
STATUTORY INSTRUMENTS

2025 No.

ECCLESIASTICAL LAW, ENGLAND

Mission and Pastoral Regulations 2025

Made (approved by General Synod) ***

Laid before Parliament ***

Coming into force ***

The Church Commissioners, in exercise of the powers conferred by section 97 of the Mission and Pastoral Measure 2025(a), make the following Rules:

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the Mission and Pastoral Regulations 2025.

(2) These Regulations come into force immediately after the commencement of the Mission and Pastoral Measure 2025 (“the MPM”).

Interpretation

2. A reference in these Regulations to a diocese is, in the case of a pastoral scheme or order (whether in draft or as made) or recommendations or proposals for one applying to more than one diocese, to be read as a reference to each or any of the dioceses, depending on the context; and a reference to the bishop, MPC or other office holder or body described by reference to a diocese is to be read accordingly.

PART 2

PASTORAL SCHEMES AND ORDERS: CONTENTS AND IMPLEMENTATION

CHAPTER 1

PASTORAL MATTERS

Creation of parish, benefice, deanery or archdeaconry

3.—(1) A pastoral scheme or order which provides for the creation of a parish, benefice, deanery or archdeaconry must name the parish, benefice, deanery or archdeaconry.

(2) A pastoral scheme or order which provides for the creation of a parish must designate the archdeaconry or deanery to which the parish is to belong.

(3) A pastoral scheme or order which provides for the creation of a parish may confer on it full parochial status even if the parish will have no parish church when the provision comes into operation.

(4) A pastoral scheme or order which provides for the creation of a parish may include provision for securing representation of the new parish on the deanery synod during the period which—

- (a) begins with the creation of the parish, and
- (b) ends with the next ordinary election of parochial representatives from the parish under Rule 19 of the Church Representation Rules.

(5) A pastoral scheme or order providing for the creation of a new benefice may provide for—

- (a) the designation or selection of the first incumbent of the new benefice;
- (b) the designation or selection of the incumbent of a benefice which becomes vacant before the new benefice comes into being;
- (c) the restriction of rights of presentation on a vacancy in a case within sub-paragraph (b).

Creation of parish: PCCs

4.—(1) A pastoral scheme or order which creates a parish may provide, or may authorise the bishop by instrument under hand to provide, for ensuring that the congregation of every church or place of worship in that parish has its own elected representatives of the laity on the PCC of that parish.

(2) A provision included in a pastoral scheme or order or bishop's instrument by virtue of paragraph (1) ceases to have effect at the end of—

- (a) the five years beginning with the date on which the parish comes into being, or
- (b) if the scheme or instrument specifies a shorter period, that shorter period.

(3) A period specified for the purposes of paragraph (2)(b) may not be extended or recommenced by a subsequent pastoral scheme or order or bishop's instrument.

(4) Provision included in a pastoral scheme or bishop's instrument by virtue of paragraph (1) has effect despite anything in the Church Representation Rules.

Creation of benefice: status and duties

5.—(1) If a pastoral scheme or order which creates a new benefice does not specify whether the benefice is a vicarage or rectory, the benefice is a rectory.

(2) But a pastoral order may provide that a benefice specified to be a vicarage is instead to be a rectory and vice versa.

(3) The vicar or rector of a new benefice created by a pastoral scheme or order has the exclusive cure of souls in the area of the benefice, subject to—

- (a) the rights of the bishop,
- (b) if there is a team or group ministry, the rights and duties of the other members of the team or group, and
- (c) if there is a mission initiative carried out in the diocese the area of which includes the area of the benefice, the rights and duties of each person authorised by the BMO to exercise ministry in the area of the benefice.

(4) Accordingly, the vicar or rector of a new benefice has all the rights and duties appertaining to a benefice with cure of souls and is a corporation sole.

(5) Where an office attaches to a benefice which is united with one or more other benefices by a pastoral scheme or order, the office attaches to the new benefice created by the union unless the scheme or order provides otherwise.

(6) A pastoral scheme or order which provides for the union of two or more benefices may make provision—

- (a) for the union all the parishes in a new benefice,
- (b) for the union of some but not all of those parishes, or
- (c) for them to remain as separate parishes.

Creation or transfer of benefice: admission of incumbent

6.—(1) In a case where a pastoral scheme or order creates a benefice or transfers a parish from one benefice to another and the first incumbent of the new benefice is designated by or selected under a pastoral scheme or order, the incumbent is, unless the bishop otherwise directs, regarded as having been admitted to the new benefice; and no fee is payable in respect of the admission.

(2) Section 28(1) of the MPM (induction where more than one parish church) does not apply to the case within paragraph (1).

(3) If the scheme or order substitutes another church for a parish church, the incumbent does not, merely because of that substitution, need to be inducted in the new parish church or comply with any other process or form of law.

Transfer of parish from benefice

7. A pastoral scheme or order providing for the transfer of a parish from one benefice to another may provide, if at the time of the transfer there is a vacancy in the office of incumbent in the benefice to which the parish is transferred, for—

- (a) the designation or selection of the incumbent of that benefice;
- (b) the restriction of rights of presentation in relation to the vacancy.

Transfer of benefice, parish or extra-parochial place from diocese

8.—(1) This regulation applies where a benefice, parish or extra-parochial place is transferred from one diocese to another by a pastoral scheme or order; and in this regulation—

- (a) the “old diocese” means the diocese from which the transfer is made,
- (b) the “new diocese” means the diocese to which the transfer is made, and
- (c) the “transferred area” means the area of the benefice transferred or the parish or extra-parochial place transferred.

(2) Property vested in the DBF of the old diocese and held for ecclesiastical purposes relating solely to the transferred area vests in the DBF of the new diocese, without the need for a conveyance or other instrument, and is held for those purposes.

(3) Documents in the custody of the registrar or other officer of the old diocese and relating solely to the transferred area are transferred to the corresponding officer of the new diocese.

(4) A licence granted by the bishop of the old diocese is, so far as it relates to the transferred area or a church in it, treated for all purposes as granted by the bishop of the new diocese.

(5) An order made, direction given or action taken by the bishop or DBF or a clerical or lay officer or body of the old diocese (“the diocesan authority”) in relation to the transferred area or its property is treated as made, given or taken by the corresponding diocesan authority of the new diocese.

(6) The power of the DBF under paragraph 8(1) of Schedule 4 to the MPM (charity affected by pastoral scheme or order) to apply for a scheme under section 69 of the Charities Act 2011 is exercisable by the DBF of either diocese.

(7) Where only part of the area of a benefice or part of a parish or extra-parochial place is transferred from one diocese to another by a pastoral scheme or order, paragraphs (2) to (6) have effect as if a reference to the transferred area were a reference to the part in question.

Alteration of diocesan boundaries

9.—(1) This regulation applies where a pastoral scheme or order makes an alteration of diocesan boundaries.

(2) The Church Commissioners may, in the case of each diocese affected, make adjustments in a fund, account or allocation held by the Commissioners.

(3) The DBF of each diocese affected must make adjustments in the capital or income account of the diocesan stipends fund or the diocesan pastoral account as the Church Commissioners direct.

(4) The Church Commissioners may make an adjustment under paragraph (2) or give a direction under paragraph (3) only if they have consulted the DBF of each diocese.

New or altered parishes: burial rights

10.—(1) On a union of parishes by virtue of a pastoral scheme or order, the persons residing within the limits of the new parish have whatever rights and privileges parishioners have in relation to burials in that parish.

(2) On the creation, otherwise than by union, of a new parish by a pastoral scheme or order, the persons residing within the limits of that parish (“the residents”) continue to have the rights and privileges in relation to burials which they had before the creation of the parish; but those rights and privileges cease when the residents obtain rights of burial as parishioners of the new parish.

(3) Where, by virtue of a pastoral scheme or order providing for the alteration of parochial boundaries, persons come to reside within a different parish, they have whatever rights and privileges in relation to burials parishioners of that different parish have and no other rights in relation to burials.

Dissolution of benefice

11.—(1) Where a pastoral scheme or order which provides for the dissolution of a benefice does not make provision for the parsonage house of the benefice in the area of which it becomes situated, the house becomes parsonage land of the benefice.

(2) Where a pastoral scheme or order provides for the dissolution of a benefice otherwise than by a union of benefices, the office attached to the benefice is transferred to the benefice specified in the scheme or order or in a direction given by the bishop.

Status of church as parish church

12.—(1) A pastoral scheme or order may, in the case of a parish (including a parish the area of which is to be altered or the boundaries of which are to be defined by the scheme or order)—

- (a) designate a church in the parish as the parish church or as an additional parish church;
- (b) provide for a church in the parish to cease to be a parish church;
- (c) provide for a new church and for it to become the parish church or an additional parish church (whether in substitution for an existing parish church or not);
- (d) require the bishop to notify the Church Commissioners of the bishop’s approval of a church or other building as suitable to be a parish church and of its consecration.

(2) The designation by a pastoral scheme or order as a parish church of a building which, immediately before the order comes into operation, is not a parish church does not take effect unless and until—

- (a) the church has been approved by the bishop as suitable to be a parish church, after consultation with the DAC and the MPC, and
- (b) if it was not already, the building has been consecrated.

(3) If the area of a parish is altered by a pastoral scheme or order but no provision about the churches in that area is made by the scheme or order, every church in the area has the same status

on and after the date on which the scheme comes into operation as it had immediately before that date.

(4) Where, in a parish which has no parish church, the conditions in paragraph (2)(a) and (b) are met, the church becomes the parish church of that parish.

(5) Where by virtue of a designation made by a pastoral scheme or order or otherwise a parish has more than one parish church—

- (a) the parishioners have the same rights of worship in each of the churches;
- (b) marriages may be solemnized in any of the churches and the bishop may give directions under section 23 of the Marriage Act 1949 (benefices held in plurality) as extended by section 14 of the MPM as to the publication of banns and the solemnization of marriages in the churches;
- (c) burial rights are not affected by the designation and are governed by regulation 10;
- (d) the functions and liabilities of the PCC of the parish and those of the churchwardens extend to each of the churches;
- (e) the pastoral scheme or order may adapt or modify enactments relating to parish churches or churchwardens (including this regulation).

(6) In a church designated by the scheme or order as a parish church or becoming one under this regulation, it is lawful to publish banns of matrimony, solemnise marriages or perform other ecclesiastical offices which may be performed in a parish church.

(7) A pastoral scheme or order may, in the case of a church designated by a pastoral scheme or order as a parish church under this regulation, provide for—

- (a) the determination of claims to sittings or other claims in respect of the church;
- (b) the transfer to the church of register books or records from a church ceasing to be a parish church or otherwise affected by that or another pastoral scheme or order;
- (c) those books or records to be dealt with as the bishop of the diocese in which the church referred to in sub-paragraph (b) is situated may direct under section 19 of the Parochial Registers and Records Measure 1978.

(8) In paragraph (7), “register books” and “records” each have the same meaning as in the Parochial Registers and Records Measure 1978.

Chapel of ease: PCC’s functions

13.—(1) This regulation applies in the case of a church which was a parish church and becomes a chapel of ease as a result of a pastoral scheme or order.

(2) The powers, duties and liabilities set out in section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 (financial matters, care and maintenance, etc.) continue to apply in the case of the church and its churchyard (if any), except in so far as the scheme or order provides otherwise.

(3) This regulation does not affect any general rule of law relating to PCCs.

CHAPTER 2

MISSION INITIATIVES

BMO: consultation

14.—(1) Before making a BMO, the bishop or bishops must—

- (a) consult whichever other Churches or other religious organisations the bishop or bishops think appropriate,
- (b) consult persons who appear to the bishop or bishops to have a significant interest in the BMO or to be likely to be significantly affected by it,
- (c) consult the MPC in the diocese or each of the dioceses affected, and

- (d) obtain the consent of the proposed leader or leaders.
- (2) For the purposes of paragraph (1)(b), each of the following has an interest in the BMO—
 - (a) a person having or sharing the cure of souls in the area of a benefice affected by the BMO, and
 - (b) any other person who may have an interest in the cure of souls in the area of a benefice affected by the BMO, including a PCC or registered patron.
- (3) In considering who to consult under paragraph (1)(b), the bishop or bishops must have due regard, in particular, to the objectives of the mission initiative.
- (4) For the purpose of compliance with paragraph (1)(b), consultation with a body which the bishop or bishops consider representative of the interests of the persons referred to there is to be regarded as sufficient.
- (5) Where it is proposed to include a co-operation provision in the order, the bishop or bishops must (as well as carrying out the consultation required by paragraph (1)) consult the appropriate authority of each Church or other religious organisation which is to participate in the local ecumenical co-operative scheme or is otherwise concerned.
- (6) The bishop or bishops may authorise a person to carry out the consultation required under this regulation.

Provision in BMO on ministry: consultation

15.—(1) Before including provision under section 21(2) of the MPM (authority to exercise ministry for purposes of mission initiative) in a BMO that would affect only one diocese, the bishop must consult—

- (a) if the BMO affects only one parish, the incumbent or priest in charge of that parish,
- (b) subject to sub-paragraphs (c) and (d), if the BMO affects more than one parish, either the incumbent or priest in charge of each parish or the house of clergy of the deanery synod of the deanery in which the parishes are situated, whichever the bishop decides,
- (c) if the BMO affects all the parishes in a deanery, the house of clergy of the deanery synod of the deanery, and
- (d) if the BMO affects parishes not all of which are situated in the same deanery, whichever of the following the bishop decides—
 - (i) the house of clergy of the deanery synod of each deanery affected;
 - (ii) the house of clergy of the diocesan synod of the diocese which includes the parishes.

(2) Before including provision under section 21(2) of the MPM in a BMO that would affect more than one diocese, the bishops must consult whichever of the following the bishops decide—

- (a) the house of clergy of the deanery synod or of each deanery affected;
- (b) the house of clergy of the diocesan synod of each diocese affected.

BMO: supplementary provision

16.—(1) The supplementary provision which may be made under section 23(1) of the MPM in a BMO or supplementary instrument includes provision—

- (a) for the stipends, remuneration, pensions, housing or other expenses of a person exercising functions under the BMO;
- (b) for other offices or functions which a person exercising functions under the BMO may hold or carry out in conjunction with those functions;
- (c) for the replacement, where necessary, of persons exercising functions under the BMO;
- (d) for the organisation, governance and financing of the mission initiative, including the management and control of property used by those exercising functions under the BMO;
- (e) for measures required for safeguarding children and vulnerable adults;

- (f) for measures required for health and safety and insurance;
- (g) for relationships between persons involved with the mission initiative and persons who have the cure of souls within an area to which the BMO relates and with other Churches, institutions or religious organisations;
- (h) for representation of persons to whom the BMO relates on whichever deanery synod the Visitor, or any other person consulted by the bishop or bishops, thinks appropriate under a scheme made by the diocesan synod of the diocese which includes the deanery.

(2) The consultation required by section 23(3) of the MPM (inclusion of co-operation provision in bishop's mission order) is consultation with the appropriate authority of each Church or other religious organisation which is to participate in the local ecumenical co-operative scheme or which is otherwise concerned.

(3) The consultation required by section 23(4) of the MPM (variation or revocation of order etc.) is consultation with—

- (a) the MPC of the diocese or of each of the dioceses,
- (b) the leader or leaders of the mission initiative,
- (c) the Visitor,
- (d) a relevant person having the cure of souls, and
- (e) any other person whom the bishop or bishops think appropriate.

(4) If a variation to a BMO or supplementary instrument concerns a matter which, if it had been included in the BMO originally, would have required consultation under regulation 14(5) or 15(1) or (2) or paragraph (2) of this regulation, consultation under that provision is required on the variation.

(5) A BMO or a supplementary instrument—

- (a) must be signed by the bishop or bishops or by a person authorised by the bishop or bishops, and
- (b) except in the case of an order or instrument varying or revoking an order or instrument, must—
 - (i) be signed by the leader or leaders, and
 - (ii) contain a declaration by the leader or leaders of acceptance of the terms of the order or instrument.

(6) The bishop or bishops must send a copy of each of the following to the Church Commissioners—

- (a) a BMO;
- (b) an order varying or revoking a BMO;
- (c) a supplementary instrument;
- (d) an instrument varying or revoking a supplementary instrument.

(7) In paragraph (1)(e), “child” and “vulnerable adult” each have the meaning given in the Safeguarding and Clergy Discipline Measure 2016.

Review of duration of mission initiative: consultation etc.

17.—(1) In conducting the review under section 24(1) of the MPM, the Visitor must consult—

- (a) the leader or leaders,
- (b) the MPC of the diocese or of each of the dioceses,
- (c) whichever of the persons or organisations referred to in regulation 14(1) the Visitor thinks appropriate,
- (d) the persons referred to in regulation 14(2), and
- (e) if relevant, the appropriate authority of each Church or other religious organisation which participates in the local ecumenical co-operative scheme or which is otherwise concerned.

