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*Status: Point in time view as at 31/01/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), SCHEDULE 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

Sections 20, 21, 22, 24, 27, 29, 31, 32 and  
40.

#### SUPPLEMENTARY PROVISIONS APPLICABLE TO MATTERS ARISING OUT OF PASTORAL SCHEMES AND ORDERS

##### **Modifications etc. (not altering text)**

- C1** Sch. 3 modified (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), ss. 58(2), 66(2) (with Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops

##### *Team and group ministries*

- 1 (1) A pastoral scheme establishing a team ministry shall provide for the presentation of the rector of the team ministry, other than the first rector if designated by the scheme, either by a patronage board constituted by the scheme or by the diocesan board of patronage.
- (2) Sub-paragraph (1) shall not apply in relation to a benefice of which the bishop is the sole patron, but in that case the pastoral scheme establishing a team ministry for that benefice may provide as mentioned in that sub-paragraph, and if the scheme does not so provide, the bishop shall choose the rector, other than the first rector, if designated by the scheme, and shall collate him to the benefice.
- (3) <sup>[F1]</sup>Any enactment (including this Measure) or rule of law relating to the presentation or collation of incumbents shall apply to any presentation or collation under this paragraph and before the patronage board or the diocesan board of patronage exercise their right of presentation or the bishop exercises his right of collation thereunder they or he, as the case may be, shall consult the other members of the team.
- (4) A patronage board constituted by a pastoral scheme establishing a team ministry shall consist of the bishop, who shall be the chairman <sup>[F2]</sup>, subject to paragraph 2(2), the rector, every vicar in a team ministry, any member of a team to whom section 20(3A) applies, any person having a special responsibility for pastoral care under section 20(8A) , and such other member or members as the scheme may provide; and regard shall be had in making such provision to the interests of persons who previously had patronage rights in the benefice for which the team ministry is established or, if it is a new benefice created by the union of two or more benefices, patronage rights in any of the constituent benefices, but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be members of the patronage board.
- (5) Without prejudice to the generality of sub-paragraph (4), such a scheme may provide for empowering the bishop to appoint one or more persons, but not exceeding the number specified in the scheme, to be a member or members of the board for such period as the bishop may specify when making the appointment.

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- (6) The bishop may authorise a suffragan or assistant bishop or archdeacon of the diocese to act for him at any meeting of the board and exercise his voting rights, and any other member of the board (including any body corporate or unincorporated body of persons) may be represented by a person authorised to act and vote on this or their behalf [<sup>F3</sup>being a person who has made the declaration of membership within the meaning of the Patronage (Benefices) Measure 1986].
- (7) Subject to [<sup>F4</sup>sub-paragraphs (7A) and (7B) and paragraphs 2(3) and (3A)], a pastoral scheme by which a patronage board is constituted may provide that any member of the board specified in the scheme shall be entitled to such number of votes as may be so specified and that where there is an equal division of votes the bishop, as chairman, shall have a casting vote, but except in so far as the scheme so provides, each member of the board shall be entitled to one vote.
- [<sup>F5</sup>(7A) Every vicar in a team ministry, any member of a team to whom section 20(3A) applies and any person having a special responsibility for pastoral care under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.
- (7B) Every person referred to in sub-paragraph (7A) above other than a person who wishes to be considered for presentation shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be presented as rector of the team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (7A).]
- (8) A patronage board constituted by such a scheme as aforesaid shall be a body corporate for the purpose of holding the rights of patronage conferred upon them, and shall have a seal, and shall have power to regulate their own procedure.
- (9) If the pastoral scheme provides for the [<sup>F6</sup>patron to be]the diocesan board of patronage, it shall give to persons specified in the scheme rights to attend and vote at the meetings of the board at which the person to be presented is considered and chosen, and regard shall be had in determining the persons to whom those rights are to be given to the interests of the persons mentioned in sub-paragraph (4), but it shall not be necessary, in cases where there are pastoral or practical objections, for those persons or all of them to be given those rights.
- (10) The rights to be members of the patronage board or, as the case may be, to attend and vote at sittings of the diocesan board of patronage shall, except where such rights are vested in a person in right of his office or only for life or a term of years, be transferable inter vivos and on death, but in no case shall such rights be saleable and they shall not be deemed to be rights in land.
- (11) Persons having the rights mentioned in the last foregoing sub-paragraph shall furnish to the registrar of the diocese particulars thereof, including particulars of any transfer or devolution of the rights concerned, and if they fail to do so their rights may be disregarded for the purposes of this paragraph (including the next sub-paragraph).
- (12) Where a pastoral scheme terminates a team ministry, the scheme shall, so far as practicable and having regard to pastoral considerations and to the last foregoing sub-paragraph, provide for restoring rights of patronage in respect of the benefice concerned to the persons who would have possessed them if the team ministry had never been established and, if and so far as it is not practicable to make such

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provision, shall make other provision for the vesting and exercise of rights of patronage in respect thereof.

