 1956 except an interest in personal property held on permanent trusts.
- (5) A reference to a creation or dissolution includes a reference to a creation or dissolution by union. 30

11 Procedural and supplementary matters

- (1) The regulations may make provision as to –
- (a) a matter for which a pastoral scheme or order may provide further to a matter for which the scheme or order may provide under section 7, 8 or 9; 35
 - (b) the implementation, operation, effect or consequences of provision made by a pastoral scheme or order.
- (2) The provision which may be made under subsection (1) includes provision –
- (a) to confer or impose a right, role or responsibility on an office holder; 40
 - (b) to designate, or provide for selection of, a person as an office holder;
 - (c) to name the incumbent of a benefice or the vicar in a team ministry as assistant curate;
 - (d) to authorise or require the making of provision by bishop’s licence;

- (e) to abolish an office or remove a right or duty attached to an appointment;
- (f) to specify how a particular sum of money may or must be applied;
- (g) to prevent a provision in a pastoral scheme or order from coming into operation unless specified consultation has taken place or specified persons have been given the opportunity to make representations; 5
- (h) to authorise a person to make consequential, supplementary, incidental or transitional provision for the purposes of a pastoral scheme or order (whether or not by amending the text of the scheme or order).
- (3) The regulations may authorise or require a pastoral scheme or order to make provision of the kind which the regulations themselves may make under subsection (1). 10
- (4) The regulations must provide for the procedure to follow in connection with making a pastoral scheme or order.
- (5) The provision which may be made under subsection (4) includes provision for the procedure to follow in connection with making an appeal under section 10. 15
- (6) The regulations may for that purpose apply with or without modifications rules of court and practice directions for the time being in force for the appellate jurisdiction of the Judicial Committee of the Privy Council.
- (7) The regulations may make provision that would apply to more than one diocese. 20
- (8) A pastoral scheme may be amended or revoked by a subsequent pastoral scheme; but, in so far as a pastoral scheme makes provision that is capable of being made by a pastoral order, that provision may be amended or revoked by a provision in a subsequent pastoral order. 25
- (9) A pastoral order may be amended or revoked by a subsequent pastoral order; but a parish-led provision in a pastoral order may be amended or revoked only by provision in a pastoral order which is itself parish-led.
- (10) An amending pastoral scheme or order – 30
- (a) may make transitional provision in connection with the commencement of an amendment;
- (b) may amend or revoke a provision of a pastoral scheme or order which has itself yet to come into operation.

Pastoral: general

- 12 Determination of boundaries** 35
- (1) In the case of land which, by virtue of this Measure or a pastoral scheme or order, is vested in the Church Commissioners, the CCT, the DBF of a diocese or the incumbent of a benefice, the Church Commissioners may determine the boundaries of the land in an instrument executed by them.
- (2) A determination under subsection (1) is for all purposes binding on whichever of the persons specified the land is vested in and on whichever of them it was transferred from; but the determination binds no other person. 40

- (3) A copy of an instrument executed under subsection (1) which purports to be certified by an officer of the Church Commissioners as a true copy is sufficient evidence in any proceedings of the contents of the instrument.
- (4) The reference to this Measure includes a reference to the old MPM and the reference to a pastoral scheme or order includes a reference to a scheme or order made under the old MPM. 5

13 Parish with no church

- (1) Where a parish has no church, the bishop must make a provision for public worship by licensing one or more buildings or parts of a building for public worship. 10
- (2) The bishop may designate a church in a parish (but not a parish church) or the whole or part of a building licensed for public worship in a parish as a parish centre of worship.
- (3) On a designation under this section, the church, building or part is treated, while the designation has effect, as a parish church for the purposes of – 15
- (a) the Marriage Act 1949 and section 14 of this Measure, and
 - (b) any other enactment (including other provisions of this Measure) or rule of law requiring or authorising a service or ceremony to be held, notices to be affixed or other things to be done at a parish church.
- (4) Where a church, building or part in a parish has been designated under this section and the parish has no parish church, a couple to be married may, if they so choose, proceed under sections 6 and 15 of the Marriage Act 1949 (parish with no parish church treated as belonging to adjoining parish) as if the church, building or part had not been so designated. 20
- (5) Subsection (4) applies even if there is in the parish – 25
- (a) a church or chapel licensed for marriages, or
 - (b) a church or chapel in which Divine Service is usually solemnized every Sunday.
- (6) A building or part designated under this section is not by virtue only of the designation subject to the faculty jurisdiction; but that does not affect the power of the bishop under section 59 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (building licensed for public worship before 1st March 1993) to direct that it is subject to the faculty jurisdiction. 30
- (7) A designation under this section may be revoked by the bishop; but that does not affect the continuation in force of a licence under the designation. 35
- (8) A designation or revocation under this section is to be executed under seal and registered in the diocesan registry; and the diocesan registrar must give public notice online of the designation or revocation.

14 Marriages and banns of matrimony

- (1) Where, after the completion of the publication of the banns in a church, another church has, by virtue of this Measure or anything done under it, become a church in which banns of matrimony could be published in the case of the couple to be married, the marriage may be solemnised in that other church. 40

- (2) Where a declaration of closure for regular public worship is made in respect of a chapel of ease, a licence relating to that chapel granted under section 20 of the Marriage Act 1949 (licensing of chapel for publication of banns etc.) is treated as having been revoked under that section. 5
- (3) Section 23 of the Marriage Act 1949 (benefices in plurality: direction by bishop where banns to be published and marriage may be solemnised) applies, with whatever modifications are necessary, to a case where, by virtue of this Measure or anything done under it, there are two or more parishes or parish churches in the area of a single benefice. 5
- (4) Where, after the issue of a common licence for the solemnisation of the marriage in a church, another church has, by virtue of this Measure or anything done under it, taken the place of that church as one in which the marriage of the couple concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church. 10

PCC's building management functions 15

15 Transfer of PCC's building management functions

- (1) The incumbent and the PCC of a parish, if both of the opinion that circumstances are such that the transfer of some or all of the building management functions of the PCC is necessary or desirable, may make a request to the MPC for the functions in question to be transferred. 20
- (2) The “building management functions” of a PCC are the powers and duties it has under the following provisions of the Parochial Church Councils (Powers) Measure 1956 (“the 1956 Measure”) –
- (a) section 4(1)(ii) (financial affairs of church, care and maintenance of church fabric and churchyard); 25
 - (b) section 4(3) (making or executing deeds or instruments);
 - (c) section 5(2) (property management etc.);
 - (d) section 6(1) (acquisition of short lease);
 - (e) section 6(4) (indemnity to diocesan authority);
 - (f) section 7(1) (miscellaneous powers). 30
- (3) A transfer of building management functions of a PCC may be made only to an authorised third party.
- (4) Each of the following is an “authorised third party” –
- (a) the DBF of the diocese which includes the parish;
 - (b) a charitable church trust, one of the trustees of which is the DBF of the diocese which includes the parish; 35
 - (c) the CCT;
 - (d) a person who meets whatever criteria may be specified in the regulations.
- (5) “Charitable church trust” means a trust the purposes of which include the maintenance of church buildings (whether open for regular public worship or not) and which is constituted as –
- (a) a charitable incorporated organisation,
 - (b) a charitable company limited by guarantee,
 - (c) a body corporate under section 251 of the Charities Act 2011. 40
- 45

- (6) The CCT is also a “charitable church trust”.
- (7) A charitable church trust must be registered in the register of charities.
- (8) The reference in subsection (1) to the incumbent is, where there is a priest in charge, a reference to the priest in charge.
- (9) On a transfer of functions under this section, the authorised third party has the benefit of the saving in section 6(3) of the 1956 Measure; and accordingly nothing in section 6 of that Measure affects the authorised third party’s powers in relation to the management, administration or disposition of property vested in it under that section. 5
- (10) The PCC and the DBF for the diocese which includes the parish concerned may, where the transferee is the CCT or another charitable church trust, make grants to the CCT or other trust. 10
- 16 Request for transfer: procedure**
- (1) The guidance may make provision about the form to be used for making a request under section 15. 15
- (2) The request must specify –
- (a) the building management functions to be transferred,
 - (b) the person to whom the transfer is to be made, and
 - (c) the period for which the transfer is to have effect.
- (3) The regulations may make further provision about the procedure for making a request under section 15. 20
- 17 Transfer notice: taking effect**
- (1) The MPC, having considered a request under section 15, must recommend to the bishop either to approve the request or to reject it; but the MPC may not make a recommendation under this subsection without having obtained the consent of the archdeacon. 25
- (2) If the bishop approves the request, the bishop must, by way of a direction to the MPC, give a notice (a “transfer notice”) providing for the transfer of specified building management functions of a PCC to a specified person for a specified period. 30
- (3) If the bishop rejects the request, the bishop must notify the MPC of the rejection and the reasons for it; and the MPC must notify each PCC involved of the rejection and the bishop’s reasons for it.
- (4) The transfer provided for in the transfer notice takes effect by virtue of this section without the need for a conveyance or other instrument. 35
- (5) On the transfer taking effect, the transferee is to be treated as having whatever powers it requires in order to act under the transfer notice, in so far as it does not already have those powers.
- (6) Whatever powers of the PCC the transferee has under subsection (5) are exercisable by the transferee on behalf of the PCC and not, while the notice has effect, by the PCC. 40

- (7) The period specified for the purposes of subsection (2) is a period not exceeding five years beginning with the date specified in the transfer notice.
- (8) The transfer notice may be renewed on one or more occasions by way of a subsequent transfer notice for such period not exceeding five years as is specified in that subsequent notice. 5
- (9) The regulations may make further provision about –
- (a) the procedure for making a recommendation to the bishop;
 - (b) the procedure for deciding whether to approve or reject a request;
 - (c) the procedure for giving a bishop’s direction to give effect to a transfer notice. 10
- 18 Transfer notice: revocation**
- (1) The bishop may, by way of a direction to the MPC, give a notice to revoke a transfer notice; and that notice is referred to as a “revocation notice”.
- (2) But the bishop may not give a revocation notice without having consulted the MPC. 15
- (3) The regulations may make further provision about –
- (a) the circumstances in which a revocation notice may be given;
 - (b) the procedure for giving a revocation notice;
 - (c) what may or must be done once a revocation notice has taken effect.
- 19 General powers of transferee** 20
- (1) The funds which the transferee under a transfer notice may apply when acting under the notice include –
- (a) funds held in the diocesan pastoral account,
 - (b) funds standing to the credit of the PCC for the church concerned, and
 - (c) funds (whether income or capital) held in trust for the PCC. 25
- (2) Where the consent of an institution would be required for the transferee under a transfer notice to have authority to apply funds referred to in subsection (2), that consent is to be taken as having been given by virtue of this section.
- (3) The purposes for which the transferee may apply unrestricted funds held by the PCC include the upkeep and maintenance of the parish church. 30
- (4) The transferee under a transfer notice may not undertake or authorise another person to undertake –
- (a) a matter involving doctrine, ritual or ceremonial, or
 - (b) a matter which would, if undertaken, affect common law rights of a parishioner of the parish concerned. 35
- (5) Where a transfer notice has effect, a gift or bequest made to the PCC is not to be treated as a gift or bequest to the transferee except in so far as the gift or bequest is expressed to be for purposes within those to which the transfer notice applies.
- (6) The transferee under a transfer notice must indemnify the PCC and each of its members against the consequences of an act or omission of the transferee connected with the transfer notice; and the transferee may, in so far as it does not already have power to do so, obtain insurance for that indemnity. 40

*Mission initiatives***20 Mission initiative**

- (1) The bishop of a diocese may make an order to endorse an initiative which one or more persons are carrying out, or propose or wish to carry out, in the diocese or part of the diocese if – 5
- (a) those persons or any other persons exercising ecclesiastical functions in the diocese request the bishop to make the order or the bishop, without a request being made, thinks it would be appropriate to make the order, and
- (b) the bishop is satisfied that the initiative would be likely, through fostering or developing a form of Christian community, to promote or further the mission of the Church or any aspect of it. 10
- (2) An initiative of the kind referred to in subsection (1) is known as a “mission initiative”; and an order under that subsection is known as a “bishop’s mission order” (and referred to in this Measure as a “BMO”). 15
- (3) In the case of a mission initiative which is, or is to be, carried out in more than one diocese, the power under subsection (1) is exercisable jointly by each of the bishops concerned.
- (4) A BMO must specify – 20
- (a) the objectives of the mission initiative,
- (b) the areas in which it is, or is to be, carried out,
- (c) the person or persons who will lead the initiative and be responsible to the bishop or bishops for its conduct, and
- (d) the role of the leader or leaders.
- (5) The bishop or bishops must make provision in the BMO for safeguarding children or vulnerable adults involved in the mission initiative; and “child” and “vulnerable adult” each have the meaning given in the Safeguarding and Clergy Discipline Measure 2016. 25
- (6) The bishop or bishops must make provision in the BMO for the administration of the Sacraments in accordance with the applicable statutes and other laws. 30
- (7) A BMO may include provision (referred to in this Measure as a “co-operation provision”) – 35
- (a) for participation in a local ecumenical co-operative scheme;
- (b) for other ecumenical co-operation with other Churches;
- (c) for collaboration with any other religious organisation.
- (8) In subsection (7) –
- “local ecumenical co-operative scheme” has the same meaning as in the Church of England (Ecumenical Relations) Measure 1988, and
- “ecumenical co-operation” means co-operation in matters affecting the mission of, or worship in, the Churches concerned or their ministry, congregational life or buildings. 40
- (9) The regulations must make provision as to consultation which must be carried out before a BMO may be made.

21 BMO: provision relating to ministry

- (1) A person may officiate under a BMO only if—
- (a) the person is ordained as a priest or deacon and is authorised by the bishop—
 - (i) to serve as a result of being instituted to a benefice or licensed by the bishop to serve, or 5
 - (ii) to officiate in a diocese affected by the BMO as a result of having written permission to officiate,
 - (b) the person is ordained as a priest or deacon and is entitled under the Canons to officiate in the place concerned without the authority of the bishop, or 10
 - (c) the person is a reader, lay worker or deaconess authorised under the Canons to do so.
- (2) A BMO may, subject to subsection (1), include provision authorising a minister to exercise ministry for the purposes of or in connection with the mission initiative— 15
- (a) in a manner specified in the BMO, and
 - (b) the minister does not have the cure of souls in the place in which the minister would exercise ministry, without having obtained the permission of the minister who does. 20
- (3) The regulations must make provision as to consultation which the bishop or bishops must carry out before including provision under subsection (2) in a BMO.
- (4) Any alms collected in the course of or in connection with an office or service performed under a BMO are to be disposed of in the manner which the minister performing the office or service decides, subject to the direction of the bishop or bishops. 25
- (5) A BMO may, subject to subsection (1), include provision authorising the performance of Divine Service in a building other than a parish church, centre of worship or place licensed for worship under section 13 if the consent of the person who has the general management and control of the building has been obtained. 30
- (6) A BMO may include provision authorising the performance of Divine Service in a parish church or other place excluded from subsection (5) if the consent of every member of the team ministry has been obtained. 35
- (7) A reference to Divine Service includes a reference to Holy Communion only if the BMO so specifies.

22 The Visitor

- (1) A BMO must designate a person as “the Visitor” for the purposes of the BMO.
- (2) The Visitor must, on behalf of the bishop or bishops— 40
- (a) exercise oversight of the mission initiative, and
 - (b) advise and encourage and, so far as practicable, provide support for it.
- (3) The Visitor must—
- (a) report regularly to the bishop or bishops on the discharge of the Visitor’s duties and the progress of the mission initiative, and 45

- (b) give a copy of each report to the leader or leaders of the initiative.
- (4) The Visitor may seek advice from such persons as the Visitor thinks appropriate.
- (5) The Visitor may take other steps for ensuring the proper governance of the mission initiative. 5
- (6) The leader or leaders of the mission initiative must –
 - (a) consult the Visitor regularly about the general direction and development of the mission initiative, and
 - (b) give the Visitor a copy of the annual accounts and whatever other information the Visitor requires to carry out functions as such. 10

23 BMO: further provision

- (1) A BMO, or a supplementary instrument made by the bishop or bishops, may include –
 - (a) provision to further the objectives of the mission initiative, and
 - (b) other supplementary provision. 15
- (2) The regulations may specify examples of the provisions which may be made under subsection (1).
- (3) Where a co-operation provision is, or is to be, included in a BMO, the bishop or bishops and the Visitor, before carrying out their functions under this Measure, must carry out the consultation required by the regulations; but that does not affect the requirement to consult under regulations made under section 20(9). 20
- (4) The bishop or bishops may vary or revoke a BMO or supplementary instrument by a further order or instrument but only after carrying out the consultation required by the regulations.
- (5) The provision which may be made in an order varying or revoking a BMO includes provision relating to the management or disposal of property. 25
- (6) A BMO or supplementary instrument must specify its duration, which may be for a defined or indefinite period.
- (7) The regulations may –
 - (a) impose requirements for signing and circulating copies of a BMO or an order or supplementary instrument under this section; 30
 - (b) make other provision for the formalities required for, or in consequence of, making a BMO or an order or instrument under this section.