- (2) The report must include recommendations—
- (a) on whether the mission initiative should continue, and
 - (b) if the report recommends that it should continue, on whether the BMO should be renewed and—
 - (i) if the report recommends that it should be renewed, on the duration of the renewal (which may be defined or indefinite), or
 - (ii) if the report recommends that it should not be renewed, on how the mission initiative or its objectives should be continued.
- (3) The report may include whatever other recommendations or comments the Visitor thinks appropriate.
- (4) A copy of the report must be sent to each person whom the bishop or bishops direct.
- (5) In deciding whether to make a further BMO under section 24(4) of the MPM, the bishop or bishops must consult—
- (a) the MPC of the diocese or of each of the dioceses, and
 - (b) whichever other persons the bishop or bishops think appropriate.
- (6) Where a BMO of defined duration includes, or is to include, provision for participation in a local ecumenical co-operative scheme, the BMO or supplementary instrument may, with the agreement of the appropriate authority of each Church to participate in the scheme, require—
- (a) the reports required under section 24 of the MPM to be made to a relevant body,
 - (b) the functions of the bishop or bishops under that section or this regulation to be carried out by or on behalf of a relevant body, and
 - (c) any functions of the Visitor under section 22(2) of the MPM which are carried out on behalf of the bishop or bishops to be carried out by or on behalf of a relevant body.
- (7) A “relevant body” is a body which includes the bishop or bishops and one or more representatives of the appropriate authorities referred to in paragraph (6); and a relevant body may include persons otherwise representing the Church of England.

BMO: review by bishop

- 18.**—(1) Where a BMO is in operation in a diocese, the bishop must review the operation of the BMO.
- (2) The bishop, having completed a review under paragraph (1), must assess—
- (a) whether the BMO should continue in operation or be terminated, and
 - (b) if it is to continue, whether or to what extent change is required to the way in which the BMO operates.
- (3) The bishop must report the results of the review under paragraph (1) and the assessment under paragraph (2) to the MPC and to the Visitor.
- (4) The first review under paragraph (1) must take place before the end of five years beginning with the day on which the BMO came into operation; and each subsequent review under paragraph (1) must take place before the end of five years beginning with the day on which the previous review was completed.

CHAPTER 3
MINISTRY MATTERS

Team ministry: establishment

- 19.**—(1) This regulation applies in the case of a pastoral scheme or order which provides for the establishment of a team ministry for the area of a benefice.

(2) The scheme or order must provide for the sharing of the cure of souls in the area of the benefice by the incumbent and one or more other ministers; and in consequence of that provision—

- (a) the benefice is to be a rectory, and
- (b) each of the ministers other than the incumbent is to have the title of vicar and a status equal to that of the incumbent of a benefice.

(3) The scheme or order must also provide for the pastoral care of persons in the area of the benefice by—

- (a) the persons who are to share the cure of souls in that area, and
- (b) the persons who are authorised by a licence or permission from the bishop to serve in that area as members of the team.

(4) The team chapter consists of the persons referred to in paragraph (3)(a); and the team itself consists of the team chapter and the persons referred to in paragraph (3)(b).

(5) A person ordained to the office of deacon may be authorised for the purposes of paragraph (3)(b) by licence of the bishop—

- (a) to serve in the team ministry as a member of the team, and
- (b) to perform for the purposes of the team ministry, so far as consistent with the office of deacon, all offices and services which may be performed by an incumbent.

(6) A person may not be authorised for the purposes of paragraph (3)(b) by licence of the bishop to serve in the team ministry as a member of the team unless that person has been nominated for that purpose by the rector with the consent of—

- (a) a majority of the other members of the team, and
- (b) each PCC concerned.

(7) But it is not necessary for the person concerned to be nominated by the rector if that person is authorised to serve in the team ministry for a period immediately following a period of service in the team ministry.

(8) The scheme or order may provide for the designation or selection of the first rector (who may be the existing incumbent) or the first holder of an office of vicar but, subject to such a provision—

- (a) the rector is to be presented or collated to the benefice, as the circumstances require in accordance with regulation 20 and the provisions of the scheme or order made under that regulation;
- (b) the vicar or vicars are to be chosen in accordance with regulation 21, are to be appointed to the office by licence of the bishop under seal and, unless the bishop otherwise directs, are to be publicly admitted in a church in the area.

(9) Where the scheme or order designates a person as the first holder of the office of vicar in the team ministry—

- (a) the bishop must offer to issue a licence appointing that person to the office, and
- (b) if the person does not accept the offer within one month of it being made, the designation ceases to have effect.

Team ministry: rector

20.—(1) A pastoral scheme or order providing for the establishment of a team ministry must provide for the presentation of the rector of the team ministry by a patronage board constituted by the scheme or order; or, if the bishop of the diocese is the sole patron and the scheme or order does not provide for that, the bishop must choose the rector and collate the person to the benefice.

(2) But the scheme or order may itself provide for the designation of the first rector; and, if it does that, paragraph (1) has effect subject to this paragraph.

(3) Any enactment (including the MPM) or rule of law relating to the presentation or collation of an incumbent applies to a presentation or collation under this regulation.

(4) The patronage board, before exercising the right of presentation under this regulation, or the bishop, before exercising the right of collation under this regulation, must consult the other members of the team.

(5) In a case where the first rector of a team ministry is designated by or under a pastoral scheme or order establishing the team ministry, the rector is, unless the bishop otherwise directs, regarded as having been admitted to the benefice; and no charge is payable in respect of the admission.

(6) If, in a case within paragraph (5), the scheme or order substitutes another church for a parish church, the incumbent does not, merely because of that substitution, need to be inducted in the new parish church or comply with any other process or form of law.

(7) Section 28(1) of the MPM (induction where more than one parish) does not apply to a case within paragraph (5).

(8) Paragraph (3) applies also in the case of a pastoral scheme or order providing for the alteration of a team ministry.

Team ministry: vicar

21.—(1) A pastoral scheme or order establishing a team ministry which provides for the presentation of the rector by a patronage board constituted by the scheme or order may provide for a vicar in the ministry to be selected by the board; and the person—

- (a) is to be appointed by licence of the bishop under seal, and
- (b) unless the bishop otherwise directs, is to be publicly admitted in a church in the area.

(2) But the scheme or order may itself provide for the selection of the first holder of an office of vicar; and, if it does that, paragraph (1) has effect subject to this paragraph.

(3) Where the scheme or order does not provide for the selection of a vicar by the patronage board (other than the first holder of the office), the selection is to be made by the bishop and rector acting jointly; and whichever of the patronage board or the bishop and rector acting jointly has the power to make the selection is referred to in this regulation as “the selector”.

(4) Before making a selection, the selector must consult—

- (a) the other members of the team,
- (b) the PCC of each parish belonging to the benefice for the area of which the team ministry is established, and
- (c) if a special cure of souls in respect of a part of the area is to be assigned under regulation 22(3)(a) to the vicar, any district council concerned.

(5) The selector may not make an offer of appointment as vicar until the parish representatives have approved the offer; and for this purpose, the “parish representatives” are two lay members of the PCC appointed by the PCC to act as representatives in connection with the selection of a vicar for the team ministry.

(6) If, before the end of the two weeks beginning with the date on which a request for approval is sent under paragraph (5), no notice of refusal is received from a parish representative, that representative is to be taken to have given approval.

(7) A notice of refusal from a parish representative must set out the grounds of the refusal.

(8) Where a notice of refusal is received, the selector may ask the archbishop of the province in question to review the matter; and if, after the review, the archbishop authorises the selector to make the offer, the selector may do so.

(9) Paragraphs (4) to (8) apply also in the case of a pastoral scheme or order providing for the alteration of a team ministry

Team ministry: responsibilities etc.

22.—(1) The rector in a team ministry—

- (a) has a general responsibility for the cure of souls in the area of the benefice, and
- (b) is responsible for leadership of the team.

(2) The general responsibility referred to in paragraph (1)(a) may be subject to a special cure or special responsibility given to a vicar in accordance with paragraph (3).

(3) A vicar in a team ministry has, by virtue of that office but subject to the bishop's licence, authority to perform in the area of the benefice the offices and services which may be performed by an incumbent; and the bishop's licence may—

- (a) assign a special cure of souls for part of the area to a vicar in a team ministry and, if appropriate, assign the name of vicar of a church in that part;
- (b) assign a special responsibility for a particular pastoral function to a vicar;
- (c) provide that a special cure or responsibility of the kind referred to in sub-paragraphs (a) and (b) is independent of the rector's general responsibility;
- (d) assign to a vicar a general responsibility to be shared with the rector for a cure of souls in the area as a whole.

(4) Provision of a kind mentioned in paragraph (3)(a) to (d) made by the bishop's licence may be varied or revoked, with the consent of the rector and vicar, by a subsequent licence under seal.

(5) The bishop's licence may assign to a member of a team ministry who is not a member of the team chapter a special responsibility for pastoral care for part of the area of the benefice, so far as consistent with that member's office; and if the licence makes provision of that kind, it may be varied or revoked by a subsequent licence under seal.

(6) A pastoral scheme or order may, in relation to a team ministry, provide for the assignment to a member of the team who is not a member of the team chapter of a special responsibility for pastoral care support for part of the area of the benefice, so far as consistent with the member's office.

(7) Where a benefice for which a team ministry is established becomes vacant, the bishop may appoint a person holding the office of vicar in the team ministry to act as rector for the purposes of paragraphs (1) and (2); and a person so appointed is, during the vacancy, to be treated for the purposes of those provisions as holding the office of rector.

(8) In a case of provision in a scheme or order under section 8(7) of the MPM (team ministry established for benefices held in plurality), this regulation has effect as if a reference to the area of a benefice were a reference to the combined area of the benefices concerned.

Team ministry: parochial church meetings, PCCs etc.

23.—(1) Where a pastoral scheme or order establishes a team ministry, the scheme or order or the bishop's licence of a vicar in the team ministry, may impose on the vicar—

- (a) the duties (or a share in the duties) of the chairing of the annual parochial church meeting and PCC of the parish (or any of the parishes) of the benefice for which the team ministry is established, and
- (b) other duties (or a share in other duties) of the minister of the parish under the Church Representation Rules (with those Rules having effect accordingly).

(2) But if the duties of chairing are to be shared, the arrangements are to be such that the chair on any given occasion is decided in advance so that, in the absence of the chair, the vice-chair of the PCC acts as chair in accordance with the Church Representation Rules.

(3) Where a pastoral scheme provides for the creation of a new parish for inclusion in the benefice for which a team ministry is established and there are two or more churches or places of worship in the new parish, the scheme may make provision or may authorise the bishop by instrument under hand with the concurrence of the rector to make provision—

- (a) for ensuring due representation on the PCC of the congregation of each church or place of worship;
 - (b) for the election of a district church council for a district in the parish in which each which church or place of worship is situated and for the constitution, chairing and procedure of the council;
 - (c) for the functions of the PCC which may or must be delegated to the district church council;
 - (d) for the election or choice of deputy churchwardens for each church or place of worship and for the functions of churchwarden which may or must be delegated to deputies.
- (4) A provision included in the scheme or bishop's instrument by virtue of paragraph (3) ceases to operate at the end of—
- (a) the five years beginning with the date of the establishment of the team ministry, or
 - (b) if the scheme or instrument specifies a shorter period, that shorter period.
- (5) A period specified for the purposes of paragraph (4)(b) may not be extended or renewed by a subsequent scheme or bishop's instrument.
- (6) This regulation applies to a parochial church meeting or PCC in the area of a benefice for which a team ministry is established, for the election of district church councils and churchwardens.
- (7) In this regulation, "place of worship" means the whole or part of a building licensed for public worship.

Group ministry: establishment

- 24.—**(1) This regulation applies where a pastoral scheme or order provides for the establishment of a group ministry for a specified group of benefices.
- (2) The existing incumbent of each benefice becomes, by virtue of the establishment of the group ministry, the first person to hold that benefice as a benefice of the group, unless the scheme or order provides for the selection of some other person to do.
- (3) The scheme or order must provide that—
- (a) the incumbent of each benefice has authority to perform in the combined area of the benefices all the offices and services which may be performed by the incumbent;
 - (b) the incumbent of any benefice in the group, in performing those offices and services in the area of another benefice, must act in accordance with the directions of the incumbent of the other benefice;
 - (c) the incumbents must assist each other to make the best possible provision for the cure of souls throughout the area of the group ministry.
- (4) The functions referred to in paragraph (3)(a), (b) and (c) attach to the office of the incumbent of each benefice in the group ministry; and accordingly—
- (a) while the group ministry is in operation, an incumbent may not resign and may not withdraw from those functions otherwise than by resigning the benefice, and
 - (b) on a vacancy, the new incumbent is admitted to the benefice with those functions.
- (5) If the scheme or order includes in the group ministry a benefice for which a team ministry is established, this regulation applies to the vicars in the team ministry and the rector as it applies to the incumbent of each other benefice in the group; but only the rector may give directions to an incumbent as to ministry in the area of the benefice for which the team ministry is established.
- (6) In this regulation, "incumbent" includes a priest in charge.

Group ministry: incumbent

25.—(1) The incumbent of a benefice in a group ministry established by pastoral scheme or order is to be presented or collated to the benefice by the patron, with the approval of the bishop (in the case of presentation).

(2) The scheme or order may provide for the designation or selection of the first person (who may be the existing incumbent or priest in charge) to hold a benefice as a benefice in the group; and

- (a) if the scheme or order does so provide, paragraph (1) has effect subject to this paragraph;
- (b) if the scheme or order does not so provide, the existing incumbent or priest in charge continues to hold office as such.

(3) Before making a request for approval under section 13(1)(b) of the Patronage (Benefices) Measure 1986 for the approval of the parish representatives and of the bishop (unless the bishop is the registered patron) to making an offer to a priest of presentation to a benefice in the group, the registered patron of the benefice must consult—

- (a) the other incumbents, and
- (b) any priest in charge in the group.

Group ministry: responsibilities etc.

26.—(1) The incumbents in a group ministry established by a pastoral scheme or order are to meet as a chapter in order to discuss, and reach a common view on, all matters of general concern or special interest to the group ministry.

(2) The chair of the chapter is—

- (a) the person appointed in accordance with the scheme or order, or
- (b) in the absence of such provision, the person elected by the members of the chapter.

(3) The chair of the chapter serves for a term of three years or, if the members of the chapter decide on a term of a different length (whether longer or shorter than three years), for that term.

(4) It is for the chair to convene meetings of the chapter at regular intervals and to preside at those meetings; but, in the absence of the chair, a deputy appointed by the meeting is to preside.

(5) In this regulation, “incumbent” includes a priest in charge.

Team or group ministry: termination or alteration

27.—(1) A pastoral scheme may provide for the termination of a team ministry by the abolition of each office of vicar.

(2) A pastoral scheme or order may provide for the alteration of a team ministry—

- (a) by an increase in the number of offices of vicar;
- (b) by the abolition of one or more of the offices of vicar;
- (c) by the transfer of the right of presentation of the rector to a patronage board constituted by the scheme or order;
- (d) by enabling or requiring the vicars in the team to be chosen by the body entitled to present the rector in accordance with regulation 21.

(3) A pastoral order may make provision in reliance on paragraph (2)(b) for the abolition of an office of vicar only where the office is vacant.

(4) A pastoral scheme or order making provision of the kind referred to in paragraph (2)(b) may not reduce the number of offices of vicar to zero.

(5) A pastoral scheme or order may provide for the termination of a group ministry by the abolition of the functions under regulation 22(3)(a) to (d) attaching to each office of incumbent of a benefice in the group.

(6) A pastoral scheme may provide for the alteration of a group ministry by a reduction or increase in or change to the benefices in the group but not in so far as that would result in the abolition of an ecclesiastical office.

(7) The consequential, supplementary, incidental or transitional provision which may be in a pastoral scheme or order that makes provision by virtue of this regulation includes in particular provision of the kind in paragraph 4(5) of Schedule 2 to the MPM (meetings of patronage board).

(8) If a benefice for which a team ministry is established is dissolved by a pastoral scheme, each office of vicar in the team ministry and the office of rector cease to exist; but that does not affect the creation of each such office for a benefice created or altered by a pastoral scheme or order.

Benefices held in plurality: designation and resignation

28.—(1) This regulation applies where a pastoral scheme or pastoral order provides for the holding in plurality of two or more benefices.

(2) The scheme or order may provide for—

- (a) the designation or selection of the incumbent who is to hold all the benefices;
- (b) the designation or selection of the incumbent of a benefice becoming vacant before all the benefices come to be held in plurality;
- (c) the restriction of rights of presentation on a vacancy in a case within sub-paragraph (b).

(3) The incumbent of the benefices may not, except with the bishop's permission, resign any of the benefices without resigning the others.

(4) Where the bishop gives the incumbent permission under paragraph (3) to resign a benefice and there are at least two other benefices—

- (a) the resignation does not affect the holding in plurality of those other benefices, but
- (b) the Church Commissioners may by instrument make consequential amendments to the scheme or order.