[<sup>F7</sup>(13) Sub-paragraphs (3) to (11) shall apply in relation to a pastoral scheme or order altering a team ministry under section 22(1)(bb) or 37(e)(v) as they apply in relation to a pastoral scheme establishing a team ministry.]

#### Textual Amendments

- F1** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 25(a)** (i)
- F2** Words in Sch. 3 para. 1(4) inserted (11.6.2008) by Dioceses, Pastoral and Mission Measure 2007 (No. 1), **ss. 59(2), 66(2)** (with s. 59(7), Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops
- F3** Words inserted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 25(a)**(ii)
- F4** Words in Sch. 3 para. 1(7) substituted (11.6.2008) by Dioceses, Pastoral and Mission Measure 2007 (No. 1), **ss. 59(3), 66(2)** (with s. 59(7), Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops
- F5** Sch. 3 para. 1(7A)(7B) substituted for Sch. 3 para. 1(7A) (11.6.2008) by Dioceses, Pastoral and Mission Measure 2007 (No. 1), **ss. 59(4), 66(2)** (with s. 59(7), Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops
- F6** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 25(a)** (iii)
- F7** Sch. 3 para. 1(13) inserted (1.5.1996) by 1995 No. 1, **s. 6(2)(c)**; Instrument dated 12.2.1996 made by Archbishops of Canterbury and York.

- 2 (1) A pastoral scheme establishing a team ministry which provides for the presentation of the rector by a patronage board constituted by the scheme or by the diocesan board of patronage may provide for the vicars in that ministry, other than the first holder of any office of vicar therein, if designated by the scheme, to be chosen by the same body.
- (2) Where such a scheme provides as aforesaid, the rector of the team ministry [<sup>F8</sup>shall be a member of the patronage board for the purpose only of meetings at which the person to be appointed a vicar in that ministry is considered and chosen and shall be entitled to attend and vote at meetings of the diocesan board of patronage for the like purpose] .
- [<sup>F9</sup>(3) Every vicar in a team ministry, any member of a team to whom section 20(3A) applies and any person having a special responsibility for pastoral care under section 20(8A) shall be entitled between them to one vote which shall be exercised by such one of them or such two or more of them (acting unanimously or by majority) as may be present at the meeting in question.
- (3A) Every person referred to in sub-paragraph (3) above other than a person who wishes to be considered for appointment shall be entitled to attend at meetings of the diocesan board of patronage at which the person to be chosen as vicar in a team ministry is considered and chosen and shall be entitled to vote as provided in the said sub-paragraph (3).]
- (4) Where such a scheme does not provide as aforesaid, the vicar or vicars in the team ministry, other than the first holder of any office of vicar therein, if designated by the scheme, shall be chosen by the bishop and the rector jointly.
- (5) Before the body or other persons who are entitled to choose a person to be a vicar in a team ministry make their choice, they shall consult—

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- (a) the other members of the team;
  - (b) the parochial church council of every parish belonging to the benefice for the area of which the team ministry was established; and
  - (c) if a special cure of souls in respect of a part of the area is to be assigned in accordance with section 20(8)(a) to the vicar, any district church council concerned.
- [<sup>F10</sup>(6) (a) The body or other persons who are entitled to choose a person to be a vicar in a team ministry shall not make to any person an offer of appointment as such until the making of the offer to the person in question has been approved by the parish representatives.
- (b) If, before the expiration of the period of two weeks beginning with the date on which the said body or other persons sent to the parish representatives a request for them to approve under this sub-paragraph the making of the offer to the person named in the request, no notice is received from any representative of his refusal to approve the making of the offer, the representatives shall be deemed to have given their approval under this sub-paragraph.
- (c) If any parish representative refuses to approve under this sub-paragraph the making of the offer to the person named in the request, the representative shall notify the said body or other persons in writing of the grounds on which the refusal is made.
- (d) Where approval of an offer is refused under this sub-paragraph, the said body or other persons may request the archbishop of the province in which the benefice in question is to review the matter and if, after review, the archbishop authorises the said body or other persons to make the offer in question, that offer may be made accordingly.
- (7) [<sup>F11</sup>Subject to sub-paragraph (7A) below] in sub-paragraph (6) the expression “parish representatives” means two lay members of the parochial church council concerned appointed by that council to act as representatives of the council in connection with the selection of vicars in the team ministry.
- [ Where a team council has been established by a pastoral scheme or by a scheme <sup>F12</sup>(7A) made under the Church Representation Rules in respect of a benefice comprising more than one parish, the team council shall appoint two lay members to represent the council in connection with the selection of vicars in the team ministry and, in sub-paragraph (6), the words “parish representatives” shall be construed accordingly.]
- (8) Sub-paragraphs (2), [<sup>F13</sup>(3), (3A) and (5) to (7A)] shall apply in relation to a pastoral scheme or order altering a team ministry under section 22(1)(bbb) or section 37(e) (v) as they apply in relation to a pastoral scheme establishing a team ministry.]