24 Review of duration of mission initiative etc.

- (1) In the case of a BMO of defined duration, the Visitor must – 35
 - (a) conduct a review of the mission initiative at least six months before the expiry of the order, and
 - (b) report to the bishop or bishops on the outcome of the review.
- (2) The regulations may impose requirements as to – 40
 - (a) the consultation to be carried out in conducting the review;
 - (b) the matters to be included in the report;
 - (c) the persons to whom a copy of the report must be given.

- (3) After considering the report, the bishop or bishops may make a further BMO continuing the mission initiative and further supplementary instruments.
- (4) Before exercising the power under subsection (3), the bishop or bishops must carry out whatever consultation is required by the regulations.
- (5) A further BMO or supplementary instrument must specify the duration of the order and instrument, which may be for a definite or indefinite period; and the order is to continue in force accordingly. 5
- (6) If the bishop or bishops make a further BMO under subsection (3) that is for a definite period, the duties under subsections (1) and (2) are imposed on the Visitor in relation to the further BMO; and subsection (3) applies to a report by virtue of this subsection as it applies to a report under subsection (1). 10
- (7) The regulations may make further provision as to reviewing, and reporting on a review of, a BMO of defined duration which includes, or is to include, provision for participation in a local ecumenical co-operative scheme (within the meaning given in section 20(8)). 15
- (8) An order or supplementary instrument made under subsection (3) as it is applied by subsection (6) is to continue unlimited by time unless it is revoked or varied by a further order or instrument.
- (9) An order or supplementary instrument made under this section must, so far as appropriate, make provision for any matter for which provision may be made under sections 20 to 23. 20
- (10) An order or supplementary instrument may be varied or revoked by a further order or instrument; and section 23(4) to (6) and regulations made under 23(7) apply to the order or instrument as they do to an order or instrument under section 23. 25

25 Code of Practice

- (1) The Code of Practice issued by the House of Bishops under section 84 of the old MPM and in operation immediately before the commencement of this section continues in operation.
- (2) The House of Bishops may issue an amended or replacement version of the Code. 30
- (3) Each amended or replacement version of the Code must be laid before the General Synod and may not come into force until approved by the Synod, with or without amendment.
- (4) Where the Business Committee of the General Synod determines that a version of the Code does not need to be debated by the Synod, it is to be treated for the purposes of subsection (3) as approved without amendment unless a member of the Synod gives notice under the Synod's Standing Orders that the member – 35
- (a) wishes the Code to be debated, or 40
- (b) wishes to move an amendment to the Code.
- (5) The bishop or bishops who make an order or instrument under sections 20 to 24, the leader or leaders of a mission initiative and the MPC of each diocese must have due regard to the Code in exercising functions under those sections.

*Ministry: general***26 Compensation for loss of office**

- (1) Each of the following is entitled to compensation under this section—
- (a) the holder of an ecclesiastical office who is subject to common tenure and whose office is abolished by or as a result of a pastoral scheme; 5
 - (b) the incumbent of a benefice dissolved by a pastoral scheme, or which is treated as vacated by the regulations, 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. 10
- (2) But a person who comes within subsection (1) is not entitled to compensation under this section if the pastoral scheme also provides for the person's appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.
- (3) 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 MPC that compensation will be payable on resignation from the office in order to enable a pastoral scheme or order to come into operation or to facilitate its coming into operation, the person is entitled on resignation from the office to compensation under this section. 15
- (4) But an agreement to the effect mentioned in subsection (3) is of no effect, and compensation is accordingly not payable, 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 or higher level. 20
- (5) The amount of compensation payable to a person under this section is — 25
- (a) twelve months' stipend, and
 - (b) the amount that would be required by way of contribution under section 9(2) of the Church of England Pensions Measure 2018 for twelve months' service by the person in the office in question on that stipend.
- (6) In subsection (5), the references to a stipend are references to the stipend that the person was receiving immediately before ceasing to hold the office in question. 30
- (7) The regulations may —
- (a) set out how a payment of compensation under this section is made;
 - (b) confer on a person entitled to compensation under this section an entitlement to the provision of accommodation for that person and members of the person's family; 35
 - (c) enable a person entitled to compensation under this section to apply on specified grounds for an additional payment;
 - (d) confer a right to apply for a review of a decision made by virtue of paragraph (c) not to make an additional payment or on the amount of an additional payment. 40
- (8) The role of rural dean is to be treated as an ecclesiastical office for the purposes of this section and the other provisions of this Measure and the regulations relating to compensation; and, accordingly, a rural dean is to be treated as coming within subsection (1)(a) (but with the reference to common tenure to be ignored). 45

27 No incumbent, team vicar, archdeacon or rural dean

- (1) Where a benefice has no incumbent, the provisions of this Measure relating to notices, consents or other things which may or must be given or done by or to the incumbent of the benefice do not apply to that benefice.
- (2) Where an office of vicar in a team ministry is vacant, the provisions of this Measure relating to notices, consents or other things which may or must be given or done by or to a vicar in a team ministry do not apply to that office. 5
- (3) Where an archdeaconry has no archdeacon, the provisions of this Measure relating to notices, consents or other things which may or must be given or done by or to an archdeacon do not apply to that archdeaconry. 10
- (4) Where a deanery has no rural dean, the provisions of this Measure relating to notices, consents or other things which may or must be given or done by or to a rural dean have no effect in relation to that deanery.
- (5) For the purposes of this section, a certificate signed by the bishop of a diocese that a benefice has no incumbent, that the office of vicar in a team ministry is vacant, that an archdeaconry has no archdeacon or that a deanery has no rural dean is conclusive. 15

28 Induction where more than one parish church

- (1) In a case where a person is appointed incumbent of a benefice in an area which includes more than one parish church, the bishop may direct in which of the churches the incumbent is to be inducted; but this subsection does not apply in cases specified in the regulations. 20
- (2) After an induction in a case within subsection (1), or if the bishop decides not to give a direction under that subsection, the incumbent is regarded as having been – 25
 - (a) inducted in all the parish churches in the area of the benefice, and
 - (b) admitted to the benefice.
- (3) In a case where a person is appointed incumbent of benefices to be held in plurality, the bishop may direct in which of the parish churches in the area of those benefices the incumbent is to be inducted; but this subsection does not apply in cases specified in the regulations. 30
- (4) After an induction in a case within subsection (3), or if the bishop decides not to give a direction under that subsection, the incumbent is regarded as having been – 35
 - (a) inducted in all the parish churches in the area of each benefice, and
 - (b) admitted to each of the benefices.

29 Assistant curates

- (1) The bishop of a diocese may by instrument made under hand direct that an office of assistant curate in the diocese is to be described in the terms specified.
- (2) Where an instrument under this section is in force, a licence issued to a person to exercise the office must refer to the assistant curate by the description specified in the instrument; and a reference to an assistant curate in an enactment, Canon or other instrument is to be read accordingly. 40

- (3) Before issuing an instrument under this section, the bishop must consult the incumbent or priest in charge of the benefice in question or, in the case of a team ministry, the team chapter of the team ministry in which the assistant curate exercises, or is to exercise, office as such.
- (4) An instrument under this section may be varied or revoked by a subsequent instrument; and subsections (1) to (3) apply to such an instrument accordingly but, before making the instrument, the bishop must also consult the assistant curate concerned (if there is one). 5
- (5) The bishop, having made an instrument under this section, must send a copy to the diocesan registrar; and the registrar must file the copy in the diocesan registry. 10
- (6) The bishop may include in a licence to an assistant curate provision conferring on the assistant curate –
- (a) a special cure of souls in a part of the area of the benefice in question, whether or not with responsibility for a particular church; 15
 - (b) a special responsibility for a particular pastoral function.
- (7) The bishop may not exercise the power under subsection (6) without having carried out the consultation required by subsection (3).
- (8) Provision included in a licence under subsection (6) does not affect –
- (a) the general duties and responsibilities of the incumbent or priest in charge of the benefice in question, or 20
 - (b) in the case of a team ministry, the rights, roles or responsibilities imposed or conferred on the holder of an office by or under a pastoral scheme or order.
- 30 Pluralities and preferments: authorisation 25**
- (1) A person may not hold benefices in plurality otherwise than by virtue of a pastoral scheme or order.
- (2) A person may not hold a cathedral preferment with a benefice or with two or more benefices authorised to be held in plurality by a pastoral scheme or order unless the statutes of the cathedral provide or permit that. 30
- (3) A person may not hold a cathedral preferment in more than one cathedral.
- (4) If a person’s acceptance of a benefice or cathedral preferment would, but for this subsection, put the person in breach of this section, the person is, on admission to the benefice or preferment, regarded as vacating each benefice or cathedral preferment previously held. 35
- (5) In this section, “benefice” includes the office of vicar in a team ministry; and the general definition of “benefice” in section 85(2) is accordingly to be read subject to this subsection.
- (6) In this section –
- “cathedral statutes” includes the constitution of the cathedral and any charter or local Act relating to the cathedral. 40
 - “preferment”, in relation to a cathedral, means the office of dean, residentiary canon or stipendiary canon in the cathedral.

31 Bishop's powers to sue

The bishop for a diocese may bring or defend legal proceedings arising from a dispute relating to a parsonage house in the diocese and, accordingly, may take legal advice for that purpose.

Patronage

5

32 Right of presentation to benefice: pause period

- (1) Where a benefice is vacant, or is due to become vacant within the next three months, and either or each of the conditions in subsection (2) is met, the bishop may give notice (a "pause notice") that during the period specified (the "pause period") the registered patron may not exercise the right of presentation without—
 - (a) the consent of the MPC, and
 - (b) the consent of the bishop (unless the bishop is the registered patron).

10
- (2) The first condition referred to in subsection (1) is that the bishop intends to exercise the power under section 1(7) or 2(2) of the Church Property Measure 2018 with a view to replacing the parsonage house of the benefice.

15
- (3) The second condition referred to in subsection (1) is that the MPC is considering pastoral reorganisation for the benefice and the bishop intends under section 34(1)—
 - (a) to appoint one person to hold office as priest in charge for the benefice concurrently with the office of incumbent or of team rector or team vicar in a team ministry, or
 - (b) to appoint more than one person so that the same person is not the priest in charge for each parish of the benefice;

20
- (4) The bishop may not give a pause notice in any other case without having obtained the consent of the Church Commissioners.

25
- (5) The right of presentation may not be exercised during a pause period otherwise than in accordance with the pause notice.
- (6) A pause notice must specify the date on which the pause period begins and the date on which it ends; and the pause period may not exceed three years.

30
- (7) The bishop may, at any time before the end of the pause period under a pause notice, give notice (an "extension notice") to extend the pause period; and—
 - (a) the extension notice must specify the date on which the pause period (as extended) ends, but
 - (b) the pause period may not be extended by more than three years, and
 - (c) the bishop may not give another extension notice.

35
- (8) Where an extension notice is given, the pause period is to continue after it would otherwise expire under the pause notice.
- (9) If the pause notice was given in a case where the condition in subsection (3) was met and the bishop is satisfied that consultation on making a pastoral scheme or order will begin within the 12 months following the end of the pause period as extended under an extension notice, the bishop may give notice (a "final extension notice") to extend the pause period; and—

40

- (a) the final extension notice must specify the date on which the pause period (as further extended under the notice) ends, but
 - (b) the pause period may not be extended by more than one year, and
 - (c) the bishop may not give another final extension notice.
- (10) Where a final extension notice is given, the pause period continues after it would otherwise have expired under the extension notice. 5
- (11) The bishop may not give a final extension notice without having obtained the consent of the Church Commissioners.
- (12) Subsection (5) applies to an extension notice or final extension notice as it applies to a pause notice. 10
- (13) The regulations may make further provision as to the procedure to follow in connection with a pause notice, extension notice or final extension notice.

33 Pause period: end and extension

- (1) A pause period comes to an end if—
- (a) the bishop gives notice (a “consent notice”) that the consents required for the exercise of the right of presentation have been given, 15
 - (b) the bishop, having obtained the consent of the MPC and such other persons as the regulations may specify, gives notice (a “termination notice”) to terminate the pause period,
 - (c) provision in a pastoral scheme or order for the benefice to be held in plurality with one or more other benefices comes into operation, or 20
 - (d) express provision in a pastoral scheme or order for the termination of the pause period comes into operation.
- (2) Where the pause period begins in circumstances where only the condition in section 32(2) is met, the pause period comes to an end on the completion of the transaction under section 1 or 2 of the Church Property Measure 2018 giving effect to the replacement of the parsonage house. 25
- (3) In a case within subsection (1)(a) or (b), the pause period comes to an end on the day specified in the consent notice or in the termination notice; and that day must be no later than 14 days after the day on which the notice is given. 30
- (4) The designated officer under the Patronage (Benefices) Measure 1986 must, at some point between three and six months before the date on which the pause period is due to expire, give notice of that date to—
- (a) the bishop, and
 - (b) the secretary of the MPC (if that is not the designated officer). 35
- (5) Subsection (4) does not apply in the case of a pause period which comes to an end before it would otherwise have come to an end under subsection (1).
- (6) The regulations may make further provision as to the procedure to follow in connection with a consent notice or a termination notice.

34 Pause period: appointment of priest in charge 40

- (1) During a pause period, the bishop may appoint one person as priest in charge for the benefice or may appoint more than one person with the result that the

same person is not priest in charge for each parish of the benefice; but the bishop may do so only after consulting –

- (a) the PCC of each parish,
- (b) so far as reasonably practicable, the patron of the benefice, and
- (c) such other persons as the regulations may specify.

5

- (2) Having made an appointment under subsection (1), the bishop may require the priest in charge to reside in the parsonage house of the benefice.

35 Administration in vacancy

- (1) After giving a pause notice, the bishop must appoint one or more persons to act as administrators in vacancy during the pause period; and –

10

- (a) each administrator's instrument of appointment must specify the date on which the appointment begins and the date on which it is due to end, and
- (b) each administrator has all the functions which a sequestrator has by law.

15

- (2) Where a pause period has expired and an extension notice or final extension notice is given, subsection (1) applies to that notice as it applied to the pause notice; but a person appointed as an administrator need not be a person who was acting as such immediately before expiry of the pause period.

- (3) The bishop (acting through the administrators) must, during the pause period, sequester the rents or any other periodical payments in relation to the benefice.

20

- (4) The administrators must, in accordance with the directions of the bishop, make provision for the exercise during the pause period of the ecclesiastical duties of the benefice; and, before giving directions under this subsection, the bishop must consult –

25

- (a) the PCC of each parish concerned,
- (b) so far as reasonably practicable, the registered patron, and
- (c) such other persons as the regulations may specify.

- (5) The administrators may, with the consent of the bishop and such other persons as the regulations may specify, exercise in relation to property of the benefice whatever powers an incumbent would have if the benefice were full in addition to powers which –

30

- (a) the administrators already have by law as sequestrators, or
- (b) the bishop or the Church Commissioners may exercise under an Act or Measure.

35

- (6) The administrators may, despite anything to the contrary in an Act or Measure, apply the income of the benefice during the vacancy –

- (a) in payment to the bishop of the expenses incurred under sections 32 and 33;
- (b) in payment of the expenses properly incurred in collecting the income of the benefice;
- (c) in payment of the expenses incurred in making provision for the exercise during the pause period of the ecclesiastical duties of the benefice (including accommodation);
- (d) in payment of the expenses properly incurred by the administrators in exercising functions which they have by law as sequestrators;

40

45

- (e) in payment of the stipend and expenses of accommodation of an assistant curate.
- (7) During the pause period the administrators may, with the consent of the bishop, and must, on the direction of the bishop, pay part of the balance they hold to the DBF. 5
- (8) Money received by the DBF under subsection (7) must be allocated to the income account of the diocesan stipends fund.
- (9) The reference in subsection (6) to the income of the benefice during the vacancy includes, where a pause period immediately follows a period of vacancy in the benefice, a reference to the balance held by the administrators in vacancy at the beginning of the pause period. 10
- (10) The reference in subsection (6)(d) to expenses incurred by the administrators in vacancy includes, in the case of an administrator who is professionally qualified, a reference to professional charges for the work done by that administrator. 15
- (11) The regulations may make further provision as to the procedure to follow in connection with an administration under this section.
- (12) In a case where there is a vacancy in a benefice but no pause period, this section applies with whatever modifications are necessary.
- 36 Close of administration in vacancy 20**
- (1) At the close of an administration under section 35, the administrators must pay the balance they hold to the DBF; but before the payment is made, the bishop or a person authorised by the bishop must certify the amount of that balance.
- (2) Money received by the DBF under subsection (1) must be allocated to the income account of the diocesan stipends fund. 25
- (3) In each year on the date directed by the bishop until the close of an administration under section 35, and as soon as possible after the close of the administration, the administrators must give the bishop –
- (a) audited income and expenditure accounts, and
- (b) whatever information about those accounts the bishop may require. 30
- (4) Where an extension notice or final extension notice is given, the previous pause period is to be treated for the purposes of section 35 and this section as including the extension.
- 37 Pauses on presentation: other provision**
- (1) This section applies where the right of presentation to a benefice is paused as a result of – 35
- (a) a pause period in respect of the benefice, or
- (b) a pause imposed by the regulations on the right of presentation.
- (2) A notice of a vacancy or impending vacancy in the benefice may not be given under section 7 of the Patronage (Benefices) Measure 1986 (“the 1986 Measure”) (notification of vacancies). 40
- (3) If a notice to that effect was given under that section before the pause to the exercise of the right of presentation began –

- (a) the notice is revoked, and
 - (b) acts done under the 1986 Measure in consequence of the notice are of no effect.
- (4) The benefice is treated for the purposes of the 1986 Measure as becoming vacant immediately after the day on which the right of presentation ceases to be paused. 5
- (5) The bishop, as soon as practicable after becoming aware of the vacancy, must give notice of the vacancy to—
- (a) the designated officer, and
 - (b) the registrar of the diocese (unless the registrar is the designated officer). 10
- (6) Section 7(4) and (4A) of the 1986 Measure applies to a notice under subsection (5) of this section as it applies to a notice under section 7(1), (2) or (2A) of that Measure.
- (7) A notice under subsection (5) of this section may be given at the same time as a notice under section 33(1)(a) or (b) to bring a pause period under section 32 to an end. 15
- (8) Where a consent notice or termination under section 33(1) is not going to be given, the notice under subsection (5) of this section may be given no more than 14 days before the right of presentation ceases to be paused. 20
- (9) The regulations may make further provision as to the consequences in cases where this section applies.