Benefices held in plurality: termination of plurality provisions

29.—(1) The provisions of a pastoral scheme or order for the holding in plurality of two or more benefices ("the plurality provisions") continue in force despite the occurrence of a vacancy in any of the benefices unless the scheme or order provides otherwise or—

- (a) the bishop gives notice of the vacancy or impending vacancy under section 7 of the Patronage (Benefices) Measure 1986, and
- (b) the plurality provisions are terminated in accordance with this regulation.

(2) If the bishop states in the notice that the plurality provisions are to be terminated and serves the notice on the Church Commissioners and on the person who is, or who is on the termination to become, the patron of each benefice, the plurality provisions are terminated on the later of the occurrence of the vacancy and the service of the notice.

(3) If an interested PCC resolves, within 28 days after the service of the notice, to terminate the plurality provisions, those provisions are terminated on the day after the passing of the resolution.

(4) An interested PCC, having passed a resolution under paragraph (3), must notify—

- (a) each other interested PCC,
- (b) the bishop,
- (c) the Church Commissioners, and
- (d) the person who is the patron of each benefice.

(5) Where the plurality provisions are terminated under paragraph (3), the bishop must serve a fresh notice under section 7 of the Patronage (Benefices) Measure 1986 on each interested PCC and on the patron of each benefice; and that notice has effect instead of the previous notice under section 7 of that Measure.

(6) Where a pastoral scheme or order has made provision for the holding of benefices in plurality and the plurality provisions have been terminated, the Church Commissioners may by instrument make consequential amendments to the scheme or order.

Benefices in plurality: review by bishop

30.—(1) Where benefices in a diocese are held in plurality, the bishop must review the operation of ministry in those benefices.

(2) The bishop, having completed a review under paragraph (1), must assess whether, or to what extent, change is required to the way in which ministry in the benefices concerned operates.

(3) The bishop must report the results of the review under paragraph (1) and the assessment under paragraph (2) to the MPC.

(4) The first review under paragraph (1) must take place before the end of six years beginning with the day on which the benefices in question began to be held in plurality; and each subsequent review under paragraph (1) must take place before the end of six years beginning with the day on which the previous review was completed.

Dispossession of clergy or dissolution of archdeaconry or deanery

31.—(1) A provision of a pastoral scheme which dissolves a benefice, archdeaconry or deanery or abolishes or results in the abolition of an office of vicar in a team ministry or any other ecclesiastical office may be brought into operation—

- (a) without the agreement of the incumbent, archdeacon or other office holder, and
- (b) without waiting for a vacancy in the benefice, archdeaconry or other office.

(2) Paragraph (3) applies where a pastoral scheme or order provides for—

- (a) the holding in plurality of two or more benefices,
- (b) the establishment of a team ministry for the area of a benefice, or
- (c) the establishment of a group ministry for a group of benefices.

(3) If any of the benefices concerned is not vacant and the existing incumbent is not to hold the benefice by virtue of a designation by the scheme or order or any appointment under the scheme or order or the MPM, the benefice is treated as vacated on the day when that provision of the scheme or order or the MPM comes into operation.

(4) Paragraph (5) applies where a pastoral scheme makes provision which will or may have the effect of—

- (a) vacating a benefice under paragraph (3),
- (b) dissolving a benefice or archdeaconry or deanery which is not already vacant, or
- (c) abolishing the office of a vicar in a team ministry or any other ecclesiastical office which is not already vacant, where the holder of the office is entitled to receive a stipend or other emoluments (including the provision of accommodation).

(5) The scheme must provide that the provision concerned is not to come into operation until—

- (a) a date at least six months after the date on which the scheme or order is made, or
- (b) if the operation of the scheme depends on the occurrence of an event or contingency (other than a vacancy in the office concerned), a date at least six months after that occurrence.

(6) Paragraph (5) does not apply to a benefice which is dissolved, or to an archdeaconry or deanery which is abolished or an office of vicar in a team ministry which is abolished, if the incumbent of the benefice, or the archdeacon or rural dean or the holder of the office of vicar, is designated by the scheme as—

- (a) the first incumbent of a benefice created or affected by the scheme,
- (b) the first archdeacon in an archdeaconry, or the first rural dean in a deanery, established by the scheme, or

(c) the first holder of an office of vicar in a team ministry established by the scheme.

(7) The scheme may provide that if, owing to a subsequent vacancy, the provision concerned will not have the effect referred to in paragraph (6), the provision comes into operation on the later of the date of confirmation of the scheme or order and the occurrence of the event or contingency.

(8) If, on the coming into operation of a provision of the kind referred to in paragraph (2), the official residence of the incumbent, archdeacon or other office holder concerned, being the parsonage house or the house held on trust for use as a residence of that kind, is not vested in the diocesan board of finance, the board may nevertheless bring proceedings to recover possession of the residence.

Patronage

32.—(1) A pastoral scheme or order may provide for the transfer or exchange of rights of patronage of a benefice or church (whether or not the benefice or church is otherwise affected by the scheme or order).

(2) Provision in a scheme or order for a transfer of rights of patronage must be subject to a requirement for the consent of—

- (a) the registered patron whose rights are to be transferred or exchanged, and
- (b) the person to whom the transfer is to be made.

(3) Provision in a scheme or order for an exchange of rights of patronage must be made subject to a requirement for the consent of each registered patron whose rights are being exchanged.

(4) A pastoral scheme or order creating a benefice may provide for—

- (a) vesting the patronage of the benefice in a patron, and
- (b) where necessary, determining how the rights of patronage are to be exercised.

(5) In the case of provision for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a patronage board constituted by the scheme or order, the requirement for consent by virtue of paragraph (2) does not apply.

(6) A pastoral scheme or order providing for the holding of two or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including for their exercise on a renewal of the provision for plurality.

(7) Where a benefice is dissolved by a pastoral scheme or order, the rights of patronage of the benefice cease to exist.

(8) Where a chapel of ease becomes a parish church by virtue of a pastoral scheme or order, any rights of patronage of the chapel of ease cease to exist.

(9) In exercising a power conferred by this regulation, a person must have regard to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme or order and the interests of the patron of each benefice to be held in plurality; but in a case where there are pastoral or practical objections, the scheme or order need not provide for—

- (a) conferring new patronage rights on any of those persons, or
- (b) sharing the exercise of the patronage rights of the benefices to be held in plurality among the patrons of those benefices.

(10) A provision made by or by virtue of this regulation about rights of patronage has effect subject to provision made by virtue of regulation 3(3), 5(6) or 29(1)] with respect to incumbents and vacancies.

(11) A pastoral scheme or order providing for the vesting or exercise of rights of patronage under this regulation may provide for the application of those rights of trusts previously applicable to rights extinguished or altered by or by virtue of the order.

(12) This regulation does not affect regulation 19(8), 20(1) to (3), 21, 25(2) or (6) or Schedule 2 to the MPM; and on the establishment of a team or group ministry for the benefices concerned, rights of patronage exchanged or transferred or created by or under this regulation accordingly have effect.

Income and application of funds

33.—(1) This regulation applies where a benefice is dissolved by a pastoral scheme in consequence of a union of benefices and the DBF holds—

- (a) money for expenditure on capital purposes in connection with a parsonage house for the benefice, or
- (b) money arising from or in connection with the disposal of a parsonage house of the benefice.

(2) Section 13 of the Church Property Measure 2018 (application of proceeds of sale of benefice property) applies to the money referred to in paragraph (1)(a) and (b) as it applies to money arising from the sale of property of the benefice under Part 1 of that Measure.

(3) For that purpose, section 13 of that Measure has effect as if references to the benefice for which the money was held or to which the property belonged were references to the new benefice created by the union.

(4) Despite section 13 of that Measure, a pastoral scheme may provide that any money arising from a sale or exchange under Part 1 of that Measure of part of property of a specified benefice, or however much of that money is specified, must—

- (a) be held by the DBF for the benefit of another specified benefice,
- (b) be paid into the capital account of the diocesan stipends fund,
- (c) be paid into to the diocesan pastoral account, or
- (d) be applied towards the provision, restoration, improvement or repair of—
 - (i) a church or place of worship,
 - (ii) a parsonage house, or
 - (iii) a house for a vicar in a team ministry or an assistant curate.

(5) “Place of worship” has the meaning given in section 87 of the MPM.

Sinecure rectories and chapelries

34.—(1) A pastoral scheme may provide for merging with a benefice a sinecure rectory, or an office of minister of a church or chapel without cure of souls.

(2) The scheme may make further provision for any matter for which provision is or may be made by or under these Regulations in relation to a benefice; the scheme may in particular provide—

- (a) for the vesting of the church or chapel and its use as a parish church or chapel of ease;
- (b) for making a declaration of the closure of the church or chapel for regular public worship;
- (c) for the transfer, vesting or disposal of rights of patronage, endowments or other property relating or belonging to the rectory or office.

Assistant curates

35. A pastoral scheme or order may provide for the incumbent of a benefice or the vicar in a team ministry to be named as assistant curate only if it also provides for the incumbent or vicar, having been informed of the implications of being so named, has given consent.

Parsonage house

36.—(1) A pastoral scheme or order may provide for the designation of a house belonging to a benefice as the place of residence of—

- (a) the incumbent of a benefice created or affected by that scheme or order, or
- (b) the incumbent of benefices to be held in plurality by or by virtue of that scheme or order.

(2) A pastoral scheme or order may provide for the designation of a house as the place of residence of a vicar in a team established for the area of a benefice by or by virtue of that or another scheme or order.

(3) A pastoral scheme or order may provide for the transfer of any of the following to the incumbent of a benefice as the official residence or as a site for it—

- (a) a parsonage house or part of a parsonage house;
- (b) a house situated on diocesan glebe land;
- (c) parsonage land;
- (d) diocesan glebe land;
- (e) land held by a Parsonages Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009;
- (f) property held by the DBF as part of its corporate property.

(4) A pastoral scheme or order may provide for the transfer of any of the following to the DBF to be held by it as part of the diocesan glebe land or for disposal under regulation 37 or for use for parochial or diocesan purposes—

- (a) a parsonage house or part of a parsonage house;
- (b) a house or part of a house which, before becoming diocesan glebe land under a pastoral scheme or order, was a parsonage house or part of a parsonage house;
- (c) any parsonage land.

(5) A pastoral scheme or order may provide for the transfer of a parsonage house or part of a parsonage house or of parsonage land to a Parsonages Board for the purposes of its functions under the Ecclesiastical Offices (Terms of Service) Measure 2009.

(6) The power under paragraph (1) or (2) does not affect—

- (a) the subsequent exercise of a power to dispose of the house in question, or
- (b) the subsequent exercise by the bishop of a power to give directions as to the place where the incumbent or vicar in question is to reside.

(7) Where, in exercise of the power under paragraph (4), a parsonage house or part of one is to be transferred to the DBF but land held with the house is not to be so transferred, that land is to be treated as parsonage land for the purposes of the Church Property Measure 2018 except in so far as the pastoral scheme or order providing for the transfer provides otherwise.

(8) “Diocesan glebe land” has the same meaning as in the Church Property Measure 2018.

Disposal of parsonage house or other property by DBF

37.—(1) Where property is transferred under regulation 36 to the DBF for disposal, the DBF may dispose of the property either as a whole or in parts and whenever it thinks right; and the powers of the DBF include power to sell, lease or exchange, and power to demolish, the whole or part of the property transferred.

(2) The DBF may not dispose of property transferred to it under regulation 36 unless the Church Commissioners have consented to the terms of the disposal; but that condition does not apply where the terms of the sale, if the property had been diocesan glebe land, would not have required the consent of the Commissioners under section 21 of the Church Property Measure 2018.

(3) A pastoral scheme or order which provides for the transfer of property under regulation 36 to the DBF for disposal may provide for the application of the whole or part of the net proceeds of disposal (including net premiums and rents) towards the provision, restoration, improvement or repair of—

- (a) a church or place of worship (within the meaning given by section 87 of the MPM,
- (b) a parsonage house, or
- (c) a house for a person declared by the bishop to be engaged in the cure of souls in the diocese.

(4) But, except in so far as the scheme or order includes provision under paragraph (3), the net proceeds must be paid into the capital account of the diocesan stipends fund or into the diocesan pastoral account, or partly into one and partly into the other, as the DBF decides or as the scheme or order provides.

(5) In the case of property transferred to it for disposal, the DBF may, despite paragraphs (1) to (4) elect to take over and hold the property as part of its corporate property for whatever consideration the Church Commissioners, with the agreement of the DBF, decide represents the fair value of the property.

(6) The amount of the consideration under paragraph (5) must be paid, credited or otherwise applied as if it were the net proceeds of the disposal of the property.

(7) Where a pastoral scheme or order provides for the transfer of property to the DBF for use for diocesan or parochial purposes—

- (a) the transfer is without consideration, unless the scheme or order provides otherwise,
- (b) where the scheme or order provides otherwise, no consideration is payable by a PCC in respect of the use of the property for parochial purposes, and
- (c) the DBF may appoint the PCC as managers or managing trustee of property to be used for parochial purposes.

CHAPTER 4 RIGHTS OF PRESENTATION

Notices: consultation on pause

38.—(1) The bishop may not give a pause notice, extension notice or final extension notice under section 33 of the MPM unless the bishop has consulted—

- (a) the registered patron of the benefice,
- (b) the PCC of each parish concerned, and
- (c) the two chairs of the deanery synod of the deanery concerned.

(2) The invitation to each consultee to take part in the consultation must include an offer from the bishop of the opportunity for a meeting between the bishop (or the bishop's representative) and as many of the consultees as wish to attend the meeting; and provided that, within 14 days of the date of the invitation, at least one of the consultees accepts the offer, a meeting must be convened with the bishop (or the bishop's representative) to which every consultee is invited (whether to attend in person or by a representative).

(3) But the offer under paragraph (2) is not open to a consultee who (or whose representative) has already met with the bishop or the bishop's representative for the purposes of the consultation.

(4) The invitation to take part in the consultation must also include—

- (a) a statement of the bishop's reasons for considering whether to give the notice referred to in paragraph (1), and
- (b) explain the effect of paragraphs (2) and (3).

Notices: procedure

39.—(1) The power to give a pause notice under section 32 of the MPM may be exercised—

- (a) if the benefice has yet to become vacant, at any time in the three months before the day on which it is due to become vacant, or
- (b) at any time during the vacancy.

(2) The bishop may not give a pause notice or extension notice under section 32 of the MPM or a consent notice or termination notice under section 33 of the MPM without having obtained the consent of the MPC.

(3) The bishop may not give a final extension notice under section 32 without having obtained the consent of the Church Commissioners.

(4) A pause notice, extension notice or final extension notice under section 32 of the MPM or a consent notice or termination notice under section 33 of the MPM must be given to—

- (a) the designated officer under the Patronage (Benefices) Measure 1986,
- (b) the MPC,
- (c) the registered patron (unless the bishop is the only one),
- (d) the two chairs of the deanery synod of the deanery concerned,
- (e) the churchwardens of each parish concerned, and
- (f) the administrators in vacancy.

(5) A copy of each notice given under paragraph (4) must be filed in the diocesan registry

CHAPTER 5

COMPENSATION FOR LOSS OF OFFICE

Payment of compensation

40.—(1) A payment of compensation under section 26 of the MPM is to be made as a lump sum by the DBF.

(2) The payment is to be charged—

- (a) on the capital account or the income account of the diocesan stipends fund, or
- (b) if the DBF considers it would be more appropriate for the payment to be charged on another of the accounts it holds, on that other account.

(3) It is for the DBF to decide on a case-by-case basis the account to charge under paragraph (2).

Housing

41.—(1) This regulation applies where a person entitled to compensation under section 26 of the MPM was, immediately before ceasing to hold the office in question, occupying a parsonage house or other official residence for the better performance of the duties of the office.

(2) The DBF must provide the person with accommodation which is suitable for the person and the family members with whom the person lives for a period of twelve months beginning with the date on which the person ceases to hold the office in question.

(3) In paragraph (2), the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation.

(4) The DBF may, instead of acting as mentioned in paragraph (2), make a payment to the person concerned of an amount agreed by the DBF and the person; and where the DBF does so, it is to be treated as having discharged the duty under paragraph (2).

(5) Regulation 40 applies to a payment under paragraph (4) as it applies to a payment of compensation under section 26 of the MPM.

Additional payment

42.—(1) Where a person is entitled to compensation under section 26 of the MPM, the bishop may authorise an additional payment to be made to the person of such amount as the bishop may determine.

(2) The person concerned may apply for a review of—

- (a) a decision of the bishop not to authorise a payment to the person under paragraph (1), or
- (b) where the bishop decides to authorise a payment under paragraph (1), the amount authorised.