#### Textual Amendments

- F8** Words in Sch. 3 para. 2(2) substituted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\), ss. 59\(5\), 66\(2\)](#) (with s. 59(7), Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops
- F9** Sch. 3 para. 2(3)(3A) substituted for Sch. 3 para. 2(3) (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\), ss. 59\(6\), 66\(2\)](#) (with s. 59(7), Sch. 6 paras. 1-5); 2007 No. 3, Instrument made by Archbishops
- F10** Sch. 3 para. 2(6)-(8) inserted (1.5.1996) by 1995 No. 1, s. 6(3)(c); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York.

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- F11** Words in Sch. 3 para. 2(7) inserted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), [ss. 59\(8\), 66\(2\)](#) (with [Sch. 6 paras. 1-5](#)); 2007 No. 3, Instrument made by Archbishops
- F12** Sch. 3 para. 2(7A) inserted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), [ss. 59\(8\), 66\(2\)](#) (with [Sch. 6 paras. 1-5](#)); 2007 No. 3, Instrument made by Archbishops
- F13** Words in Sch. 3 para. 2(8) substituted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), [ss. 59\(9\), 66\(2\)](#) (with [Sch. 6 paras. 1-5](#)); 2007 No. 3, Instrument made by Archbishops

[<sup>F143</sup> Where a group ministry is established by a pastoral scheme for a group of benefices, the registered patron of a benefice in the group shall consult the other incumbents and any priests in charge in the group before he makes a request under section 13 of the Patronage (Benefices) Measure 1986 for the approval of the parish representatives (as defined in section 11(7) of that Measure), and (unless the registered patron is the bishop) of the bishop, to the making to a priest of an offer to present him to the benefice]

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#### Textual Amendments

- F14** Sch. 3 para. 3 substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), [Sch. 4 para. 25\(b\)](#)

4 (1) Where a pastoral scheme establishes a team ministry, the scheme, or the bishop's licence of any vicar in the team ministry, may assign to any such vicar the duties or a share in the duties of the chairmanship of the annual parochial church meeting and the parochial church council of the parish or any of the parishes in the area of the benefice for which the team ministry is established, and other duties of the minister of the parish under the Church Representation Rules, or a share in such other duties, and the said Rules shall have effect accordingly:

Provided that, if the said duties of chairmanship are to be shared, the arrangements shall be such that the chairman on any occasion is determined in advance so that, in his absence, the vice-chairman of the parochial church council shall take the chair in accordance with the said Rules.

- (2) Where a pastoral scheme establishes a team ministry for the area of a benefice which comprises a parish in which there are two or more churches or places of worship, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of the rector to make provision,—
- (a) for ensuring due representation of the congregation of each such church or place of worship on the parochial church council of the parish,
  - (b) for the election of a district church council for any district in the parish in which such church or place of worship is situated and for the constitution, chairmanship and procedure of that council,
  - (c) for the functions of the parochial church council of the parish which must or may be delegated to the district church council,
  - (d) for the election or choice of deputy churchwardens for such church or place of worship and for the functions of churchwardens of the parish which must or may be delegated to the deputy churchwardens,

being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.

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In this sub-paragraph “place of worship” means a building or part of a building licensed for public worship according to the rites and ceremonies of the Church of England.

- (3) Where a pastoral scheme establishes a team ministry for the area of a benefice which comprises more than one parish, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of the rector to make provision,—
- (a) for the establishment of a team council,
  - (b) for the chairmanship, meetings and procedure of the team council, and
  - (c) [<sup>F15</sup>subject to paragraph 19 of Schedule 2 to the patronage (Benefices) Measure 1986]for the functions of the parochial church council of each parish in the area which must or may be delegated to the team council,
- being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (4) Where a pastoral scheme establishes a group ministry, the scheme may make provision, or authorise the bishop by instrument under his hand with the concurrence of all the members of the group to make provision,
- (a) for the establishment of a group council,
  - (b) for the chairmanship, meetings and procedure of the group council, and
  - (c) for the functions of the parochial church council of each parish in the area for which the group ministry is established which must or may be delegated to the group council,
- being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (5) Any provisions which are included in a pastoral scheme or the bishop’s instrument by virtue of sub-paragraph (2), (3) or (4) shall cease to have effect at the expiration of [<sup>F16</sup>the period of five years from the date of the establishment of the team ministry or group ministry to which the pastoral scheme or instrument relates or such lesser period as may be specified in the scheme or instrument as the case may be] , and that period may not be extended or renewed by a subsequent scheme or instrument of the bishop.
- (6) Any provisions which were included in a pastoral scheme or bishop’s instrument by virtue of sub-paragraph (2) or (4), as originally enacted, shall cease to have effect at the expiration of whichever of the following periods last expires, that is to say, the period of five years beginning with the date of the establishment of the team ministry or group ministry to which the scheme or instrument relates and the period of three years beginning with the date on which this Measure comes into operation.

