



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 8

### MISCELLANEOUS AND GENERAL

#### *Restrictions on presentation*

#### **87 Restrictions on presentation pending the making of pastoral schemes and orders**

- (1) Where any proposals are approved under section 7(1) or 22(1) or where the bishop is of the opinion under section 17(1) that proposals should be implemented and the proposals contain recommendations for any of the matters specified in sections 31 and 32 and 34 to 36, and any benefice which would be affected if the recommendations were implemented is vacant on the date on which the registered patron thereof is sent a copy of the proposals under section 7(2), 17(2) or 22(2) or becomes vacant thereafter, the patron shall not be entitled after that date or after the occurrence of the vacancy, as the case may be, to exercise his right of presentation to the benefice without the consent of the mission and pastoral committee and (if he is not the registered patron) of the bishop, until the occurrence of whichever of the following first occurs, namely—
- (a) the relevant recommendations are implemented by a pastoral scheme or order and come into operation, in which case the right of presentation shall be subject to the provisions of the scheme or order;
  - (b) the proposals are withdrawn or the draft scheme or order prepared in pursuance thereof is withdrawn, or the scheme made in pursuance thereof is disallowed or withdrawn;
  - (c) the relevant recommendations are omitted from the proposals, draft scheme or order, or scheme; or
  - (d) the period of three years from the date aforesaid expires:

Provided that, where an appeal has been brought against a draft scheme which implements the relevant recommendations, and Her Majesty in Council has not determined the appeal under section 12(4) or (6) within the period referred to in

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*Status: This is the original version (as it was originally enacted).*

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paragraph (d), that paragraph shall have effect as if that period had been extended to the date on which the decision on the appeal is delivered.

- (2) Where the bishop has given directions to the mission and pastoral committee under section 3(3) to consider or has been notified under that section that the committee intend to consider in relation to any benefices, any of the matters specified in sections 31 and 32 and 34 to 36, he may, upon a vacancy or impending vacancy in any of those benefices, or where a joint boundary committee has been appointed under section 16 upon a vacancy or impending vacancy in any benefice which might be affected by the exercise of the powers of that committee under sections 16 and 50 as limited (if at all) by instrument sealed by the bishops of the dioceses concerned, notify—

- (a) the registered patron, unless the only registered patron is the bishop;
- (b) the parochial church council, and
- (c) both chairmen of the deanery synod of the deanery concerned,

that those matters are being considered, and thereupon the registered patron shall not be entitled to exercise his right of presentation to that benefice without such consent or consents as are specified in subsection (1); and the provisions of section 7 of the Patronage (Benefices) Measure 1986 shall, subject to the modifications made by section 88 of this Measure, apply.

- (3) A restriction imposed by subsection (2) shall cease to operate at the expiration of one year from the date of the notice unless within that period proposals are approved under section 7 or section 22(1) or where the bishop is of the opinion under section 17(1) that proposals should be implemented containing recommendations for any of the matters specified in subsection (1) or (2) which would affect the benefice concerned, in which case the restriction shall continue until occurrence of whichever of the following first occurs, that is to say, the several events mentioned in paragraphs (a), (b) and (c) of subsection (1), and the expiration of three years from the date of the notice or, where the proviso to subsection (1) applies, the date on which the decision of Her Majesty in Council on the appeal is delivered.
- (4) The fact that restrictions are in force under this section with respect to any benefice shall not be taken as preventing the bishop from exercising his powers under sections 85 and 86 with respect to the benefice, and, if he does so, those sections and Schedule 7 shall apply to the benefice in lieu of this section.