(3) The only grounds on which application may be made under paragraph (2) are that the bishop's decision, if implemented, would cause exceptional hardship to the person concerned or one or more of the family members with whom the person lives.

(4) The Archbishops of Canterbury and York must appoint a person to carry out reviews under this regulation; and the person so appointed ("the reviewer")—

- (a) holds office for such period and on such other terms as the Archbishops decide but
- (b) may be removed from office by the Archbishops before the end of that period on the grounds of incapacity or serious misconduct.

(5) An application for a review under this regulation—

- (a) must be made in writing to the reviewer,
- (b) must be copied to the bishop,
- (c) must be made within four weeks of the date on which the application is being made, and
- (d) must explain the nature of the hardship on the basis of which the application is being made.

(6) In carrying out a review under this regulation, the reviewer must decide whether the grounds for the application are made out; and in so doing, the reviewer must act impartially.

(7) Having carried out a review under this regulation, the reviewer must notify the decision on the review to the applicant and to the bishop; and the notification must—

- (a) include the reasons for the decision, and
- (b) if the decision is that the grounds for the application are made out—
 - (i) specify the amount of the payment which the reviewer considers should be made under this regulation, or
 - (ii) direct that the matter is to be remitted to the bishop for reconsideration.

(8) In the case of a notification within paragraph (7)(b)(i), the bishop must authorise payment of the amount so specified to be made to the person.

(9) In the case of a notification within paragraph (7)(b)(ii), the bishop must reconsider the matter; and the preceding provisions of this regulation apply accordingly.

(10) Regulation 40 applies to a payment under this regulation as it applies to a payment of compensation under section 26 of the MPM.

(11) The functions of the Archbishops under this regulation are to be exercised jointly; but if either Archbishop is incapacitated, or there is a vacancy in either see, the functions are instead to be exercised by the other Archbishop.

CHAPTER 6

BUILDINGS MATTERS

Recommendation for closure: DAC report

43. A report from the DAC requested by the MPC under section 41 on a church in the diocese must include information or advice on—

- (a) the historic interest, condition and architectural quality of the church,
- (b) the historic interest and aesthetic qualities of the contents of the church, and
- (c) any special features of a churchyard or burial ground annexed to the church.

Declaration of closure

44.—(1) A pastoral scheme may make a declaration of the closure of a church for regular public worship if the church—

- (a) is not required as a parish church or chapel of ease, or
- (b) will cease to be required as such as a result of the scheme.

(2) A pastoral scheme may make a declaration of the closure of part of a parish church or chapel of ease for regular public worship if that part—

- (a) is no longer required for use as part of the church, or
- (b) will cease to be required as such as a result of the scheme.

(3) A declaration of the closure of a parish church for regular public worship may be made even if the parish will have no parish church when the declaration takes effect; and the status of the parish will not be affected by the lack of a parish church.

(4) On and after the date when a declaration of the closure of the whole of a church for regular public worship takes effect, that church is closed for public worship except so far as is provided for by section 51 of the MPM (functions of DBF following declaration of closure) and Chapter 7 or 8 of this Part.

No other case to be dealt with by scheme

45. Where a pastoral scheme makes a declaration of closure for regular public worship in respect of the whole or part of a building and makes provision for the future use of the building but the Church Commissioners are not satisfied with the proposals for the future use of the building—

- (a) the scheme may nevertheless have effect but only in so far as it provides for closure of the church or part, and
- (b) provision as to the use of the building must instead be made in accordance with Chapter 7 or 8 of this Part.

Use of churchyard or burial ground

46.—(1) A pastoral scheme may provide for the whole or part of any of the following property to be put to the use specified or generally described in the scheme—

- (a) a churchyard or other land annexed or belonging to a church or a cathedral which is, or part of which is, a parish church,
- (b) a burial ground vested in the incumbent of the benefice but not annexed or belonging to a church, or
- (c) any other burial ground which is subject to the jurisdiction of a diocesan bishop.

(2) The scheme may provide for the disposal of any property referred to in paragraph (1)—

- (a) for a use specified or generally described in the scheme, or
- (b) for its disposal without limitation as to use.

(3) Paragraphs (1) and (2) apply to land annexed or belonging to a church to which a declaration of closure under regulation 44 applies only if the scheme making the declaration did not provide for dealing with the land.

(4) In the case of land which is annexed or belongs to a church or is a burial ground adjacent to a church, the scheme may make whatever provision the bishop and Church Commissioners think—

- (a) desirable for protecting the use and amenities of the church, or
- (b) necessary for preserving a right of access to a grave in the land.

(5) The scheme has effect subject to section 3 of the Disused Burial Grounds Act 1884 (which prohibits erecting a building on disused burial ground except for enlargement etc.) unless—

- (a) no person has been buried in land to which the scheme applies in the 50 years immediately before the making of the scheme, or
- (b) no relative or personal representative of a person buried in the land in that period has objected to the draft scheme or every such objection has been withdrawn.

(6) The scheme may also provide for the vesting of the property and for applying to that property, with whatever modifications may be specified, any provision of the MPM or these Regulations relating to—

- (a) the appropriation, disposal or vesting of property, rights of way and other easements,
- (b) the removal of the legal effects of consecration, or
- (c) the imposition of covenants.

(7) Sections 61 to 63 of the MPM and Chapter 6 of this Part relating to the disposal of human remains apply to the property.

(8) “Burial ground” means land set apart and consecrated for the purpose of burials, whether or not burials have taken place in the land.

(9) A “relative” of a person means—

- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or
- (b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

(10) The reference in paragraph (9)(a) to a person’s spouse includes a reference to a spouse of the same sex as that person.

(11) This regulation applies to a pastoral scheme or order making a declaration of closure by virtue of section 50 of the MPM (guild churches).

CHAPTER 7

CLOSED CHURCHES

Options for disposal

47.—(1) This regulation is concerned with the provision which a pastoral scheme or order may make in the case of a building closed for regular public worship.

(2) A scheme or order may provide for the care and maintenance of the building by the CCT (see also regulation 48).

(3) Where a use appearing to the Church Commissioners to be suitable has been found for the building or a part of it, a scheme or order may provide for the whole or part of the building and land annexed or belonging to the building to be put to a use specified or described generally (see also regulation 49).

(4) Where the disposal of the building is not provided for under paragraph (2) or (3) a scheme may, with the consent of the DBF, provide for the whole or part of the building to remain vested in the DBF and to be held by it on the terms specified (see also regulation 50).

(5) Where the disposal of the building is not provided for under paragraphs (2) to (4), a scheme must provide for the demolition of the whole or part of the building either by the Commissioners or by the DBF (see also regulation 51).

(6) In negotiating a disposal of a kind provided for under paragraphs (3) to (5), the Church Commissioners must consult the DBF for the diocese.

Care and maintenance of closed church by CCT

48.—(1) A pastoral scheme or order may make provision under regulation 47(2) only if it appears to the Commissioners, after consultation with the CBC through its Statutory Advisory Committee—

- (a) that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England, and
- (b) that the CCT will have the resources to meet the cost of repairing and maintaining it.

(2) The scheme or order may also provide for the care and maintenance by the CCT of the whole or part of the land annexed or belonging to the building or the church of which the building is part, even if the land is or has been used for burials.

(3) Where the provision under regulation 47(2) is parish-led provision in a pastoral order, the CCT must give its approval to the provision.

Use of building

49.—(1) A pastoral scheme making provision under regulation 47(2) may also provide for the whole or part of the land annexed or belonging to the building or the church of which it forms part to be put to a use specified.

- (2) A pastoral scheme or order making provision under regulation 47(3) may also provide for—
- (a) the DBF to have power to use or hold the property for a use specified;
 - (b) the DBF to have power to grant a lease or licence of the property for a use specified (or, where more than one use is specified, partly for one use and partly for one or more others);
 - (c) the Commissioners or the DBF to have power, subject to any specified conditions, to sell, give or exchange the whole or part of the property for a use specified.

(3) In this regulation, a reference to a matter “specified” in a pastoral scheme or order includes a reference to a matter described in general terms in the scheme or order.

Vesting of annexed land in DBF

- 50.** A pastoral scheme making provision under regulation 47(4) may also provide for—
- (a) the whole or part of the land annexed or belonging to the building or the church of which it forms part to be put to a use specified or described generally;
 - (b) the DBF to have power to use or hold the whole or part of that land for a use specified or described generally;
 - (c) the DBF to have power to grant a lease or licence of that land for a use specified or described generally (or, where more than one use is specified or described, partly for one use and partly for one or more others);
 - (d) the Church Commissioners to have power, subject to any specified conditions, to sell, give or exchange the whole or part of that land for a use specified or described generally;
 - (e) the transfer to the DBF of responsibility for the care and maintenance for the whole or part of that land, even if the land is or has been used for burials.

Demolition

- 51.** A pastoral scheme making provision under regulation 47(5) may also provide—
- (a) for the Church Commissioners or DBF to have power to sell, give, exchange or lease the whole or part of the site of the demolition, either with or without the whole or part of the land annexed or belonging to the building or to the church of which the building forms part;
 - (b) for the unlimited use of the whole or part of the land, sold, given, exchanged or let by virtue of paragraph (a) or for specifying the use to which it is to be put;
 - (c) for the whole or part of the site of the demolition to be put to use as part of the churchyard or other burial ground or for other ecclesiastical purposes of the parish;
 - (d) for the disposal of the materials arising from the demolition.

New place of worship to be provided

52.—(1) Where the Church Commissioners are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a building in that area which is to be closed for regular public worship and are also satisfied with the proposals for the future of the closed building, a pastoral scheme or order may provide for—

- (a) the whole or part of the building to be put to a use specified or described in general terms or to be demolished, and

- (b) a matter authorised by regulations 48 or 49 (use of adjoining land, disposal of building and adjoining land, care and maintenance etc.).

(2) A pastoral scheme or order which makes provision, within the period of three years from the declaration of closure or whatever longer period the Church Commissioners allow, for the closed building may also provide for a matter authorised by regulation 49(2)(a) to (c), 50(b) to (d) or 51(a) or (d) (powers for DBF or Commissioners to hold or dispose of property etc.).

(3) The declaration of closure for regular public worship in the pastoral scheme or order may not take effect until the new church or place of worship is provided.

(4) But sub-paragraph (3) does not apply if the Church Commissioners are satisfied that, where the church being replaced is disposed of or demolished before the new church or place of worship is provided, a suitable building will be available in the interim (whether or not in the same parish) for use instead of the church being replaced.

(5) “Place of worship” has the meaning given in section 87 of the MPM.

New use for closed church

53.—(1) This regulation applies in a case where regulation 52 does not apply and—

- (a) a pastoral scheme or order makes a declaration of closure for regular public worship in respect of the whole or part of a church, and
- (b) the Church Commissioners are satisfied that a suitable use will be available for the closed building once the declaration takes effect.

(2) The pastoral scheme or order may state that use and provide for the whole of the building to be put to that use; and it may further provide—

- (a) for the whole or part of the land annexed or belonging to the building or the church of which it forms part to be put to a stated use;
- (b) for giving the DBF the power—
 - (i) to use or hold the property for the stated use, or
 - (ii) to grant a lease or licence of the property for the stated use;
- (c) for giving the Church Commissioners or the DBF the power, subject to whatever conditions the scheme specifies, to sell, give or exchange the property or part of it for the stated use.

(3) Where a pastoral scheme or order makes a declaration of closure for regular public worship of a church and the church is neither listed nor in a conservation area, and the Church Commissioners are satisfied with the proposals for the future of the building to be closed, the scheme may provide for—

- (a) the demolition of the building;
- (b) a matter referred to in regulation 51.

Land used for burials

54.—(1) This regulation applies where a pastoral scheme makes provision for land which has been used for burials.

(2) The provision in question has effect despite section 3 of the Disused Burial Grounds Act 1884 (which prohibits the erection of building on a disused burial ground) if either—

- (a) no person has been buried in the land during the 50 years preceding the making of the scheme, or
- (b) no relative or personal representative of a deceased person buried in the land during that period objected to the draft scheme or an objection to that effect has been withdrawn.

(3) A “relative” of a person means—

- (a) a spouse or civil partner, parent or grandparent or child or grandchild of the person, or

(b) a person who is, or is the child of, a brother, sister, uncle or aunt of the person.

(4) The reference in paragraph (3)(a) to a person's spouse includes a reference to a spouse of the same sex as that person.

Proceeds of disposal

55.—(1) The proceeds of a sale or exchange made, or the premium on a lease or licence granted, by virtue of regulation 49, 50 or 52 must be paid to the Church Commissioners.

(2) In the case of a disposal by virtue of regulation 49 or 50, the Church Commissioners, subject to an order of the Commissioners under section 69 of the MPM, must pay—

- (a) two-thirds of the net proceeds or net premium into the diocesan pastoral account, and
- (b) the remaining one-third either to the CCT or, in whatever proportions the Commissioners decide, between—
 - (i) the exercise of the Commissioners' functions under the MPM,
 - (ii) the remuneration of anybody in the regular employment of the Commissioners,
 - (iii) the CCT,
 - (iv) the Closed Church Buildings Support Account, and
 - (v) the diocesan pastoral accounts of whichever dioceses the Commissioners decide.

(3) In the case of a disposal by virtue of regulation 52, the pastoral scheme may provide—

- (a) that the Church Commissioners must apply the net proceeds or net premium towards the cost of providing the new church or place of worship,
- (b) that, if there is a balance remaining after the Commissioners have acted under subparagraph (a), they may apply some or all of that balance towards the cost of works to improve an existing church or place of worship of the benefice, and
- (c) that, if there is a balance remaining after the Commissioners have acted under subparagraph (a) and have either acted under subparagraph (b) or decided not to—
 - (i) two-thirds of that balance must be paid into the diocesan pastoral account, and
 - (ii) the Commissioners must allocate the remaining one-third either to the CCT or, in whatever proportions the Commissioners decide, between the CCT, the Closed Church Buildings Support Account and the diocesan pastoral accounts of whichever dioceses the Commissioners decide.

(4) Paragraph (3) has effect subject to regulation 56 (which makes special provision for a church which was the subject of a sharing agreement).

(5) The DBF must pay the net premium payable under a lease or licence granted by virtue of regulation 49 or 50 into the diocesan pastoral account.

(6) The Commissioners must apply the net premium payable under a lease or licence granted by virtue of regulation 52 towards the cost of providing the new church or place of worship; and, if there is a balance of the net premium remaining, the Commissioners must pay—

- (a) two-thirds of that balance to the diocesan pastoral account, and
- (b) the remaining one-third either to the CCT or, in whatever proportions the Commissioners decide, between the CCT, the Closed Church Buildings Support Account and the diocesan pastoral accounts of whichever dioceses the Commissioners decide.

(7) Where the CCT has made a contribution under section 65(10) of the MPM to the cost of the care and maintenance of the whole or part of a church (not vested in the CCT) which, or the site of which, is sold, exchanged, let or licensed by virtue of regulation 49, 50 or 52, the Commissioners must repay to the CCT the amount of that contribution, or however much of it the Commissioners agree with the Secretary of State, out of the proceeds of the sale or exchange or the premium on the lease or licence before payment of the proceeds or premium under paragraphs (2) and (3).

(8) Where the CCT has made a contribution under section 65(10) of the MPM to the cost of the care and maintenance of the whole or part of a church (not vested in the CCT) which, or the site of

which, is let or licensed by virtue of regulation 49, 50 or 52, the DBF or Commissioners must pay the net rent to the CCT until the amount of the contribution, or however much of it the Commissioners agree with the Secretary of State, has been repaid to the CCT out of the rent.

Repayment of capital contributions under sharing agreement

56.—(1) This regulation applies where either the whole or part of a church which was subject to a sharing agreement, on the termination of which the church or part was vested in an incumbent under section 9(3) of the Sharing of Church Buildings Act 1969, or the site of the church or part is sold, exchanged, let or licensed by virtue of regulation 49, 50 or 52.

(2) If, in accordance with the sharing agreement, a party other than a party acting on behalf of the Church of England has made a contribution in the nature of capital, the Church Commissioners may, before a declaration of closure for regular public worship is made in respect of the church, repay that party the contribution or however much of it the Commissioners decide.

(3) The repayment must be made out of the proceeds of the sale or exchange or the premium of the lease or licence before payment of the proceeds or premium under regulation 55(2) and (3).

Covenants imposed on disposal as to use: variation or disposal

57.—(1) This regulation applies where a covenant imposed under section 57(1) of the MPM (covenants imposed on disposal as to use) is varied or released by agreement.

(2) Any money received by the DBF in consideration of the variation or release is to be paid to the Church Commissioners; and the Commissioners must—

- (a) pay two-thirds of the money to the diocesan pastoral account, and
- (b) allocate the remaining one-third to the CCT or, in whatever proportions the Commissioners decide, between the CCT, the Closed Church Buildings Support Account and the diocesan pastoral accounts of whichever dioceses the Commissioners decide.

