



# Pastoral Measure 1983 (repealed)

1983 No. 1

## PART IV **E**

MISCELLANEOUS, ADMINISTRATIVE AND GENERAL

### *Administrative provisions*

#### 77 **Diocesan pastoral accounts.** **E**

- (1) The [<sup>F1</sup>diocesan board of finance of each diocese shall] hold an account for each diocese to be called the diocesan pastoral account and shall transfer thereto—
- (a) any moneys which are payable to the said account under any provisions of this Measure or any scheme or order made thereunder;
  - (b) such other moneys as the bishop and the diocesan board of finance for the diocese, after consultation with the Commissioners, [<sup>F2</sup>determine should be credited] to the said account not being moneys for the application or disposal of which provision is made by or under any other enactment.

<sup>F3</sup>(2) .....

- (3) Every diocesan board of finance shall as soon as practicable after the end of each financial year of the board prepare an account of the moneys paid into or out of the diocesan pastoral account during that year and shall include therein a statement of the amount by which the diocesan pastoral account was in debit or credit, as the case may be, at the beginning and end of that year.
- (4) Every diocesan board of finance shall send to the Commissioners [<sup>F4</sup>and the Archbishops' Council] annually a copy of the account prepared by the board under this section duly audited and shall lay a copy thereof before the diocesan synod.

#### **Textual Amendments**

- F1** Words in s. 77(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 5(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

*Status: Point in time view as at 01/01/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Pastoral Measure 1983 (repealed), Cross Heading: Administrative provisions.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

- F2** Words in s. 77(1)(b) substituted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 5(a)**;  
Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F3** S. 77(2) repealed (1.1.2001) by 2000 Measure No. 1, s. 20, **Sch. 8 Pt.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
- F4** Words in s. 77(4) inserted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 5(b)**; Instrument  
dated 14.12.2000 made by the Archbishops of Canterbury and York

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

- C1** S. 77: transfer of functions (1.1.2001) by 2000 Measure No. 1, **s. 1(1)(b)**; Instrument dated 14.12.2000  
made by the Archbishops of Canterbury and York

**78 Payment of expenses from diocesan pastoral accounts, and application of other moneys therein. E**

(1) Expenses incurred by or on behalf of, or under the authority or direction of, the bishop of any diocese or any pastoral committee or any diocesan redundant churches uses committee or the Commissioners for the purposes of this Measure or any scheme or order made thereunder, [<sup>F5</sup>shall be paid] out of the moneys standing to the credit of [<sup>F5</sup>the diocesan pastoral account], so far as those moneys suffice, but such expenses shall not include the salaries or wages of persons in the regular employment of the bishop, any board or committee of the diocese, or the Commissioners, or any part of such salaries or wages.

[<sup>F6</sup>(1A) Where such expenses are incurred in respect of more than one diocese the Commissioners shall, after consultation with the diocesan board of finance of each diocese concerned, determine the proportions in which the expenses are to be borne by each diocese.]

(2) [<sup>F7</sup>The Commissioners or the diocesan board of finance, as the case may be shall be entitled to be repaid]out of the diocesan pastoral account any money expended by them or the board on any property vested by or under this Measure in the Commissioners or the board, as the case may be, for the purpose of furthering the disposal or use of the property.

(3) [<sup>F8</sup>Where the diocesan board of finance is satisfied that any moneys standing to the credit of a diocesan pastoral account are not required or likely to be required for meeting the expenses or expenditure referred to in the foregoing subsections it may],—

- (a) apply those moneys by way of grant or loan to the provision, restoration, improvement or repair of churches and parsonage houses in the diocese, including the repair of any redundant building vested in the board pending the [<sup>F9</sup>coming into operation of arrangements under] a redundancy scheme, or to other purposes of the diocese or any benefice or parish in the diocese; or
- (b) apply those moneys by way of grant or loan for the benefit of another diocese, either generally for the purposes aforesaid or for such of those purposes as the said board may specify; or
- (c) transfer those moneys to the capital or income account of the diocesan stipends fund.

<sup>F10</sup>(4) .....

<sup>F10</sup>(5) .....

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#### Textual Amendments

- F5** Words in s. 78(1) substituted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 6(a)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F6** S. 78(1A) inserted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 6(b)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F7** Words in s. 78(2) substituted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 6(c)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F8** Words in s. 78(3) substituted (1.1.2001) by virtue of 2000 Measure No. 1, s. 10, **Sch. 6 para. 6(d)**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F9** Words in s. 78(3)(a) substituted (1.4.1994) by 1994 No. 1, s. 9; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F10** S. 78(4)(5) repealed (1.1.2001) by 2000 Measure No. 1, ss. 10, 20, Sch. 6 para. 6(e), **Sch. 8 Pt. II**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York

#### [<sup>F11</sup>78A Temporary maintenance account. **E**

- (1) The Commissioners shall hold an account to be called the redundant churches temporary maintenance account and shall transfer thereto any moneys which are payable to the said account under section 52.

