

Changes to legislation: There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977. (See end of Document for details)

[^{F1}SCHEDULE 1

Sections 7 and 12A

PANELS AND TRIBUNALS

Textual Amendments

- F1** Sch. 1 substituted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), s. 14(3), Sch. para. 3 (with Sch. para. 4); S.I. 2018/722, art. 2(a) (with Sch. para. 3)

PART 1

GENERAL PANELS

Membership

- 1 (1) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of Canterbury by the Standing Committee of that House in such manner as that House may determine.
- (2) A panel of twelve persons is to be appointed from among the members of the Lower House of the Convocation of York by the body of Assessors of that House in such manner as that House may determine.
- (3) A panel of twelve persons is to be appointed from among the members of the House of Laity by the Standing Committee of that House in such manner as that House may determine.

Period of service

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

PART 2

PROVINCIAL TRIBUNALS

Membership

- 3 (1) A provincial tribunal is to consist of five persons appointed by the Vicar-General of the province in which the parish in question is situated.
- (2) Of the five persons to be so appointed—
- (a) one, who is to be the chair, shall be—

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- (i) the chancellor of a diocese in the province for which the tribunal is to be appointed, other than the diocese in which the parish in question is situated, or
 - (ii) a Queen's Counsel who is a communicant member of the Church of England;
 - (b) two are to be clerks in Holy Orders from the panel appointed under paragraph 1(1) or (2) for the province concerned;
 - (c) two are to be lay persons from the panel appointed under paragraph 1(3).
- (3) But a person may not be appointed under this paragraph if—
- (a) the person is ordinarily resident in the diocese in which the parish in question is situated,
 - (b) the person's name is entered on the electoral roll of a parish in that diocese, or
 - (c) the person is a clerk in Holy Orders authorised to exercise ministry in a parish in that diocese.
- (4) Where, in the course of an enquiry being conducted by a provincial tribunal, a member of the tribunal other than the chair dies or becomes unable to act as a member by reason of illness or other incapacity, the tribunal may, with the consent of the parties, continue to conduct the enquiry in the absence of that member.

Requirement to constitute tribunals

- 4 (1) Where the secretary of a diocesan synod is required to institute an enquiry under this Measure, the secretary shall request the Vicar-General of the province—
- (a) to constitute a provincial tribunal in accordance with paragraph 3, and
 - (b) to send the secretary a list of the names and addresses of the proposed members.
- (2) A person appointed to serve as a member of the tribunal from a panel appointed under paragraph 1 may refuse to accept the appointment if, in that person's opinion, it would not be right for that person to serve as a member of the tribunal.
- (3) On receiving the list under sub-paragraph (1)(b), the secretary shall—
- (a) send a copy of it to the incumbent concerned, and
 - (b) inform the incumbent of the right of objection under paragraph 5 and the period in which the right may be exercised.

Right of objection

- 5 (1) The incumbent may, within three weeks after a list of the proposed members is sent under paragraph 4(3), object to one or more of them by sending the secretary of the diocesan synod a written notice—
- (a) specifying the member or members to whom the incumbent objects, and
 - (b) stating, in relation to that member or in relation to each of them, the grounds of objection.
- (2) If notice of objection is duly given under sub-paragraph (1), the secretary shall refer the matter to the Vicar-General of the province other than that for which the tribunal is to be appointed, for the Vicar-General to determine whether the objection is reasonable and should accordingly be allowed; and the Vicar-General's decision is final.

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- (3) For the purpose of deciding whether the objection is reasonable, the Vicar-General may require the incumbent to supply such information as the Vicar-General may specify.
- (4) Where the Vicar-General decides that the objection to a member should be allowed, the secretary shall request the Vicar-General mentioned in paragraph 3(1)—
 - (a) to appoint another person having the appropriate qualifications to serve in place of that member, and
 - (b) to inform the secretary of the name and address of the person appointed.
- (5) On receiving information under sub-paragraph (4)(b), the secretary shall inform the incumbent of the name and address of the person appointed.
- (6) The incumbent may, within three weeks of receiving information under sub-paragraph (5), object to the person appointed by sending the secretary a written notice stating the grounds of objection; and sub-paragraphs (2) to (5) have effect in relation to the notice as if it were a notice given under sub-paragraph (1).
- (7) But the incumbent is not entitled to object under sub-paragraph (6) to a person appointed from a panel appointed under paragraph 1 if, were the objection to be allowed, it would not be possible to constitute the tribunal because there would be no other person on that panel available for appointment as a member of the tribunal.

