



Patronage (Benefices) Measure 1986

1986 No. 3

PART I

REGISTRATION AND TRANSFER OF RIGHTS OF PATRONAGE

1 Registration of patrons.

- (1) Subject to the provisions of this Measure, the registrar of each diocese shall compile and maintain a register indicating in relation to every benefice in the diocese the person who is the patron of the benefice and containing such other information as may be prescribed.
- (2) Except as provided by this Measure, no person shall be entitled, after the expiration of the period of fifteen months beginning with the date on which this section comes into force, to exercise any of the functions of a patron of a benefice unless he is registered as patron of that benefice, and the said period is in this Measure referred to as the “registration period”.
- (3) The provisions of Schedule 1 to this Measure shall have effect with respect to the registration of patrons of benefices and other matters relating thereto.
- (4) The registration under this Measure of any person as a patron of a benefice shall be conclusive evidence of the matters registered.
- (5) Any register maintained under this Measure shall be open to inspection by the public at all reasonable times.

2 Registration of patronage belonging to an office.

In the case of a right of patronage of a benefice which belongs to an office, the duty of the registrar of the diocese under section 1(1) of this Measure to register in relation to that benefice the person who is the patron thereof shall be construed as a duty to register that office as a patron of that benefice; and section 1(4) shall apply in relation to an office which is registered as a patron as it applies in relation to a person who is so registered.

Status: Point in time view as at 01/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Part I. (See end of Document for details)

3 Transfer of rights of patronage.

- (1) No right of patronage of a benefice shall be capable of sale and any transfer thereof for valuable consideration shall be void.
- (2) Subject to the provisions of this section, a right of patronage vested in an ecclesiastical corporation shall not be transferred to any body or person unless—
 - (a) the consent of the bishop or, if the bishop is the proposed transferor, the consent of the archbishop has been obtained; or
 - (b) the transfer is made by a pastoral scheme or order.
- (3) Where a right of patronage of a benefice is proposed to be transferred otherwise than by a pastoral scheme or order, the proposed transferor shall send to the bishop (or, if the bishop is the proposed transferor, to the archbishop) and to the registrar of the diocese a notice stating—
 - (a) his intention to transfer that right;
 - (b) the name and address of the proposed transferee; and
 - (c) particulars of the terms of the proposed transfer.
- (4) On receiving a notice under subsection (3) above, the registrar shall send to the secretary of the parochial church council of the parish concerned a notice informing him of the proposed transfer and stating that before the expiration of the period of one month beginning with the date on which the notice is sent to him representations with respect to the proposed transfer may be made to the registrar by the parochial church council; and the registrar shall notify the bishop and the proposed transferor, or, if the bishop is the proposed transferor, the bishop and the archbishop, of any representations made to him within that period.
- (5) After the expiration of the period of one month mentioned in subsection (4) above, the bishop or, if the bishop is the proposed transferor, the archbishop shall consider any representations made under that subsection and, whether or not any such representations have been made, the bishop or archbishop may request the proposed transferor (either personally or through some person appointed by the proposed transferor) to confer with him (or with some person appointed by the bishop or, as the case may be, the archbishop) as to the proposed transfer; and the bishop or, as the case may be, the archbishop shall not give any consent required under this section until after any such representations have been considered and any such request has been complied with.
- (6) Any transfer of a right of patronage otherwise than by a pastoral scheme or order shall be in the prescribed form.
- (7) Where a right of patronage of a benefice is transferred otherwise than by a pastoral scheme or order, the registrar shall not register the transferee as a patron of that benefice unless—
 - (a) he is satisfied that the requirements of this section have been complied with; and
 - (b) an application for registration is made in accordance with Schedule 1 to this Measure before the expiration of the period of twelve months from the date of the execution of the transfer;

and if no such application for registration is made before the expiration of that period of twelve months the transfer shall be of no effect.