38 Priest in charge as charity trustee

- (1) This section applies where—
- (a) 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 a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and
 - (b) the benefice becomes vacant or the bishop gives a pause notice in respect of the benefice. 25
- (2) During the vacancy or the pause period, the trusts of the charity or the constitution of the corporation have effect with the replacement of the incumbent with the priest in charge.
- (3) A change of the kind referred to in subsection (1) takes effect without the need for a conveyance or other instrument. 35
- (4) This section does not apply to a fund or property for which provision is made under section 59 (trust for repair of closed church).

39 Minors

- Where a minor is entitled to the patronage or a share of the patronage of a benefice, a consent or approval or anything else required by a provision of this Measure, the regulations or a pastoral scheme or order to be given or done by or to the registered patron is to be given or done by or to—
- (a) the guardian of the minor, or
- 40

- (b) such other person as is provided for in the Patronage (Benefices) Measure 1986.

40 Determination of questions on patronage

Where it is necessary for the purposes of this Measure or a pastoral scheme or order to find the registered patron of a benefice but it appears to the Church Commissioners that it is not possible or reasonably practicable to do so— 5

- (a) the Commissioners may direct that the diocesan board of patronage is to be treated for those purposes as the registered patron, and
 (b) the direction is conclusive for those purposes.

Disposal of church: general 10

41 Recommendation for church closure

- (1) The MPC has the power to recommend to the bishop of the diocese that a declaration be made for the closure of a church in the diocese for regular public worship.
- (2) But the MPC may not exercise that power unless, having made a request to the DAC, it has obtained and considered a report from the DAC on the church which includes such matters as the regulations require. 15
- (3) The DAC, having completed the report under subsection (2), must send the report to the MPC and a copy to the Church Commissioners and to the DBF.
- (4) A reference in this section to the DAC is— 20
- (a) a reference to the DAC of the diocese in which the church is situated, or
 (b) if the MPC wishes the DAC of another diocese to prepare the report and accordingly gives the notice under subsection (2) to the DAC of that other diocese, a reference to the DAC of that other diocese.
- (5) The MPC may make a request for a report under subsection (2) to a person other than the DAC and who the MPC is satisfied is capable of giving advice of the kind required under section 37(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018; 25
- (6) Where the MPC makes the request to another person by virtue of subsection (5), the references in subsections (2) and (3) to the DAC are to be read as references to that other person. 30

42 Church closure: functions of MPC

- (1) In the case of a listed building, or a building in a conservation area, which is closed or proposed to be closed for regular public worship under a pastoral scheme or order, the MPC must make every endeavour to find suitable alternative use for the building. 35
- (2) In the case of any other building which is closed or proposed to be closed for regular public worship under a pastoral scheme or order, the MPC must develop proposals—
- (a) for suitable alternative use for the building, or 40
 (b) for its demolition and the disposal of its site.

- (3) Subsections (1) and (2) do not apply where it is proposed to include in the pastoral scheme or order provision for the future of the building to the closure of which the scheme or order relates.
- (4) In the case of a building closed for regular public worship, the Church Commissioners may require the MPC to refer the case to them; and on that referral— 5
- (a) the duty under subsection (1) or (2) is to be carried out by the Commissioners, and
- (b) in carrying it out, the Commissioners must consult the MPC.
- (5) If, after carrying out the duty under subsection (1) or (2) for a period of five years, the Church Commissioners or the MPC have not found suitable alternative use for the building, the Commissioners must prepare a draft pastoral scheme for the disposal of the building. 10
- (6) But the Church Commissioners may, before the end of the five-year period referred to in subsection (5) or the end of that period as extended under this subsection, decide to extend the period by a further period of whatever duration they think appropriate. 15

43 Lease of open church

- (1) It is not lawful to sell, lease or otherwise dispose of the whole or part of a church, the whole or part of the site of a church or consecrated land belonging or annexed to a church except by virtue of a pastoral scheme or parish-led provision in a pastoral order; but that is subject to subsections (2) and (3). 20
- (2) A lease may be granted by the incumbent or, if the benefice is vacant, the bishop of a specified part of the church; but the part leased and the remaining part, taken as a whole, must be used primarily as a place of worship. 25
- (3) A lease may be granted by the incumbent or, if the benefice is vacant, the bishop of the whole or a specified part of land belonging to or annexed to a church.
- (4) A lease may not be granted under subsection (2) or (3) unless the incumbent or bishop has obtained the agreement of the PCC and of the MPC to the terms of the lease. 30
- (5) A lease granted subsection (2) or (3) by a bishop is granted in the name and on behalf of the incumbent in the corporate capacity of the incumbent.
- (6) A faculty is not required for the grant of a lease under subsection (2) or (3).
- (7) Schedule 3 (which makes further provision about a lease under subsection (2) or (3)) has effect. 35

44 Closure of church not used for past 25 years

- (1) Where the bishop of a diocese certifies that the whole or part of a church in the diocese has not been used for Divine Service in the preceding 25 years and the incumbent (if any), the patron and the PCC each consent, the Church Commissioners may make an order declaring the church or part to be closed for regular public worship. 40

- (2) This Measure and the regulations apply to a declaration which may be made by an order under subsection (1) as if it were a declaration of closure for regular public worship which may be made in a pastoral scheme.
- (3) This section does not apply to a consecrated chapel belonging to a charity (as to which, see section 48). 5

45 Demolition of church not done under Measure

- (1) Where the whole or part of a church has been demolished otherwise than under this Measure or the old MPM, a pastoral scheme may make provision for the church or part as if the demolition had been provided for by a pastoral scheme. 10
- (2) This section does not apply to a consecrated chapel belonging to a charity (as to which, see section 48).

46 Dealings by Commissioners or DBF with land vested in CCT

- (1) This section applies to property vested in the CCT which is – 15
- (a) the whole or part of a building closed for regular public worship, or
 - (b) land annexed or belonging to the building or to the church of which it forms part.
- (2) The Church Commissioners may, with the agreement of the Secretary of State, make an amending pastoral scheme or order to confer on the Commissioners power to sell, give or exchange the property for use specified or described in the scheme or order and appearing to the Commissioners to be suitable. 20
- (3) The Church Commissioners may, with the agreement of the Secretary of State, make an amending pastoral scheme or order to confer on the DBF – 25
- (a) power to use or hold the property for use specified or described as mentioned in subsection (2),
 - (b) power to grant a lease or licence of the property use so specified or described, or
 - (c) power to act under paragraphs (a) and (b) in relation to the property.
- (4) The scheme or order may provide that, immediately before the property vests in the Church Commissioners or the DBF in accordance with the regulations, it ceases to be vested in the CCT. 30
- (5) Before preparing a draft of an amending pastoral scheme or order for the purposes of this section, the Church Commissioners must consult the CCT.
- (6) The regulations may make provision about the application of – 35
- (a) the proceeds from a sale or exchange by virtue of this section;
 - (b) the premium on the grant of a lease or licence by virtue of this section;
 - (c) the rent paid under a lease or licence granted by virtue of this section.

47 Restoration of closed church

- (1) A pastoral order may provide for the whole or part of a building closed for regular public worship which is vested in the CCT or another charitable church trust, the DBF or the Church Commissioners to be restored to use as the whole or part of a church. 40

- (2) An order making provision by virtue of subsection (1) may further provide –
- (a) for designating the church as a parish church or chapel of ease;
 - (b) for vesting the building or part, with or without land vested with the building or part, in the incumbent of the benefice concerned or, if the order specifies some other person, that other person; 5
 - (c) for revoking the declaration of closure for regular public worship and for revoking or amending any provision in a pastoral scheme or order in relation to the closed building or part;
 - (d) for transitional, supplementary or consequential matters.
- 48 Schemes for redundant chapels belonging to charities 10**
- (1) The power of the court under the Charities Act 2011 to make a scheme under its jurisdiction for charities and the power of the Charity Commission to make a scheme under that Act each extend to making a scheme about a consecrated chapel belonging to a charity and no longer needed for the purposes of the charity; and section 10(2)(c) of that Act does not prevent that. 15
- (2) Where a scheme made by virtue of this section makes provision for a chapel, the bishop may by order under seal direct that sections 54(2) and 61 to 63 apply to the chapel; and the scheme, so far as it relates to the chapel, does not come into operation unless and until –
- (a) an order under this subsection is made, or 20
 - (b) the bishop directs that the scheme is to come into operation without an order under this subsection.
- (3) An order under subsection (2) may provide –
- (a) for the demolition of the chapel and the disposal of the materials arising from the demolition; 25
 - (b) for the sale or other disposal of the chapel or its site and the application of the proceeds;
 - (c) for the chapel to be put to the use specified or described in general terms;
 - (d) for a matter supplementary or incidental to a matter specified in paragraphs (a) to (c). 30
- (4) A consecrated chapel held on charitable trusts for the purpose of religious worship by the beneficiaries and staff of a charity and not by the general public is to be treated for the purposes of this section as belonging to the charity, even if the trusts on which the chapel is held are separate from those of the charity. 35
- (5) Subject to subsection (4), this section does not apply to a chapel held on separate trusts relating to the use of the chapel for religious worship.
- 49 Closure or disposal of church to be by Measure**
- It is not lawful to make an order or give a direction for closing a church on the grounds that it is no longer required for use as a church otherwise than by – 40
- (a) a declaration of closure for regular public worship or,
 - (b) the exercise of a power under section 48 (scheme for redundant chapel belonging to charity).

50 Guild churches

- (1) A pastoral scheme or order may make a declaration of closure for regular public worship in the case of the whole or part of a church designated as a guild church under the City of London (Guild Churches) Acts 1952 and 1960 and any churchyard or other land annexed or belonging to that church. 5
- (2) Subsection (1) does not apply to the church of St. Lawrence Jewry.
- (3) Where a pastoral scheme or order makes provision under subsection (1), the Acts referred to there cease to apply to the guild church concerned; and the scheme may make transitional, supplementary or incidental provision.
- (4) It is the case that the incumbent of a benefice or the holder of another ecclesiastical office may be nominated to a vacancy in a guild church but the bishop may refuse the office holder's licence on the grounds that the benefice or church cannot properly be combined with the office of vicar of the guild church. 10
- (5) Apart from this section, nothing in this Measure or a pastoral scheme or order applies to or affects a guild church. 15

*Disposal of church: property rights***51 Functions of vesting body following declaration of closure**

- (1) When a declaration of closure for regular public worship takes effect, the closed building and its contents vest in the vesting body for the diocese without the need for a conveyance or other instrument. 20
- (2) In this section, the "vesting body" is the body specified for the purposes of this section in a pastoral scheme or order, with that body being the DBF for the diocese or the CCT or another charitable church trust.
- (3) The vesting body is to hold the building on charitable trusts in perpetuity for the purpose of the advancement of religion by the provision of financial and other support for the care and maintenance of, and the management of, church buildings (whether or not open for regular public worship). 25
- (4) During the period which begins with the taking effect of a declaration of closure for regular public worship and ends with the coming into operation of provision in a pastoral scheme or order for the closed building, the vesting body – 30
- (a) is responsible for the care and maintenance of the closed building, so far as that is reasonable in all the circumstances, and for the safekeeping of its contents (whether they are in the building or elsewhere), 35
- (b) must insure the building and contents,
- (c) may, without obtaining a faculty, transfer some or all of the contents to some other place for safekeeping, and
- (d) may permit the building to be used occasionally for worship, including by persons belonging to another Christian Church. 40
- (5) The vesting body may not exercise the power under subsection (4)(c) without having consulted the DAC and the chancellor of the diocese unless the vesting body, having regard to the urgency of the need to keep the contents of the building safe, considers it is not practicable to do so.

- (6) The vesting body may not exercise the power under subsection (4)(d) without having obtained the consent of the incumbent or priest in charge of the benefice in whose area the closed building is situated.
- (7) During the period referred to in subsection (4), the incumbent or priest in charge and the churchwardens of the parish concerned must give the DBF every assistance in providing for reasonable supervision of the building against damage; and in acting under this subsection, neither the incumbent or priest in charge nor the churchwardens incur a financial obligation. 5
- (8) When a declaration of closure for regular public worship takes effect – 10
- (a) all liability of a PCC or rector (including a lay rector) for the repair and maintenance of the closed building and the safekeeping of its contents ceases, and
 - (b) sections 45 to 48 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (inspection) cease to apply to the building.
- (9) The transfer is not to be regarded as a transaction entered into at an undervalue (within the meaning given in section 238(4) of the Insolvency Act 1986). 15
- (10) Where the vesting body transfers some or all of the contents of a closed building to some other place, it must keep a record of the transfer; and that record must specify the particulars of the contents transferred and the address of the place to which they are transferred. 20

52 Vesting of closed building

- (1) A pastoral scheme or order may, in the case of a building closed for regular public worship, provide for the whole or part of the building or for related land to vest, in cases specified in the regulations and in accordance with the regulations, in – 25
- (a) the DBF for the diocese,
 - (b) the CCT or another charitable church trust,
 - (c) the incumbent of the benefice, or
 - (d) a person specified, or of a description specified, in the regulations.
- (2) Where the building or other land is vested in a charitable church trust other than the CCT and the trust becomes unable to pay its debts or is dissolved or wound up, the land is transferred to the DBF for the diocese in which it is situated; and the DBF may apply funds in any way in which the trust was entitled to do. 30
- (3) The transfer under subsection (2) takes effect by virtue of this section without the need for a conveyance or other instrument. 35
- (4) The reference in subsection (2) to becoming unable to pay debts is to be read with section 123 of the Insolvency Act 1986.

53 Vesting free of burial rights

- (1) Property vesting by virtue of section 51 or 52 vests free of any trust or burial rights. 40
- (2) But a person entitled to burial rights may claim compensation from the DBF for the loss of those rights; and –

- (a) in the absence of agreement, the claim is to be referred to and determined by the consistory court of the diocese concerned, and
- (b) an appeal against the determination of the consistory court may be made to the Dean of the Arches and Auditor.
- (3) If compensation is awarded under subsection (2) – 5
- (a) the amount of the compensation is to be paid by the DBF, and
- (b) the payment is to be treated as money spent on the property for the purpose of furthering its disposal or use.
- (4) The body in which property vests by virtue of this section is to be treated for the purposes of faculty proceedings as having an interest in – 10
- (a) other property vested in that body by virtue of this section, and
- (b) property formerly annexed or belonging to or held with property referred to in paragraph (a).
- 54 Removal of legal effects of consecration**
- (1) This section applies to a consecrated building, a consecrated part of a building or other consecrated land. 15
- (2) Where the land is vested in the Church Commissioners under section 52, put to a use specified or described in a pastoral scheme or order or vested in the DBF for a diocese under a pastoral scheme or order, then unless the scheme or order provides otherwise – 20
- (a) the jurisdiction for granting a faculty ceases to extend to the land, and
- (b) the land is not in any other respect subject to the legal effects of consecration.
- (3) Where the land is vested in the CCT under section 52 –
- (a) the jurisdiction for granting a faculty ceases to extend to the land, but 25
- (b) subject to that and subject to a term of a lease providing that the land is not subject to the legal effects of consecration, the land continues to be subject to those effects.
- (4) This section ceases to apply to the land if it is –
- (a) restored to its former use, or 30
- (b) put to a use for which consecration would be required.
- 55 Charitable church trust: special powers**
- (1) Where a building the whole or part of which is closed for regular public worship is vested in a charitable church trust other than the CCT by virtue of this Measure – 35
- (a) the trust is to be treated as having the charitable purpose mentioned in subsection (2) in so far as it would not otherwise, and
- (b) each charity trustee is to be treated as having the powers mentioned in subsection (3), in so far as the trustee would not otherwise.
- (2) The charitable purpose referred to in subsection (1)(a) is the advancement of religion by the provision of financial and other support for the care and maintenance of, and the management of, church buildings (whether or not open for regular public worship). 40
- (3) The powers referred to in subsection (1)(b) are –

- (a) the power to apply funds for acting under the transfer notice,
 - (b) the power to act as custodian trustee,
 - (c) the power to grant a lease or licence (including by contract for hire) of the whole or part of property vested in the trust on whatever terms the trustees think reasonable and proper in the circumstances, 5
 - (d) the power to acquire property (including rights of way) which the trustees think would assist the trust in acting as transferee,
 - (e) the power to obtain insurance (in addition to the power to do so under section 178 of the Charities Act 2011 (indemnity)),
 - (f) the power to manage sums in its possession, 10
 - (g) the power to invest sums not immediately required for the purposes of the trust,
 - (h) the power to delegate functions,
 - (i) the power to permit the use of the whole or part of the building for worship (including worship by people belonging to another Christian Church) which the bishop authorises after consulting the incumbent or priest in charge of the benefice in which the church is situated, and 15
 - (j) the power to dispose of property vested in the trust, subject to subsection (5).
- (4) A person to whom a function is delegated by virtue of subsection (3)(h) may in turn delegate that function to another person. 20
- (5) The charitable church trust may dispose of the building only where permitted to do so by this Measure or the regulations or by the Church Property Measure 2018.
- (6) The charitable church trust may generate income for the purpose of fulfilling its charitable objects; and the ways in which it may do so include – 25
- (a) carrying out trading activities, and
 - (b) applying for grants.

