



Patronage (Benefices) Measure 1986

1986 No. 3

PART IV

GENERAL AND SUPPLEMENTARY PROVISIONS

Supplementary provisions

37 Provisions as to notices and other documents.

- (1) All notices, agreements, approvals, consents and requests required or authorised by this Measure to be served, sent, given or made shall be in writing, and all such notices, other than notices under paragraphs 7 and 8 of Schedule 1 to this Measure [^{F1}shall, where the form of the notice is prescribed by the Patronage (Procedure) Committee, be in the prescribed form].
- (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it at his proper address, [^{F2}by post or by sending it to an email address which the person has provided and not withdrawn or by such other electronic means as may be prescribed].
- (3) Any 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) Subject to subsection (5) below, for the purposes of this section and of section 7 of the ^{M1}Interpretation Act 1978 in its application to this section, 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 be his last known address, except that in the case of the secretary or clerk of a corporation, it shall be that of the registered or principal office of the corporation, and in the case of the secretary or clerk of an unincorporated body or a partner of a firm, it shall be that of the principal office of the body or firm.

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

- (5) If the person on or to whom any such notice or other document is to be served, sent or given has specified an address within the United Kingdom for the serving, sending or giving of the notice or other document, his proper address for the said purposes shall be that address.

Textual Amendments

- F1** Words in s. 37(1) substituted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\), s. 21\(2\), Sch. 2 para. 9\(6\)](#); S.I. 2014/2077, art. 2(2)
- F2** Words in s. 37(2) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\), arts. 1\(1\), 6 \(with art. 8\)](#)

Marginal Citations

- M1** 1978 c. 30.

38 Patronage (Procedure) Committee.

- (1) There shall be a committee, to be known as the Patronage (Procedure) Committee, which shall consist of a chairman and four other members appointed by the Standing Committee.
- (2) The Patronage (Procedure) Committee shall have power to make rules with regard to any matter of procedure arising under this Measure and in particular with regard to any matter to be prescribed thereunder, except that no rules may be made under this subsection with regard to any matter in respect of which rules may be made by the Patronage (Appeals) Committee under paragraph 11 of Schedule 1 to this Measure.
- (3) Any three members of the Patronage (Procedure) Committee may exercise all the powers of the Committee.
- (4) Any rules made by the Patronage (Procedure) Committee shall be laid before the General Synod and shall not come into force until approved by the General Synod, whether with or without amendment.
- (5) Where the Standing Committee determines that the rules do not need to be debated by the General Synod, then, unless—
- (a) notice is given by a member of the General Synod in accordance with its Standing Orders that he wishes the rules to be debated, or
 - (b) notice is so given by any such member that he wishes to move an amendment to the rules ^{F3} . . . ,
- the rules shall for the purposes of subsection (4) above be deemed to have been approved by the General Synod without amendment.
- (6) The ^{M2}Statutory Instruments Act 1946 shall apply to rules approved by the General Synod under this section as if they were statutory instruments and were made when so approved, and as if this Measure were an Act providing that any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F3** Words in s. 38(5)(b) repealed (1.9.1995) by [1995 No. 2, s. 14](#); [Instrument dated 26.7.1995 made by Archbishops of Canterbury and York](#)

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Modifications etc. (not altering text)

- C1 S. 38(1)(5): functions transferred (1.1.1999) by S.I. 1998/1715, arts. 1(2)(4), 2, **Sch. 1**; 1998 No. 1, s. 5; Instrument dated 14.10.1998 made by Archbishops of Canterbury and York

Marginal Citations

- M2 1946 c. 36.