Circulation of list of members

- 6 As soon as the provincial tribunal which is to conduct an enquiry has been constituted, the secretary of the diocesan synod shall send a list of the members to—
 - (a) the incumbent concerned,
 - (b) the archdeacon concerned,
 - (c) the designated representative (if any),
 - (d) the secretary of the parochial church council of the parish to which the enquiry relates, and
 - (e) the secretary of the tribunal (see paragraph 7).

Secretary

- 7 (1) The Synodical Secretary of the Convocation of Canterbury, or a person nominated by the Synodical Secretary, shall act as secretary of a tribunal constituted under this Part of this Schedule to conduct an enquiry in relation to a parish in the province of Canterbury.
- (2) The Synodal Secretary of the Convocation of York, or a person nominated by the Synodal Secretary, shall act as secretary of a tribunal so constituted to conduct an enquiry in relation to a parish in the province of York.

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PART 3

APPEAL PANELS

Introductory

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

Membership

- 9 (1) The Dean of the Arches and Auditor is to be the chair, and the Vicar-General of the province of Canterbury and the Vicar-General of the province of York are to be the deputy chairs.
- (2) Where an appeal is to be held under section 12A, one of those three is to sit on and preside over the appeal.
- (3) But if there is not one of them available to preside over an appeal under that section, a chancellor of a diocese nominated by the Dean of the Arches and Auditor or, in the case of the Dean's absence or illness, by the Vicar-General of the province concerned is to preside.
- (4) Where an appeal is to be held under section 12A, the following persons are to be nominated in the manner described in sub-paragraph (3) to sit on the appeal—
- (a) three persons from the panel appointed under paragraph 1(1) or (2) for the province in question, and
- (b) one person from the panel appointed under paragraph 1(3).
- (5) But a person may not sit on an appeal under section 12A if the person—
- (a) was a member of the provincial tribunal which conducted the enquiry which is the subject of the appeal, or
- (b) was ineligible to be appointed to that tribunal under Part 2 of this Schedule.

Secretary

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

Expenses

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

Rules

12 (1) The Rule Committee may make rules prescribing the procedure on an appeal under section 12A.

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- (2) Rules made under sub-paragraph (1) are to be treated for the purposes of section 94 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 as having been made under section 83 of that Measure.

PART 4

TRANSITIONAL PROVISIONS

Continuation of existing memberships

- 13 (1) Each person who, immediately before commencement, was a member of a panel appointed under paragraph 13(1)(b) of Schedule 4 to the Mission and Pastoral Measure 2011 in the form it then took—
- (a) is to become a member of the panel for the province in question under paragraph 1(1) or (2) of this Schedule in its new form, and
 - (b) is accordingly to be treated as having been appointed under that provision.
- (2) Each person who, immediately before commencement, was a member of the panel appointed under paragraph 13(1)(c) of Schedule 4 to the Mission and Pastoral Measure 2011 in the form it then took—
- (a) is to become a member of the panel under paragraph 1(3) of this Schedule in its new form, and
 - (b) is accordingly to be treated as having been appointed under that provision.
- (3) Each person who, immediately before commencement, was a member of a provincial tribunal under paragraph 1 of this Schedule in the form it then took—
- (a) is to become a member of the provincial tribunal for the province in question under paragraph 3 of this Schedule in its new form,
 - (b) is accordingly to be treated as having been appointed under that provision, and
 - (c) if the tribunal was conducting an enquiry immediately before commencement, is to continue as a member of the Panel until the determination of the appeal.
- (4) Each person who, immediately before commencement, was a member of an Appeal Panel constituted under section 12A in the form it then took—
- (a) is to become a member of the Appeal Panel for the province in question under section 12A in its new form,
 - (b) is accordingly to be treated as having been appointed and nominated in accordance with paragraph 9 of this Schedule in its new form, and
 - (c) if an appeal was pending before the Appeal Tribunal immediately before commencement, is to continue as a member of the Panel until the determination of the appeal.
- (5) In this paragraph, “commencement” means the commencement of section 6 of the Mission and Pastoral etc. (Amendment) Measure 2018; and in this paragraph—
- (a) a reference to this Schedule in its new form is a reference to this Schedule as substituted by paragraph 3 of the Schedule to that Measure, and
 - (b) a reference to section 12A in its new form is a reference to that section as amended by paragraph 2 of the Schedule to that Measure.]