56 Easements

- (1) Where land annexed or belonging to a church the whole or part of which is closed for regular public worship does not vest by virtue of this Measure in the the DBF, the CCT or another charitable church trust or the Church Commissioners, the pastoral scheme or order may provide for the grant of necessary easements over or in land to a body in which the whole or part of the closed building or its site or land annexed or belonging to the church vests. 30 35
- (2) An easement is “necessary” if it appears to the Church Commissioners to be necessary –
- (a) to enable property so vesting to be put to a use specified or described in the pastoral scheme or order to facilitate that use,
 - (b) to enable property so vesting which is to be sold, given, exchanged or let by the Church Commissioners (otherwise than for a use referred to in paragraph (a)) to be put to a use the Commissioners think reasonable or to facilitate that use, or 40
 - (c) to enable the CCT or another charitable church trust to carry out its functions in relation to property so vesting in it, including giving reasonable access to members of the public. 45

- (3) Where an easement for a right of way over land adjoining or adjacent to a church to the whole or part of which a declaration of closure for regular public worship applies was, before the declaration took effect, enjoyed by persons attending the church and the church or part vests by virtue of this Measure in the DBF, the CCT or another charitable church trust, that right of way is to be enjoyed – 5
- (a) by that body so far as necessary for it to carry out its functions, and
 - (b) by members of the public for the purpose of visiting the church.
- (4) Where the Church Commissioners consider that it is necessary or appropriate to acquire an easement for the benefit of land which has vested or is to vest in the CCT or another charitable church trust by virtue of this Measure or which is to be disposed of by the Commissioners under this Measure, they may acquire the easement. 10
- (5) Where an easement has been acquired by the Church Commissioners under subsection (4), and land for the benefit of which the easement was acquired vests in the CCT or another charitable church trust by virtue of this Measure, the easement also vests in the CCT or charitable church trust. 15
- 57 Covenants as to use: imposition and enforcement**
- (1) The Church Commissioners or the DBF for a diocese may, in exercising a power by virtue of a pastoral scheme or order to sell, give or exchange or to grant a lease or licence of a building or other land, include in the instrument concerned covenants imposing conditions or requirements as to the use of the land for – 20
- (a) giving effect to the scheme or order, or
 - (b) otherwise securing the suitable use of the land. 25
- (2) Subsection (1) applies subject to the conditions or requirements in the scheme or order.
- (3) In a case where the land is sold, given or exchanged, a covenant under subsection (1) is enforceable – 30
- (a) as if the Commissioners or DBF owned adjacent land and the covenant was expressed to be entered into for the benefit of that adjacent land;
 - (b) in the case of a positive covenant, as if it were a restrictive covenant.
- (4) Section 84 of the Law of Property Act 1925 (which enables the Upper Tribunal to discharge or modify restrictions affecting land) does not apply to a condition or requirement imposed by a covenant under subsection (1) of this section; and the reference in this subsection to section 84 of that Act does not include a reference to subsection (2) of that section. 35
- 58 Bishop’s directions for disposal of contents of church**
- (1) Where a declaration for the closure of the whole or part of a church has taken effect, the bishop must give directions for how the font, communion table and plate used for Holy Communion are to be dealt with. 40
- (2) But if the church or part is demolished or put to another use before a direction under subsection (1) is given or fully implemented, the DBF has, subject to provision in a pastoral scheme or order, responsibility for the care, maintenance and safekeeping of the items concerned. 45

- (3) A direction under subsection (1) may also provide for how other contents of the church are to be dealt with.
- (4) Where anything is disposed of in accordance with a direction under subsection (1), the bishop must give a direction for the application of the proceeds.
- (5) Where a pastoral scheme or order provides for the care and maintenance of the whole or part of a church by the CCT, the scheme or order may also provide— 5
- (a) for the contents of the church to be vested in the CCT and for their care and maintenance by the CCT, or
- (b) for the disposal of specified contents of the church and for the other contents to be dealt with as mentioned in paragraph (a). 10
- (6) Where a pastoral scheme or order provides for the whole or part of a church to remain vested in the DBF, the scheme or order may also provide—
- (a) for the contents of the church to be vested in the DBF and for their care and maintenance by the DBF;
- (b) for the disposal of specified contents of the church and for the other contents to be dealt with as mentioned in paragraph (a). 15
- (7) The power to give a direction under this section is subject to provision in a pastoral scheme or order.
- (8) The implementation of a direction under this section does not require a faculty.
- (9) “Contents”, except in subsections (5)(a) and (6)(a), does not include a tombstone, monument or memorial commemorating a deceased person buried in the church or in land annexed or belonging to the church. 20

59 Trust funds for repair etc of closed church and contents

- (1) This section applies where the whole or part of a building closed for regular public worship— 25
- (a) is vested in the DBF pending the making of, or in pursuance of, a pastoral scheme or order,
- (b) is vested in the CCT in pursuance of a pastoral scheme or order,
- (c) is vested in another charitable church trust in pursuance of a pastoral scheme or order, or 30
- (d) is vested in the Church Commissioners or the DBF for a use specified or described in a pastoral scheme or order.
- (2) This section also applies where land annexed or belonging to a building closed for regular public worship and comprising a churchyard is vested in the DBF or in the CCT or another charitable church trust in pursuance of pastoral scheme or order. 35
- (3) In a case within subsection (1), property of a charity the purposes of which include the repair and maintenance of the building or the provision of maintenance of ornaments or other contents of the building continues to be applicable for that purpose. 40
- (4) But in a case within subsection (1)(d), the property is applicable as mentioned in subsection (3) only if the scheme or order provides for that.
- (5) And if the building closed consists of part of a church or only part of the building is vested as mentioned in subsection (1)(a) to (d), the property is applicable only to the extent provided for by the scheme or order. 45

- (6) In a case within subsection (2), property of a charity the purposes of which include the maintenance of the churchyard continues to be applicable for that purpose.
- (7) But if only part of the churchyard is vested as mentioned in subsection (2), the property is applicable as mentioned in subsection (6) only to the extent provided for by the scheme or order. 5
- (8) This section does not affect any power under the Charities Act 2011 to make a scheme in respect of a charity of the kind mentioned in subsection (3) or (6).
- (9) The regulatory power of the Charity Commission may, in the case of a charity of the kind mentioned in subsection (3) or (6) whose administration or purposes are affected by a pastoral scheme or order, be exercised on the application of the DBF as well as under sections 69 to 71 of the Charities Act 2011. 10
- (10) In subsection (9), “regulatory power” means the power to make a scheme under section 69 of the Charities Act 2011 (scheme for administration, appointing or removing trustee, transferring property etc.). 15
- (11) Where the purposes of a charity include the giving of sermons or lectures in a church but the sermons or lectures cannot be given in the church because of a declaration of closure for regular public worship relating to the whole or part of the church, they are to be given – 20
- (a) in the parish church of the parish in which the church is situated, or
 - (b) in whichever other church the bishop directs in an instrument under seal with the approval of the Charity Commission.
- 60 Charity affected by pastoral scheme or order**
- (1) Schedule 4 (which makes provision about charities affected by a pastoral scheme or order) has effect. 25
- (2) The provisions of that Schedule do not apply to a fund or other property for which provision is made under section 59 (trusts for repair etc.).

Disposal of church: human remains

- 61 Disposal of human remains** 30
- (1) This section applies where human remains are believed to be buried –
- (a) in or under a building closed for regular public worship,
 - (b) in land to which a pastoral scheme or order providing for the disposal of a building closed for regular public worship applies, or
 - (c) in consecrated land the disposal of which a pastoral scheme or order provides for. 35
- (2) The person in whom the property is vested or to whom it is leased or licensed may not demolish, sell, lease or otherwise deal or part with, or use or carry out development of the whole or part of the land, unless both the first and second conditions are met. 40
- (3) The first condition is that, in relation to human remains –
- (a) the Secretary of State has made an order under section 62 in relation to the demolition, use or development of the land, or

- (b) the remains have, in accordance with the regulations, been removed and either reinterred or cremated.
- (4) The second condition is that a memorial commemorating the person whose remains are believed to be buried has been disposed of, or otherwise dealt with, in accordance with the regulations. 5
- (5) Regulations under subsection (4) may, for example, provide that a memorial need not be removed before the disposal of the land concerned if the instrument giving effect to the disposal includes a covenant by the person to whom the land is being disposed to remove the memorial as soon as reasonably practicable after the disposal. 10
- (6) The regulations may make provision for other cases in which the requirement imposed by subsection (2) does not apply.
- (7) A faculty is not required for anything done in pursuance of this section or of provision in regulations by virtue of this section.
- (8) In this section, “memorial” includes a tombstone or monument. 15

62 Order by Secretary of State

- (1) This section applies where it appears to the Secretary of State that –
- (a) the demolition of the whole or part of a building closed for regular public worship will not involve the disturbance of human remains, or
- (b) the intended use or development of the whole or part of property to which a pastoral scheme or order providing for the disposal of a building closed for regular public worship applies will not involve the disturbance of human remains. 20
- (2) The Secretary of State may by order provide for dispensing with the requirements of section 61 and of provision made by the regulations by virtue of that section (so far as those requirements concern human remains) – 25
- (a) in relation to the demolition of the building or part, or to a use or development of the property or part specified in the order, subject to conditions, restrictions and requirements so specified;
- (b) in relation to a sale, lease or other disposal of the property or use or development such as is referred to in paragraph (a). 30
- (3) The Secretary of State may not make an order under this section without having consulted the bishop of the diocese and the Commonwealth War Graves Commission.
- (4) An order under this section may be amended or revoked by a subsequent order under this section. 35
- (5) If at any time the requirements of section 61 or of provision in the regulations by virtue of that section are complied with, an order under this section ceases to have effect.
- (6) Where an order is made under this section, a copy certified by or on behalf of the Secretary of State as a true copy must be deposited with the originating authority for the purposes of the Local Land Charges Act 1975 (see section 5(4) of that Act); and the order is to be a local land charge. 40
- (7) Where, by virtue of an order under this section, human remains are not removed and either reinterred or cremated, the requirements of section 61 and 45

of provision made by the regulations by virtue of that section apply nevertheless, so far as they relate to the disposal of a memorial.

63 Human remains not buried in same place as memorial

- (1) This section applies where –
 - (a) a memorial commemorating a deceased person is situated in a building or part of a building closed for regular public worship or on land to which provision in the regulations by virtue of section 61 applies, and 5
 - (b) the remains of that person are not buried under the building or part or on the land.
- (2) The person in whom the building, part or land is vested or to whom it is leased or licensed must not demolish, sell, lease or otherwise dispose of, or use or carry out development of the whole or part of it unless –
 - (a) the memorial has been disposed of in such manner as the bishop of the diocese directed, or 10
 - (b) the bishop has dispensed with the prohibition under this subsection. 15
- (3) The requirement under subsection (2) does not apply if the memorial has been dealt with in accordance with the regulations.
- (4) Regulations under subsection (3) may, for example, provide that the memorial need not be removed before the disposal of the land concerned if the instrument giving effect to the disposal includes a covenant by the person to whom the land is being disposed to remove the memorial as soon as reasonably practicable after the disposal. 20
- (5) The power under subsection (2)(a) or (b) is exercisable subject to provision made in regulations under subsection (3).
- (6) The bishop may not act under subsection (2)(a) or (b) without having consulted the DAC for the care of churches. 25
- (7) A faculty is not required for anything done in pursuance of this section.
- (8) In this section, “memorial” includes a tombstone or monument.

The Churches Conservation Trust

- ### **64 Continuation and objects** 30
- (1) The Churches Conservation Trust (referred to in this Measure as “the CCT”) continues to be established as a body corporate.
 - (2) The object of the CCT is the preservation, in the interests of the nation and the Church of England, of churches of historic and archaeological interest or architectural quality that are vested in the CCT by this Measure. 35
 - (3) Schedule 5 (which makes further provision about the CCT) has effect.
 - (4) In this section, sections 65 to 68 and Schedule 5, a reference to a church includes –
 - (a) a reference to a part of a church, and
 - (b) a reference to the contents of the church or part. 40

- (5) A church or other property which, immediately before the commencement of this section, was vested in the CCT under the old MPM is to be treated as vested in the CCT under this Measure.

65 Powers to manage property etc.

- (1) The CCT may hold and manage property vested in it by this Measure and may, in particular – 5
- (a) carry out necessary maintenance or repair work to the property, and
 - (b) replace, renew, provide or improve whatever services or facilities are required to facilitate greater access to and use of the property.
- (2) The CCT may acquire property (including rights of way) where it considers that doing so would assist it in exercising a power under subsection (1). 10
- (3) The CCT may permit the use of property, or grant a licence permitting the temporary use of property, vested in it for a purpose it considers suitable; and it may do so on payment of a fee.
- (4) The CCT may, in exercising a power under subsection (3), permit the use of a church vested in it for worship (including worship by people belonging to another Christian Church) which the bishop authorises after consulting the incumbent or priest in charge of the benefice in which the church is situated. 15
- (5) The CCT may – 20
- (a) charge an entrance fee for admission to property vested in it;
 - (b) raise money by public subscription or appeals;
 - (c) accept gifts or bequests either for its general purposes or on specific trusts for purposes within its general purposes.
- (6) The CCT may, on payment of a fee, assist in the management of a place of Christian religious worship (other than a church) vested in a body with functions similar to functions of the CCT. 25
- (7) The CCT may invest sums not immediately required for its purposes either – 30
- (a) by using the general power of investment under section 3 of the Trustee Act 2000, as restricted by sections 4 and 5 of that Act, or
 - (b) by making investments of the kind mentioned in paragraph 21(1)(e) or (f) of the Schedule to the Church Funds Investment Measure 1958 (loan to investment fund or diocesan authority).
- (8) The CCT may, with the consent of the Church Commissioners, transfer by way of grant to a charitable foundation property or funds held by the CCT, other than a church building. 35
- (9) The CCT may, with the consent of the Church Commissioners, dispose of fixtures, fittings or other contents of a church building vested in the CCT under this Measure.
- (10) The CCT may contribute to the cost of the care and maintenance of a church vested in a DBF under this Measure pending the making or coming into operation of a pastoral scheme or order providing for the closure of the church. 40
- (11) The CCT may spend sums on making reports about the possible vesting of a church building in the CCT.

66 Power to acquire building disposed of under certain schemes

- (1) The CCT may acquire as a gift the freehold interest in a building or in land annexed or belonging to a building where—
 - (a) the freehold interest has been disposed of under a pastoral scheme or order, and 5
 - (b) the owner of the freehold interest is unable to use the building for the use specified in the scheme or order, including a use permitted under a covenant imposed under section 57, and
 - (c) the owner is willing to dispose of the freehold interest by gift.
- (2) The CCT may not make an acquisition under this section without the consent of the Church Commissioners. 10
- (3) The Church Commissioners may not give consent under subsection (2) unless they—
 - (a) have consulted the bishop and the CBC through its Statutory Advisory Committee, and 15
 - (b) are satisfied that the CCT will have the resources to meet the cost of maintaining the building closed for regular public worship.
- (4) The instrument to give effect to an acquisition under this section must be executed by the Church Commissioners.
- (5) The powers under section 65(1) and (9) are exercisable in relation to property acquired under this section. 20

67 Power to let property

- (1) The CCT may let property vested in it on terms approved by the Church Commissioners.
- (2) The CCT may, in the case of property let or proposed to be let under this section, carry out architectural or structural alterations. 25
- (3) The CCT may, in exercising the power under subsection (1), permit the use of a church vested in it for worship (including worship by people belonging to another Christian Church) which the bishop authorises after consulting the incumbent or priest in charge of the benefice in which the church is situated. 30
- (4) A lease under this section may provide that the property let is not subject to the legal effects of consecration despite section 54(3).
- (5) A statement in a document signed by the secretary or other authorised officer of the Church Commissioners that the Commissioners have approved the terms of a lease under this section that is specified in the document is conclusive evidence of their approval of those terms. 35
- (6) As a condition of approving the terms of a lease under this section, the Church Commissioners may require the CCT to include in the lease any provision which the Commissioners think necessary for giving effect to those terms.