#### Textual Amendments

**F15** Words inserted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 25(c)**

**F16** Words in Sch. 3 para. 4(5) substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 4 para. 26(a)**; 2005 No. 2, Instrument made by Archbishops

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Admission and induction to benefices

- 5 (1) Any person who is designated by or selected under a pastoral scheme or order as the incumbent of a benefice, shall not be required to be presented to that benefice nor shall the bishop be required to nominate that person as the person to whom he collates the benefice.
- (2) Where a pastoral scheme creates a new benefice <sup>F17</sup>, transfers a parish from one benefice to another] or establishes a team ministry for the area of a benefice, then—
  - (a) if the first incumbent of that new benefice or the first rector of that ministry is designated or selected as aforesaid, he shall, unless the bishop otherwise directs, be deemed to have been admitted to that new benefice or to the benefice for the area of which the team ministry is established, as the case may be, and no fees in respect thereof shall be payable;
  - (b) in any other case section 75(1) shall apply.
- (3) Where a pastoral scheme or order provides for the holding in plurality of two or more benefices, then—
  - (a) if the first incumbent who is to hold all the benefices concerned was immediately before the scheme or order comes into operation the incumbent of any of those benefices, he shall, unless the bishop otherwise directs, be deemed to have been admitted to the other benefice or benefices, and no fees in respect thereof shall be payable;
  - (b) in any other case section 75(2) shall apply.
- (4) ..... <sup>F18</sup>
- (5) It shall not be necessary, by reason only of the substitution of another church for a parish church by pastoral scheme or order, for the incumbent of the benefice to be inducted in the new parish church or comply with any other process or form of law.

**Textual Amendments**

**F17** Words in Sch. 3 para. 5(2) inserted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\)](#), s. 66(2), [Sch. 5 para. 20](#) (with [Sch. 6 paras. 1-5](#)); [2007 No. 3](#), Instrument made by Archbishops

**F18** Sch. 3 para. 5(4) repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

Patronage rights

- 6 ..... <sup>F19</sup>

**Textual Amendments**

**F19** Sch. 3 para. 6 repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

General provisions as to vesting of property

- 7 (1) Where a pastoral scheme creates a new benefice by a union of benefices, any church, churchyard, burial ground, parsonage house or other property which was previously vested in right of his benefice in the incumbent of any of the constituent benefices, shall vest in the incumbent of the new benefice:

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Provided that—

- (a) this sub-paragraph shall not apply to any parsonage house for which other provision is made by or under a pastoral scheme;
  - (b) if the new benefice is to be held by the [<sup>F20</sup>dean] of a parish church cathedral, any such property as would have vested in the incumbent as aforesaid shall instead vest in the cathedral chapter.
- (2) Where by virtue of a pastoral scheme (other than a scheme to which the foregoing sub-paragraph applies) or a pastoral order any church or churchyard or burial ground previously vested in the incumbent of a benefice becomes situated in a parish belonging to another benefice, the church, churchyard or burial ground, and any movable property used for the purposes thereof and vested as aforesaid, shall vest in the incumbent of that other benefice.
  - (3) Where any movable property used for the purposes of a church or churchyard is vested in the churchwardens or parochial church council of a parish, and the church or churchyard becomes situated in another parish by virtue of a pastoral scheme or order, the property shall vest in the churchwardens or, as the case may be, the parochial church council of that other parish.
  - (4) The foregoing provisions of this paragraph shall have effect subject to any express provision of a pastoral scheme or order and, where applicable, to the provisions of paragraph 11 relating to property held on charitable trusts.
  - (5) Where a pastoral scheme or order provides for the transfer of any property to any person, or any property vests by virtue of this paragraph in any person, that property shall, when the transfer or vesting takes effect, vest in that person without any conveyance or other assurance and free and discharged, in the case of property consisting of diocesan glebe land or a house situated on such land, from any previously existing trust in favour of the diocesan stipends fund and, in the case of any other property, from all previously existing trusts and charges in favour of any benefice, but subject—
    - (a) to the provisions of the next following paragraph, where applicable,
    - (b) to all other previously existing trusts and charges and any previously existing tenancies, and
    - (c) in the case of an endowment, to any provision made under section 33(1) for payment or crediting of the income or any part of the income of the endowment to the diocesan stipends fund, unless the scheme or order otherwise provides.
  - (6) A pastoral scheme or order may with the consent of the incumbencer provide for the apportionment of any sum charged on property of which only part is transferred by the scheme or order and for securing the sums so apportioned on the respective parts of the property.