(3) Any money received by the Commissioners in consideration of the variation or release is to be applied in accordance with paragraph (2)(a) and (b).

Saving for special worship etc.

58. A pastoral scheme may, in the case of a building closed for regular public worship, provide that the whole or part of the building may, without the consent of the incumbent or priest in charge, be put to use—

- (a) for special or occasional religious worship authorised by the bishop,
- (b) for religious worship by a university, college, school or other institution (whether or not educational), or
- (c) for religious worship by a Church other than the Church of England.

CHAPTER 8

DISPOSAL ETC. OF CLOSED CHURCHES

Demolition

59.—(1) This regulation applies where a pastoral scheme provides for the demolition by the Church Commissioners or the DBF of the whole or part of a building closed for regular public worship.

(2) The building or part, and any land which under the scheme is to be sold, given, exchanged or let with the site of building or part, is to vest in the Church Commissioners or DBF (depending on which body is to demolish the building or part) on the date when the relevant provisions of the scheme come into operation.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Sale etc. by Church Commissioners

60.—(1) This regulation applies where a pastoral scheme provides for the Church Commissioners to have power to sell, give or exchange the whole or part of a building closed for regular public worship, or any land annexed or belonging to the building or the church of which it forms part for a use specified or described in the scheme.

(2) The building or part or land vests in the Church Commissioners on the date when the relevant provisions of the scheme come into operation.

(3) The vesting under paragraph (2) is effected without the need for a conveyance or other instrument.

Use as parsonage

61.—(1) This regulation applies where a pastoral scheme provides for land annexed or belonging to a building closed for regular public worship to be put to use as the site for the whole or part of a parsonage house or as parsonage land.

(2) The land vests on the date when that provision comes into operation in the incumbent of the benefice in which the land is situated as property of the benefice.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Use for ecclesiastical purposes

62.—(1) This regulation applies where a pastoral scheme provides for land annexed or belonging to a building closed for regular public worship, or the whole or part of the site of a demolished building or land annexed or belonging to it, to be put to use for ecclesiastical purposes of the parish.

(2) The land vests on the date when that provision comes into operation in the DBF to hold on trust for the PCC for that parish to be used for those purposes.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Land used etc. by DBF not vested in DBF

63.—(1) This regulation applies where—

- (a) a pastoral scheme provides for the whole or part of a building closed for regular public worship or land annexed or belonging to the building or the church of which it forms part—
 - (i) to be used by the DBF for a purpose specified or described in the scheme,
 - (ii) to be held, let or licensed by the DBF for a use specified or described in the scheme,
or
 - (iii) to be subject to care and maintenance by the CCT, and
- (b) the building, part or land is not, on the date when the relevant provisions of the scheme come into operation, vested in the DBF.

(2) The building, part or land vests on that date in the DBF.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Use as churchyard or burial ground

64.—(1) This regulation applies where a pastoral scheme making provision for a building closed for regular public worship provides for land to be put to use as part of a churchyard or burial ground.

(2) The land vests on the date when the relevant provisions of the scheme come into operation in the person in whom the churchyard or burial ground is vested.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Care and maintenance by CCT

65.—(1) Where a pastoral scheme provides for the care and maintenance by the CCT of the whole or part of a building closed for regular public worship or land annexed or belonging to the building or the church of which it forms part.

(2) The building, part or land vests in the CCT.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Care and maintenance by DBF

66.—(1) This regulation applies where a pastoral scheme provides for transferring to the DBF responsibility for the care and maintenance of land annexed or belonging to a building closed for regular public worship or the church of which it forms part.

(2) The land vests in the DBF.

(3) The vesting under paragraph (2) is effected by virtue of this Measure without the need for a conveyance or other instrument.

Closed churches vested in CCT: proceeds of dealing

67.—(1) This regulation applies in relation to a sale or exchange, or the granting of a lease or licence, of property to which section 46 of the MPM applies.

(2) The proceeds of the sale or exchange or the premium on the grant of lease or licence must be paid to the Church Commissioners.

(3) The amount spent by the CCT on the care and maintenance of the property to which the amending pastoral scheme relates, or however much of it the Commissioners may with the agreement of the Secretary of State decide, must be repaid to the CCT by the Commissioners.

(4) The Church Commissioners must pay—

- (a) two-thirds of the net proceeds or net premium into the diocesan pastoral account, and
- (b) the remaining one-third either to the CCT or, in whatever proportions the Commissioners decide, between the CCT, the Closed Church Buildings Support Account and the diocesan pastoral accounts of whichever dioceses the Commissioners decide.

(5) The net rent under the lease or licence must be paid by the DBF to the CCT until the amount determined under paragraph (3) has been repaid to the CCT out of the rent.

Acquisition etc. by Secretary of State or English Heritage

68.—(1) This regulation applies where the whole or part of a building closed for regular public worship is vested in the DBF or the CCT (“the transferor”) in pursuance of, or (in the case of the DBF) pending the making of, a pastoral scheme.

(2) The transferor may make and carry out an agreement with the Secretary of State or English Heritage (“the transferee”) for the acquisition and preservation by the transferee of the building or part, with or without other land so vested in the transferor, in pursuance of an enactment (whether made or passed before or after the passing of the MPM).

(3) The DBF may not make an agreement under this regulation without having obtained the approval of the bishop and of the Church Commissioners.

(4) English Heritage may make an agreement under this regulation—

- (a) only in the case of land situated in England, and
- (b) only if the Secretary of State has consented.

(5) On the acquisition of land by virtue of this regulation, a pastoral scheme which applies to the building ceases to apply to the land acquired; but that is subject to paragraphs (6) and (7).

(6) An easement granted or enjoyed under section 56(1) or (3) of the MPM vests in the transferee or is enjoyed by the transferee for the performance of the transferee's functions in relation to the land concerned or for giving reasonable access to the public.

(7) Each of the following provisions of the MPM applies as it applies to the whole or part of a building or other land vested in the CCT—

- (a) section 52(2) to (4) (vesting free of trust or burial rights);
- (b) section 54(2) and (3) (removal of legal effects of consecration);
- (c) section 58(1) to (3) (disposal of contents);
- (d) section 61(2) to (4) (disposal of human remains).

(8) An agreement under this regulation may provide for the acquisition and preservation by the transferee of contents of the building or part; and on that acquisition—

- (a) section 58(1) and (2) of the MPM applies as it applies to the contents of a building or part vested in the CCT, but
- (b) otherwise the provisions of the MPM and these Regulations relating to the contents of the whole or part of a building closed for regular public worship cease to apply to the contents acquired.

(9) Where the whole or part of a building, with or without other land, has been acquired under this regulation by the Secretary of State, English Heritage may by agreement with the Secretary of State undertake on the Secretary of State's behalf the management and preservation of the building or part and other land (if any).

(10) A reference in these Regulations to "English Heritage" is a reference to the charity called the English Heritage Trust (and commonly known as "English Heritage").

Regulation 68: restoration of building to former use

69.—(1) A pastoral order may make provision under section 47 of the MPM for—

- (a) restoring the whole or part of a building acquired under regulation 68 for use as the whole or part of a church, and
- (b) any other matter specified in that section.

(2) That section accordingly applies to the building or part, and to any other land acquired with it in like manner by the transferee, as it applies to a building and any other land vested in the CCT.

(3) A pastoral order may make provision under paragraph (1)(a) only if the consent of the transferee under regulation 68 has been obtained; and where the Secretary of State is the trustee, that consent may be given only if Historic England has been consulted.

Regulation 68: land vested in incumbent

70.—(1) This regulation applies where—

- (a) the whole or part of a building closed for regular public worship is acquired, or an agreement for its acquisition is made, under regulation 68, and
- (b) land previously annexed or belonging to the building is vested in the incumbent of the benefice concerned.

(2) The incumbent may, with the approval of the bishop and the Church Commissioners, make and carry out an agreement with the transferee under regulation 68 for the acquisition of the land by the transferee with the building or part and for the maintenance of the land.

(3) Paragraphs (4), (6) and (7) of regulation 68 apply for the purposes of this regulation as they apply for the purposes of that regulation.

(4) Where the Secretary of State acquires by virtue of this regulation land situated in England for its maintenance with the whole or part of a building, English Heritage may undertake in an agreement under regulation 68(9) relating to the building or part the maintenance of the land on behalf of the Secretary of State.

CHAPTER 9 DISPOSAL OF HUMAN REMAINS

Preliminary

71.—(1) This Chapter applies for the purposes of section 61 of the MPM and makes provision in relation to a building closed for regular public worship or land to which a pastoral scheme providing for the disposal of a building closed for regular public worship applies.

(2) In this Chapter, “landowner” means the person—

- (a) in whom the whole or part of the building or the land is vested, or
- (b) to whom it is let or licensed.

Notice of intention to remove remains

72.—(1) The landowner must, before removing human remains or a memorial commemorating the deceased—

- (a) publish a notice of intention to carry out the removal in at least one local newspaper for a period of at least two consecutive weeks,
- (b) display a notice to the same effect in a conspicuous place where the remains are interred,
- (c) serve a notice to the same effect on the bishop of the diocese and on the Commonwealth War Graves Commission, and
- (d) if the remains were interred within the 25 years preceding the date of the publication under sub-paragraph (a), serve a notice to the same effect on—
 - (i) the personal representatives or next of kin of the deceased, or
 - (ii) if nobody referred to in paragraph (i) is traceable, a known relative of the deceased.

(2) A notice under sub-paragraph (1) must include—

- (a) the address at which particulars of the deceased and of a memorial commemorating the deceased may be inspected,
- (b) the name of the burial ground or crematorium where it is proposed to reinter or cremate the remains and the manner in which it is proposed to dispose of the memorial,
- (c) a statement as to the right of the personal representatives, next of kin or relative of the deceased to undertake within two months of the date of the notice—
 - (i) the removal and the reinterment or cremation of the remains of the deceased, and
 - (ii) the disposal of a memorial commemorating the deceased,
- (d) if the Secretary of State has given directions on the removal and the reinterment or cremation of human remains, a statement of those directions,
- (e) if the bishop of the diocese has imposed requirements as to the manner of removal, the place and manner of reinterment or cremation and the disposal of a memorial, a statement of those requirements, and
- (f) a statement as to the extent to which the landowner is required by this Chapter to pay the expenses of the removal, the reinterment or cremation or the disposal.

(3) In the case of a Commonwealth war burial, paragraph (2)(c) is to be read as if the reference to the right the personal representatives, next of kin or relative were a reference to a right of the Commonwealth War Graves Commission on notice given within the period specified in the notice.

(4) In this Chapter, “Commonwealth war burial” means the burial of a member of His Majesty’s forces who fell in the war of 1914 to 1921 or in the war of 1939 to 1947.

Removal of remains or memorial

73.—(1) The personal representatives or relatives of a deceased person whose remains are interred in the land concerned or, in the case of a Commonwealth war burial, the Commonwealth War Graves Commission—

- (a) may, on giving the required notice, remove and either reinter or cremate the remains;
- (b) may dispose of a memorial commemorating the deceased.

(2) The landowner must pay the reasonable cost of the removal, the reinterment or cremation or the disposal; and a question as to what amounts to a reasonable figure is to be decided by the Church Commissioners and their decision is final.

(3) If the removal, the reinterment or cremation or the disposal is not carried out by the personal representatives or relatives or by the Commonwealth War Graves Commission in accordance with this Chapter within the two months following the date of the notice under regulation 72, the landowner may carry out the removal, the reinterment or cremation or the disposal as if the notice had not been given.

(4) On their removal by the landowner under paragraph (3), the human remains must be—

- (a) reinterred in such land as the bishop may indicate as available for that purpose, or
- (b) if no land is so indicated, reinterred in a cemetery or burial ground or cremated.

(5) A memorial commemorating a deceased person whose remains are reinterred or cremated under paragraph (4) may, where reasonably practicable, be removed and re-erected by the landowner over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

(6) A memorial not dealt with under paragraphs (1) to (5) may, with the agreement of the bishop of the diocese, be allowed to remain where it is or to be removed or re-erected in such place in the building or land as the bishop may direct; and the bishop may give agreement under this paragraph only after consulting with the DAC for the care of churches.

Directions by Secretary of State

74. The removal of human remains must be carried out, and the remains reinterred or cremated, in accordance with the directions of the Secretary of State.

Certificate of removal

75.—(1) Where remains have been removed, the landowner must send the Registrar General a certificate of the removal and the reinterment or cremation.

(2) A certificate under paragraph (1) must, in the case of a removal—

- (a) give the date of the removal and the date of the reinterment or cremation,
- (b) identify the place from which the remains were removed and the place in which they were reinterred or cremated.

(3) Each certificate must be deposited at the General Register Office with the miscellaneous records in the custody of the Registrar General.

Removal of memorial after disposal of land

76.—(1) A memorial need not be removed before the disposal of the building or other land in or under which the remains of the person commemorated by the memorial are believed to be buried if the instrument giving effect to the disposal includes a covenant by the person to whom the disposal is being made to remove the memorial as soon as reasonably practicable after the disposal.

(2) Accordingly, the disposal is of no effect unless it includes a covenant to that effect.

Memorials not otherwise disposed of

77.—(1) Where a memorial is not disposed of under this Chapter, the landowner must offer it to the bishop of the diocese for disposal as the bishop thinks appropriate.

(2) The bishop, having received an offer under paragraph (1), must consult the DAC for the care of churches about the disposal.

(3) If the bishop does not accept the memorial for preservation, it must be broken and defaced before being otherwise disposed of.

Record of removal of memorial

78.—(1) This regulation applies where a memorial is removed from the land.

(2) The landowner must, within the two months following the date of the removal—

- (a) deposit with the diocesan registrar a record of the removal, and
- (b) send to the Registrar General a copy of the record for deposit with the miscellaneous records in the custody of the Registrar General.

(3) A record under paragraph (2) must—

- (a) give sufficient particulars to identify the memorial (including a copy of an inscription on it),
- (b) show the date and manner of its removal and disposal, and
- (c) show the place (if any) to which it is transferred.

General requirements

79.—(1) The requirements of this Chapter are in addition to such reasonable conditions as the bishop may, in the case of consecrated ground, impose relating to—

- (a) the manner of removal of human remains,
- (b) the place and manner of reinterment or cremation of human remains, or
- (c) the disposal of memorials.

(2) The conditions must be complied with as if they were imposed by this Chapter.

Exceptions to requirement not to deal

80.—(1) This regulation makes provision for cases where the requirement imposed by section 61(2) of the MPM does not apply.

(2) The requirement does not apply where a building is to be used without any structural alteration—

- (a) as a place of religious worship for a university, college, school or other institutional (whether educational or otherwise),
- (b) as a private chapel or monument, or
- (c) for religious worship by a Church other than the Church of England.

(3) But the exception in paragraph (2) applies only so long as the building in question continued to be used as mentioned in that paragraph without structural alteration involving—

- (a) the disturbance of human remains, or
- (b) the removal of a memorial.

(4) The prohibition does not apply to land which remains annexed or belonging to a building which comes within paragraph (3).

(5) The requirement does not apply to land which—

- (a) is to be used as part of a churchyard or burial ground, and
 - (b) is vested by virtue of section 52 of the MPM in the period in whom the churchyard or burial ground is vested.
- (6) The requirement does not apply to land which—
- (a) is to be used as part of a burial ground, and
 - (b) has been transferred to a burial authority constituted by or under an enactment.

CHAPTER 10

SUPPLEMENTARY MATTERS

Extension of schemes or orders to other dioceses

81.—(1) A pastoral scheme or order may apply to one or more dioceses other than the one in which the proposal for the scheme or order originated to the extent that the scheme or order may provide—

- (a) for a union of benefices or parishes comprising one or more benefices or parishes from each diocese;
- (b) for creating a benefice (otherwise than by union) for an area comprising areas from each diocese;
- (c) for the transfer of a benefice from one diocese to another;
- (d) for the transfer of a parish from a benefice in one diocese to a benefice in another;
- (e) for creating a new extra-parochial place comprising areas from each diocese or transferring an extra-parochial place from one diocese to another, whether by means of incorporation in a parish or otherwise;
- (f) for altering the boundaries between a parish or extra-parochial place in one diocese and a parish or extra-parochial place in another;
- (g) for the holding in plurality of benefices comprising one or more benefices in each diocese;
- (h) for establishing a group ministry for a group of benefices comprising one or more benefices from each diocese.

(2) The scheme or order may also provide, in relation to a benefice, parish or extra-parochial place affected by provision of the kind mentioned in paragraph (1), for a matter for which provision may be made by a pastoral scheme or order in relation to benefices, parishes and extra-parochial places wholly comprised in one diocese subject to whatever modifications are necessary or appropriate in consequence of applying the scheme or order to another diocese.

(3) In the case of a benefice, parish or extra-parochial place which includes areas from two or more dioceses, the scheme or order must allocate it to the specified diocese and to the specified archdeaconry and deanery in that diocese.

