
STATUTORY INSTRUMENTS

1988 No. 1996

Benefices (Institution Appeals) Rules 1988

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Benefices (Institution Appeals) Rules 1988 and shall come into force on 1st January 1989.

Revocation

2. The Benefices Rules 1899(1) are hereby revoked.

Interpretation

3.—(1) In these Rules—

“the Act” means the Benefices Act 1898;

“appeal” means an appeal by a patron or presentee under section 3 of the Act;

“appellant” means the patron or presentee who has served the notice of appeal;

“the Appendix” means the Appendix to these Rules;

“archbishop” means the archbishop of the province in which the benefice is or, where the benefice is in the diocese of the archbishop of that province or the archbishopric of the province is vacant or the archbishop is patron of that benefice, the archbishop of the other province;

“benefice” (except for the purposes of paragraph (1) of rule 4) means the benefice to which the appeal relates;

“bishop” means the bishop of the diocese;

“bishop’s reply” means a reply to grounds of appeal served by the bishop under paragraph (2) of rule 7;

“chancellor” means the chancellor of a diocese (or, in the case of the diocese of Canterbury, the commissary general);

“diocese” (except for the purposes of rule 17 and when used in relation to the term “chancellor”) means the diocese in which the benefice is;

“grounds of appeal” means grounds of appeal served by the appellant under paragraph (1) of rule 7;

“institution” includes admission and the term “institute” includes the term “admit”;

“judge” means the Dean of the Arches and Auditor, or any chancellor nominated by him to hear the appeal under sub-section (6) of section 3 of the Act;

- “list of documents” means a list of documents served under paragraph (1) of rule 9;
- “the Measure” means the Patronage (Benefices) Measure 1986;
- “notice of appeal” means a notice of appeal under sub-section (1) of section 3 of the Act and under rule 5;
- “notice to produce” means a notice to produce a document served under paragraph (2) of rule 9;
- “patron” means the person who is registered as a patron of the benefice under the Measure, or who is otherwise entitled to present to the benefice, and who has presented the presentee to the bishop for institution to the benefice;
- “pleading” means a request for particulars, a statement of particulars, grounds of appeal or a bishop’s reply;
- “presentee” means a person presented to the bishop for institution to the benefice whom the bishop has refused to institute;
- “registrar” (except when used in relation to the registrar of a diocese) means the registrar of the province of the archbishop, and includes any registrar of a diocese appointed to act as his deputy under rule 17;
- “registry” means the provincial registry of the archbishop;
- “request for particulars” means a request served by the appellant under paragraph (1) of rule 6;
- “response” means a response to a notice to produce served under paragraph (4) of rule 9;
- “rule 9 document” means a list of documents, a notice to produce or a response;
- “statement of particulars” means a statement of particulars served by the bishop of the diocese under paragraph (3) of rule 6 or in compliance with an order under paragraph (1)(b) of rule 10, or a statement of particulars or further statement of particulars served by a party under paragraph (1) of rule 8;
- “statement of refusal” means a document signifying the bishop’s refusal to institute the presentee to the benefice under sub-section (1) of section 3 of the Act and paragraph (1) of rule 4;
- “tribunal” means
- (a) — in relation to the hearing of the appeal, any application made, heard or refused at the hearing of the appeal and any order, direction or leave made, given, granted or refused at the hearing of the appeal, and for the purposes of rule 17 — the archbishop and the judge, and
 - (b) — for all other purposes — the judge.

(2) The Interpretation Measure 1925(2) and the Interpretation Act 1978(3) shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

(2) 1925 No. 1.
(3) 1978 c. 30.