#### **Textual Amendments**

**F20** Word in Sch. 3 para. 7(1) substituted (31.1.2011) by [Ecclesiastical Offices \(Terms of Service\) Measure 2009 \(No. 1\), s. 13\(2\), Sch. 2 para. 8](#) (with s. 9); 2010 No. 8, art. 2

#### **Modifications etc. (not altering text)**

**C2** Sch. 3 para. 7(1) amended (30.6.1999) by 1999 No. 1, [ss. 36\(2\)\(6\), 38\(2\)\(3\)](#) (with [ss. 33, 34, 37, 38\(6\)](#))

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### *Loans*

- 8 (1) This paragraph applies to loans made under any Act or Measure, being in each case loans in respect of which principal money or interest is owing to the Commissioners.
- (2) Where a loan has been made in respect of property which is transferred by a pastoral scheme or order to the diocesan board of finance then, unless the scheme or order otherwise provides, the [<sup>F21</sup>diocesan board of finance shall, if the Commissioners so direct,] cause the loan to be discharged immediately out of the diocesan pastoral account or out of the proceeds of any disposal of the property, [<sup>F21</sup>and the Commissioners may] postpone such discharge, with or without payment of interest on the loan during the period of postponement, for such period and on such conditions as they may from time to time determine.
- (3) The Commissioners may, where necessary determine whether a loan and what part of the loan was made in respect of any particular property, and apportion a loan to parts of the property in respect of which it was made.

#### **Textual Amendments**

**F21** Words in Sch. 3 para. 8(2) substituted (1.1.2001) by [2000 Measure No. 1, s. 10, Sch. 6 para. 8\(a\)](#); [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)

### *Property transferred to diocesan board of finance*

- 9 (1) Where any property is transferred under section 31 by a pastoral scheme or order to the diocesan board of finance for disposal, the board may dispose thereof either as a whole or in parts and at such time or times as they deem right, and their powers shall include powers of sale, letting and exchange of land and power to demolish any building or part thereof so transferred.
- (2) The terms on which any such property is sold or otherwise disposed of by the diocesan board of finance shall be approved by the Commissioners [<sup>F22</sup>, except where the terms of the sale or other disposition would not have required the consent of the Commissioners under section 20 of the Endowments and Glebe Measure 1976 had the property been diocesan glebe land].
- (3) Where a pastoral scheme or order provides for the transfer as aforesaid of any property to the diocesan board of finance for disposal, the scheme or order may provide for the application of the net proceeds of disposal (including net premiums and rents) or any part thereof towards the provision, restoration, improvement or repair of a church or a place of worship within the meaning of section 46 or a parsonage house or a house [<sup>F23</sup>for any person declared by the bishop to be engaged in the cure of souls within the diocese] , but, except in so far as the scheme may so provide, the net proceeds shall be paid into the capital account of the diocesan stipends fund or into the diocesan pastoral account, or partly into the one and partly into the other, as the diocesan board of finance may determine or as the scheme may provide.
- (4) Notwithstanding the foregoing provisions of this paragraph, the diocesan board of finance may elect to take over and hold as part of their corporate property any property transferred to them as aforesaid for disposal, for such consideration as the Commissioners with the concurrence of the board may determine as representing the

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fair value of the property, and the amount of the consideration shall be applied, paid or credited as if it were the net proceeds of the disposal of the property.

- (5) Where a pastoral scheme or order provides for the transfer of any property as aforesaid to the diocesan board of finance for use for diocesan or parochial purposes,
- (a) the transfer shall, unless the scheme otherwise provides, be without consideration, and in that case no consideration shall be payable by a parochial church council in respect of the use thereof for parochial purposes;
  - (b) the board may appoint the parochial church council as managers or managing trustees of any property to be used for parochial purposes.

#### Textual Amendments

**F22** Words in Sch. 3 para. 9(2) inserted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 8(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

**F23** Words in Sch. 3 para. 9(3) substituted (1.6.2005) by Church of England (Miscellaneous Provisions) Measure 2005 (No. 3), s. 11(2), **Sch. 4 para. 26(b)**; 2005 No. 2, Instrument made by Archbishops

#### *Crediting of sums to and adjustment of funds and accounts by Commissioners*

<sup>F24</sup>10 . . . . .