(4) Where the scheme or order provides for the transfer of a parish or benefice from one diocese to another, it may provide for the transfer to include diocesan glebe land.

(5) A pastoral order may make provision by virtue of section 11(2)(e) of the MPM (provision applying to another diocese) only if—

- (a) the MPC, before ascertaining the views of persons who would be interested parties (see regulation 94) because of the recommendations affecting the other diocese, obtained the consent of the bishop of the other diocese to consideration of those recommendations,
- (b) that bishop, before giving that consent, consulted the MPC of that bishop’s diocese, and
- (c) the bishop has not taken any action in relation to those recommendations without the consent of the bishop of the other diocese.

(6) “Diocesan glebe land” has the same meaning as in the Church Property Measure 2018.

Alteration of diocesan boundaries

82.—(1) A pastoral scheme or order made pursuant to proposals formulated by a joint boundary committee may provide—

- (a) for the alteration of the boundaries between any of the dioceses represented by the joint boundary committee;
- (b) for the transfer from one diocese to another of any benefices, parishes or extra-parochial places affected by the alteration of the boundaries.

(2) The scheme or order may also provide, in the case of specified areas of the dioceses, for a matter for which a pastoral scheme or order may provide for an area in one diocese, subject to whatever modifications are necessary or appropriate in consequence of applying the scheme or order to more than one diocese.

(3) A power under paragraph (1) may not be exercised so as to create or dissolve a diocese.

(4) The powers under this regulation are subject to any limitation imposed by an instrument sealed by the bishops of the dioceses concerned which is in force when the scheme is made by the Church Commissioners.

Joint boundary committee

83.—(1) Two or more diocesan bishops may by instrument sealed by each of them provide for the constitution of a committee for those dioceses called “the joint boundary committee”, the purpose of which is—

- (a) to consider the boundaries of the dioceses and the pastoral arrangements in the areas adjacent to the boundaries, and
- (b) to make recommendations for matters which may be provided for under regulation 82,

(2) An instrument under paragraph (1) may not be made unless the Dioceses Commission has given its consent.

(3) The membership of the joint boundary committee consists of—

- (a) an equal number of persons, not exceeding five, for each diocese (see paragraph (4)),
- (b) a member of the Dioceses Commission nominated by the Commission, and
- (c) a chair appointed by the bishops acting jointly or, in the absence of agreement, by the Church Commissioners.

(4) The bishop of each diocese may, if the bishop wishes, be one of the persons who is a member of the committee for that diocese under paragraph (3)(a); but the persons for each diocese are otherwise nominated by and from the members of the MPC for that diocese.

(5) The functions of the committee may, by the instrument under paragraph (1) or a subsequent instrument sealed by the bishops, be limited to specified sections of the boundaries, specified areas or specified issues relating to the boundaries or areas; and a limitation so imposed may be varied or removed by a subsequent instrument sealed by the bishops.

(6) The instrument under paragraph (1) may include provision—

- (a) for paying the expenses of the joint boundary committee out of the diocesan pastoral account for each diocese;
- (b) for the procedure of the committee.

(7) The committee must make recommendations to the bishops.

(8) If the bishops consider that the committee has discharged its functions, they may by instrument sealed by each of them dissolve the committee.

(9) A committee constituted under section 16 of the old MPM and in existence immediately before the commencement of this regulation is to continue in existence after that commencement and is to be treated as having been constituted under this regulation.

Vesting of property

84.—(1) Where a pastoral scheme or order creates a benefice by a union of benefices, a church, churchyard, burial ground, parsonage house, parsonage land or other property previously vested in right of the benefice in the incumbent of a constituent benefice vests in the incumbent of the new benefice.

(2) But paragraph (1) does not apply to a parsonage house or other parsonage land for which other provision is made by or under a pastoral scheme or order.

(3) If the new benefice is to be held by the dean of a parish church cathedral, property referred to in paragraph (1) which would have vested in the incumbent vests instead in the Chapter of the cathedral.

(4) Where, by virtue of a pastoral scheme or order (other than one within paragraph (1)), a church, churchyard or burial ground or parsonage land previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice, the church, churchyard or burial ground or parsonage land, and any movable property used for the purposes of the property concerned and vested as mentioned, vests in the incumbent of the other benefice; but for this purpose, “parsonage land” does not include the parsonage house.

(5) Where movable property used for the purposes of a church or churchyard is vested in the churchwardens or PCC of a parish and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order, the property vests in the churchwardens or (as the case may be) the PCC of the other parish.

(6) Paragraphs (1) to (5) have effect subject to an express provision of a pastoral scheme or order and, where applicable, Schedule 4 to the MPM (charity affected by pastoral scheme or order).

(7) On the transfer of property under a pastoral scheme or order or the vesting of property by virtue of this regulation, the property vests without a conveyance or other instrument and in accordance with paragraphs (8) and (9).

(8) The property vests free and discharged from—

- (a) in the case of diocesan glebe land or a house on diocesan glebe land, a previously existing trust in favour of the diocesan stipends fund, and
- (b) in the case of other property, all previously existing trusts and charges in favour of a benefice.

(9) The property vests subject to—

- (a) where applicable, the provisions of paragraph (10),
- (b) all other previously existing trusts and charges and any previously existing tenancies, and
- (c) in the case of an endowment, any provision made under regulation 33(1) for payment or crediting of the whole or part of the income of the endowment to the diocesan stipends fund, unless the scheme or order provides otherwise.

(10) A pastoral scheme or order may, with the consent of the incumbrancer, provide for—

- (a) the apportionment of a sum charged on property of which only part is transferred by the scheme or order, and
- (b) securing the sum so apportioned on the respective part of the property.

Loans

85.—(1) Where a loan on which principal or interest is owed to the Church Commissioners has been made for property transferred by a pastoral scheme or order to the DBF, the DBF must, if the Commissioners so direct, cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of a disposal of the property; but that is subject to provision made in the scheme or order.

(2) The Commissioners may postpone the discharge under paragraph (1), with or without payment of interest on the loan during the period of postponement, for whatever period and on whatever conditions they may from time to time decide.

(3) The Commissioners may, where necessary—

- (a) decide whether a loan (and what part of it) was made in respect of particular property, and
- (b) apportion a loan to parts of the property in respect of which it was made.

Correction of errors

86.—(1) The Church Commissioners may amend a pastoral scheme or order after it has been made to correct obvious errors or make such other corrections as are necessary to give effect to the purpose of the scheme or order.

(2) Before making an amendment under paragraph (1), the Commissioners must consult such persons as they think appropriate.

(3) After making an amendment under paragraph (1), the Commissioners must notify such persons as they think appropriate and publish the amended scheme or order in such manner as they think appropriate.

Parish or benefice names

87.—(1) The Church Commissioners may, with a view to publication, compile and maintain a register of the name of each parish or benefice; and, if they do that, they must publish and make available the register free of charge.

(2) The name used for a parish or benefice in the register under paragraph (1) is to be regarded as conclusive for the purposes of a pastoral scheme or order and of this Measure or any other Measure in its application to the scheme and the order.

(3) Paragraph (2) does not affect the validity of a name used for the parish or benefice concerned for any other purpose.

Validity of representations

88.—(1) A representation made for the purpose of these Regulations is not valid unless it includes the name and contact details of the person who made it.

(2) A representation made for the purpose of these Regulations is not valid in so far as it includes anything which the Church Commissioners consider to be vexatious or to be racist or otherwise offensive.

PART 3

PASTORAL SCHEMES AND ORDERS: PROCEDURE

CHAPTER 1

MISSION AND PASTORAL COLLABORATION FRAMEWORK

Requirements for inclusion

89.—(1) The framework of the MPC for each diocese must include a statement of the policy in the diocese for each of the following matters—

- (a) making and responding to requests under section 3(1) of the MPM (requests from PCCs for pastoral schemes or orders);
- (b) making and responding to rejections of recommendations under section 3(2) of the MPM (recommendations for pastoral schemes or orders);

- (c) undertaking engagement with persons on the contents of a proposed pastoral scheme or order;
- (d) giving a pause notice to restrict the exercise of the right of presentation during a vacancy in a benefice;
- (e) holding benefices in plurality;
- (f) using the diocesan pastoral account.

(2) The requirements which the framework may impose on the MPC include requirements relating to matters referred to in paragraph (1).

CHAPTER 2 PASTORAL SCHEMES

Proposals to bishop

90.—(1) Where the MPC decides to make recommendations to the bishop, including recommendations contained in a request under section 3(1) of the MPM (parish-led proposals), for a matter for which a pastoral scheme may make provision under section 7, 8 or 9 of the MPM (pastoral, ministry or building matters), it must submit them to the bishop in the form of draft proposals.

(2) The bishop may, with the agreement of the MPC, amend the draft proposals.

(3) If the bishop approves the draft proposals, with or without amendment, the bishop must—

- (a) return the draft proposals to the MPC, or
- (b) send the draft proposals to the Church Commissioners and inform the MPC accordingly.

(4) But in the case of draft proposals to make a declaration of closure of a church or other building for regular public worship, the bishop must act in accordance with sub-paragraph (3)(b).

(5) The framework must include provision specifying the engagement which the MPC must undertake before deciding whether to make recommendations to the bishop.

(6) Where the draft proposals would result in the abolition of an ecclesiastical office, the MPC must, before deciding whether to make recommendations to the bishop, give the holder of the office an opportunity to meet the MPC, unless the MPC considers that it would not be practicable or appropriate to hold a meeting with the holder of the office.

(7) Recommendations by a joint boundary committee under regulation 83 are to be treated for the purposes of paragraph (1) as if they were recommendations by the MPC; and the provisions of this Chapter apply accordingly but with references to the diocesan bishop or registrar being read as references to each or any of the diocesan bishops or registrars, depending on the context.

Proposals for pastoral or ministry matters

91.—(1) This regulation applies in the case of draft proposals approved by the bishop for a matter for which a pastoral scheme may provide under section 7 or 8 of the MPM (pastoral or ministry matters).

(2) The MPC must, unless a pause notice has already been given, send a copy of the draft proposals to the registered patron of each benefice which would be affected by implementation of the proposals; and “pause notice” includes an extension notice and a final extension notice.

(3) The duty under paragraph (2) does not arise in the case of recommendations for—

- (a) the alteration of the area, or the definitions of the boundaries, of a deanery or archdeaconry;
- (b) the designation of a deanery or archdeaconry to which a parish would belong;
- (c) the alteration of the name of a deanery or archdeaconry;
- (d) the creation or dissolution of a deanery or archdeaconry.

(4) If a benefice which would be affected by implementation of the draft proposals is or becomes vacant on or after the day on which they are sent to the registered patron under paragraph (2), the patron may not exercise the right of presentation to the benefice without the consent of the MPC and (if the bishop is not the patron) the bishop, pending the occurrence of any of the following events—

- (a) the commencement of a pastoral scheme or order which implements the proposals (see further paragraph (5));
- (b) the withdrawal of the proposals or draft scheme or order to implement the proposals;
- (c) the withdrawal of the draft scheme or order made to implement the proposals;
- (d) the omission of the proposals which would affect the benefice from the draft proposals, from the draft scheme or order or from the scheme or order itself;
- (e) the end of three years beginning with the day on which the proposals are sent to the registered patron under paragraph (2).

(5) Where the event specified in paragraph (4)(a) is the first to occur, the right of presentation to the benefice is subject to the provisions of the scheme.

(6) Where an appeal brought under section 10 of the MPM against a draft scheme, or provisions of a draft scheme, which would implement the proposals has yet to be determined by the end of the three-year period referred to in paragraph (4)(e), that period is to be taken as extended until the date on which the determination of the appeal is delivered.

(7) The MPC must, when sending a copy of the draft proposals to the registered patron under paragraph (2), explain the effect of paragraphs (4) to (6) of this regulation.

(8) Where the bishop proposes to make a scheme containing provision under regulation 3(5)(a) or 28(2)(a) (designation of first incumbent of new benefices or of two or more benefices held in plurality)—

- (a) the bishop must give notice of the proposal to the patron concerned, and
- (b) the patron's right of presentation to the new benefice or benefices may not be exercised after the date on which the bishop gives notice under sub-paragraph (a) until the scheme containing the provision comes into operation.

(9) The fact that a restriction under this regulation has effect in relation to a benefice does not prevent the bishop from exercising a power under section 32 of the MPM (power to pause); and, if the bishop does so, that section and sections 33 to 36 of the MPM apply instead of this regulation.

(10) Where approved proposals contain recommendations for the creation of a new parish, and a church in the area that is to form the new parish is consecrated after the approval but before the first occurrence of an event specified in paragraph (4), no person becomes the patron of the church in the period between the approval and the occurrence of that event by virtue of a rule of law or a provision made by or under an Act or Measure (other than the MPM itself).

Duties of MPC and Commissioners after bishop approves proposals

92.—(1) Where draft proposals are given to the MPC under regulation 90(3)(a), the MPC must—

- (a) prepare a draft scheme to give effect to the draft proposals with whatever amendments the MPC decides to make to the draft proposals, and
- (b) having done that, submit the draft scheme to the Church Commissioners.

(2) The Commissioners, having received a draft scheme under paragraph (1)(b)—

- (a) must determine whether the draft proposals, if implemented, would come within the powers under section 7, 8 or 9 of the MPM, and
- (b) may make amendments to the draft.

(3) Where draft proposals are given to the Church Commissioners under regulation 90(3)(b), the Commissioners must determine whether—

- (a) the MPC has completed such engagement with persons as is required by the framework, and
- (b) the draft proposals, if implemented, would come within the powers under section 7, 8 or 9 of the MPM.

(4) If the MPC has failed to publish the framework, the Church Commissioners must give such weight to that failure as they consider appropriate.

(5) Where the Church Commissioners determine that sub-paragraphs (a) and (b) of paragraph (3) are the case, they must prepare a draft scheme to give effect to the draft proposals with whatever amendments the Commissioners decide to make to the draft proposals.

(6) The Church Commissioners may decide to proceed with some but not all of the draft proposals; and, where they do so decide, paragraph (5) applies as if the only proposals were the ones they have decided to proceed with.

(7) But the Church Commissioners may not make a decision under paragraph (6) unless the bishop, after consulting the MPC, agrees that they may do so.

(8) If, as a result of a decision by the Church Commissioners under paragraph (6), the proposals no longer include a declaration of closure of a church, the Commissioners must refer the proposals to the MPC.

Publication of draft scheme and consultation

93.—(1) The Church Commissioners, having received or prepared a draft scheme under regulation 93(2)(b) or (5), must publish the draft online and serve a copy of the draft on each interested party; and if the Commissioners made amendments under regulation 93(2) or (5), the draft published and served must include those amendments.

(2) If the draft makes provision that comes within regulation 46 (use of churchyard or burial ground), the Church Commissioners must also serve a copy of the draft on the Commonwealth War Graves Commission.

(3) If the draft makes provision for the closure of a church, the Church Commissioners must also serve a copy of the draft on—

- (a) the CBC through its Statutory Advisory Committee,
- (b) Historic England,
- (c) the group of organisations that is commonly known as “the Joint Committee of the National Amenity Societies”,
- (d) the Commonwealth War Graves Commission, and
- (e) the CCT, where the draft scheme provides for it to undertake the care and maintenance of the building concerned.

(4) Each copy of the draft scheme published or served under paragraphs (1) to (3) must be accompanied by a notice stating the objects of the draft and stating that representations on the draft may be made to the Church Commissioners no later than the date specified in the notice; and the date so specified must be at least 28 days after the day on which the notice is served.

(5) The Church Commissioners must serve on the secretary of the PCC of each parish which would be affected by the draft scheme a notice stating the objects of the draft and stating that representations on the draft may be made to the Church Commissioners no later than the date specified in the notice; and the date so specified must be at least 28 days after the day on which the notice is served.

(6) Where the Church Commissioners and the MPC agree that the MPC should carry out to any extent a duty imposed on the Commissioners under paragraphs (1) to (5), the MPC must carry out that duty to the extent agreed; and references in paragraphs (1) to (5) to the Commissioners are to be read in accordance with what has been agreed.

(7) On receiving a notice under paragraph (5), the secretary of a PCC must—

- (a) if the PCC or benefice has a website, post a copy of the notice on that website, and

(b) having had due regard to guidance under the MPM, display a copy of the notice at such places in the parish, and take such other steps, as the secretary of the PCC considers necessary or appropriate for publicising the draft scheme.

(8) The Church Commissioners may, before the end of the period within which representations may be made by virtue of paragraph (4) or (5), extend that period.

(9) Representations made by virtue of this regulation may be made in writing or, if the Church Commissioners approve some other form for the purpose, in that other form.

(10) In its application to a draft scheme which, by virtue of section 50 of the MPM, makes provision for the closure of a guild church, this regulation has effect as if a reference to the secretary of a PCC were a reference to the secretary of the guild church council.

