



Incumbents (Vacation of Benefices) Measure 1977

1977 No. 1

PART III

ENQUIRIES AND SUBSEQUENT PROCEEDINGS

9 Report to be made to the bishop.

- (1) Subject to subsection (2) below, the [^{F1}committee or] tribunal by which an enquiry under Part I of this Measure was conducted shall report to the bishop whether in its opinion there has been a serious breakdown of the pastoral relationship between the incumbent concerned and [^{F2}the] parishioners and whether in its opinion the breakdown is one to which the conduct of the incumbent or of [^{F2}the] parishioners or of both has contributed over a substantial period.
- (2) Where the [^{F1}committee or] tribunal by which such enquiry was conducted is of opinion that the incumbent concerned is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice it may so report to the bishop instead of reporting in accordance with subsection (1) above.
- (3) The [^{F3}tribunal] by which an enquiry under Part II of this Measure was conducted shall report to the bishop whether in its opinion the incumbent to which the enquiry related is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice.
- (4) Where the [^{F1}committee or] tribunal is of opinion that there has been such a breakdown as is mentioned in subsection (1) above, or, as the case may be, is of opinion that the incumbent in question is unable by reason of age or infirmity of mind or body to discharge adequately the duties attaching to his benefice, then, subject to subsection (5) below, it shall include in its report its recommendations as to the action to be taken by the bishop.
- (5) A report to the bishop under this Measure shall not include a recommendation—

Changes to legislation: *There are currently no known outstanding effects for the Incumbents (Vacation of Benefices) Measure 1977, Section 9. (See end of Document for details)*

- (a) in a case to which section 10 of this Measure applies, that the bishop should execute a declaration of avoidance in relation to the benefice of the incumbent concerned, or
- (b) in a case to which section 11 of this Measure applies, that it is desirable that the incumbent concerned should resign his benefice,
- unless four or more members of the [^{F1}committee or] tribunal [^{F1}, as the case may be,] were in favour of making that recommendation.

Textual Amendments

- F1** Words in s. 9(1)(2)(4)(5) repealed (1.9.1994) by 1993 Measure No. 1, s. 14(2), **Sch.4** (with s. 15); [Instrument dated 25.7.1994 made by Archbishops of Canterbury and York](#)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** Words in s. 9(1) substituted (1.9.1994) by 1993 Measure No. 1, s. 14(1), **Sch. 3 para. 6(a)** (with s. 15); [Instrument dated 25.7.1994 made by Archbishops of Canterbury and York](#)
- F3** Word in s. 9(3) substituted (1.9.1994) by 1993 Measure No. 1, s. 14(1), **Sch. 3 para. 6(b)** (with s. 15); [Instrument dated 25.7.1994 made by Archbishops of Canterbury and York](#)

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