



Mission and Pastoral etc. (Amendment) Measure 2018

2018 No. 4

6 Compensation of office-holders

(1) For section 40 of the Mission and Pastoral Measure 2011 substitute—

“40 Compensation of office-holders

Schedule 4 (which confers rights to compensation on holders of ecclesiastical office who are subject to Common Tenure and incumbents and archdeacons who are not) has effect.”

(2) For Schedule 4 to that Measure substitute—

“SCHEDULE 4

COMPENSATION OF OFFICE-HOLDERS

Persons entitled to compensation

- 1 (1) Each of the following is entitled to compensation under this Schedule—
 - (a) the holder of an ecclesiastical office who is subject to Common Tenure whose office is abolished by or as the result of a pastoral scheme or order;
 - (b) the incumbent of a benefice dissolved by a pastoral scheme, or deemed to be vacated by virtue of section 39, who is not subject to Common Tenure;
 - (c) the archdeacon of an archdeaconry dissolved by a pastoral scheme who is not subject to Common Tenure.
- (2) But a person who comes within sub-paragraph (1) is not entitled to compensation under this Schedule if the pastoral scheme or order also provides for the person's appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018, Section 6. (See end of Document for details)

- 2 (1) This paragraph applies if the holder of an ecclesiastical office who is subject to Common Tenure, or the incumbent of a benefice or an archdeacon who is not so subject, agrees with the mission and pastoral committee that compensation will be payable if he or she resigns from the office in question to enable a pastoral scheme or order to come into operation or to facilitate its coming into operation.
- (2) The person is entitled, on resignation following the making of the scheme or order, to compensation under this Schedule.
- (3) But an agreement to the effect mentioned in sub-paragraph (1) is of no effect, and sub-paragraph (2) accordingly does not apply, in a case where the pastoral scheme or order also provides for the person's appointment to an ecclesiastical office with a stipend and any other emoluments at an equivalent or higher level.

Amount of compensation

- 3 (1) The amount of compensation payable to a person under this Schedule is—
- (a) twelve months' stipend, and
 - (b) the amount that would be required by way of contribution under section 4(1) of the Pensions Measure 1997 for twelve months' service by the person in the office in question on that stipend.
- (2) In sub-paragraph (1), the references to a stipend are to the stipend that the person was receiving immediately before ceasing to hold the office in question.

Payments of compensation

- 4 (1) A payment of compensation under this Schedule is to be made as a lump sum by the diocesan board of finance.
- (2) The payment is to be charged—
- (a) on the capital account or the income account of the diocesan stipends fund, or
 - (b) if the board considers it would be more appropriate for the payment to be charged on another of the accounts it holds, on that other account.
- (3) The board has the function of deciding on a case by case basis which account to charge under sub-paragraph (2).

Housing

- 5 (1) This paragraph applies where a person entitled to compensation under this Schedule was, immediately before ceasing to hold the office in question, occupying a parsonage house or other official residence for the better performance of the duties of the office.
- (2) The diocesan board of finance must provide the person with accommodation which is suitable for him or her, and the family members with whom he or she lives, for a period of twelve months beginning with the date on which the person ceases to hold the office in question.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018, Section 6. (See end of Document for details)

- (3) In sub-paragraph (2), the reference to providing accommodation includes a reference to making arrangements with another person for that other person to provide accommodation.
- (4) The diocesan board of finance may, instead of acting as mentioned in sub-paragraph (2), make a payment to the person concerned of an amount agreed by the board and the person; and where the board does so, it is to be treated as having discharged the duty under sub-paragraph (2).
- (5) Paragraph 4 applies to a payment under sub-paragraph (4) as it applies to a payment of compensation under this Schedule.