#### Textual Amendments

**F24** Sch. 3 para. 10 repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt. I**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

#### *Church and parochial trusts*

- 11 (1) Where any benefice is dissolved by a pastoral scheme, whether in consequence of a union of benefices or otherwise, and any property of a charity established for ecclesiastical purposes of the Church of England is vested in or under the management or control of the incumbent of that benefice (with or without other persons) or a corporation of which he is a member, the trusts of the charity or the constitution of the corporation shall have effect with the substitution for that incumbent of the incumbent of the new benefice created by the union or (in a case arising otherwise than in consequence of a union) of the incumbent of such benefice as may be specified by order of the [<sup>F25</sup>Charity Commission], being a benefice the area of which incorporates part of the area of the dissolved benefice.
- (2) Where any parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, and any property of a charity established for the purposes aforesaid is vested in or under the management or control of the churchwardens or parochial church council of that parish (with or without other persons), the trusts of the charity shall have effect with the substitution for those churchwardens or that council of the churchwardens or parochial church council of the parish created by the union or (in a case arising otherwise than in consequence of a union) of such parish as may be specified by order of the [<sup>F25</sup>Charity Commission], being a parish which incorporates part of the dissolved parish.
- (3) Where—

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- (a) any property of a charity established for the purposes aforesaid is vested in or under the management or control of the incumbent of a benefice (with or without other persons) or a corporation of which the incumbent of a benefice is a member, and
- (b) a team ministry is established by a pastoral scheme for an area comprising the whole or a major part of the area of that benefice,

then, if a special cure of souls in respect of a part of the area for which that ministry is established, being a part which consists of the first mentioned benefice or a major part of the area thereof, is assigned by the scheme or the bishop's licence to a vicar in the team ministry [<sup>F26</sup>or, where a special cure of souls is not so assigned, a special responsibility for pastoral care in respect of such a part of that area is assigned to a member of the team under section 20(8A), the trusts of the charity or the constitution of the corporation shall have effect with the substitution for the incumbent of that benefice of that vicar or that member, as the case may be, but, except as aforesaid those trusts and that constitution shall (where necessary) have effect with the substitution for that incumbent of any such member of the team as may be nominated for the purposes of this sub-paragraph by the bishop of the diocese concerned.]

- (4) Any change under the foregoing provisions in the vesting of property shall take effect without any conveyance or other assurance.
- (5) Where a union of benefices or parishes is effected by a pastoral scheme, or the area of a benefice or parish is altered by a pastoral scheme or order, and the purposes of a charity established for the purposes aforesaid are defined by reference to one of the constituent benefices or parishes or, as the case may be, to the benefice or parish affected by the alteration, the trusts of the charity shall (subject to any such scheme as is hereinafter mentioned) have effect with the substitution for that benefice or parish of the benefice or parish created by the union or, as the case may be, of the benefice or parish as altered.
- (6) The powers of the [<sup>F27</sup>Charity Commission] to make schemes under [<sup>F28</sup>section 16 of the Charities Act 1993] may, in the case of a charity established for the purposes aforesaid, being a charity whose administration or purposes are affected by a pastoral scheme or order, be exercised on the application of the diocesan board of finance as well as in accordance with that section.
- (7) Any schemes or orders made by the [<sup>F27</sup>Charity Commission] for purposes arising in connection with a pastoral scheme or order may be made before the date on which the pastoral scheme or order comes into operation, but not so as to take effect before that date.
- (8) Where, by reason of the dissolution of a parish by a pastoral scheme, the parochial church council of that parish ceases to exist then, if and so far as any property vested in, or held on behalf of, that council is not dealt with under the foregoing provisions of this paragraph, the property shall, without any conveyance or other assurance, vest in or be held on behalf of the parochial church council of the parish in which the parish church of the dissolved parish, or the site of that church, is situated, for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the first mentioned council.

Any question arising as to the application of any such property or the income thereof shall be referred to the bishop of the diocese, whose decision shall be final and conclusive.

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- (9) Where, as a condition of any benefaction, attendance at or the performance of Divine Service or any other act is required at any church, and that church ceases in consequence of a declaration of redundancy made by a pastoral scheme to be used for Divine Service, and the case is not provided for under the foregoing provisions of this paragraph, the parish church of the parish in which the first mentioned church or the site thereof is situated shall be substituted for the first-mentioned church for the purpose of the performance of the required act.
- (10) The provisions of this paragraph shall not apply to any fund or property for which provision is made under section 63.

