



# Patronage (Benefices) Measure 1986

1986 No. 3

## PART I

### REGISTRATION AND TRANSFER OF RIGHTS OF PATRONAGE

#### **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

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*Changes to legislation: There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 3. (See end of Document for details)*

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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.

- (8) No transfer of a right of patronage of a benefice shall take effect during the period of a vacancy in that benefice [<sup>F1</sup>unless the benefice is one to which a suspension period (within the meaning of [<sup>F2</sup>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 [<sup>F3</sup>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

**Changes to legislation:**

There are currently no known outstanding effects for the Patronage (Benefices) Measure 1986, Section 3.