[ Any moneys transferred under subsection (1) above shall be held by the  
<sup>F12</sup>(1A) Commissioners as part of their corporate property and the Commissioners shall credit the redundant churches temporary maintenance account with an equivalent amount charged upon their general fund and shall allow interest at such rate as they may determine upon all sums credited to that account.]

- (2) The Commissioners may apply moneys standing to the credit of the redundant churches temporary maintenance account by way of grant or loan to the [<sup>F13</sup>care, insurance] repair and maintenance of any redundant building vested in

- [ the Commissioners or a diocesan board of finance pending the coming into  
<sup>F14</sup>(a) operation of arrangements under a redundancy scheme;  
(b) a diocesan board of finance pending the coming into operation of arrangements under a new or amended redundancy scheme;  
(c) the Commissioners or a diocesan board of finance pending the coming into operation of arrangements under a pastoral scheme to which section 46 or 47 applies.]]

#### Textual Amendments

- F11** S. 78A inserted (1.4.1994) by 1994 No. 1, s. 10; Instrument dated 25.3.1994 made by Archbishops of Canterbury and York.
- F12** S. 78A(1A) inserted (1.1.2001) by 2000 Measure No. 1, s. 10, **Sch. 6 para. 7**; Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F13** Words in s. 78A(2) inserted (1.1.1999) by 1998 No. 1, s. 13(1), **Sch. 5 para. 5(a)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York.
- F14** Words in s. 78A(2) inserted for the words “a diocesan board of finance” to the end (1.1.1999) by 1998 No. 1, s. 13(1), **Sch. 5 para. 5(b)**; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

*Status: Point in time view as at 01/01/2001.*

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**79 Power of Commissioners to determine boundaries. E**

- (1) Where by virtue of this Measure or any scheme or order made thereunder any land is vested in the Commissioners, the diocesan board of finance, the Redundant Churches Fund or an incumbent of a benefice, the Commissioners may determine the boundaries thereof by an instrument under their seal, and such determination shall for all purposes be binding on any of the said bodies and any incumbent, whether as the body or person in whom the land is vested or the body or person from whom it is transferred, but shall bind no other person.
- (2) A copy of any such instrument purporting to be certified by an officer of the Commissioners as a true copy shall be sufficient evidence in any proceedings of the contents of the instrument.

**80 Power of Commissioners to determine questions relating to patronage. E**

- [<sup>F15</sup>(1) Where it is necessary for the purposes of this Measure or any scheme or order made thereunder to find the registered patron of a benefice and it appears to the Commissioners that it is not possible or is not reasonably practicable to find that patron, the Commissioners may direct that the diocesan board of patronage shall be treated for those purposes as the registered patron of that benefice, and any such direction shall be conclusive for the said purposes.]
- (2) The provisions of the foregoing subsection with respect to a person who cannot be found shall apply also with respect to a person as to whom the Commissioners are satisfied—
  - (a) that he is outside the United Kingdom and has not within the United Kingdom any representative authorised to act for him; and
  - (b) either that no address at which letters are likely to be delivered to him is known, or that a letter asking him to nominate such a representative has been written to him at his last known address but no reply has been received within a reasonable period.
- (3) If at any time it appears to the Commissioners that the interest of any person in the patronage of a benefice is so small that for the purposes of section 32 or paragraph 1 of Schedule 3 it should be disregarded, they may determine his interest to be negligible and thereupon he may be treated for the said purposes as having no interest in the patronage of the benefice.

**Textual Amendments**

**F15** S. 80(1) substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), Sch. 4 para. 22

**81 Application to benefices in the patronage of the Crown or Duke of Cornwall. E**

- (1) . . . . .<sup>F16</sup>, nothing in this Measure or in any scheme or order made under this Measure shall without the consent, given either generally or in respect of a particular benefice, of Her Majesty or, as the case may be, of the Duke of Cornwall, apply in relation to any benefice the patronage or any share in the patronage of which is vested in or exercisable by her Majesty, whether in right of Her Crown or of Her Duchy of Lancaster, or is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, whether Her Majesty or a Duke of Cornwall.