39 Interpretation.

- (1) In this Measure, unless the context otherwise requires—

[^{F4}“the 2010 Measure” means the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 (No. 2);]

“actual communicant member of the Church of England” means a member of the Church of England who is confirmed or ready and desirous of being confirmed and has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date on which he makes the declaration of membership;

“actual communicant member of a Church in communion with the Church of England” means a communicant member of a Church in communion with the Church of England who has received Communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date on which he makes the declaration of membership;

“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 that province is vacant or the archbishop is the patron of that benefice, the archbishop of the other province;

“benefice” means the office of rector or vicar of a parish or parishes, with cure of souls, but not including the office of vicar in a team ministry or any office in a cathedral church;

“the bishop” means the bishop of the diocese concerned;

“clerk in Holy Orders” means a priest or deacon of the Church of England and “priest” includes a bishop;

“the declaration of membership” has the meaning assigned to it by section 8(1);

“the designated officer” has the meaning assigned to it by section 7(5);

“parish” means a parish constituted for ecclesiastical purposes and does not include a conventional district;

“pastoral committee”, “pastoral order” and “pastoral scheme” have the same meanings respectively as in the [^{F5}the Mission and Pastoral Measure 2011 (see section 106 of that Measure)];

“patron”, in relation to any benefice, means the person or persons entitled, otherwise than by virtue of section 16, to present to that benefice upon a vacancy, including—

- (a) in any case where the right to present is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right, and

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- (b) in any case where the patronage is vested in different persons by way of alternate or successive right of presentation, every person who would be entitled to present on the next or any subsequent turn;
- “register of patrons” means a register compiled and maintained under section 1;
- “registered” means registered under this Measure in a register of patrons;
- “registered person”, in relation to a benefice, means any person who or office which is for the time being registered as a patron of that benefice;
- “registration period” has the meaning assigned to it by section 1(2);
- “the Standing Committee” means the Standing Committee of the General Synod.
- (2) Where a pastoral scheme or pastoral order provides for the holding of benefices in plurality any reference in this Measure to a benefice shall be construed as including a reference to benefices held in plurality.
- (3) If any question arises whether a Church is a Church in communion with the Church of England, it shall be conclusively determined for the purposes of this Measure by the Archbishops of Canterbury and York.

Textual Amendments

- F4** Definition in s. 39(1) inserted (1.1.2015) by [Church of England \(Miscellaneous Provisions\) Measure 2014 \(No. 1\)](#), s. 21(2), **Sch. 2 para. 9(7)**; S.I. 2014/2077, art. 2(2)
- F5** Words in s. 39(1) substituted (1.1.2020) by [The Legislative Reform \(Patronage of Benefices\) Order 2019 \(S.I. 2019/1183\)](#), arts. 1(1), **7(5)**

40 Temporary provision with respect to filling of certain vacancies.

Where a benefice is vacant at the date on which section 1 of this Measure comes into force, or becomes vacant after that date and before the end of the registration period, the vacancy shall be filled in accordance with the law in force immediately before that date, except that if a suspension period has been declared in respect of the benefice under section 67 of the ^{M3}Pastoral Measure 1983 or any restriction has been imposed by section 69 of that Measure in respect of the benefice and the suspension period does not come to an end, or the restriction does not cease to be in force, until after the end of the registration period, the vacancy shall be filled in accordance with the provisions of this Measure.

Marginal Citations

- M3** [1983 No. 1.](#)

41 Amendments and repeals.

- (1) The enactments specified in Schedule 4 to this Measure shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the provisions of this Measure.
- (2) Subject to section 40 of this Measure, the enactments specified in Schedule 5 to this Measure (which include enactments which were obsolete, spent or unnecessary before

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the passing of this Measure) and the instrument there specified are hereby repealed to the extent specified in column 3 of that Schedule.

42 Short title, extent and commencement.

- (1) This Measure may be cited as the Patronage (Benefices) Measure 1986.
- (2) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures, and may be extended to the Isle of Man by or under Act of Tynwald.
- (3) This Measure shall come into operation on such date as the Archbishops of Canterbury and York may jointly appoint; and different dates may be appointed for different provisions.

Modifications etc. (not altering text)

- C2** [S. 42\(3\)](#): Power of appointment conferred by s. 42(3) fully exercised: 1.1.1987 appointed for ss. 26, 27, 38, 39, 42, Sch. 3 and the repeal by Schedule 5 of the [Benefices \(Diocesan Boards of Patronage\) Measure 1932 \(No. 1\)](#), 1.10.1987 appointed for ss. 1, 2, 6, 35(1), (2), (3), 36, 37, 40 and Sch. 1 and 1.1.1989 appointed for the remainder of the Measure, by Instrument dated 31.12.1986

Changes to legislation:

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