

1987 No. 773

ECCLESIASTICAL LAW, ENGLAND

The Patronage (Benefices) Rules 1987

<i>Made (Approved by the General Synod)</i>	<i>25th February 1987</i>
<i>Laid before Parliament</i>	<i>30th April 1987</i>
<i>Coming into force rules 1 to 10, 14, 15 and 17 remainder</i>	<i>1st October 1987 1st January 1989</i>

In pursuance of section 38 of the Patronage (Benefices) Measure 1986(a) the Patronage (Procedure) Committee constituted in accordance with the said Measure hereby make the following Rules:—

1.—(1) In these Rules:—

“The Committee” means the Patronage (Procedure) Committee prescribed by section 38 of the Measure.

“The designated officer” means in relation to a diocese such person as the bishop, after consulting the bishop’s council, may designate or, if no person is designated, the secretary of the pastoral committee of the diocese.

“A Fees Order” means an Order made under Part II of the Ecclesiastical Fees Measure 1986(b)

“The Measure” means the Patronage (Benefices) Measure 1986.

“The registrar” means the registrar of the diocese.

“The registration period” means the period from 1st October 1987 until 31st December 1988.

(2) The Interpretation Measure 1925(c) and the Interpretation Act 1978(d) shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

REGISTRATION AND TRANSFER OF RIGHTS OF PATRONAGE

Register

2. The registrar shall keep at the diocesan registry a register of rights of patronage (hereinafter called ‘the register’) required to be registered under the Measure.

3.—(1) The form of the register shall be in accordance with that prescribed by the Committee and shall contain in relation to each benefice in the diocese the following particulars—

- (a) the name of the benefice;
- (b) the date of registration of the interest of each registered patron;
- (c) the name, style and address, of each registered patron;

(a) 1986 No. 3.
 (b) 1986 No. 2.
 (c) 1925 No. 1.
 (d) 1978 c.30.

- (d) the interest of each registered patron;
- (e) the name, style and address of any transferee from a registered patron, the date of registration consequent upon that transfer and the interest registered;
- (f) the name of the patron collating a priest or presenting a priest for institution, the name of that priest and the date of his collation or institution to the benefice.

(2) In this rule "transfer" means a transfer *inter vivos* including a transfer by way of exchange, a transfer by operation of law, a transfer upon the appointment of a new trustee and a transfer by the personal representatives of a deceased person.

Advertising the compilation of the Register

4. Within six weeks of the coming into operation of the Measure, the registrar shall cause advertisements to be placed in such newspaper or newspapers circulating in the diocese as, after consultation with the bishop, he shall think fit. The advertisement shall state—

- (a) that the registrar has prepared a list of all persons whom he considers are entitled to be registered as patron of a benefice in the diocese;
- (b) that each person so listed will receive a notice concerning such registration and should acknowledge receipt of such notice;
- (c) that each person will be so registered at the end of the registration period as a patron of the benefice unless before that date some other person applies to be so registered or otherwise disagrees with the information submitted;
- (d) the hours during which, and the address at which the list may be inspected; and
- (e) that any person who, notwithstanding the fact that he is not named in the list, claims to be entitled to be registered as patron is required to obtain an application form from the registrar and lodge such form duly completed by 31st December 1988.

Application for registration

5.—(1) Subject to paragraph 1 of Schedule 1 of the Measure every application for registration shall be signed by or on behalf of the applicant who shall furnish the particulars required to be registered in the form prescribed by the Committee.

(2) Any person (not being a person named on the list prepared by the registrar) who, before the end of the registration period, applies to the registrar to be registered as patron of a benefice shall apply in accordance with the form prescribed by the Committee. Such person shall also be responsible for the proper charges of the registrar in respect of the investigation of a claim made under paragraphs 3, 4 or 5 of Schedule 1.

(3) Any such person shall at his own expense supply the registrar with all documents and other information as the registrar may require in order to examine the claim.

Failure to apply for Registration

6. If at the end of the registration period the registrar has received no acknowledgement from a prospective patron to whom he has sent a notice under rule 4(b) and no other person has claimed the right of patronage in question, the registrar shall send a second notice to the prospective patron giving him a further month within which to submit his acknowledgement of the notice and advising him that where no person is registered as the patron of a benefice the Measure provides that the Diocesan Board of Patronage for the diocese shall become the patron of that benefice and requires the registrar to register that Board as patron.