Additional payment

- 6 (1) Where a person is entitled to compensation under this Schedule, the bishop may authorise an additional payment to be made to the person of such amount as the bishop may determine.
- (2) The person concerned may apply for a review of—
 - (a) a decision of the bishop not to authorise a payment to the person under sub-paragraph (1), or
 - (b) where the bishop decides to authorise a payment under sub-paragraph (1), the amount authorised.
- (3) The only grounds on which an application may be made under sub-paragraph (2) are that the bishop's decision, if implemented, would cause exceptional hardship to the person concerned or one or more of the family members with whom he or she lives.
- (4) The Archbishops of Canterbury and York must appoint a person to carry out reviews under this paragraph; and the person so appointed (“the reviewer”)—
 - (a) may be removed from office by the Archbishops on the grounds of incapacity or serious misconduct, but
 - (b) subject to that, holds office for such period and on such other terms as the Archbishops decide.
- (5) An application for a review under this paragraph—
 - (a) must be made in writing to the reviewer,
 - (b) must be copied to the bishop,
 - (c) must be made within four weeks of the date on which the applicant was notified of the bishop's decision, and
 - (d) must explain the nature of the hardship on the basis of which the application is being made.
- (6) In carrying out a review under this paragraph, the reviewer must decide whether the grounds for the application are made out; and in so doing, the reviewer must act impartially.
- (7) Having carried out a review under this paragraph, the reviewer must give written notification of the decision on the review to the applicant and to the bishop; and the notification must—
 - (a) include the reasons for the decision, and
 - (b) if the decision is that the grounds for the application are made out—

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018, Section 6. (See end of Document for details)

- (i) specify the amount of the payment which the reviewer considers should be made under this paragraph, or
 - (ii) direct that the matter is to be remitted to the bishop for reconsideration.
- (8) In the case of a notification within sub-paragraph (7)(b)(i), the bishop must authorise payment of the amount so specified to be made to the person.
- (9) In the case of a notification within sub-paragraph (7)(b)(ii), the bishop must reconsider the matter; and the preceding provisions of this paragraph apply accordingly.
- (10) Paragraph 4 applies to a payment under this paragraph as it applies to a payment of compensation under this Schedule.
- (11) The functions of the Archbishops under this paragraph are to be exercised jointly; but if either Archbishop is incapacitated, or there is a vacancy in either see, the functions are instead to be exercised by the other Archbishop.

Power to amend

- 7 (1) Where the Archbishops' Council considers, in the light of experience, that it is necessary or appropriate to make adjustments to the way in which the scheme under this Schedule operates, it may by order—
- (a) amend the preceding provisions of this Schedule so as to give effect to those adjustments, and
 - (b) amend this or any other Measure or any instrument made under this or any other Measure in consequence of provision under paragraph (a).
- (2) An order under this paragraph may not vary—
- (a) the requirements for entitlement to compensation, or
 - (b) the amount of compensation payable.
- (3) An order under this paragraph may not be made unless—
- (a) a draft of the order has been laid before the General Synod and approved by it with or without amendment, and
 - (b) the draft so approved has been referred to the Archbishops' Council.
- (4) On referral of the draft, the Council must—
- (a) if the draft was approved without amendment, make the order by applying its seal, or
 - (b) if the draft was approved with amendment—
 - (i) make the order by applying its seal, or
 - (ii) withdraw the draft for further consideration.
- (5) An order under this paragraph comes into force when it is sealed by the Council.
- (6) If the Business Committee of the General Synod determines that a draft of an order under this paragraph does not need to be debated by the General Synod, the draft is to be treated as approved for the purposes of this paragraph unless a member of the General Synod gives notice in accordance with its Standing Orders that he or she—
- (a) wishes the draft order to be debated, or

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018, Section 6. (See end of Document for details)

- (b) wishes to move an amendment to it.
- (7) The power to make an order under this paragraph is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies—
- (a) as if the order had been made by a Minister of the Crown, and
 - (b) as if this Measure were an Act of Parliament providing for the instrument containing the order to be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In Schedule 1 to the Mission and Pastoral Measure 2011 (constitution and procedure of the mission and pastoral committee), in paragraph 9 (which specifies functions which the committee may not delegate to a sub-committee), omit “and its functions under Schedule 4”.
- (4) The Schedule to this Measure (which makes consequential amendments to the Incumbents (Vacation of Benefices) Measure 1977 and certain other enactments) has effect.

Commencement Information

II S. 6 in force at 1.7.2018 by S.I. 2018/722, art. 2(a) (with Sch. para. 3)

Changes to legislation:

There are currently no known outstanding effects for the Mission and Pastoral etc. (Amendment) Measure 2018, Section 6.