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[^{F2}SCHEDULE 2

COMPENSATION UNDER SECTION 13

Textual Amendments

F2 Sch. 2 inserted (1.9.1994) by 1993 Measure No. 1, s. 13, **Sch.2** (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York .

- 1 (1) If agreement as to the form, amount and conditions of provision of compensation is reached between the person concerned and the diocesan board of finance, it shall be provided in accordance with the terms of the agreement.
- (2) If no agreement is reached as aforesaid, the compensation shall consist of—
- (a) in respect of loss of stipend, a basic award in accordance with paragraph 2 below; and
 - (b) in respect of loss of housing and removal expenses, a housing allowance and a resettlement allowance in accordance with paragraphs 3 and 4 below.
- 2 (1) The basic award shall be in the form of periodical payments which shall be paid monthly to the person concerned during a period commencing on the date when he ceases to be the incumbent of the benefice concerned (“ the material date ”) and expiring at the end of—
- (a) such number of months immediately following the material date as results from adding together—
 - (i) one month for each year or part of a year during which the person concerned has served in whole-time stipendiary ecclesiastical service^[F3], in respect of service served up to 31st December 1997 and in pensionable service ^[F4]to which the funded scheme applies], in respect of service served after that date]; and
 - (ii) one month for each year or part of a year which has passed before the material date since the person concerned attained the age of forty years; or
 - (b) thirty-six months immediately following the material date,
- whichever is the greater:

Provided that where the person concerned has at the material date attained the age of fifty years the payments shall continue, if they would otherwise cease, until he attains an age within five years of the retiring age.

- (2) Such payments shall cease to be payable in respect of the person concerned—
- (a) when he attains the retiring age; or
 - (b) if he receives a pension under ^[F5]the past service scheme or the funded scheme] before attaining that age, on the date on which the pension is first paid; or
 - (c) if he re-enters ^[F6]service which is pensionable service ^[F7]within the meaning of the Funded Scheme rules]] within the Province of Canterbury (including the Diocese in Europe) or the Province of York, on the date of re-entry.
- (3) Subject to paragraph (5) below, each monthly payment shall be of an amount equal to one-twelfth of the following—

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- (a) in the first period of twelve months, the national minimum stipend for the year in which the payment falls to be made;
- (b) in the second period of twelve months, three-quarters of the national minimum stipend for the year in which the payment falls to be made;
- (c) thereafter, two-thirds of the national minimum stipend for the year in which the payment falls to be made.

[^{F8}(4) The period during which a person is in receipt of periodical payments under paragraph 2 shall be deemed to be a period of pensionable service for the purposes of the Funded Scheme rules, but shall not constitute “service” for any other purpose of those rules]

Textual Amendments

- F3** Words in Sch. 2 para. 2(1)(a)(i) inserted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(a)**; S.I. 2014/2077, art. 2(2)
- F4** Words in Sch. 2 para. 2(1)(a)(i) substituted (1.3.2019) by [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(2)**; S.I. 2019/98, art. 2
- F5** Words in Sch. 2 para. 2(2)(b) substituted (1.3.2019) by virtue of [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(3)(a)**; S.I. 2019/98, art. 2
- F6** Words in Sch. 2 para. 2(2)(c) substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(c)**; S.I. 2014/2077, art. 2(2)
- F7** Words in Sch. 2 para. 2(2)(c) substituted (1.3.2019) by virtue of [Church of England Pensions Measure 2018 \(No. 9\)](#), s. 61(2), **Sch. 3 para. 5(3)(b)**; S.I. 2019/98, art. 2
- F8** Sch. 2 para. 2(4) substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 7(d)**; S.I. 2014/2077, art. 2(2)

- 3 (1) The housing allowance shall be in the form of periodical payments which shall be paid monthly to the person concerned during the period in which the basic award is paid under paragraph 2 above.
- (2) Each monthly payment shall be of such amount as may be determined by the diocesan board of finance, and in determining the amount the diocesan board of finance shall consult the Church of England Pensions Board as to its practice where a person retires on grounds of ill-health, and shall have regard to its advice.
- 4 The resettlement allowance shall be a single payment of an amount equal to three-tenths of the national minimum stipend for the year in which application for compensation was made or such greater amount as the Central Board of Finance of the Church of England may determine.