Registration of Transfers

7.—(1) On a transfer *inter vivos* the applicant shall send to the registrar with the instrument of transfer any notice of consent required by the Measure.

(2) On a transfer by personal representatives, the applicant shall send to the registrar with the instrument of transfer an Office Copy of the Grant of Probate or of the Letters of Administration to the estate of the deceased patron.

(3) Where it is necessary for a form in connection with a transfer prescribed under these Rules to be modified to meet the circumstances of a particular case, the registrar shall have power to agree to such modification.

Duty of registrar to register

8. On being satisfied with an application made in accordance with the Measure and these Rules, the registrar shall register a transferee as patron.

Notification of registration

9. On the completion of a registration the registrar shall send the patron, without charge, a certified copy of the relevant entry in the register.

Inspection of Register

10.—(1) The register shall be open to inspection at all reasonable times, and any person may make searches therein and make extracts therefrom on payment of such fees as may be prescribed in a Fees Order.

(2) The registrar shall, on request, supply a certified copy of an entry in the register on payment of such fee as may be prescribed in a Fees Order.

EXERCISE OF RIGHTS OF PRESENTATION

Review of Refusal to Approve offer

11.—(1) Where, on the refusal either by the bishop or by a parish representative of the making of an offer to a priest the patron has requested the archbishop of the province to review the matter, the archbishop, after making such enquiries as he deems necessary, shall give his reasons in writing for giving or withholding his authorisation to the patron to make the offer in question.

(2) The archbishop may appoint the Vicar General of the province to make the enquiries on his behalf. The Vicar General shall send a written report to the archbishop who shall then determine the matter.

(3) A copy of the determination by the archbishop shall be sent to the bishop and to the parish representatives.

(4) Where the see of the archbishop is vacant or the archbishop is also the bishop of the diocese concerned, any reference in this rule to the archbishop of the province shall be construed as a reference to the archbishop of the other province. Where under this paragraph the review is to be made by the archbishop of the other province, if he wishes to appoint the Vicar General to make enquiries under paragraph 2 of this rule, he shall appoint the Vicar General of the province in which the benefice is situated.

Notice of proposal to collate, etc.

12.—(1) The notice by or on behalf of the bishop that he proposes to collate or institute a person to a benefice shall be served on the secretary of the parochial church council by the designated officer or the registrar as the bishop shall direct.

(2) The notice shall state the name of the priest in full and the ecclesiastical preferments previously held and declared by him and so far as they are known to the bishop.

Publication of notice

13.—(1) The secretary of the parochial church council shall immediately on receipt of the notice cause it to be fixed in accordance with the requirements of the Measure and shall take such other steps as he thinks expedient for giving publicity to the notice.

(2) At the expiration of the period during which the notice has been published the secretary of the council shall sign an endorsement attached to the notice that he has complied with the provisions of this rule and shall return the notice.

GENERAL AND SUPPLEMENTARY PROVISIONS

Notices and other documents

14.—(1) All notices, agreements, approvals, consents and requests required or authorised by the Measure to be served, sent, given or made shall be in writing and notices and other matters required by the Measure to be prescribed shall be in the form set out in the Appendix to these Rules.

(2) Any other matters may be in such form as may be approved from time to time by the Committee. The precedents of such matters and any amendments revocations or additions thereto shall be approved by the Standing Committee of the General Synod and shall then be communicated to the registrar and designated officer of every diocese.

15. If at the material time a parish has no parochial church council or no secretary of the council the provisions of the Measure and these Rules with respect to notices, consents and other things required or authorised to be given or done by or to such council or such secretary shall, if the parish has churchwardens, have effect as if the churchwardens were the council or the secretary thereof and, if there are no churchwardens, shall have no effect with respect to that parish.

Revocation and Transitional Provisions

16.—(1) Subject to paragraph (2) of this rule, the Benefices Rules 1926(a) and the Benefices (Purchase of Rights of Patronage) Rules 1933(b) are hereby revoked.

(2) Where any benefice which is vacant before the end of the registration period is to be filled in accordance with law in force before that date as provided by section 40 of the Measure, the Rules referred to in paragraph (1) of this rule shall remain in force and continue to apply in respect of the filling of that vacancy.

Citation and Commencement

17.—(1) These Rules may be cited as the Patronage (Benefices) Rules 1987.