*Status: Point in time view as at 01/01/2001.*

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- (2) Any consent given under the foregoing subsection and, if by virtue of any such consent any provisions of this Measure or any scheme or order made thereunder apply to any such benefice as aforesaid, any consent, approval or other thing required by any such provision, scheme or order to be given or done by or to the patron of the benefice, may be given or done in accordance with the following provisions:—
- (a) general consent under the foregoing subsection in respect of benefices the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown, or a particular consent thereunder in respect of any such benefice which is about the yearly value of twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such last-mentioned benefice may be given or done by or to the Prime Minister;
  - (b) any particular consent under the foregoing subsection in respect of a benefice the patronage of which is vested in or exercisable by Her Majesty in right of Her Crown and the yearly value of which does not exceed twenty pounds in the King's books, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to the Lord Chancellor;
  - (c) any consent under the foregoing subsection in respect of a benefice or benefices the patronage of which is vested in or exercisable by Her Majesty in right of the Duchy of Lancaster, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to the Chancellor of the Duchy;
  - (d) any consent under the foregoing subsection in respect of a benefice or benefices the patronage of which is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, and any consent, approval or other thing required as aforesaid to be given or done by or to the patron of any such benefice, may be given or done by or to any person authorised to act on behalf of the Duke of Cornwall under the <sup>M1</sup>Duchy of Cornwall Management Act 1863, including any persons having authority under section 38 or section 39 of the said Act.

#### Textual Amendments

**F16** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), [Sch. 5](#)

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

**C2** S. 81(2)(a)–(d) modified by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), [s. 35\(8\)](#)

#### Marginal Citations

**M1** 1863 c. 49.

## 82 Patrons who are minors. **E**

Where a minor is entitled to the patronage or a share of the patronage of a benefice, any consent, approval or other thing required by any provision of this Measure or any scheme or order made thereunder to be given or done by or to the [F17 registered patron]of the benefice may be given or done by or to the guardian of the minor.

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#### Textual Amendments

F17 Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), Sch. 4 para. 23

### 83 Provisions as to notices and other documents. **E**

- (1) All notices, consents, directions, determinations and requests required or authorised by this Measure to be served, sent, given, made or obtained shall be in writing.
- (2) Any notice or other document required or authorised by this Measure to be served on or sent or given to any person may be served, sent or given by delivering it to him, or by leaving it at his proper address, or by post.
- (3) Any such notice or other document required or authorised to be served, sent or given to a corporation or to an unincorporated body having a secretary or clerk or to a firm, shall be duly served, sent or given if it is served on or sent or given to, as the case may be, the secretary or clerk of the corporation or body or a partner of the firm.
- (4) For the purposes of this section, and of section 7 of the <sup>M2</sup>Interpretation Act 1978, the proper address of the person on or to whom any such notice or other document is required or authorised to be served, sent or given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, in the case of the secretary or clerk of an unincorporated body or a partner of a firm, be that of the principal office of the body or firm, and, in any other case, be the last known address of the said person:

Provided that, where the person on or to whom the notice or other document is to be served, sent or given, has, in accordance with arrangements agreed, furnished an address in the United Kingdom for the serving, sending or giving of the notice or other document, his proper address for those purposes shall be that address.

- (5) If any question arises as to the person on or to whom, or the manner in which, any notice or other document is to be served, sent or given, the Commissioners may decide the question and their decision shall be conclusive.

#### Marginal Citations

M2 1978 c. 30.

### 84 Provisions where there is no parochial church council, incumbent, etc. **E**

- (1) Where at the material time a parish has no parochial church council, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to such councils shall have effect, if the parish has churchwardens, as if the churchwardens were the parochial church council, and, if there are no churchwardens, shall have no effect with respect to that parish.
- (2) Where at the material time a benefice has no incumbent, or the office of vicar in a team ministry is vacant, the provisions of this Measure with respect to notices, consents and other things required or authorised to be given or done by or to incumbents or vicars in team ministries shall have no effect with respect to that benefice or office.

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- (3) Where at the material time an archdeaconry has no archdeacon or a deanery has no rural dean, the provisions of this Measure with reference to notices, consents and other things required or authorised to be given or done by or to archdeacons or rural deans shall have no effect with respect to that archdeaconry or deanery.
- (4) For the purposes of this section a certificate signed by the bishop stating that at any time specified therein a particular benefice, office of vicar in a team ministry, archdeaconry or deanery had no incumbent, vicar, archdeacon or rural dean, as the case may be, or a particular parish had no parochial church council or no churchwardens, shall be conclusive.

**Status:**

Point in time view as at 01/01/2001.

**Changes to legislation:**

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