(11) Where a PCC has no secretary (or, if paragraph (10) applies, a guild church council has no secretary), the functions of the secretary under this regulation are to be exercised by whatever person the bishop of the diocese appoints.

(12) A reference in these Regulations to “Historic England” is a reference to the body called the Historic Buildings and Monuments Commission for England (and commonly known as “Historic England”).

Interested parties

94.—(1) This regulation applies for the purposes of this Chapter; and in this regulation, “pastoral scheme” means a pastoral scheme in draft or as made or recommendations or proposals for a pastoral scheme.

(2) For each matter specified in the first column of Table 1, 2 or 3 in Schedule 1, each person specified in the second column is an interested party in relation to a pastoral scheme providing for that matter.

(3) Where a pastoral scheme provides for a matter capable of being provided for by a pastoral order, the interested parties are limited to those who are interested parties by virtue of Table 1, 2 or 3 (and accordingly do not include those who are interested parties by virtue of Table 4, 5 or 6).

(4) Where a pastoral scheme provides for more than one matter specified in Table 1, 2 or 3, and the interested parties are not the same persons for each matter, all of the persons concerned are interested parties in relation to that scheme (even though there may be some persons who are not interested parties in relation to every matter).

(5) In Tables 1, 2 and 3—

- (a) a reference to an “affected” parish, benefice, deanery or archdeaconry is a reference to a parish, benefice or archdeaconry which is or would be affected by the matter in question
- (b) a reference to the priest in charge of an affected benefice includes a reference to the priest in charge of a conventional district wholly or partly within the area of an affected benefice;
- (c) a reference to the PCC of an affected parish is, in the case of a parish church cathedral, a reference to the Chapter of the cathedral;
- (d) a reference to the PCC of an affected parish is, in the case of a conventional district wholly or partly within the area of an affected benefice, the PCC of the conventional district.

(6) In the case of pastoral scheme which, in relation to a guild church, makes provision by virtue of section 50 of the MPM for a matter specified in the first column of Table 1, 2 or 3, the entries in the second column in relation to that matter are to be read as if—

- (a) a reference to an incumbent or priest in charge were a reference to the vicar of the guild church;
- (b) a reference to the patron of a benefice were a reference to the patron of the guild church;
- (c) a reference to a PCC were a reference to the guild church council in question.

(7) A reference in Table 1 to the alteration of the area of a parish includes a reference to the alteration of the definition of its boundaries.

Amendment etc. of draft scheme and consideration of draft representations

95.—(1) The Church Commissioners may, at any time after receiving or preparing a draft scheme under regulation 92(1)(b) or (3), amend the draft—

- (a) on their own initiative,
- (b) at the request of the bishop after the bishop has consulted the MPC, or
- (c) to correct a drafting error.

(2) The Church Commissioners may amend a draft scheme in light of representations made by virtue of regulation 91; but they may do so only with the agreement of the bishop after the bishop has consulted the MPC.

(3) After the end of the period within which representations may be made by virtue of regulation 93, the Church Commissioners may give any person the opportunity to make oral representations, whether or not that person has made representations by virtue of that regulation; and paragraph (2) of this regulation applies accordingly to representations made by virtue of this paragraph.

(4) Regulation 93 (publication and representations) applies to a draft scheme amended under this regulation as it applies to an original draft scheme, except in so far as the amendments are to correct drafting errors.

(5) Where the Church Commissioners amend a draft scheme so as to give effect to proposals included in representations—

- (a) paragraph (4) does not apply, and
- (b) the Commissioners must instead carry out such consultation on the amended draft scheme as they think appropriate.

(6) The Church Commissioners, having complied with paragraph (5)(b), must decide whether or not to make the draft scheme.

Scheme: process following representations

96.—(1) Where representations on a draft scheme have been made and the Church Commissioners do not propose to amend the draft under regulation 95 and decide that they should make the scheme despite representations against it, they must so far as practicable, serve a notice of the decision and the reasons for the decision on—

- (a) each person who made representations, and
- (b) each interested party.

(2) If there is a right of appeal under section 10 of the MPM, each notice under paragraph (1) given to a person who made representations by virtue of regulation 91 must—

- (a) explain that right to the person who made the representations, and
- (b) specify the last date on which notice may be given of an intention to apply for permission to appeal.

(3) The date specified under paragraph (2)(b) must be no earlier than 28 days after the date on which the notice is served.

(4) A copy of each notice under paragraph (1) which includes the information under paragraph (2), along with a copy of the draft scheme, must be sent by the Commissioners to the Registrar of the Privy Council.

Appeal to His Majesty

97.—(1) An appeal under section 10 of the MPM may be brought—

- (a) only by a person who made representations by virtue of regulation 93, and

- (b) only if an application to the Judicial Committee of the Privy Council for permission is granted to that person.
- (2) If permission is not given, the Church Commissioners must make the scheme by executing it.
- (3) If permission is given, the Church Commissioners must reconsider the draft and, before the end of 28 days beginning with the day on which permission is given, must decide whether to respond to the appeal or withdraw the draft scheme (while retaining the right to bring forward proposals for a subsequent scheme on the same matters).
- (4) The Commissioners, having made a decision under paragraph (3), must inform the Registrar of the Privy Council of that decision; and if the decision is to respond to the appeal, the Judicial Committee must hear the appeal.
- (5) Having heard the appeal under paragraph (4), the Judicial Committee must make a report on it and may propose to His Majesty in Council that the appeal be granted or dismissed or that the draft scheme be returned to the Church Commissioners for further reconsideration.
- (6) His Majesty in Council may accordingly—
 - (a) grant the appeal,
 - (b) dismiss the appeal, or
 - (c) return the draft scheme to the Church Commissioners for further reconsideration.
- (7) If the appeal is granted, the Commissioners must not make the scheme; but that does not prevent them from preparing and publishing a further draft scheme.
- (8) If the appeal is dismissed, the Commissioners must make the scheme by executing it.
- (9) If the draft scheme is returned to the Commissioners, they may—
 - (a) inform the Registrar of the Privy Council that they wish to make the scheme without amending the draft,
 - (b) amend the draft scheme, if the bishop has agreed after consulting the MPC, or
 - (c) withdraw the draft scheme.
- (10) If the Commissioners act under paragraph (9)(a), the Judicial Committee may, without holding a further hearing, propose to His Majesty in Council that the appeal be granted or dismissed; and paragraphs (6)(a) and (b), (7) and (8) apply accordingly.
- (11) If the Commissioners act under paragraph (9)(b), the amendments which the Commissioners make are to be treated as if they had been made under regulation 95, with the provisions of these Regulations applying accordingly to the draft scheme as so amended.

Application of appeal rules of Judicial Committee of Privy Council

98.—(1) The rules of court and practice directions for the appellate jurisdiction of the Judicial Committee of the Privy Council which are for the time being in force apply with whatever modifications are necessary to an application for permission to appeal against, and to an appeal against, a draft pastoral scheme.

(2) But paragraph (1) does not apply if those rules and practice directions themselves already provide for their application to an application for permission to appeal against, or an appeal against, a draft pastoral scheme.

(3) Where these Regulations make provision inconsistent with provision in the rules or practice directions referred to in paragraph (1), the provision in these Regulations applies.

Completion of pastoral scheme

99.—(1) Where no representations have been made on a draft scheme and the Church Commissioners do not propose to amend the draft, except to correct a drafting error, and accordingly think that the scheme should be made, they must submit the draft to the bishop for the bishop's consent.

(2) Once the bishop has given consent, the Commissioners must make the scheme.

(3) Where representations against a draft scheme have been made as mentioned in regulation 96 and the Commissioners have complied with their duties under that regulation and if any of the following is the case in relation to the draft scheme, the Commissioners must make the scheme—

- (a) there is no right of appeal against the draft scheme under section 10 of the MPM;
- (b) no notice of intention to apply for permission to appeal against the draft scheme is given on or before the date specified in the notice served under regulation 96(1);
- (c) no application for permission to appeal against the draft scheme is made within the period specified in accordance with regulation 96(2)(b);
- (d) the Judicial Committee of the Privy Council dismisses an application for permission to appeal against the draft scheme;
- (e) an appeal against the draft scheme is dismissed.

(4) The Commissioners make a scheme by executing it in accordance with section 9 of the Church Commissioners Measure 1947 (execution by seal or by two authorised signatories).

Transmission of copies of scheme

100.—(1) In the case of a pastoral scheme made by the Church Commissioners which provides for the closure of a church, the Commissioners must send a copy of the scheme to the CBC and to the registrar of the diocese concerned.

(2) In the case of any other pastoral scheme made by the Church Commissioners, the MPC must send a copy of the scheme to each interested party and to the registrar of the diocese concerned.

(3) The registrar of a diocese, on receiving a copy of a scheme, must file it in the diocesan registry.

Validity and operation of scheme

101.—(1) The validity of a pastoral scheme may not be questioned in legal proceedings.

(2) Each provision of a pastoral scheme comes into operation—

- (a) on the date on which the scheme is made, or
- (b) if the scheme provides that the provision comes into operation on a specified date or on the occurrence of a specified event or contingency, on that specified date or occurrence.

General saving

102. The provisions of this Chapter do not limit the powers of the MPC, the joint boundary committee or the Church Commissioners to consider representations or hold consultations or interviews.

CHAPTER 3 PASTORAL ORDERS

Proposals to bishop

103.—(1) Where the MPC decides to make recommendations to the bishop, including recommendations contained in a request under section 3(1) of the MPM (parish-led proposals), for a matter for which a pastoral order may provide under section 7, 8 or 9 of the MPM (pastoral, ministry or building matters), it must submit them to the bishop in the form of draft proposals.

(2) The bishop may, with the agreement of the MPC, amend the draft proposals.

(3) If the bishop approves the draft proposals, with or without amendment, the bishop must return the draft proposals to the MPC.

(4) The framework must include provision for the MPC to undertake engagement with persons before deciding whether to make recommendations to the bishop.

(5) Recommendations by a joint boundary committee under regulation 83 are to be treated for the purposes of paragraph (1) as if they were recommendations by the MPC; and the provisions of this Chapter apply accordingly but with references to the diocesan bishop or registrar being read as references to each or any of the diocesan bishops or registrars, depending on the context.

Duties of MPC and Commissioners after bishop approves proposals

104.—(1) Where draft proposals are given to the MPC under regulation 103(3), the MPC must—

(a) prepare a draft pastoral order to give effect to the draft proposals with whatever amendments the MPC decides to make to the draft proposals, and

(b) having done that, submit the draft order to the Church Commissioners.

(2) The Commissioners, having received a draft order under paragraph (1)(b)—

(a) must determine whether the MPC has completed such engagement with persons as is required by the framework,

(b) must determine whether the draft proposals, if implemented, would come within the powers under section 7, 8 or 9 of the MPM,

(c) may make amendments to the draft, and

(d) must return the draft, with or without amendments, to the MPC.

(3) The Church Commissioners may decide to proceed with some but not all of the draft proposals; and, where they do so decide, paragraph (2) applies as if the only proposals were the ones they have decided to proceed with.

(4) But the Church Commissioners may not make a decision under paragraph (3) unless the bishop, after consulting the MPC, agrees that they may do so.

(5) If, as a result of a decision by the Church Commissioners under paragraph (3), the proposals no longer include a declaration of closure of a church, the Commissioners must refer the proposals to the MPC.

(6) If the MPC has failed to prepare a draft order, the Church Commissioners must give such weight to that failure as it considers appropriate.

Consultation

105.—(1) Where a draft pastoral order is returned to the MPC under regulation 104(2)(d), the MPC must serve a copy of the draft order on each interested party.

(2) Each copy of the draft order served under paragraph (1) must be accompanied by a notice stating the objects of the draft and requiring the interested party to inform the MPC no later than the date specified in the notice whether or not that interested party approves the draft proposals; and the date so specified must be at least 28 days after the day on which the notice was served.

(3) If an interested party does not, before the end of the period specified in the notice, inform the MPC as required by the notice, that interested party is to be regarded as having approved the draft proposals.

(4) If each interested party has approved the draft proposals (including by virtue of paragraph (3)), the MPC may, without further consultation, prepare the order and submit it to the bishop for completion.

(5) For a case where an interested party objects to the draft proposals before the end of the period specified in the notice, see regulation 107.

Interested parties

106.—(1) This regulation applies for the purposes of this Chapter; and in this regulation “pastoral order” means the draft proposals for a pastoral order.

(2) For each matter specified in the first column of Table 4, 5 or 6 in Schedule 1, each person specified in the second column is an interested party in relation to a pastoral order providing for that matter.

(3) Where a pastoral order provides for more than one matter specified in Table 4, 5 or 6, and the interested parties are not the same persons for each matter, all of the persons concerned are interested parties in relation to that matter (even though there may be some persons who are not interested parties in relation to every matter).

(4) In Tables 4, 5 and 6—

- (a) a reference to an “affected” parish, benefice, deanery or archdeaconry is a reference to a parish, benefice or archdeaconry which is or would be affected by the matter in question
- (b) a reference to the priest in charge of an affected benefice includes a reference to the priest in charge of a conventional district wholly or partly within the area of an affected benefice;
- (c) a reference to the PCC of an affected parish is, in the case of a parish church cathedral, a reference to the Chapter of the cathedral;
- (d) a reference to the PCC of an affected parish is, in the case of a conventional district wholly or partly within the area of an affected benefice, the PCC of the conventional district.

(5) In the case of pastoral order which, in relation to a guild church, makes provision by virtue of section 50 of the MPM for a matter specified in the first column of Table 4, 5 or 6, the entries in the second column in relation to that matter are to be read as if—

- (a) a reference to an incumbent or priest in charge were a reference to the vicar of the guild church;
- (b) a reference to the patron of a benefice were a reference to the patron of the guild church;
- (c) a reference to a PCC were a reference to the guild church council in question.

(6) A reference in Table 4 to the alteration of the area of a benefice, archdeaconry, deanery, parish or extra-parochial place includes a reference to the alteration of the definition of its boundaries.

Determining authority

107.—(1) If an interested party objects to draft proposals for a pastoral order before the end of the period specified in the notice, and the objection relates to a matter specified in the first column of Table 7, 8 or 9 in Schedule 2, the objection stands referred to the determining authority for that matter.

(2) The determining authority for a matter specified in the first column of Table 7, 8 or 9 in Schedule 2 is the bishop of the affected diocese or the Church Commissioners, depending on which of them is specified in the second column in relation to that matter.

(3) If, in the case of a pastoral order which provides for a matter for which the bishop is the determining authority and a matter for which the Church Commissioners are the determining authority, the objection relates to a matter for which the Commissioners are the determining authority, they are to be the determining authority for the order as a whole.

(4) If, in a case of the kind referred to in paragraph (3), none of the objections relate to a matter for which the Church Commissioners are the determining authority, the bishop is to be the determining authority for the order as a whole.

(5) The determining authority, having considered an objection referred to it under regulation 105(5) must decide one of the following—

- (a) that the proposals should proceed without amendment;

(b) that they should proceed with amendments;

(c) that they should not proceed.

(6) In considering the objection, the determining authority must determine whether the MPC has undertaken whatever engagement was required by the framework.

(7) Where the determining authority is the bishop, the bishop must consult the MPC before making the decision under paragraph (5).

(8) If the determining authority decides that the draft proposals should proceed (whether with or without amendments), it must return the draft proposals to the MPC; and the MPC may prepare the order and submit it to the bishop for completion.

(9) If the determining authority decides that the draft proposals should not proceed, it must notify the MPC accordingly and give the reasons for its decision.

(10) A reference in Table 7 to the alteration of the area of a benefice, archdeaconry, deanery, parish or extra-parochial place includes a reference to the alteration of the definition of its boundaries.

Completion of pastoral order

108. The bishop, having received a pastoral order submitted under regulation 103(4) or 104, may make the order by signing it or, if the order is required to be executed as a deed, by sealing it.

Transmission of copies of order

109.—(1) The bishop, having made a pastoral order, must send it to the MPC.

(2) The MPC must send a copy of the order—

(a) to the Church Commissioners,

(b) to each interested party, and

(c) to the diocesan registrar for filing in the diocesan registry.

Validity and operation of order

110.—(1) The validity of a pastoral order may not be questioned in legal proceedings.

(2) Each provision of a pastoral order comes into operation—

(a) on the date on which the order is made, or

(b) if the order provides that the provision comes into operation on a specified date or on the occurrence of a specified event or contingency, on that specified date or occurrence.

General saving

111. The provisions of this Chapter do not limit the powers of the MPC, the joint boundary committee or the Church Commissioners to consider representations or objections or hold consultations or interviews.

CHAPTER 4

CHURCH CLOSURE

Advice from the CBC on disposal

112.—(1) This regulation applies in the case of a pastoral scheme or order for a declaration of closure for regular public worship of the whole or part of a church which is a listed building or situated in a conservation area.