68 Provision of information, professional services etc. 40

- (1) The CCT must give the Church Commissioners whatever information or advice the Commissioners require about—
 - (a) the CCT's financial position generally, and

- (b) the estimated cost of repairing and then maintaining a church, or part of a church, proposed to be vested in the CCT or which the Commissioners consider likely to be proposed for vesting in the CCT.
- (2) The CCT may, on payment of a fee, provide a body with consultancy or other professional services relating to buildings (whether or not the body has a connection to the Church of England or any other religious organisation). 5
- (3) The CCT may give advice on a request from the Church Commissioners in a case where the DAC has prepared a report under section 41(2) about a church in respect of which the MPC is considering whether to recommend making a declaration of closure for regular public worship. 10
- (4) The CCT may give advice on a request from the Church Commissioners in a case where, after carrying out consultation in accordance with the regulations, the Commissioners consider that, if no suitable alternative use is found for a church closed for regular public worship, it is likely that the building ought to be preserved in the interests of the nation and the Church of England because of its historic and archaeological interest or architectural quality. 15
- (5) A request under subsection (3) or (4) from the Commissioners for advice is a request to give advice to the Commissioners on identifying and developing proposals for a use of the church which –
- (a) would be consistent with the primary use of the church as a whole as a place of worship, and
- (b) would have the object of ensuring that that use continues. 20
- (6) A request under subsection (3) or (4) must be made –
- (a) with the consent of the MPC, and
- (b) subject to any conditions or limitations specified by the MPC. 25
- (7) A request under subsection (3) or (4) may also include a request to give advice or assistance to a person specified by the MPC on the matters mentioned in subsection (4); and the CCT may give the advice or assistance requested.
- (8) The CCT is entitled to exercise a power under this section despite the object conferred on it by section 64(2) (preservation of churches of historic or archaeological interest). 30

69 Funding by Church Commissioners

- (1) The Church Commissioners may make grants out of their general fund for expenditure by the CCT.
- (2) Any other National Church Institution may make grants for expenditure by the CCT. 35
- (3) The Church Commissioners must by order specify –
- (a) the funding periods in relation to churches closed for regular public worship, and
- (b) in respect of each funding period, the total amount to pay to the CCT (made up of grants under subsection (1) and sums for allocation to the CCT under the regulations but not grants under subsection (2)). 40
- (4) The total amount of grants made in a funding period must not exceed the amount determined for that period by an order under this section.

- (5) An order under this section may, in the case of a funding period, vary the proportions specified for the allocation by the Commissioners of proceeds of a disposal of, or premiums on a lease or licence granted of, the whole or part of a building closed for regular public worship.
- (6) An order under this section may specify – 5
 (a) transactions to which the order does not apply;
 (b) conditions which must be met before a payment is made by the Commissioners.
- (7) An order under this section which amends or revokes a provision of an earlier order under this section may include transitional provision. 10
- (8) An order under this section –
 (a) must be laid before the General Synod, and
 (b) may not come into force unless approved by the Synod.
- (9) If the Business Committee of the General Synod decides that the Synod does not need to debate an order under this section, the order is deemed to be approved by the Synod unless a member of the Synod gives notice in accordance with the Standing Orders that the member wishes the regulations to be debated. 15
- (10) The power to make an order under this section is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies – 20
 (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.

Finance 25

70 Diocesan pastoral account

- (1) The DBF for each diocese must continue to hold for that diocese an account called “the diocesan pastoral account” (and which, immediately before the commencement of this section, the DBF held under section 93 of the old MPM).
- (2) The DBF must transfer to the diocesan pastoral account – 30
 (a) money payable to the account under this Measure or the regulations or a pastoral scheme or order;
 (b) any other money that the bishop and the DBF acting jointly agree should be credited to the account.
- (3) Money may not be transferred to the diocesan pastoral account under subsection (2)(b) if some other enactment provides for its use or disposal. 35
- (4) The DBF for each diocese must, as soon as practicable after the end of each financial year of the DBF, prepare an account of the money paid into or out of the diocesan pastoral account during that year.
- (5) The account under subsection (4) must include a statement of the amount by which the diocesan pastoral account was in credit, or was in debit, at the beginning, and at the end, of the financial year in question. 40

- (6) The DBF must lay before the diocesan synod a copy of each account it prepares under subsection (4).
- (7) The purposes for which the DBF may apply money standing to the credit of the diocesan pastoral account include making grants to the CCT or another charitable church trust for its purposes. 5

71 Diocesan debtors' account

- (1) The Church Commissioners acting jointly must hold for each diocese an account called "the diocesan debtors' account".
- (2) The diocesan debtors' account consists of the money transferred by the DBF from the diocesan pastoral account, with the DBF to determine the amount to transfer by reference to how much it considers is likely to be required for the purposes of this section. 10
- (3) The DBF, having received money from the proceeds of the sale of a closed church, must transfer that money to the diocesan debtors' account.
- (4) The Church Commissioners must use money from the diocesan debtors' account to pay, in so far as there is sufficient money in the account for them to do so, expenses incurred by or on behalf of, or under the authority or direction of, the bishop, the MPC or the Commissioners – 15
- (a) in connection with a pastoral scheme or order;
- (b) in connection with the use of a building closed, or to be closed, for regular public worship. 20
- (5) The expenses payable under subsection (4) do not include the remuneration (in whole or in part) of anybody in the regular employment of – 25
- (a) the bishop,
- (b) a board or committee of the diocese, or
- (c) the Church Commissioners.
- (6) Where expenses payable under subsection (4) have been incurred in relation to more than one diocese, the Church Commissioners must, after consultation with the DBF for each of those dioceses, determine the proportion payable in the case of each diocese. 30
- (7) Where property is vested in the Church Commissioners or the DBF and the body in question has spent money on the property to further its use or disposal, the body is entitled to reimbursement from the diocesan debtors' account.

72 Use of money in diocesan pastoral account

- (1) This section applies where the DBF for a diocese is satisfied that no money in the diocesan pastoral account is or is likely to be required to be transferred under section 71 to the diocesan debtors' account. 35
- (2) The DBF may use money in the diocesan pastoral account to make a grant or loan – 40
- (a) for providing, restoring, improving or repairing a church or parsonage house in the diocese;
- (b) for other purposes of the diocese or a benefice or parish in the diocese.
- (3) The power under subsection (2)(a) includes power to make a grant or loan for repairing a building vested in the DBF and closed for regular public worship

- pending the coming into operation of arrangements under a pastoral scheme or order.
- (4) The DBF may use money in the diocesan pastoral account to make a grant or loan for the benefit of another diocese—
- (a) generally for the purposes of that other diocese or a benefice or parish of that other diocese; 5
 - (b) for such of those purposes as the DBF making the grant or loan may decide.
- (5) A grant or loan under subsection (4) may be made subject to such conditions or restrictions as the DBF making it may decide. 10
- (6) The DBF may use money in the diocesan pastoral account in connection with the establishment, administration or management of a charitable church trust.
- (7) The DBF may transfer money in the diocesan pastoral account to the capital or income account of the diocesan stipends fund.
- (8) The DBF may transfer money in the diocesan pastoral account to other accounts or funds held by the DBF. 15
- 73 Grant of land for new church etc.**
- (1) This section applies where the DBF, or another body constituted to hold diocesan property on trust, holds buildings or other land for the general purposes of the DBF or for ecclesiastical purposes of the Church of England. 20
- (2) The DBF or other body may, without an order of the Charity Commission or the court, make a grant of the land to the DBF under section 29 of the Church Property Measure 2018 or a declaration in respect of the land under section 28(7) of that Measure, in either case for a purpose which—
- (a) is mentioned in section 28 of that Measure, and 25
 - (b) is within the purposes for which the land is held before the grant or declaration is made.
- (3) In subsection (2), “the court” has the same meaning as in the Charities Act 2011 (see section 353(1) of that Act).
- 74 Closed Church Buildings Support Account** 30
- (1) The Church Commissioners must continue to hold the account called the Closed Church Buildings Support Account (“the CCBSA”) which, immediately before the commencement of this section, they were holding under section 95 of the old MPM.
- (2) The Church Commissioners must transfer to the CCBSA money payable to that account under the regulations. 35
- (3) The Church Commissioners must—
- (a) hold money transferred under subsection (2) as part of their corporate property,
 - (b) credit the CCBSA with an equivalent amount charged on their general fund, and 40
 - (c) allow interest on all sums credited to the CCBSA at whatever rate of interest they decide.

- (4) The Church Commissioners may apply money standing to the credit of the CCBSA by making a grant or loan for the care, insurance, repair, maintenance and, where a pastoral scheme or order authorises it, demolition of a building closed for regular public worship which, pending the making, or commencement of arrangements under the scheme or order, is vested in— 5
- (a) the Commissioners,
 - (b) the DBF of the diocese,
 - (c) the CCT, or
 - (d) another charitable church trust.
- (5) In a case within subsection (4)(c), the Church Commissioners may also apply money standing to the credit of the CCBSA to meet costs incurred, or which may be incurred, by the CCT in connection with the vesting of the building in the CCT. 10
- (6) The Church Commissioners may also apply money standing to the credit of the CCBSA for the purpose of— 15
- (a) applying for planning permission or listed building consent in respect of a building closed for regular public worship in circumstances which come within subsection (4);
 - (b) commissioning reports or obtaining advice with a view to facilitating the disposal or future use of a building of the description given in paragraph (a); 20
 - (c) commissioning reports on the condition of property;
 - (d) expenditure on marketing;
 - (e) remuneration of anybody in the regular employment of the Commissioners; 25
 - (f) the exercise of a function specified in the regulations.
- (7) The Church Commissioners may also apply money standing to the credit of the CCBSA in connection with the exercise of their functions under this Measure.

Church Commissioners

- 75 Mission, Pastoral and Church Property Committee 30**
- (1) The Board of Governors of the Church Commissioners must appoint a committee, to be known as the Mission, Pastoral and Church Property Committee (“the MPCPC”).
- (2) The MPCPC has the purpose of exercising on behalf of the Commissioners— 35
- (a) functions relating to the preparation and implementation of pastoral schemes or orders;
 - (b) functions relating to buildings closed for regular public worship (including the function under section 42(4)).
- (3) The MPCPC also has the purpose of advising the Commissioners on the likely effect of proposed changes to legislation relating to the functions referred to in subsection (2). 40
- (4) Persons who are Church Commissioners must constitute a majority of the members of the MPCPC; but subject to that, the MPCPC may include persons who are not Church Commissioners.

- (5) The Church Commissioners Measure 1947 applies to the MPCPC as it applies to a committee constituted by or under that Measure.
- (6) A committee appointed under section 56 of the old MPM and in place immediately before the commencement of this section is to continue in place and is to be treated as the MPCPC appointed under this section. 5

76 Guidance

- (1) The Church Commissioners must give guidance about –
- (a) the operation of this Measure and the regulations,
 - (b) the exercise of functions for the purposes of this Measure or the regulations, and 10
 - (c) any other matters relating to this Measure or the regulations which the Commissioners think it would be helpful to give guidance about.
- (2) A person to whom guidance under this section is given must have due regard to the guidance.
- (3) The Church Commissioners may amend, replace or revoke the guidance. 15
- (4) The Church Commissioners must publish guidance given under this section (including guidance amended or replaced under subsection (3)).

77 Information and advice

- (1) The Church Commissioners may seek information from, or give advice to, the MPC or DBF for a diocese, on a matter concerning its functions under this or any other Measure. 20
- (2) Where the Commissioners seek information, the MPC or DBF concerned must provide the information in so far as it has that information in its possession or can readily obtain it.
- (3) Where the Commissioners give advice, the MPC or DBF concerned must have due regard to the advice. 25
- (4) The Commissioners may exercise the power to give advice by including the advice in guidance (see section 76).

78 Transfer of Commissioners' land in Sutton Coldfield

- (1) The land owned by the Church Commissioners as a result of the Sutton Coldfield Rectory Act 1907 is transferred to the DBF for the diocese of Birmingham and allocated to the capital account of the diocesan stipends fund of that diocese. 30
- (2) The transfer under this section is made –
- (a) without the need for a conveyance or other instrument, 35
 - (b) irrespective of any requirement for consent in that Act that would otherwise apply, and
 - (c) despite any other provision in that Act that would otherwise prevent or restrict the transfer.

General

79 The regulations

- (1) The power to make regulations under this Measure is exercisable by the Church Commissioners.
- (2) The regulations – 5
- (a) may make different provision for different cases;
 - (b) may make provision which applies only to specified cases or which applies to all cases subject to specified exceptions;
 - (c) may impose specified conditions;
 - (d) may confer a discretion on a person; 10
 - (e) may apply with or without modification provision made by or under a Measure (including this Measure);
 - (f) may make consequential, supplementary, incidental or transitional provision.
- (3) The regulations – 15
- (a) must be laid before the General Synod, and
 - (b) may not come into force unless approved by the Synod, whether with or without amendment.
- (4) If the Business Committee of the General Synod decides that the Synod does not need to debate regulations under this section, the regulations are deemed to be approved by the Synod without amendment unless notice is given by a member of the Synod in accordance with its Standing Orders that – 20
- (a) the member wishes the regulations to be debated, or
 - (b) the member wishes to move an amendment to the regulations.
- (5) The power to make the regulations is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies – 25
- (a) as if the regulations had been made when the draft was approved by the General Synod, and
 - (b) as if this Measure were an Act of Parliament providing for the instrument containing the regulations to be subject to annulment in pursuance of a resolution of either House of Parliament. 30

80 Notices and other documents

- (1) A notice, consent, direction, determination or request which may be given to a person under this Measure or the regulations (in whatever terms) must be in writing. 35
- (2) A notice or other document which may be given to a person under this Measure or the regulations (in whatever terms) may be given –
- (a) by sending it to the person by electronic means,
 - (b) by delivering it to the person,
 - (c) by leaving it at the person's proper address, or 40
 - (d) by sending it by post to the person at that address.
- (3) A document which may be given to a body corporate may be given to an officer of the body.

- (4) A document which may be given to a partnership may be given to a partner or a person who has the control or management of the partnership's business.
- (5) A document which may be given to an unincorporated association (other than a partnership) may be given to a member of the governing body of the association. 5
- (6) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is the person's last known address and also –
- (a) in the case of a body corporate or an officer of the body, the address of the body's registered or principal office; 10
 - (b) in the case of a partnership, a partner or a person having the control or management of the partnership business, the address of the principal office of the partnership;
 - (c) in the case of an unincorporated association (other than a partnership) or a member of its governing body, the principal office of the association. 15
- (7) If a person has specified an address in the United Kingdom, other than the person's proper address within the meaning of subsection (6), as the one at which the person or someone on the person's behalf will accept documents of the same kind as documents under this Measure, that address is also treated as the person's proper address for the purposes of this section and section 7 of the Interpretation Act 1978. 20
- (8) A document sent to a person by electronic means is, unless the contrary is proved, to be treated as given on the day after the day on which it was sent.
- (9) If a question arises as to the person to whom, or the manner in which, a document under this Measure or the regulations is to be given, it is for the Church Commissioners to decide the question; and their decision is conclusive for the purposes of this Measure and the regulations. 25
- (10) In this section, "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body. 30

81 Application to Crown or Duchy of Cornwall

- (1) No provision of this Measure, the regulations or a pastoral scheme or order applies in relation to a benefice the patronage of which (or a share in the patronage of which) is vested in or exercisable by His Majesty in right either of the Crown or of the Duchy of Lancaster unless His Majesty has given consent. 35
- (2) No provision of this Measure, the regulations or a pastoral scheme or order applies in relation to a benefice the patronage of which (or a share in the patronage of which) is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall unless the Duke of Cornwall has given consent.
- (3) The requirement for consent under subsection (1) or (2) applies regardless of whether the provision in question affects the right of patronage. 40
- (4) Consent required under subsection (1) from His Majesty in right of the Crown may be given by the Prime Minister; and anything to be done by or to the patron may be done by or to the Prime Minister.