Status: Point in time view as at 01/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Part I. (See end of Document for details)

- (8) No transfer of a right of patronage of a benefice shall take effect during the period of a vacancy in that benefice [^{F1}unless the benefice is one to which a suspension period (within the meaning of [^{F2}section 85 of the Mission and Pastoral Measure 2011]) applies and a person holds office as priest in charge for the benefice].
- (9) In this section “transfer” means a transfer *inter vivos* including a transfer by way of exchange; but [^{F3}except in subsection (6)] it does not include a transfer by operation of law, a transfer upon the appointment of a new trustee or a transfer by the personal representatives of a deceased person.

Textual Amendments

- F1** Words in s. 3(8) inserted (1.9.2000) by 2000 Measure No. 1, s. 17(a); Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York
- F2** Words in s. 3(8) substituted (1.1.2020) by The Legislative Reform (Patronage of Benefices) Order 2019 (S.I. 2019/1183), arts. 1(1), 7(1)
- F3** Words in s. 3(9) inserted (1.9.2000) by 2000 Measure No. 1, s. 17(b); Instrument dated 30.8.2000 made by the Archbishops of Canterbury and York

4 Rectification of register.

- (1) The registrar of a diocese may rectify an entry in the register of patrons in any case—
- (a) where all the persons interested agree to the rectification of the entry; or
 - (b) where the registrar decides that the entry should be rectified—
 - (i) because a person is, or is not, entitled to be registered as patron of a benefice, or
 - (ii) because information registered as to the exercise of a right of presentation to a benefice is incorrect,and, in either case, no appeal against the registrar’s decision has been brought within the period specified in paragraph 8 of Schedule 1 to this Measure or the appeal has been dismissed; or
 - (c) where any rectification of the entry is required by reason of a decision of the chancellor of the diocese under that Schedule.
- (2) Where in the case of an entry in the register relating to any benefice—
- (a) the entry has been adverse to the claim of any person for a period of more than thirty years, or
 - (b) if the period of thirty years from the end of the registration period has not expired, the benefice has been held adversely to the claim of any person for a period of more than thirty years,
- then, notwithstanding anything in subsection (1) above or in paragraph 5 of Schedule 1 to this Measure, no rectification of that entry may be made in favour of that person unless all the persons interested agree to that rectification.
- (3) Section 25 of the ^{M1}Limitation Act 1980 (time limits for actions to enforce advowsons) shall cease to have effect at the end of the registration period.

Marginal Citations

- M1** 1980 c. 58.

Status: Point in time view as at 01/01/2020.

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5 Rights of patronage exercisable otherwise than by registered patron.

- (1) Where an office is registered as a patron of a benefice, the person who is for the time being the holder of that office shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of that benefice.
- (2) Where a registered patron of a benefice dies then, until the person to whom the right of patronage is to be transferred is registered as a patron of that benefice, the personal representatives of the deceased patron shall, subject to the provisions of Part II of this Measure, be entitled to discharge all the functions of a patron of that benefice.
- (3) A registered patron of a benefice may by an instrument creating a power of attorney confer on the donee of the power authority to discharge on his behalf all the functions of a patron of that benefice, and where such a power is created the donee shall, subject to the provisions of Part II of this Measure, be entitled to discharge those functions until the power is revoked.

[^{F4}(3A) The reference in subsection (3) to a power of attorney does not include an enduring power of attorney or lasting power of attorney (within the meaning of the Mental Capacity Act 2005).]

- (4) Any person entitled to discharge any functions in relation to a benefice by virtue of this section shall be entitled to discharge those functions notwithstanding that he is not registered in the register of patrons in relation to that benefice.

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Textual Amendments

F4 S. 5(3A) inserted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), **Sch. 6 para. 34(2)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

^{F5}6 Abolition of registration of advowsons at Land Registry.

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Textual Amendments

F5 S. 6 repealed (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 13** (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Status:

Point in time view as at 01/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Part I.