Modifications etc. (not altering text)

- C1** Sch. 2 para. 4 transfer of functions (1.1.2008) by [National Institutions of the Church of England \(Transfer of Functions\) Order 2007 \(S.I. 2007/1556\)](#), arts. 1(1), 2 (with art. 3)

- 5 (1) Subject to paragraph (2) below, if a person who is applying for or receiving payments under paragraph 2(1) or 3(1) above accepts any office or employment, the diocesan board of finance may refuse the application or, as the case may be, may suspend the periodical payments or reduce the amount thereof so as to take account of the emoluments of or other benefits which arise from the office or employment.

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- (2) The diocesan board of finance shall not exercise its powers under paragraph (1) above in a manner whereby the total annual amount of the emoluments in question and the periodical payments (if any) would be less than the national minimum stipend.
- (3) It shall be the duty of every person who applies for or receives periodical payments under paragraph 2(1) or 3(1) above to disclose to the diocesan board of finance any office or employment which has been accepted by him and the terms thereof; and if he fails to do so and it appears to the board that in consequence it has made periodical payments which otherwise it would not have made or periodical payments in excess of those it would otherwise have made, it may, without prejudice to its powers under paragraph (1) above, direct the repayment of the amount of the payments or excess or such part thereof as it thinks just, and that amount shall be recoverable as a debt due to the board.
- 6 An application for compensation shall be made to the diocesan board of finance in such manner as that board may determine; and where a person is incapacitated from making such an application himself that board may authorise some other person to make it on his behalf.
- 7 The cost of compensation shall be borne by the diocesan board of finance and charged either on the capital or the income account of the diocesan stipends fund, as may be [^{F9}determined by] the diocesan board of finance [^{F10}and, in the case of a person who is in receipt of periodical payments under paragraph 2, the diocesan board of finance is “the responsible body” for the purposes of [^{F11}Part 2 of the Church of England Pensions Measure 2018]].

Textual Amendments

- F9** Words in Sch. 2 para. 7 substituted (1.1.2001) by [2000 Measure No. 1, s. 9\(b\)](#); [Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York](#)
- F10** Words in Sch. 2 para. 7 added (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), s. 21\(2\)](#), [Sch. 2 para. 7\(e\)](#); [S.I. 2014/2077, art. 2\(2\)](#)
- F11** Words in Sch. 2 para. 7 substituted (1.3.2019) by [Church of England Pensions Measure 2018 \(No. 9\), s. 61\(2\)](#), [Sch. 3 para. 5\(4\)](#); [S.I. 2019/98, art. 2](#)

- 8 (1) In this Schedule—
- “compensation” means compensation under section 13 of this Measure;
- “diocesan board of finance” has the same meaning as in the Pastoral Measure 1983;
- [^{F12}“funded scheme” has the same meaning as in the Church of England Pensions Measure 2018;]
- “national minimum stipend”, in relation to any year, means the national minimum stipend recommended for the stipends of clergymen of incumbent status for that year in the Annual Report of the [^{F13} . . . Central Stipends Authority;
- [^{F12}“past service scheme” has the same meaning as in the Church of England Pensions Measure 2018;]
- ^{F14}
 ...
- [^{F15}“retiring age” has the same meaning as in [^{F16}the Church of England Pensions Measure 2018];

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“stipendiary ecclesiastical service” has the same meaning as in [^{F17}the
Church of England Pensions Measure 2018], and
^{F18}...]

^{F19}(2).....]

Textual Amendments

- F12** Words in Sch. 2 para. 8(1) inserted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(a)**; S.I. 2019/98, art. 2
- F13** Sch. 2 para. 8(1) : words in definition of “national minimum stipend” omitted (1.1.2001) by virtue of 2000 Measure No. 1 , s. 9(c) ; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F14** Words in Sch. 2 para. 8(1) omitted (1.3.2019) by virtue of Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(c)**; S.I. 2019/98, art. 2
- F15** Words in Sch. 2 para. 8(1) inserted (1.1.2015) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 7(f)(i)**; S.I. 2014/2077, art. 2(2)
- F16** Words in Sch. 2 para. 8(1) substituted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(d)**; S.I. 2019/98, art. 2
- F17** Words in Sch. 2 para. 8(1) substituted (1.3.2019) by Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(e)**; S.I. 2019/98, art. 2
- F18** Words in Sch. 2 para. 8(1) omitted (1.3.2019) by virtue of Church of England Pensions Measure 2018 (No. 9), s. 61(2), **Sch. 3 para. 5(5)(b)**; S.I. 2019/98, art. 2
- F19** Sch. 2 para. 8(2) omitted (1.1.2015) by virtue of Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 7(f)(ii)**; S.I. 2014/2077, art. 2(2)

SCHEDULE

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