- (5) Consent required under subsection (1) from His Majesty in right of the Duchy of Lancaster may be given by the Chancellor of the Duchy; and anything to be done by or to the patron may be done by or to the Chancellor of the Duchy.
- (6) Consent required under subsection (2) from the Duke of Cornwall may be given by a person authorised under the Duchy of Cornwall Management Act 1863 (including a person having authority under section 38 or 39 of that Act (case where Duke a minor or where Duchy vested in Crown)); and anything to be done by or to the Duke may be done by or to a person so authorised. 5
- (7) Consent under subsection (1) or (2) may not be given generally but only in the case of a particular benefice. 10
- (8) Nothing in this section affects His Majesty in His private capacity.
- (9) Consent given under section 100 of the old MPM is to be treated as given under this section.
- 82 Saving for planning legislation** 15
- Even though the development of land is or may be authorised or regulated by or under this Measure, the provisions of the enactments relating to town and country planning, and any restrictions imposed or powers conferred in relation to land by those enactments, apply and may be exercised in relation to such development.
- 83 Private or local Acts** 20
- (1) The provisions of this Measure apply to—
- (a) a church affected by a private or local Act passed before 1st April 1969;
- (b) land comprising the site of, or annexed or belonging to, a church so affected;
- (c) a burial ground which is affected by a private or local Act passed before 1st April 1969 and is— 25
- (i) vested in the incumbent of a benefice, or
- (ii) subject to the jurisdiction of the bishop of a diocese.
- (2) If it appears to the Church Commissioners that a provision of a private or local Act passed before 1st April 1969 is inconsistent with, or made unnecessary by, a pastoral scheme or order or by the provisions of this Measure applicable to a pastoral scheme or order, the scheme or order may amend or repeal the provision of the Act. 30
- (3) A pastoral scheme or order may provide for one or more of the matters specified in subsection (4) if— 35
- (a) a private or local Act passed before 1st April 1969 provided for the erection of a new church, with or without other buildings and accommodation, and
- (b) the bishop of the diocese concerned is satisfied, after consultation with the MPC, that— 40
- (i) it is no longer expedient for a new church and other buildings or accommodation to be erected under that Act, or
- (ii) a new place of worship should be provided instead of that church.
- (4) The matters referred to in subsection (3) are— 45

- (a) the erection on the land on which the new church and other buildings or accommodation were to be erected of a building suitable for licensing by the bishop as a place of worship;
 - (b) the conferral on a person in whom the land is vested of power to sell, lease or otherwise dispose of the whole or part of it in whatever manner and on whatever terms the scheme or order provides; 5
 - (c) the specification of the purposes for which money received from a disposal referred to in paragraph (b) is to be applied.
- (5) If it appears to the Church Commissioners that, in a case within subsection (3), a provision of the private or local Act is inconsistent with, or is made unnecessary by, the scheme or order, the scheme or order may amend or repeal the provision of the Act. 10
- (6) If it appears to the Church Commissioners that a proposed pastoral scheme or order will affect the rights (other than patronage rights) of a person under a private or local Act passed before 1st April 1969, the Commissioners must serve a copy of the draft scheme on that person together with a notice of the kind provided for by the regulations. 15
- (7) On being served under subsection (6), the person becomes an interested party for the purposes of the regulations.
- (8) Subsections (1) and (2) apply subject to subsections (6) and (7). 20
- (9) An amendment to a private or local Act made under section 109 of the old MPM and in force immediately before the commencement of this section is to continue in force despite the repeal of that section by this Measure.

Interpretation

- 84 Meaning of “church”** 25
- (1) This section applies for the purposes of this Measure.
 - (2) “Church” means a church or chapel which is consecrated for public worship.
 - (3) A reference to a church includes a reference to a building used or intended to be used partly for public worship and partly as a church hall, whether the whole building is consecrated or only the part used or intended to be used for public worship. 30
 - (4) A reference to the consecration of a church includes, in the case of a building of the kind mentioned in subsection (3), a reference to the consecration of the part of the building used or intended to be used for public worship.
- 85 Meaning of “benefice” and “parish”** 35
- (1) This section applies for the purposes of this Measure.
 - (2) “Benefice” means the office of rector or vicar of one or more parishes with cure of souls but does not include the office of vicar in a team ministry.
 - (3) “Area”, in relation to a benefice, means the area of each parish belonging to the benefice taken together. 40
 - (4) “Parish” means a parish constituted for ecclesiastical purposes and does not include a conventional district.

- (5) If a question arises on a matter mentioned in subsection (6), it is for the Church Commissioners to decide the question after consulting the bishop of the diocese; and that decision is conclusive for the purposes of this Measure.
- (6) The matters referred to in subsection (5) are –
- (a) whether an ecclesiastical office is a benefice; 5
 - (b) whether an area or place is within the area of a benefice;
 - (c) whether an area or place is a parish;
 - (d) whether an area or place is within the area of a parish;
 - (e) whether an area or place is an extra-parochial place.
- (7) If a question arises whether a benefice or parish is to be treated for the purposes of a pastoral scheme or order, or a provision of this Measure relating to a pastoral scheme or order, as a new benefice or parish or as an existing benefice or parish with altered areas or boundaries, a provision of the scheme or order which provides (expressly or by necessary implication) that the benefice or parish is to be treated as new or as existing is conclusive of that question. 10
15
- 86 Meaning of “PCC” etc.**
- (1) This section applies for the purposes of this Measure.
- (2) “PCC”, in relation to a parish, means the parochial church council of that parish; but references to a PCC are to be read in light of subsections (3) and (4).
- (3) Where a PCC has no members or not enough members to form the quorum for a meeting (see Rule M27 of the Church Representation Rules), a reference to the PCC is a reference to – 20
- (a) the incumbent or (if there is no incumbent) priest in charge and the churchwardens of the parish acting jointly, or
 - (b) if there is no incumbent and no priest in charge, the churchwardens of the parish acting jointly. 25
- (4) Where there are no churchwardens, a reference to the PCC is to be ignored.
- (5) Where the PCC has no secretary, a reference to the secretary is a reference to whichever person the bishop of the diocese may appoint.
- 87 Meaning of “place of worship”** 30
- (1) This section applies for the purposes of section 83.
- (2) “Place of worship”, in relation to a diocese, means a building licensed by the bishop for public worship which is –
- (a) used wholly for the purposes of public worship and ancillary purposes, or 35
 - (b) used partly for the purposes referred to in sub-paragraph (a) and partly for other ecclesiastical purposes of the parish or ancillary purposes.
- (3) A reference to a place of worship includes a reference to a building which, under a sharing agreement –
- (a) is to be used as a place of worship jointly with another Church, and 40
 - (b) is to be owned either by the Church of England solely or by the Church of England and another Church jointly.

- (4) A reference to the provision of a new place of worship includes a reference to the provision of a place of worship by adapting, improving or repairing an existing building.

88 Meaning of “patron” etc.

- (1) This section applies for the purposes of this Measure. 5
- (2) “Patron”, in relation to a benefice, means each person for the time being entitled, otherwise than by lapse, to present to that benefice on a vacancy.
- (3) A reference to a “patron” includes –
- (a) where the right to present is vested in persons jointly, each person whose concurrence would be required for the exercise of the joint right; 10
 - (b) where the patronage is vested in persons by way of alternate or successive right of presentation, each person for the time being entitled to present on the next or a subsequent turn.
- (4) A reference to a “right of patronage” is to be read in light of subsections (2) and (3). 15
- (5) “Registered patron”, in relation to a benefice or to benefices held in plurality, means each person who is for the time being registered under the Patronage (Benefices) Measure 1986 in a register of patrons as a patron of the benefice or benefices concerned.

89 Other interpretation

- (1) In this Measure –
- “BMO” means a bishop’s mission order (see section 20(2));
 - “the CBC” means the Church Buildings Council;
 - “the CCT” means the Churches Conservation Trust;
 - “charitable church trust” has the meaning given in section 15(5); 25
 - “conservation area” has the meaning given by section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or, in the case of land in Wales, section 210 of the Historic Environment (Wales) Act 2013;
 - “conveyance” has the meaning given in section 205(1)(ii) of the Law of Property Act 1925; 30
 - “co-operation provision”, in relation to a BMO, has the meaning given in section 20(7);
 - “DAC” means a Diocesan Advisory Committee;
 - “DBF”, in relation to a diocese, means the diocesan board of finance for that diocese; 35
 - “DBP”, in relation to a diocese, means the Diocesan Board of Patronage for that diocese;
 - “designated officer”, in relation to a diocese, has the meaning given in section 7(5) of the Patronage (Benefices) Act 1968; 40
 - “extension notice” and “final extension notice” each have the meaning given in section 32;
 - “framework” is to be construed in accordance with section 6(2);
 - “guidance” means the guidance under section 76;

- “listed”, in relation to a building, has the meaning given by section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or, in the case of land in Wales, section 210 of the Historic Environment (Wales) Act 2013;
- “mission” is to be construed in accordance with section 1; 5
- “mission initiative” has the meaning given in section 20(2);
- “MPC”, in relation to a diocese, means the mission and pastoral committee of the diocese;
- “MPCPC” means the Mission, Pastoral and Church Property Committee of the Church Commissioners; 10
- “the old MPM” means the Mission and Pastoral Measure 2011;
- “parish-led”, in relation to a provision of pastoral scheme or order, or a proposal for such a provision, has the meaning given in section 3;
- “parsonage house” and “parsonage land” each have the same meaning as in the Church Property Measure 2018 (see section 48 of that Measure); 15
- “pause notice” and “pause period” each have the meaning given in section 32;
- “public worship” means public worship according to the rites and ceremonies of the Church of England;
- “sharing agreement” has the meaning given in the Sharing of Church Buildings Act 1969. 20
- (2) A reference to the “disposal” of premises includes a reference to the grant of a licence to occupy the premises; and, in relation to a licence to occupy –
- (a) a reference to rent is a reference to the licence fee, and
- (b) a reference to the instrument for a grant is a reference to the document recording the terms of the licence. 25
- (3) A reference in this Measure to the execution of an instrument by the Church Commissioners is a reference to its execution in accordance with section 9 of the Church Commissioners Measure 1947 (execution by seal or two authorised signatories). 30
- (4) A reference in this Measure to the consistory court of a diocese is, in the case of the diocese of Canterbury, to be read as a reference to the commissary court of that diocese.
- (5) The Commonwealth War Graves Commission is a body established by Royal Charter. 35

Ancillary provision

90 Consequential amendments

- (1) Schedule 6 (which contains consequential amendments) has effect.
- (2) An amendment made by that Schedule to regulations, rules or an order does not affect the power to make further regulations or rules or a further order amending or revoking the provision made by the amendment. 40

91 Repeals and revocations

- (1) The Mission and Pastoral Measure 2011 is repealed.

- (2) In consequence of the repeal made by subsection (1), the following are repealed –
- (a) in the Charities Act 2011, in Schedule 7, paragraphs 146 to 149 and the preceding cross-heading;
 - (b) in the Church of England (Miscellaneous Provisions) Measure 2014, in Schedule 2, paragraph 19 and the preceding cross-heading; 5
 - (c) in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, in Schedule 3, paragraphs 16 to 19 and the preceding cross-heading;
 - (d) in the Mission and Pastoral etc. (Amendment) Measure 2018, sections 1 to 5, 6(1) to (3) and 7 to 10; 10
 - (e) in the Ecumenical Relations Measure 2018, section 1(5) to (8);
 - (f) in the Church of England (Miscellaneous Provisions) Measure 2018, section 11(8)(c) and sections 15 and 16 and the preceding cross-heading;
 - (g) in the Church Property Measure 2018, in Schedule 1, paragraphs 23 to 28 and the preceding cross-heading; 15
 - (h) in the Church Representation and Ministers Measure 2019, in Schedule 2, paragraphs 31 to 36 and the preceding cross-heading;
 - (i) in the Church of England (Miscellaneous Provisions) Measure 2020, sections 6(9) and (10) and 15;
 - (j) in the Cathedrals Measure 2021, in Schedule 4, paragraph 39 and the preceding cross-heading; 20
 - (k) in the Church of England (Miscellaneous Provisions) Measure 2024, section 18(7) and in Schedule 2, paragraph 9 and the preceding cross-heading.
- (3) In consequence of the repeal made by subsection (1), the following are revoked – 25
- (a) the Ecclesiastical Offices (Terms of Service) (Consequential Provisions) Order 2012;
 - (b) in the Legislative Reform (Patronage of Benefices) Order 2019, Article 2(9). 30

92 Transitional, transitory and saving provision

- (1) Schedule 7 (which contains transitional, transitory and saving provision) has effect.
- (2) The generality of the provisions of that Schedule is not affected by any specific transitional, transitory or saving provision made under a preceding provision of this Measure. 35

Final

93 Commencement

- (1) This section and sections 94 and 95 come into force on the day on which this Measure is passed. 40
- (2) 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.

(3) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.

(4) The power to make an order under subsection (2) or (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.

5

94 Extent

(1) 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 (2) and (3)).

10

(2) This Measure may be applied to the Channel Islands or either of them, with or without modifications, under any procedure for doing so which has effect in the Islands or (as the case may be) the Island in question; and for this purpose, the references to the Channel Islands or either of them have the same meaning as references to the Bailiwicks or either of them have in the Channel Islands Measure 2020.

15

(3) 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.

95 Short title

20

This Measure may be cited as the Mission and Pastoral Measure 2025.

SCHEDULES

SCHEDULE 1

Section 2

MISSION AND PASTORAL COMMITTEE: CONSTITUTION

Membership

- 1 (1) It is for the diocesan synod, subject to the following provisions of this paragraph, to determine –
 - (a) the number of members the MPC has, and
 - (b) for each member, whether that member is elected or appointed, the manner of the election or appointment and the period of office.
- (2) In determining the number of members under sub-paragraph (1)(a), the diocesan synod must seek to secure that the number of clerks in Holy Orders and the number of lay persons are as nearly as possible the same. 10
- (3) The bishop of the diocese is a member, unless the bishop does not wish to be.
- (4) If the bishop is a member, the bishop is also the chair unless the bishop does not wish to be. 15
- (5) If the bishop is not the chair, the chair is the person appointed by the bishop.
- (6) Each archdeacon in the diocese is a member.

Sub-committees

- 2 (1) The MPC may establish sub-committees.
- (2) It may appoint to a sub-committee a person who is not a member of the MPC, subject to any requirement in the constitution for a specified minimum number or minimum proportion of the members of the sub-committee to be members of the MPC. 20
- (3) The MPC may delegate functions to a sub-committee; but that does not apply to a function imposed by the regulations to offer an opportunity to meet the MPC to the incumbent of a benefice, a vicar in a team ministry or any person subject to common tenure. 25

Advisers

- 3 The MPC or a sub-committee may appoint a person who has appropriate expertise (whether or not as a member of another body) to provide advice on the exercise of functions. 30

Secretary

- 4 The MPC may appoint a secretary to the MPC itself or to a sub-committee.

Meetings

- 5 (1) The quorum of the MPC is specified in the constitution.
(2) Subject to that, the MPC may act despite a vacancy in its membership or a defect in its composition. 5

Procedure

- 6 Each MPC may regulate its own procedure and that of a sub-committee, subject to the provisions of the MPC's constitution or the regulations and any directions given by the diocesan synod. 10

SCHEDULE 2

Section 8

PATRONAGE BOARDS

Status

- 1 A patronage board constituted by a pastoral scheme or order is a body corporate. 15

Membership

- 2 (1) A patronage board constituted by a pastoral scheme or order consists of—
(a) the bishop of the diocese, who acts as chair, and
(b) such other persons as the scheme or order provides, including a body corporate or an unincorporated body of persons. 20
- (2) Where a pastoral scheme or order constitutes a patronage board for a benefice for which a team ministry is established, the board also consists of—
(a) the rector (see sub-paragraph (3)),
(b) every vicar in the team ministry, 25
(c) a deacon authorised to serve in the team ministry, and
(d) any person having special responsibility for pastoral care by virtue of the regulations.
- (3) Where, in a case within sub-paragraph (2), the scheme or order makes provision for vicars in a team ministry to be chosen by a patronage board, the rector is a member of the board but for the purpose only of meetings at which the question of a person's appointment as a vicar in the ministry is discussed or decided. 30
- (4) The scheme or order may provide for the bishop to have power to appoint one or more persons as members of the board for whatever period the bishop specifies; but the number of persons appointed must not exceed the number specified in the scheme or order. 35

Meetings and voting rights

- 3 (1) The bishop may authorise a suffragan or assistant bishop or archdeacon of the diocese to act for the bishop at a meeting of the board.
- (2) Each other member of the board (including a body corporate or unincorporated body) may be represented by a person authorised to act and vote on that member's behalf. 5
- (3) But a person may not be authorised under sub-paragraph (2) unless that person has made the declaration of membership under the Patronage (Benefices) Measure 1986.
- (4) Each member of the board (including the chair) is entitled to one vote, subject to paragraph 2(2) and sub-paragraphs (5) and (6) of this paragraph, except in so far as the scheme or order provides for – 10
- (a) that member to have a specified a number of votes;
- (b) in the case of the chair, that member to have a second, casting vote.
- (5) At each meeting of the board, each member under paragraph 2(2)(b) to (d) is entitled between them to one vote; and that one vote is to be exercised by whichever of them, acting unanimously or by majority, is present at the meeting. 15
- (6) A person wishing to be considered for presentation as rector or team vicar is not entitled to attend or vote at a meeting of the patronage board at which the question of the person's presentation as such is discussed or decided. 20

Transfer of membership rights

- 4 (1) The right to be a member of a patronage board or to attend and vote at a meeting of the DBP is transferable (including on death), except where the right is vested in right of the office as member or only for life or a term of years. 25
- (2) But the right is not saleable and is not to be treated as an interest in land.
- (3) A person having the right must provide to the registrar of the diocese particulars of the right, including particulars of a transfer or devolution of the right. 30
- (4) If a person fails to act in accordance with sub-paragraph (3), the person's right may be disregarded for the purposes of this Schedule.
- (5) Where a pastoral scheme or order terminates a team ministry, the scheme or order must – 35
- (a) so far as practicable and having regard to pastoral considerations and to sub-paragraph (4), provide for restoring a right of patronage in respect of the benefice to the person who would have had the right if the team ministry had not been established;
- (b) so far as it is not practicable to make provision under paragraph (a), make other provision for the vesting and exercise of the right of patronage in respect of the benefice. 40

Procedure

- 5 Subject to the above, a patronage board may regulate its own procedure.