#### Textual Amendments

- F25** Words in Sch. 3 para. 11(1)(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 72; S.I. 2007/309, art. 2, Sch.](#)
- F26** Words in Sch. 3 para. 11(3) substituted (1.5.1996) by [1995 No. 1, s. 6\(4\); Instrument dated 12.2.1996 made by Archbishops of Canterbury and York.](#)
- F27** Words in Sch. 3 para. 11(6)(7) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 72; S.I. 2007/309, art. 2, Sch.](#)
- F28** Words in Sch. 3 para. 11(6) substituted (1.8.1993) by [1993 c. 10, ss. 98\(1\), 99\(1\), Sch. 6 para. 18\(5\)](#)

#### *Parochial church meetings and councils*

- 12 (1) A pastoral scheme which creates a new parish may make provision, or authorise the bishop by instrument under his hand to make provision, for ensuring that the congregation of every church or place of worship in the new parish will have its own elected representatives of the laity on the parochial church council of that parish.
- (2) Any provision included in a pastoral scheme or the bishop's instrument by virtue of sub-paragraph (1) shall cease to have effect at the expiration of [<sup>F29</sup>the period of five years from the date on which the new parish comes into being or such lesser period as may be specified in the scheme or instrument], and that period may not be extended or renewed by a subsequent pastoral scheme or instrument of the bishop.
- (3) Any such provision shall have effect notwithstanding anything in the Church Representation Rules.
- (4) Without prejudice to any general rule of law relating to parochial church councils, the powers, duties and liabilities set out in section 4(1)(ii) of the <sup>M1</sup>Parochial Church Councils (Powers) Measure 1956 shall continue to apply to any church which was formerly a parish church and becomes a chapel of ease as the result of a pastoral scheme or order, and to the churchyard of any such church, except so far as the scheme or order otherwise provides.

#### Textual Amendments

- F29** Words in Sch. 3 para. 12(2) substituted (11.6.2008) by [Dioceses, Pastoral and Mission Measure 2007 \(No. 1\), ss. 59\(10\), 66\(2\) \(with Sch. 6 paras. 1-5\); 2007 No. 3, Instrument made by Archbishops](#)

#### Marginal Citations

- M1** [1956 No. 3.](#)

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- 13 (1) Where a pastoral scheme provides for two or more parishes to be comprised in the area of a single benefice or a pastoral scheme or order provides for two or more benefices to be held in plurality, the scheme or order may make provision, or authorise the bishop by instrument under his hand with the concurrence of the incumbent of the benefice or benefices to make provision,—
- (a) for establishing a joint parochial church council for all or some of the parishes of the benefice or benefices;
  - (b) for the chairmanship, meetings and procedure of that council; and
  - (c) [F30subject to paragraph 20 of Schedule 2 to the Patronage (Benefices) Measure 1986,]for the functions of the parochial church council of any such parish which must or may be delegated to the joint parochial church council, being provisions to the same effect as those which may be made by a scheme under the Church Representation Rules in the like case.
- (2) Subject to sub-paragraph (4), any provisions which are included in a pastoral scheme or order or the bishop's instrument by virtue of sub-paragraph (1) shall cease to have effect at the expiration of [F31the period of five years from the date on which the scheme or order, as the case may be, came into operation, or such lesser period as may be specified in the scheme, order or instrument] , and that period may not be extended or renewed by a subsequent pastoral scheme, pastoral order or instrument of the bishop.
- (3) Subject to sub-paragraph (4), any provisions which were included in a pastoral scheme or order by virtue of this paragraph as originally enacted, shall cease to have effect at whichever of the following periods last expires, that is to say, the period of five years beginning with the date of the establishment of the joint parochial church council to which the scheme or order relates and the period of three years beginning with the date on which this Measure comes into operation.
- (4) Where the provisions of a pastoral scheme or order for the holding of benefices in plurality are terminated under section 18(2), any provision of a pastoral scheme or order or the bishop's instrument establishing a joint parochial church council for all or some of the parishes of those benefices and the other provisions thereof affecting that council shall cease to have effect on the date on which the first mentioned provisions cease to have effect.

#### Textual Amendments

**F30** Words inserted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), **Sch. 4 para. 25(d)**

**F31** Words in Sch. 3 para. 13(2) substituted (1.6.2005) by [Church of England \(Miscellaneous Provisions\) Measure 2005 \(No. 3\)](#), s. 11(2), **Sch. 4 para. 26(c)**; 2005 No. 2, Instrument made by Archbishops

#### *Marriages and banns of matrimony*

- 14 (1) Section 10(1) of the <sup>M2</sup>Marriage Act 1949 (which provides for the completion in a church of the publication of banns of matrimony commenced in another church) shall have effect as if this Measure were included among the Measures therein mentioned.
- (2) Where, after the completion of the publication of the banns in any church, another church has by virtue of any provision of this Measure or anything done thereunder become a church in which banns of matrimony could be published in relation to the parties to the intended marriage, the marriage may be solemnised in that other church.

