



# Incumbents (Vacation of Benefices) Measure 1977

1977 No. 1

## PART III

### ENQUIRIES AND SUBSEQUENT PROCEEDINGS

#### 10 Powers of bishop in cases of breakdown of pastoral relationship.

- (1) The provisions of this section shall have effect where the [<sup>F1</sup>committee or] tribunal by which an enquiry under Part I of this Measure was conducted reports to the bishop that in its opinion there has been such a breakdown as is mentioned in section 9(1) of this Measure.
- (2) If, but only if, the [<sup>F1</sup>committee or]tribunal so recommends, the bishop [<sup>F2</sup>may] execute a declaration of avoidance declaring the benefice of the incumbent concerned vacant as from a date specified in the declaration, being a date not less than three or more than six months after the date on which the declaration is made.
- (3) Where the incumbent concerned holds two or more benefices in plurality, the bishop may include both or all of those benefices in such a declaration notwithstanding that the recommendation of the [<sup>F1</sup>committee or] tribunal related to one only of them.
- (4) Where the bishop executes a declaration under subsection (2) above, he shall disqualify the incumbent concerned from executing or performing without the consent of the bishop any right or duty of or incidental to his office during the period beginning with the date on which the declaration is executed and ending with the date on which the benefice or benefices of the incumbent will become vacant in accordance with the declaration.
- (5) Where the [<sup>F1</sup>committee or] tribunal reports to the bishop that in its opinion the serious breakdown of the pastoral relationship between the incumbent concerned and [<sup>F3</sup>the] parishioners is one to which the conduct of the incumbent has contributed over a substantial period, the bishop may rebuke the incumbent and may, if he thinks fit, disqualify him from executing or performing without the consent of the bishop any

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**Changes to legislation:** *There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Section 10. (See end of Document for details)*

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such right or duty of or incidental to his office, and during such period, as the bishop may specify.

- (6) Where the [<sup>F1</sup>committee or] tribunal reports to the bishop that in its opinion such a breakdown as is mentioned in subsection (5) above is one to which the conduct of the parishioners has contributed over a substantial period, the bishop may rebuke such of them as he thinks fit [<sup>F4</sup>and may, if he thinks fit, disqualify such of them as he thinks fit from being a church warden or member or officer of the parochial church council of the parish in question and of such other parishes in his diocese as he may specify during such period not exceeding five years as he may specify].
- [<sup>F5</sup>(6A) Where the bishop disqualifies a person who is or who becomes a lay member of a deanery synod, a diocesan synod, or the General Synod from being a member of a parochial church council during any period under subsection (6) above, that person shall not be a member of that council by virtue of that lay membership during that period, notwithstanding [<sup>F6</sup>Rule M15(1)(i) in Part 9] of the Church Representation Rules]
- (7) Without prejudice to the preceding provisions of this section, the bishop may give such pastoral advice and guidance to the incumbent concerned and [<sup>F3</sup>the] parishioners as he thinks appropriate having regard to the findings and recommendations of the [<sup>F1</sup>committee or] tribunal.
- (8) Where the bishop disqualifies an incumbent under subsection (4) or (5) above, he shall make such provision for the discharge of the duties attaching to the benefice of the incumbent during the period of disqualification as he thinks fit, and the incumbent shall not interfere with any person who may be appointed to discharge any of those duties.
- [<sup>F7</sup>(9) The bishop may revoke any disqualification effected under subsection (5) or (6) above.]

#### Textual Amendments

- F1** Words in s. 10 repealed (1.9.1994) by 1993 Measure No. 1, s. 14(2), **Sch.4** (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F2** Word in s. 10(2) substituted (1.9.1994) by 1993 Measure No. 1, s. 7(a) (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F3** Words in s. 10(5)(7) substituted (1.9.1994) by 1993 Measure No. 1, s. 14(1), **Sch. 3 para.7** (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F4** Words in s. 10(6) inserted (1.9.1994) by 1993 Measure No. 1, s. 7(b) (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F5** S. 10(6A) inserted (1.9.1994) by 1993 Measure No. 1, s. 7(c) (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York
- F6** Words in s. 10(6A) substituted (1.1.2020) by Church Representation and Ministers Measure 2019 (No. 1), s. 1(3), **Sch. 2 para. 16**; S.I. 2019/1460, art. 2
- F7** S. 10(9) inserted (1.9.1994) by 1993 Measure No. 1, s. 7(c) (with s. 15); Instrument dated 25.7.1994 made by Archbishops of Canterbury and York

**Changes to legislation:**

There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Section 10.