(2) The Church Commissioners must, no later than the date on which the scheme or order is made, request advice from the CBC on the disposal of the building following the closure including, in particular, advice on—

- (a) whether, in the opinion of the CBC, there are suitable alternative uses to which the building could be put following the closure and, if so, what they are,
- (b) whether demolition of the whole or part of the building would be objectionable, and
- (c) whether the whole or part of the building should be vested in the CCT, or in another body which has the purpose of preserving buildings of historic and archaeological interest or archaeological quality, for it to undertake care and maintenance.

(3) The CBC, having received a request under paragraph (2), must give the requested advice to the Commissioners as soon as reasonably practicable and in any event before the end of three months beginning with the date on which the scheme or order is made.

Advice from CBC on demolition or vesting in CCT

113.—(1) This regulation applies in the case of a pastoral scheme which, in relation to a building the whole or part of which is closed for regular public worship, provides for the demolition of the building or part.

(2) This regulation also applies in the case of a pastoral scheme or order which, in relation to a building the whole or part of which is closed for regular public worship, provides for the vesting in the CCT of the building or part for it to undertake care and maintenance.

(3) The Church Commissioners must request advice from the CBC on the provision made in the scheme or order concerned; but that duty does not arise in the case of a scheme within paragraph (1) if the CBC has already advised that demolition of the building or part would not be objectionable.

(4) The CBC, having received a request under paragraph (3), must give the requested advice to the Commissioners as soon as reasonably practicable and in any event no later than the publication of the scheme or order concerned.

Advice on combined scheme or order for closure and vesting in CCT

114.—(1) This regulation applies in the case of a pastoral scheme or order which includes—

- (a) a declaration of closure for regular public worship of the whole or part of a church which is a listed building or situated in a conservation area, and
- (b) provision for the building or part to be vested in the CCT for it to undertake care and maintenance of the building or part.

(2) The Church Commissioners must request advice from the CBC on—

- (a) the matters referred to in regulation 112(2), and
- (b) the provision referred to in paragraph (1)(b) of this regulation.

(3) The CBC, having received a request under paragraph (2), must give the requested advice to the Commissioners as soon as reasonably practicable and in any event no later than the publication of the scheme or order concerned.

Regulations 112 to 114: supplementary provision

115.—(1) References in regulations 112 to 114, and in paragraph (2) below, to the CBC are to the CBC acting through its Statutory Advisory Committee.

(2) If the Church Commissioners approve a template for the form in which advice requested under regulations 112 to 114 is to be given, the CBC must give that advice in the form of that template.

Making scheme or order for disposal of closed church building

116.—(1) The Church Commissioners may, in respect of a building closed for regular public worship, prepare a draft of a pastoral scheme or, so far as permitted by section 9 of the MPM, a draft of a pastoral order.

(2) Having prepared the draft scheme or order (and before taking any of the following steps), the Commissioners must consult the bishop of the diocese.

(3) If, after taking into account comments made by the bishop, the Commissioners decide to proceed with the draft scheme or order, they must serve a copy of the draft on—

- (a) the DBF for the diocese,
- (b) the PCC for the parish in which the building is situated,
- (c) the parish council or parish meeting for that parish,
- (d) Historic England,
- (e) the group of organisations that is commonly known as “the Joint Committee of the National Amenity Societies”,
- (f) the Commonwealth War Graves Commission, and
- (g) the CCT, where the draft scheme or order provides for it to undertake the care and maintenance of the whole or part of the building.

(4) The Commissioners must also publish online a notice—

- (a) stating the effect of the draft scheme or order,
- (b) specifying an address at which the notice may be inspected,
- (c) stating that written representations on the draft scheme or order may be made to the Commissioners no later than the date specified.

(5) The date specified for the purposes of paragraph (4)(c) must be at least 28 days after the first publication of the notice.

(6) The Commissioners—

- (a) may, before or after the end of the period within which written representations may be made, extend or recommence that period;
- (b) may give a person an opportunity to make oral representations on the scheme or order, regardless of whether that person has made written representations.

(7) The Commissioners, having considered representations duly made on the draft scheme or order and any unforeseen change of circumstances which would affect its implementation, may decide to proceed with the scheme or order as drafted, may decide to amend the draft or may decide not to proceed with the scheme or order; and before making their decision, the Commissioners must consult the bishop.

(8) If the Commissioners decide to proceed with the scheme or order as drafted, they make it by executing it in accordance with section 9 of the Church Commissioners Measure 1947 (execution by seal or by two authorised signatories).

(9) Even if the Commissioners decide not to amend the draft in light of representations, they may nevertheless amend it for the purpose of correcting drafting errors.

(10) If the Commissioners decide not to proceed with the scheme or order, they must as soon as possible prepare a new draft of the scheme or order; and paragraphs (2) to (8) apply accordingly.

(11) Regulations 103 to 105 apply for the purposes of this regulation.

SCHEDULES

SCHEDULE 1

Regulations 94 and 106

Interested parties

Table 1

Pastoral scheme: pastoral matters

(See section 7 of the MPM.)

<i>Matter</i>	<i>Interested party</i>
Alteration of the area of a parish resulting in a variation in the vesting of property.	The incumbent or priest in charge of each affected parish.
Creation or dissolution of a parish.	The team vicar of a team ministry for the area of each benefice to which an affected parish belongs.
Creation or dissolution of a benefice resulting in the dispossession of an ecclesiastical office holder.	The patron of the benefice to which each affected parish belongs. The PCC of each affected parish. The archdeacon of each archdeaconry to which an affected parish belongs. The rural dean of each deanery to which an affected parish belongs. The lay chair of the deanery synod of each deanery to which an affected parish belongs.
Creation or dissolution of a deanery resulting in the dispossession of the holder of the office of rural dean for which emoluments received.	The rural dean of each deanery affected. The lay chair of the deanery synod of each deanery affected.
Creation or dissolution of an archdeaconry resulting in the dispossession of the holder of the office of archdeacon	The archdeacon for each archdeaconry affected. The lay chair of the deanery synod of each deanery belonging to an affected archdeaconry.

Table 2

Pastoral scheme: ministry matters

(See section 8 of the MPM.)

<i>Matter</i>	<i>Interested party</i>
Establishment, alteration or termination of a team ministry for the area of a benefice resulting in the dispossession of an ecclesiastical office holder.	The incumbent or priest in charge of each parish belonging to an affected benefice. The team vicar of each affected team ministry.
Deprivation of a right of patronage without the conferment of another right of patronage.	The patron of each affected benefice. The PCC of each parish belonging to an affected benefice. The archdeacon of each archdeaconry to which an affected benefice belongs.

The rural dean of each deanery to which an affected benefice belongs.

The lay chair of the deanery synod of each deanery to which an affected benefice belongs.

Table 3

Pastoral scheme: buildings matters

(See section 9 of the MPM.)

<i>Column header</i>	<i>Interested party</i>
Closure of the whole or part of a church for regular public worship.	The incumbent or priest in charge of the parish including the church.
Disposal of building or part closed for regular public worship.	The team vicar of a team ministry for the area of the benefice to which that parish belongs.
Dealing with a churchyard or other land annexed or belonging to the building.	The patron of the benefice to which that parish belongs. The PCC of that parish. The archdeacon of the archdeaconry to which that parish belongs. The rural dean of the deanery to which that parish belongs. The lay chair of the deanery synod of the deanery to which that parish belongs. The local planning authority for the area which includes that parish. The parish council of that parish or, if there is no parish council for that parish, the chair of the parish meeting. The CBC through its Statutory Advisory Committee. Historic England. The group of organisations commonly known as “the Joint Committee of the National Amenity Societies”. The Commonwealth War Graves Commission.

Table 4

Pastoral orders: pastoral matters

(See section 7 of the MPM.)

<i>Matter</i>	<i>Interested party</i>
Alteration of the area of a benefice.	<p>The incumbent or priest in charge of each parish belonging to an affected benefice.</p> <p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p> <p>The PCC of each parish belonging to an affected benefice.</p> <p>The archdeacon of each archdeaconry to which an affected benefice belongs.</p> <p>The rural dean of each deanery to which an affected benefice belongs.</p> <p>The lay chair of the deanery synod of each deanery to which an affected benefice belongs.</p>
Creation or dissolution of benefice not resulting in the dispossession of an ecclesiastical office holder.	<p>The incumbent or priest in charge of each parish belonging to an affected benefice.</p> <p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p> <p>The PCC of each parish belonging to an affected benefice.</p> <p>The archdeacon of each archdeaconry to which an affected benefice belongs.</p> <p>The rural dean of each deanery to which an affected benefice belongs.</p> <p>The lay chair of the deanery synod of each deanery to which an affected benefice belongs. Each member of the electoral roll of each affected parish.</p>
Alteration of the area of an extra-parochial place.	<p>The incumbent or priest in charge of each affected parish.</p>
Alternation of the name of a parish or benefice.	<p>The team vicar of a team ministry for the area of each benefice to which an affected parish belongs.</p>
Alteration of the area of a parish not resulting in a transfer of property	<p>The PCC of each affected parish.</p>
Alteration of the area of a deanery by the transfer of a parish or benefice from one deanery to another.	<p>The rural dean of each deanery affected.</p> <p>The lay chair of the deanery synod of each deanery affected.</p>
Alteration of the name of a deanery	

Creation or dissolution of a deanery	
Alteration of the area of an archdeaconry by the transfer of a parish, benefice or deanery from one archdeaconry to another.	<p>The archdeacon for each archdeaconry affected.</p> <p>The rural dean of each deanery affected.</p> <p>The lay chair of the deanery synod of each deanery affected.</p>
Church to be a parish church.	<p>The incumbent or priest in charge of each affected parish.</p> <p>The team vicar of a team ministry for the area of each benefice to which an affected parish belongs.</p> <p>The PCC of each affected parish.</p>
Church to cease to be a parish church	<p>The incumbent or priest in charge of each parish belonging to an affected benefice.</p> <p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p> <p>The PCC of each parish belonging to an affected benefice.</p> <p>The archdeacon of each archdeaconry to which an affected benefice belongs.</p> <p>The rural dean of each deanery to which an affected benefice belongs.</p> <p>The lay chair of the deanery synod of each deanery to which an affected benefice belongs.</p>

Table 5

Pastoral orders: ministry matters

(See section 8 of the MPM.)

<i>Matter</i>	<i>Interested party</i>
Establishment, alteration or termination of a team ministry not resulting in the dispossession of an ecclesiastical office holder.	<p>The incumbent or priest in charge of each parish belonging to an affected benefice.</p> <p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p> <p>The PCC of each parish belonging to an affected benefice.</p> <p>The archdeacon of each archdeaconry to which</p>

	<p>an affected benefice belongs.</p> <p>The rural dean of each deanery to which an affected benefice belongs.</p> <p>The lay chair of the deanery synod of each deanery to which an affected benefice belongs.</p> <p>Each member of the electoral roll of each affected parish.</p>
Designation of first incumbent of a new benefice.	The incumbent or priest in charge of each parish belonging to an affected benefice.
Designation or selection of the first rector or first holder of the office of vicar in a team ministry.	<p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p>
Establishment of a group ministry for a group of benefices not resulting in the dispossession of an ecclesiastical office holder.	The PCC of each parish belonging to an affected benefice.
Designation of person as the first person to hold a benefice in a group ministry.	The archdeacon of each archdeaconry to which an affected benefice belongs.
Designation of a patron for a new benefice.	The rural dean of each deanery to which an affected benefice belongs.
Alteration of a group ministry.	The lay chair of the deanery synod of each deanery to which an affected benefice belongs.
Establishment of a patronage board.	
Termination of a group ministry.	<p>The incumbent or priest in charge of each parish belonging to an affected benefice.</p> <p>The team vicar of each affected team ministry.</p> <p>The PCC of each parish belonging to an affected benefice.</p>
Holding in plurality of two or more benefices not resulting in the dispossession of an ecclesiastical office holder.	The incumbent or priest in charge of each parish belonging to an affected benefice.
Exchange or transfer of rights of patronage.	<p>The team vicar of each affected team ministry.</p> <p>The patron of each affected benefice.</p> <p>The PCC of each parish belonging to an affected benefice.</p>
Exercise of patronage for each benefice held in a plurality.	The patron of each affected benefice.
Designation or selection of the first person to serve as the incumbent who will hold all the benefices in a plurality.	The PCC of each parish belonging to an affected benefice.

Designation of a house as a place of residence for the incumbent of a new benefice.	The incumbent or priest in charge of each parish belonging to an affected benefice.
Designation of a house as a place of residence for a vicar in a team established for the area of a benefice.	The team vicar of each affected team ministry. The patron of each affected benefice.
The transfer of the whole or part of a parsonage house— for the purposes of the Ecclesiastical Offices (Terms of Service) Measure 2009, to be held by the DBF as part of the diocesan glebe land, or for disposal.	The PCC of each parish belonging to an affected benefice. The archdeacon of each archdeaconry to which an affected benefice belongs. The rural dean of each deanery to which an affected benefice belongs. The lay chair of the deanery synod of each deanery to which an affected benefice belongs.

Table 6

Pastoral orders: buildings matters

(See section 9 of the MPM.)

<i>Matter</i>	<i>Interested party</i>
Parish-led closure of a church for regular public worship.	The incumbent or priest in charge of the parish including the church.
Closure of a church for regular public worship with parish-led provision for use of the building following closure.	The team vicar of a team ministry for the area of the benefice to which that parish belongs. The patron of the benefice to which that parish belongs.
Parish-led provision for use of building following closure for regular public worship.	The PCC of that parish. The archdeacon of the archdeaconry to which that parish belongs. The rural dean of the deanery to which that parish belongs. The lay chair of the deanery synod of the deanery to which that parish belongs. The local planning authority for the area which includes that parish. The parish council of that parish or, if there is no parish council for that parish, the chair of the parish meeting. The CBC through its Statutory Advisory Committee.

	Historic England.
	The group of organisations commonly known as “the Joint Committee of the National Amenity Societies”.
	The Commonwealth War Graves Commission.
Closure of a church not used for regular public worship for at least the preceding 25 years.	The incumbent or priest in charge of the parish in which the church is situated.
	The team vicar of a team ministry for the area of the benefice to which that parish belongs.
	The patron of the benefice to which that parish belongs.

SCHEDULE 2

Regulation 107

Determining authorities

Table 7

Pastoral matters

(See section 7 of the MPM.)

<i>Matter</i>	<i>Determining authority</i>
Alteration of the area of a parish not involving a transfer of property or of an extra-parochial place.	The bishop of each affected diocese.
Alteration of the area of a deanery by the transfer of a parish or benefice from one deanery to another.	
Alteration of the area of an archdeaconry by the transfer of a parish, benefice or deanery from one archdeaconry to another.	
Alteration of the name of a parish, benefice, deanery or archdeaconry.	
Creation or dissolution of a deanery not resulting in the dispossession of an ecclesiastical office holder.	
Alteration of the area of a benefice by the transfer of a parish from one benefice to another.	The Church Commissioners.
Creation or dissolution of a benefice not resulting in the dispossession of an ecclesiastical office holder.	

Church to be, or to cease to be, a parish church.

The bishop of each affected diocese.

Table 8

Ministry matters

(See section 8 of the MPM.)

<i>Matter</i>	<i>Determining authority</i>
Alteration of a team ministry for the area of a benefice not resulting in the dispossession of an ecclesiastical office holder.	The bishop of each affected diocese.
Establishment of a group ministry for a group of benefices not resulting in the dispossession of an ecclesiastical office holder.	
Alteration or dissolution of a group ministry.	
Holding in plurality of two or more benefices not resulting in the dispossession of an ecclesiastical office holder.	
Exercise of patronage for each benefice held in a plurality	
Designation or selection of the first person to serve as the incumbent who will hold all the benefices in a plurality.	
Establishment or termination of a team ministry not resulting in the dispossession of an ecclesiastical office holder.	The Church Commissioners.
Designation of first incumbent of a new benefice.	
Designation or selection of the first rector or first holder of the office of vicar in a team ministry.	
Designation or selection of a person as the first person to hold a benefice in a group ministry.	
Designation of a patron for a new benefice.	
Establishment of a patronage board.	
Exchange or transfer of rights of patronage.	
Designation of a house as a place of residence for the incumbent of a new benefice.	The Church Commissioners
Designation of a house as a place of residence for a vicar in a team established for the area of a benefice.	

The transfer of the whole or part of a parsonage house—
 for the purposes of the Ecclesiastical Offices (Terms of Service) Measure 2009,
 to be held by the DBF as part of the diocesan glebe land, or
 for disposal.

Table 9

Buildings matters

(See section 9 of the MPM.)

<i>Matter</i>	<i>Determining authority</i>
Closure of a church not used for regular public worship for at least the preceding 25 years.	The bishop of each affected diocese.
Parish-led closure of a church for regular public worship.	The Church Commissioners
Closure of a church for regular public worship with parish-led provision for use of the building following closure.	
Parish-led provision for use of building following closure for regular public worship.	