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- (3) Where a declaration of redundancy is made in respect of a chapel of ease, any licence relating to that chapel granted under section 20 of the Marriage Act 1949 (licensing of chapels for publication of banns of matrimony, etc.) shall be deemed to have been revoked under that section.
- (4) Section 23 of the <sup>M3</sup>Marriage Act 1949 (which empowers the bishop to direct, in the case of benefices held in plurality, where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnised) shall also apply, subject to the necessary modifications, to a case where by virtue of any provision of this Measure or anything done thereunder there are two or more parishes or parish churches in the area of a single benefice.
- (5) Where after the issue of a common licence for the solemnisation of the marriage in any church, another church has by virtue of any provision of this Measure or anything done thereunder taken the place of that church as a church in which the marriage of the parties concerned ought to be solemnised in pursuance of a common licence, the marriage may be solemnised in that other church.

#### **Marginal Citations**

**M2** 1949 c. 76.

**M3** 1949 c. 76.

#### *Burial rights in new or altered parishes*

- 15 (1) On a union of parishes by virtue of a pastoral scheme the persons residing within the limits of the parish thereby created shall have the rights and privileges (if any) of parishioners in respect of burials in that parish:  
  

Provided that any such parishioner who, before the union took effect, had any rights of burial in a churchyard within the limits of a constituent parish shall, so long as that churchyard remains open for interments, continue to have those rights and shall not become entitled by virtue of the union to rights of burial in any other churchyard.
- (2) On the creation, otherwise than by union, of a new parish by a pastoral scheme, the persons residing within the limits of the new parish shall continue to have the same rights and privileges in respect of burials which they enjoyed before the creation of the new parish, but such rights shall cease when they obtain rights of burial as parishioners of the new parish.
- (3) Where any persons by virtue of a pastoral scheme or order providing for the alteration of parochial boundaries come to reside within a different parish, they shall have such rights and privileges in respect of burials as are possessed by parishioners of that different parish and not any others.

#### *Provisions relating only to pastoral schemes affecting diocesan boundaries*

- 16 (1) Where a benefice or parish or extra-parochial place is transferred from one diocese to another by a pastoral scheme,—
  - (a) any property vested in the diocesan board of finance of the old diocese and held for ecclesiastical purposes relating solely to the benefice or parish

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- or place transferred shall vest in the diocesan board of finance of the new diocese and be held for those purposes;
- (b) all documents and maps in the custody of the registrar or other officer of the old diocese and relating solely to the benefice or parish or place transferred shall be transferred to the register or corresponding officer of the new diocese;
- (c) any licence granted by the bishop of the old diocese shall, so far as it relates to the benefice or parish or place transferred or any church therein, be deemed for all purposes to have been granted by the bishop of the new diocese;
- (d) any order, direction or action made, given or taken by the bishop or the diocesan board of finance or any clerical or lay officer or body of the old diocese with respect to the benefice or parish or place transferred or any property thereof shall be deemed to have been made, given or taken by the bishop, diocesan board of finance or corresponding clerical or lay officer or body of the new diocese;
- (e) the power of the diocesan board of finance to apply under paragraph 11(6) for a scheme under [<sup>F32</sup>section 16 of the Charities Act 1993] shall be exercisable by the board of either diocese.
- (2) Where part of the area of a benefice or part of a parish or extra-parochial place is transferred as aforesaid, the foregoing sub-paragraph shall apply as if the references to the benefice or parish or place transferred were references to the part transferred.
- (3) Where a pastoral scheme or order makes any alteration of diocesan boundaries, the Commissioners may make, as respects each of the dioceses affected after consultation with the diocesan board of finance of each of those dioceses, such adjustments as they consider desirable in [<sup>F33</sup>any]fund, account or allocation held or made by them [<sup>F34</sup> and the diocesan board of finance of each of those dioceses shall make such adjustments in the capital or income accounts of the diocesan stipends fund or the diocesan pastoral account as the Commissioners, after consultation with the diocesan board of finance of each of those dioceses, may direct.]
- (4) In this paragraph the expression “old diocese” and “new diocese” shall respectively mean the diocese from which and the dioceses to which the benefice, parish or extra-parochial place or part thereof is transferred.

#### Textual Amendments

- F32** Words in Sch. 3 para. 16(1)(e) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 18(5)
- F33** Word in Sch. 3 para. 16(3) substituted (1.1.2001) by 2000 Measure No. 1, s. 10, Sch. 6 para. 8(c); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F34** Words in Sch. 3 para. 16(3) inserted (1.1.2001) by 2000 Measure No. 1, s. 10, Sch. 6 para. 8(c); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), SCHEDULE 3.