SCHEDULE 3

Section 43

LEASE UNDER SECTION 43

Preliminary

- 1 This Schedule applies in the case of a lease under section 43(2) or (3).

Rights of PCC

5

- 2 (1) The PCC is a party to the lease and has the same rights as the landlord to enforce a term of the lease that is binding on the tenant (including a right of forfeiture or distress on the tenant's property).
- (2) Sub-paragraph (1) does not affect the rights of the landlord.

Rent etc.

10

- 3 The rent or any other sum due under the lease is payable to the PCC.

Term and use

- 4 (1) The lease is for the period, and is subject to the other terms, specified.
- (2) In the case of a lease of part of a church, the part let must not be used for purposes, or in a way, inconsistent with use primarily as a place of worship. 15
- (3) The premises let may not be used for residential purposes except by a person who is required to reside in the whole or part of the premises let as a condition of employment by the landlord or under some other contract.
- (4) The lease is taken to impose a covenant on the tenant to comply with the obligations referred to in subsection (2) (if applicable) and subsection (3). 20
- (5) The court may, on an application by a party to the lease, vary the lease.
- (6) Section 26 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 ("the 2018 Measure") (costs) applies to proceedings on an application under sub-paragraph (5).

No right to enfranchisement, holding over etc.

25

- 5 (1) Where the premises are let to trustees to be held on trust to be used for the purposes of a place of worship, the trustees do not have the right conferred by the Places of Worship (Enfranchisement) Act 1920 (acquisition of freehold).
- (2) Where the lease consists of a tenancy of premises occupied or to be occupied wholly or partly for the purposes of a business, the tenancy is not subject to Part 2 of the Landlord and Tenant Act 1954 (security of tenure). 30
- (3) Where the lease consists of a tenancy which would, but for this sub-paragraph, be a farm business tenancy to which the Agricultural Tenancies Act 1995 applied – 35
- (a) that Act does not apply to the tenancy, and

- (b) accordingly, the tenant does not have rights conferred by Parts 1 to 3 of that Act (security of tenure, rent review, compensation on termination).

Vacancy in benefice

- 6 (1) Where during the term of the lease, the benefice is vacant, the bishop acting in the name and on behalf of the incumbent in the incumbent’s corporate capacity may make an application under paragraph 4(5) for a variation of the lease. 5
- (2) The lease is to be read as if a reference to the incumbent were a reference to the bishop acting as mentioned in sub-paragraph (1). 10

Compulsory purchase

- 7 (1) This paragraph applies where a church, other than one declared closed for regular public worship –
 - (a) is purchased compulsorily, or
 - (b) is purchased by agreement under an enactment conferring powers of compulsory purchase. 15
- (2) The provisions of this Measure or of the regulations relating to disposal of the proceeds of sale of a building closed for regular public worship or land annexed or belonging to a building so closed do not apply for the purposes of an enactment applying to disposal of sums paid to the Church Commissioners –
 - (a) in respect of the purchase of the church concerned or of land annexed or belonging to the church concerned, or
 - (b) in respect of compensation for damage to other ecclesiastical property arising in connection with the purchase. 20 25

Questions as to interpretation etc.

- 8 (1) A question relating to the interpretation or enforcement of a term of the lease is to be determined by the court.
- (2) Section 26 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (“the 2018 Measure”) (costs) applies to proceedings on an application for a determination under sub-paragraph (1). 30

Parties to proceedings

- 9 Section 60(2)(a) and (3) to (8) of the 2018 Measure (parties to proceedings, role of archdeacon) apply to proceedings on an application under paragraph 4(5) or 8(1). 35

Meaning of “the court”

- 10 (1) In this Schedule and section 43(5), “the court” has the same meaning as in the 2018 Measure (see section 1 of that Measure).
- (2) But section 74 of the 2018 Measure (power of archdeacon to exercise the court’s faculty jurisdiction) does not apply to the jurisdiction of the court conferred for the purposes of section 43 or this Schedule. 40

Savings

- 11 (1) Neither section 43 nor this Schedule –
- (a) prevents the grant of a faculty authorising a suitable use of part of a church or in respect of land annexed or belonging to a church;
 - (b) affects a power under an Act of Parliament; 5
 - (c) affects the power of a diocesan bishop to make an order under section 92 of the 2018 Measure (removal of legal effects of consecration).

SCHEDULE 4

Section 60

CHARITY AFFECTED BY PASTORAL SCHEME OR ORDER 10

Preliminary

- 1 In this Schedule, “Church charity” means a charity established for ecclesiastical purposes of the Church of England.

Union or alteration of benefices or parishes

- 2 (1) This paragraph applies where – 15
- (a) a union of benefices or parishes is effected by a pastoral scheme or order, and
 - (b) the purposes of a Church charity are defined by reference to one of the constituent benefices or parishes.
- (2) This paragraph also applies where – 20
- (a) the area of a benefice or parish is altered by a pastoral scheme or order, and
 - (b) the purposes of a Church charity are defined by reference to the benefice or parish affected by the alteration.
- (3) The trusts of the charity have effect with the substitution for that benefice or parish of – 25
- (a) in a case within sub-paragraph (1), the benefice or parish created by the union;
 - (b) in a case within sub-paragraph (2), the benefice or parish as altered.
- (4) A pastoral scheme providing for the alteration of a parish may also provide for the distribution of property of the parish to one or more other parishes. 30

Establishment of team ministry

- 3 (1) This paragraph applies where a team ministry is established for a benefice and property of a Church charity is vested in or under the management or control of – 35
- (a) the incumbent of the benefice (with or without persons), or
 - (b) a corporation of which the incumbent is a member.
- (2) If a special cure of souls in respect of a part of the area for which the team ministry is established is assigned by the scheme or bishop’s licence to a

vicar in the team ministry, the trusts of the charity or the constitution of the corporation have effect with the substitution for the incumbent of that vicar.

- (3) If, in a case not within sub-paragraph (2), a special responsibility for pastoral care in respect of a part of the area for which the team ministry is established is assigned by bishop's licence to a member of the team who is not a member of the team chapter, the trusts of the charity or the constitution of the corporation have effect with the substitution for the incumbent of that member. 5
- (4) In a case not within sub-paragraph (2) or (3), the trusts of the charity or the composition of the corporation have effect (where necessary) with the substitution for the incumbent of a member of the team nominated by the bishop. 10

Dissolution of benefice

- 4 (1) This paragraph applies where a benefice is dissolved by a pastoral scheme or order and property of a Church charity is vested in or under the management or control of— 15
- (a) the incumbent of the benefice (with or without other persons), or
 - (b) a corporation of which the incumbent is a member.
- (2) The trusts of the charity or the constitution of the corporation have effect with the substitution for that incumbent of— 20
- (a) if a new benefice is created by a union of benefices, the incumbent of the new benefice, or
 - (b) in any other case, the incumbent of a benefice specified by order of the Charity Commission the area of which incorporates part of the area of the dissolved benefice. 25

Dissolution of parish: property of Church charity

- 5 (1) This paragraph applies where— 30
- (a) a parish is dissolved by a pastoral scheme, and
 - (b) property of a Church charity is vested in or under the management or control of the churchwardens or PCC of that parish (with or without other persons).
- (2) If a new parish is created by a union of parishes, the trusts of the charity have effect with the substitution for those churchwardens or that PCC of the churchwardens or the PCC (as the case may be) of the new parish.
- (3) In any other case, the trusts of the charity have effect with the substitution for those churchwardens or that PCC of the churchwardens or PCC (as the case may be) of the parish specified by order of the Charity Commission which incorporates part of the dissolved parish. 35

Dissolution of parish: property of PCC etc.

- 6 (1) A pastoral scheme providing for the dissolution of a parish may also provide for the distribution of property of the parish to one or more other parishes. 40
- (2) In the case of property comprising restricted funds, provision in the scheme in reliance on sub-paragraph (1) has effect subject to the restrictions.

- (3) Where, in the case of a pastoral scheme providing for the dissolution of a parish, property vested in or held on behalf of the PCC, in so far as it is not dealt with under provision under sub-paragraph (1) of this paragraph or under paragraphs 2 to 5, vests in or is held on behalf of the PCC of the parish in which the parish church of the dissolved parish or its site is situated. 5
- (4) The purposes for which property vests or is held under sub-paragraph (3) are the same purposes, as nearly as possible, as those for which it was previously applicable by the PCC of the dissolved parish.
- (5) A question arising in a case within sub-paragraph (3) about the application of property or the income of property for the purposes of this paragraph is to be decided by the bishop; and the bishop's decision is final. 10

Automatic vesting

- 7 A change in the vesting of property by virtue of paragraphs 2 to 6 takes effect without the need for a conveyance or other instrument.

Regulatory powers 15

- 8 (1) The regulatory power of the Charity Commission may, in the case of a Church charity whose administration or purposes are affected by a pastoral scheme or order, be exercised on the application of the DBF as well as under sections 69 to 71 of the Charities Act 2011.
- (2) In sub-paragraph (1), “regulatory power” means the power to make a scheme under section 69 of the Charities Act 2011 (establishing scheme for administration, appointing or removing trustee, transferring property etc.). 20
- (3) A scheme or order made by the Charity Commission for purposes arising in connection with a pastoral scheme or order may be made before the date on which the pastoral scheme or order comes into operation, but not so as to take effect before that date. 25

Divine Service and other acts

- 9 (1) This paragraph applies where, in a case not provided for by this Schedule –
- (a) attendance at or the performance of Divine Service or another act is required at a church (“the relevant church”) as a condition of a benefaction, and 30
- (b) that church ceases to be used for Divine Service in consequence of a declaration of closure for regular public worship made by a pastoral scheme or order.
- (2) The parish church of the parish in which the relevant church or its site is situated is substituted for the relevant church for the purposes of the performance of the required act. 35
- (3) The regulations must make provision for a case where there is no parish church or more than one parish church.

SCHEDULE 5

Section 64

THE CHURCHES CONSERVATION TRUST

Membership

- 1 (1) The CCT consists of a chair and at least four but no more than eleven other members. 5
- (2) The chair and each other member are appointed by His Majesty; but, before an appointment is made, the advice of the Archbishops of Canterbury and York must be given to His Majesty through the Prime Minister.
- (3) Each member of the CCT holds office in accordance with the terms of that member's appointment. 10
- (4) A member of the CCT, on ceasing to hold office, is eligible for reappointment.

Staff etc.

- 2 The CCT may appoint a secretary and any other officers or agents it considers necessary for carrying out its functions. 15

Subsidiaries

- 3 The CCT may, with the consent of the Church Commissioners, form a body corporate or acquire or dispose of an interest in a body corporate.

Incidental power

- 4 The CCT may do anything that individuals generally may do that it considers necessary or appropriate for the purpose of, or in connection with, the exercise of its functions. 20

Delegation of functions

- 5 The CCT may delegate functions to local trustees or bodies.

Financial matters

- 6 (1) The CCT may manage all sums in its possession.
(2) All expenditure of the CCT is to be made from the sums in its possession. 25

Annual accounts and report

- 7 (1) The CCT must, as soon as possible after the end of each accounting year, send a copy of its accounts for that year and a report on its proceedings during that year to – 30
 - (a) the Church Commissioners,
 - (b) the CBC, and
 - (c) the Secretary of State.
- (2) The Church Commissioners must send the Secretary General of the General Synod a copy of each copy of the accounts and of each report sent under sub-

paragraph (1)(a); and the Secretary General must lay copies of them before the General Synod.

(3) The Secretary of State must lay before each House of Parliament each copy of accounts and each report sent under sub-paragraph (1)(c).

(4) “Accounting year” means the period of 12 months beginning on a date determined by the CCT with the agreement of the Church Commissioners. 5

Procedure

8 The CCT may act despite any vacancy among its members.

9 The quorum of the CCT is three or whatever greater number it may determine. 10

10 Subject to the above provisions, the CCT may regulate its own procedure.

SCHEDULE 6

Section 90

CONSEQUENTIAL AMENDMENTS

Marriage Act 1949

1 The Marriage Act 1949 is amended as follows. 15

2 In section 10 (publication of banns commenced in one church and completed in another), in each of subsections (1) and (2), for “the Mission and Pastoral Measure 2011” substitute “the Mission and Pastoral Measure 2025”.

3 In section 20 (licensing of chapels for publication of banns etc), in subsection (7A), for the words from “to which” to “applies” substitute “for which a pause period under section 32 of the Mission and Pastoral Measure 2025 is in operation” 20

Diocesan Stipends Funds Measure 1953

4 In section 2 of the Diocesan Stipends Funds Measure 1953 (moneys to be allocated to capital and income accounts), in each of paragraphs (a)(ii) and (b)(ii), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”. 25

Harbours Act 1964

5 In section 49 of the Harbours Act 1964 (ecclesiastical property), in subsection (4), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”. 30

Gas Act 1965

6 In section 26 of the Gas Act 1965 (ecclesiastical property), in subsection (3), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”. 35

Mines and Quarries (Tips) Act 1969

- 7 In section 31 of the Mines and Quarries (Tips) Act 1969 (ecclesiastical property), in subsection (4), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”.

Sharing of Church Buildings Act 1969

5

- 8 The Sharing of Church Buildings Act 1969 is amended as follows.
- 9 (1) Section 1 (agreements for sharing) is amended as follows.
- (2) In subsection (3)(a)(i), for “a scheme under the Mission and Pastoral Measure 2011” substitute “a scheme or order under the Mission and Pastoral Measure 2025”. 10
- (3) In subsection (3)(a)(ii), for “section 34(8) of” substitute “regulations made under”.
- (4) In subsection (6), for “a suspension period is current under section 85 of the Mission and Pastoral Measure 2011” substitute “a pause period is in operation under section 32 of the Mission and Pastoral Measure 2025”. 15

Redundant Churches and other Religious Buildings Act 1969

- 10 In section 4 of the Redundant Churches and other Religious Buildings Act 1969 (transfer of certain redundant places of public worship), in subsection (1)(c), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”. 20

Synodical Government Measure 1969

- 11 The Church Representation Rules (contained in Schedule 3 to the Synodical Government Act 1969) are amended as follows.
- 12 In Rule 13 (procedure for amending parish governance scheme), in paragraph (4)(d)(ii), for the words from “a pastoral scheme” to the end substitute “a pastoral scheme or order under section 7 of the Mission and Pastoral Measure 2025”. 25
- 13 In Rule 24 (scheme for representation for mission initiatives), in paragraph (2), for “section 84 of the Mission and Pastoral Measure 2011” substitute “section 25 of the Mission and Pastoral Measure 2025”. 30
- 14 In Rule 84 (interpretation), in paragraph (1), in the definition of “mission initiative”, for “Part 7 of the Mission and Pastoral Measure 2011” substitute “section 20 of the Mission and Pastoral Measure 2025”.
- 15 In Rule M19 (chair and vice-chair of PCC), for “section 34(8) of the Mission and Pastoral Measure 2011” substitute “regulations made under the Mission and Pastoral Measure 2025”. 35
- 16 In Rule M35 (parish with more than one place of worship: district church council), in paragraph (5)(c), for the words from “Part 3” to the end substitute “regulations made under the Mission and Pastoral Measure 2025”.
- 17 (1) Rule M40 (parish ceasing to be connected or being dissolved) is amended as follows. 40

