



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 5

### CONTENTS AND EFFECT OF PASTORAL SCHEMES AND ORDERS

#### *Patronage*

#### **46 Provisions as to patronage**

- (1) A pastoral scheme may, with the consent of the registered patron or patrons concerned and of the person to whom the rights of patronage are to be transferred, provide for the exchange or transfer of rights of patronage of any benefice or church, whether or not that benefice or church is otherwise affected by the scheme.
- (2) A pastoral scheme creating any new benefice may provide for vesting the patronage of the benefice in a patron or patrons and, where necessary, for determining the manner in which the rights of patronage are to be exercised.
- (3) Without prejudice to the generality of subsections (1) and (2), a pastoral scheme (whether it relates only to an existing benefice or provides for the creation of a new benefice) may with the consent of the registered patron or patrons of any benefice affected by the scheme provide for the transfer of existing rights of patronage to, or for the vesting of new rights of patronage in, a special patronage board constituted by the scheme.
- (4) A special patronage board constituted by a pastoral scheme by virtue of subsection (3) shall consist of such members as the scheme may provide, and the scheme may designate the member who is to be chairman of the board; and the following provisions of paragraph 1 of Schedule 3 shall apply to such a patronage board as they apply to a patronage board constituted by a pastoral scheme establishing a team ministry, that is to say—
  - (a) sub-paragraph (6), so far as it relates to any member of a board;
  - (b) sub-paragraphs (7), (8) and (9), so far as they relate to the entitlement to votes of any member of a board;

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*Status: This is the original version (as it was originally enacted).*

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- (c) sub-paragraph (10), and
  - (d) sub-paragraph (12), so far as it relates to the transfer of the rights to be members of a board.
- (5) A pastoral scheme providing for the holding of two or more benefices in plurality may provide for the exercise of the rights of patronage of those benefices, including their exercise on a renewal of the provision for plurality.
- (6) Where any benefice is dissolved by a pastoral scheme, or a chapel of ease becomes a parish church by virtue of a pastoral scheme, the rights of patronage of the benefice and any rights of patronage of the chapel of ease shall cease to exist.
- (7) In the exercise of the powers conferred by this section regard shall be had to the interests of persons whose rights of patronage cease to exist by virtue of a pastoral scheme and to the interests of patrons of benefices to be held in plurality, but it shall not be necessary for the scheme to provide, in cases where there are pastoral or practical objections, for conferring new patronage rights on all or any of those persons or sharing the exercise of the patronage rights of the benefices to be held in plurality among the patrons of those benefices or all of them.
- (8) Any provision with respect to rights of patronage made by or by virtue of this section shall have effect subject to any provisions made by virtue of section 38 with respect to the incumbents and vacancies mentioned in that section.
- (9) A pastoral scheme providing for the vesting or exercise of rights of patronage under subsection (2) or (5) may also, in appropriate cases, provide for applying to those rights any trusts formerly applicable to rights extinguished or altered by or by virtue of the scheme.
- (10) Nothing in this section shall affect the provisions of sections 34(4) and 35(3) and paragraphs 1, 2 and 3 of Schedule 3, and accordingly any rights of patronage exchanged or transferred or created by or under this section shall, on the establishment of a team or group ministry for the benefices concerned, have effect subject to those provisions.