(2)	In paragraph (1), for “section 32(2) of the Mission and Pastoral Measure 2011” substitute “regulations made under the Mission and Pastoral Measure 2025”.	
(3)	In paragraph (2), for “section 31(1)(b) of the Mission and Pastoral Measure 2011” substitute “section 7(1)(d) of the Mission and Pastoral Measure 2025”.	5
<i>Sharing of Church Buildings Measure 1970</i>		
18	In section 3 of the Sharing of Church Buildings Measure 1970 (interpretation), omit the definitions of “parsonage house” and “pastoral scheme”.	
<i>Benefices Measure 1972</i>		
19	In section 1 of the Benefices Measure 1972 (grounds for refusing to institute), in subsection (3), in the definition of “benefice”, for “section 89 of the Pastoral Measure 1968” substitute “section 85 of the Mission and Pastoral Measure 2025”.	10
<i>Repair of Benefice Buildings Measure 1972</i>		
20	The Repair of Benefice Buildings Measure 1972 is amended as follows.	15
21	In section 21 (additions and alterations to parsonage houses and glebe buildings), in subsection (4), for “a pastoral scheme under the Pastoral Measure 1983” substitute “a pastoral scheme or order under the Mission and Pastoral Measure 2025”.	20
22	In section 31 (interpretation), in subsection (1), in the definition of “team vicar’s house”, for “section 19 of the Pastoral Measure 1968” substitute “section 8 of the Mission and Pastoral Measure 2025”.	
<i>Church of England (Worship and Doctrine) Measure 1974</i>		
23	In section 5 of the Church of England (Worship and Doctrine) Measure 1974 (interpretation), in subsection (2), in the definition of “incumbent”, in paragraph (b), for “a scheme under the Pastoral Measure 1968” substitute “a scheme or order under the Mission and Pastoral Measure 1925”.	25
<i>Ecclesiastical Offices (Age Limit) Measure 1975</i>		
24	In the Schedule to the Ecclesiastical Offices (Age Limit) Measure 1975 (offices to which Measure applies), in the entry for a vicar in a team ministry, for “the Pastoral Measure 1968” substitute “the Mission and Pastoral Measure 2025”.	30
<i>Endowments and Glebe Measure 1976</i>		
25	In section 45 of the Endowments and Glebe Measure 1976 (interpretation), in subsection (1), in the definition of “pastoral scheme” –	35
	(a) for “Part 1 of the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”, and	
	(b) for “a joint pastoral committee appointed under section 13 of” substitute “a joint boundary committee constituted by virtue of”.	40

Incumbents (Vacation of Benefices) Measure 1977

- 26 The Incumbents (Vacation of Benefices) Measure 1977 is amended as follows.
- 27 In section 11 (disability of incumbent), in subsection (4), for the words from “section 17(4)” to “plurality)” substitute “provision in regulations under the Mission and Pastoral Measure 2025 with respect to the resignation of benefices held in plurality”. 5
- 28 In section 19 (meaning of “benefice”), for “the Pastoral Measure 1968 or the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”.
- 29 In Schedule 2 (compensation), in paragraph 8(1), omit the definition of “diocesan board of finance”. 10

Parochial Registers and Records Measure 1978

- 30 In section 19 of the Parochial Registers and Records Measure 1978 (disposal of register books and records on dissolution of parish, etc.), in subsection (2) – 15
- (a) for “the Pastoral Measure 1968” substitute “the Mission and Pastoral Measure 1925”,
 - (b) for “redundancy” substitute “closure”, and
 - (c) after “pastoral scheme” insert “or pastoral order”.

Patronage (Benefices) Measure 1986 20

- 31 The Patronage (Benefices) Measure 1986 is amended as follows.
- 32 In section 3 (transfer of patronage rights), in subsection (8), for the words from “the benefice is” to “applies” substitute “a pause period under section 32 of the Mission and Pastoral Measure 2025 is in operation for the benefice”.
- 33 (1) Section 7 (notification of vacancies) is amended as follows. 25
- (2) In subsection (4C), for “section 88 of the Mission and Pastoral Measure 2011” substitute “section 37 of the Mission and Pastoral Measure 2025”.
 - (3) In subsection (5), for “pastoral committee of the diocese” substitute “mission and pastoral committee of the diocese (see section 2 of the Mission and Pastoral Measure 2025)”. 30
- 34 In section 16 (presentation to benefices remaining vacant for 18 months), in subsection (2), for paragraph (b) (but not the following “and”) substitute – 35
- “(b) a pause period within the meaning of section 32 of the Mission and Pastoral Measure 2025, or any period during which the benefice is vacant immediately before notice is given of a pause period or between pause periods,”
- 35 (1) Section 16A (special procedure for appointment of priest in charge) is amended as follows.
- (2) In each of subsections (1)(a) and (3), for “suspension period” substitute “pause period”. 40

	(3) For subsection (10) substitute –	
	“(10) In this section, “pause period” has the meaning given in section 32 of the Mission and Pastoral Measure 2025 and “restriction” means a restriction on the right of presentation to a benefice imposed by regulations under that Measure.”	5
36	In section 35 (Crown and Duchy of Cornwall), in subsection (8), for “paragraphs (a) to (c) of section 102 of the Mission and Pastoral Measure 2011” substitute “subsections (4) to (6) of section 81 of the Mission and Pastoral Measure 2025”.	
37	In section 39 (interpretation), in subsection (1), for the definitions of “pastoral committee”, “pastoral order” and “pastoral scheme” substitute – ““pastoral scheme” and “pastoral order” each have the same meaning as in the Mission and Pastoral Measure 2025;”.	10
<i>Ecclesiastical Fees Measure 1986</i>		
38	In section 10 of the Ecclesiastical Fees Measure 1986 (interpretation), in the definition of “church”, for the words from “a place licensed” to “(1983 No. 1)” substitute “premises licensed for public worship or designated as a parish centre of worship under section 13(1) or (2) of the Mission and Pastoral Measure 2025”.	15
<i>Church of England (Ecumenical Relations) Measure 1988</i>		
39	In section 2 of the Church of England (Ecumenical Relations) Measure 1988 (provision by Canon for participation in local ecumenical co-operative schemes), in subsection (2), for “section 80 of the Mission and Pastoral Measure 2011” substitute “section 20 of the Mission and Pastoral Measure 2025”.	25
<i>Water Resources Act 1991</i>		
40	In section 67 of the Water Resources Act 1991 (ecclesiastical property), in subsection (5)(b), for “the Pastoral Measure 1983” substitute “the Mission and Pastoral Measure 2025”.	
<i>Church of England (Miscellaneous Provisions) Measure 1992</i>		
41	The Church of England (Miscellaneous Provisions) Measure 1992 is amended as follows.	30
42	In section 1 (sequestration), in subsection (1B)(b) – (a) for “section 20(8A) of the Pastoral Measure 1983” substitute “regulations under the Mission and Pastoral Measure 2025”, and (b) for “a scheme” substitute “a pastoral scheme or order”.	35
43	(1) Section 2 (conduct of funeral services) is amended as follows. (2) In subsection (6), in the definition of “minister” – (a) in paragraph (c), for “a suspension period applies to” substitute “a pause period is in operation for”, and	40

- (b) in paragraph (d), for “a scheme under the Pastoral Measure 1983” substitute “a pastoral scheme or order under the Mission and Pastoral Measure 2025”.
- (3) In subsection (6), for the definition of “suspension period” substitute –
““pause period” has the same meaning as in the Mission and Pastoral Measure 2025 (see section 32 of that Measure).” 5

Churchwardens Measure 2001

- 44 The Churchwardens Measure 2001 is amended as follows.
- 45 (1) Section 1 (number and qualifications) is amended as follows.
- (2) In subsection (2)(a), for “a pastoral scheme” substitute “a pastoral scheme or order under the Mission and Pastoral Measure 2025”. 10
 - (3) In subsection (2)(b), for the words from “section 29(2)” to “that section” substitute “section 13 of the Mission and Pastoral Measure 2025 shall, subject to subsection (6) of that section”.
- 46 (1) Section 13 (interpretation) is amended as follows. 15
- (2) In subsection (1), in the definition of “minister” –
 - (a) for “section 20(8A) of the Pastoral Measure 1983 (1983 No. 1)” substitute “regulations under the Mission and Pastoral Measure 2025”, and
 - (b) for “a scheme” substitute “a pastoral scheme or order”. 20
 - (3) In subsection (1), omit the definition of “pastoral scheme”.

Dioceses, Pastoral and Mission Measure 2007

- 47 The Dioceses, Pastoral and Mission Measure 2007 is amended as follows.
- 48 In section 54 (care of church buildings), in subsection (3) –
- (a) for “the 1983 Measure” substitute “the Mission and Pastoral Measure 2025”, and 25
 - (b) for “pastoral church buildings scheme and pastoral (church buildings disposal) schemes” substitute “pastoral schemes or orders providing for matters under section 9 of that Measure (buildings matters)”. 30
- 49 (1) Section 56 (proposed closure of church: functions of CBC) is amended as follows.
- (2) In subsection (1), omit paragraphs (a) and (d).
 - (3) In subsection (1)(b), for the words from “section 5(2)” to “the 1983 Measure” substitute “regulations made under the Mission and Pastoral Measure 2025”. 35
 - (4) In subsection (1)(c) –
 - (a) omit “or requests for advice from”, and
 - (b) for “section 44(5)(bbb) or (7B) of the 1983 Measure” substitute “section 68(4) of the Mission and Pastoral Measure 2025”.
 - (5) In subsection (2), omit the words from “Provided that” to the end. 40

(6) In subsection (3), for “under section 44(5A) of the 1983 Measure” substitute “the Mission and Pastoral Measure 2025”.

50 (1) Section 62 (interpretation) is amended as follows.

(2) In subsection (1) (interpretation) –

(a) omit the definition of “the 1983 Measure”, and

(b) omit the definitions of “pastoral scheme” and “pastoral order”.

5

(3) Omit subsection (2).

Church of England Marriage Measure 2008

51 The Church of England Marriage Measure 2008 is amended as follows.

52 (1) Section 1 (qualifying connections) is amended as follows. 10

(2) In subsection (2), for “, under section 29(2) of the Pastoral Measure 1983 (1983 No. 1),” substitute “under section 13(2) of the Mission and Pastoral Measure 2025”.

(3) In subsection (12), in paragraph (a)(iv), for “section 20(14) of the Pastoral Measure 1983 (1983 No. 1)” substitute “regulations made under the Mission and Pastoral Measure 2025”. 15

53 (1) Section 1A (further provision on qualifying connections) is amended as follows.

(2) In subsection (1)(b), for “paragraph 14(4) of Schedule 3 to the Pastoral Measure 1983” substitute “section 14(3) of the Mission and Pastoral Measure 2025”. 20

(3) In subsection (4), for “, under section 29(2) of the Pastoral Measure 1983,” substitute “under section 13(2) of the Mission and Pastoral Measure 2025”

Ecclesiastical Offices (Terms of Service) Measure 2009

54 In section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (duration of appointments), in subsection (3)(c), for “the Pastoral Measure 1983 (1983 No. 1)” substitute “the Mission and Pastoral Measure 2025”. 25

Ecclesiastical Offices (Terms of Service) Regulations 2009

55 The Ecclesiastical Offices (Terms of Service) Regulations 2009 are amended as follows. 30

56 In regulation 29 (fixed and other limited term appointments), in paragraph (1)(f), for “section 80 or 83 of the Mission and Pastoral Measure 2011” substitute “section 20 or 24 of the Mission and Pastoral Measure 2025”.

57 (1) Regulation 30 (posts subject to potential pastoral reorganisation) is amended as follows. 35

(2) In paragraph (1)(b), for “section 6 of the Mission and Pastoral Measure 2011” substitute “regulations made under the Mission and Pastoral Measure 2025”.

(3) In paragraph (2), for “Schedule 4 to the Mission and Pastoral Measure 2011” substitute “section 26 of the Mission and Pastoral Measure 2025”.

- (4) In each of paragraphs (4) and (5), for “section 40 of and Schedule 4 to the Mission and Pastoral Measure 2011” substitute “section 26 of the Mission and Pastoral Measure 2025”.

Charities Act 2011

- 58 In section 105 of the Charities Act 2011 (power to authorise dealings with charity property etc.), in subsection (10), for the words from “a scheme” to the end substitute “a scheme or order having effected or treated as having effect under or by virtue of the Mission and Pastoral Measure 2025.” 5

Safeguarding and Clergy Discipline Measure 2016

- 59 In section 5A of the Safeguarding and Clergy Discipline Measure 2016 (code of practice), in subsection 2(1), for “section 80(1) of the Mission and Pastoral Measure 2011” substitute “section 20(2) of the Mission and Pastoral Measure 2025”. 10

Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015

- 60 In Article 2 of the Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015 (amount of consideration below which consent to dealing not required), in paragraph (5), for “the Mission and Pastoral Measure 2011 (see section 106(1) of that Measure)” substitute “the Mission and Pastoral Measure 2025 (see section 84 of that Measure).” 15

Ecclesiastical Jurisdiction and Care of Churches Measure 2018 20

- 61 The Ecclesiastical Jurisdiction and Care of Churches Measure 2018 is amended as follows.
- 62 In section 7 (consistory court: jurisdiction), in subsection (1) –
- (a) in paragraph (e), for “section 68(7) or (12) of the Mission and Pastoral Measure 2011” substitute “paragraph 4(5) or 8(1) of Schedule 3 to the Mission and Pastoral Measure 2025”, and 25
 - (b) in paragraph (f), for “section 71(9) of that Measure” substitute “section 53(2) of that Measure”.
- 63 In section 55 (interpretation), in subsection (6)(a), for “section 43(2) of the Mission and Pastoral Measure 2011” substitute “section 13(2) of the Mission and Pastoral Measure 2025”. 30
- 64 In section 80 (interpretation), in subsection (1), in the first definition of “minister”, for “a scheme under the Mission and Pastoral Measure 2011” substitute “a scheme or order under the Mission and Pastoral Measure 2025”. 35
- 65 In section 92 (power of bishop to remove legal effects of consecration), in subsection (4), for “section 78 of and Schedule 6 to the Mission and Pastoral Measure 2011” substitute “sections {340}, 62 and 63 of the Mission and Pastoral Measure 2025 and regulations under section 61 of that Measure”.

Church Property Measure 2018 40

- 66 The Church Property Measure 2018 is amended as follows.

67	In section 22 (glebe land: notice of proposed dealing), in subsection (3)(a), for “section 86 of the Mission and Pastoral Measure 2011” substitute “section 34 of the Mission and Pastoral Measure 2025”.	
68	In section 49 (interpretation), in subsection (11), for “the Mission and Pastoral Measure 2011 (see section 106(1) of that Act)” substitute “the Mission and Pastoral Measure 2025”.	5
<i>Church of England Pensions Measure 2018</i>		
69	In section 10 of the Church of England Pensions Measure 2018 (the responsible body), in subsection (3)(c), for “Schedule 4 to the Mission and Pastoral Measure 2011” substitute “section 26 of the Mission and Pastoral Measure 2025”.	10
<i>Cathedrals Measure 2021</i>		
70	In section 41 of the Cathedrals Measure 2021 (scheme for cathedral to cease to be parish church), in subsection (2)(a), for “Part 3 of the Mission and Pastoral Measure 2011” substitute “the Mission and Pastoral Measure 2025, other than provision by virtue of section 9(1)(c) or (d) (church closure etc.)”	15
<i>Historic Environment (Wales) Act 2023</i>		
71	In section 88 of the Historic Environment (Wales) Act 2023 (listed buildings: requirement for works to be authorised), in subsection (3)(c), for the words from “Part 6” to the end substitute “the Mission and Pastoral Measure 2025 by a pastoral scheme or order”.	20

SCHEDULE 7

Section 92

TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Continuity of the law

1	The repeal and re-enactment of a provision of the old MPM by this Measure does not affect the continuity of the law.	25
2	A reference, express or implied, in this Measure, another enactment or an instrument or other document, to a provision of this Measure which re-enacts a provision of the old MPM repealed by this Measure is, subject to its context, to be read as being or including a reference to that repealed provision, in relation to times, circumstances or purposes in relation to which the repealed provision had effect.	30
3	A reference, express or implied, in an enactment, instrument or document to a provision of the old MPM repealed by this Measure or of the Pastoral Measure 1968 or 1983 is, subject to its context, to be read as being or including a reference to the corresponding provision of this Measure, in relation to times, circumstances or purposes in relation to which that provision has effect.	35
4	Any rules, regulations or orders or schemes made or other things done, or having effect as if made or done, under a provision of the old MPM repealed	40

and re-enacted by this Measure, and in force or effective immediately before the commencement of the corresponding provision of this Measure, have effect after that commencement as if made or done under that corresponding provision.

- 5 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Schedule affects any other provision of that Act. 5

Effect of previous transitionals and savings

- 6 A repeal of a provision of the old MPM by this Measure does not affect the operation of a transitional provision or saving relating to the commencement of a provision reproduced in this Measure so far as the transitional provision or saving is not specifically reproduced in this Measure but is capable of having effect in relation to the corresponding provision of this Measure or otherwise. 10

- 7 (1) The repeal by this Measure of a provision of the old MPM previously repealed subject to savings does not affect the continued operation of those savings. 15
- (2) The repeal by this Measure of a saving on the previous repeal of a provision of the old MPM does not affect the operation of the saving in so far as it is not specifically reproduced in this Measure but is capable of having effect.

Use of existing forms etc. 20

- 8 A reference to a provision of the old MPM repealed by this Measure which is contained in a form or other document made, served or issued after the commencement of the repeal is, subject to its context, to be read as being or including a reference to the corresponding provision of this Measure.

Interpretation 25

- 9 A reference in this Schedule to the re-enactment of a provision by this Measure, or the reproduction of a provision in this Measure, includes a reference to the re-enactment of a provision by the regulations or to the reproduction of a provision by the regulations.