(2) Rules 1 to 10, 14, 15 and this rule shall come into force on 1st October 1987 and rules 11 to 13 and 16 shall come into force on 1st January 1989.

O. W. H. Clark (Southwark) (Chairman)

W. S. Anderson (Blackburn)

J. Burgess (Archdeacon of Bath)

D. Cheetham (St Albans Diocesan Registrar)

J. M. Coombs (Winchester)

Dated this twenty-eighth day of January 1987

Approved by the General Synod the twenty fifth day of February 1987.

W. D. Pattinson
Secretary-General

(a) S.R. & O. 1926/357.

(b) S.R. & O. 1933/1148.

APPENDIX

FORMS

[Schedule 1 para. 2]

FORM 1

PATRONAGE (BENEFICES) MEASURE 1986

NOTICE TO PATRON TO REGISTER

To

From the information currently available to me, it is my opinion that you are entitled to be registered as patron of the benefice referred to in the Schedule to this notice.

Subject to your written acknowledgement before the end of the registration period (31st December 1988) of the receipt of this notice I propose at that time to register you as patron in respect of the interest set out in the schedule unless before that date some other person disputes your claim.

You may lose your rights to the patronage unless you return duly completed by 31st December 1988 the attached form of acknowledgement.

Upon completion of the registration I will send you a certified copy of the relevant entry in the register.

Dated

1987

.....
Registrar of the Diocese
[Address]

FORM 1 (continued — detachable second sheet)

PATRONAGE (BENEFICES) MEASURE 1986

THE SCHEDULE

Diocese of

Benefice of

Name and style of Patron:

Address for communications:

Interest to be registered:

FORM OF ACKNOWLEDGEMENT

[to be completed by patron]

I apply to be registered as patron of the above benefice.

I confirm that the above details are correct.

OR The above details are correct as amended by me.

OR The above details are incorrect. I claim [set out the facts relied upon]

Dated 198-

Signed
Patron

When completed this form should be returned *not later than 31st December 1988* to the Diocesan Registrar at [address]. Failure to do so may involve loss of patronage rights.

[sec. 35(2) and 36]

FORM 2

PATRONAGE (BENEFICES) MEASURE 1986

NOTIFICATION TO CROWN OF REGISTRATION

Diocese of

Benefice of

To the Ecclesiastical Secretary, 10 Downing Street, SW1.

I hereby give notice that under section 35(2) of the Measure I propose to register [Her Majesty] [the Duke of Cornwall] [the Lord Chancellor] as patron of the above Benefice. The interest to be registered is set out in the Schedule to this Notice.

Dated this day of 19—

Signed
 Registrar of the Diocese
 [address]

THE SCHEDULE

INTEREST TO BE REGISTERED

Sole Patron

OR Patronage exercised by turns in the following order beginning with the next vacancy—

(1)	}	[insert name of Patron]
(2)		
(3)		

[Schedule 1, para. 2(3)]

FORM 3

PATRONAGE (BENEFICES) MEASURE 1986

NOTICE TO THE INCUMBENT AND TO THE SECRETARY OF THE PAROCHIAL CHURCH COUNCIL OF COMPILATION OF THE REGISTER

I attach a copy of the Notice sent to the patron of the benefice inviting him to register under the Measure as patron of the benefice. If in your opinion any of the details are incorrect, it is *essential* that you inform me before 31st December 1988.

Dated

1987

.....
Registrar of the Diocese
[address]

Notes

1. Separate notices should be sent to the incumbent and to the PCC Secretary.
2. A copy of Form 1 or 2 should be attached to this Notice.

[Schedule 1, para. 3]

FORM 4

PATRONAGE (BENEFICES) MEASURE 1986

APPLICATION TO BE REGISTERED AS PATRON

Diocese of

Benefice of

I, (Full Name)

of [address]

apply to be registered as a patron of the above benefice.

I claim registration [set out the facts relied upon].

I undertake—

- (a) to supply at my own expense all documents and other information as may be required by the Registrar in connection with this application; and
- (b) to pay the proper charges of the Registrar in respect of the investigation of my claim made under paragraphs 3, 4 or 5 of Schedule 1 of the Measure.

Dated this day of 198—.

.....
Signature of claimant*Note:*

If the application is being made by an office holder or on behalf of a body, the form be suitably adapted.

[Section 25]

FORM 5

PATRONAGE (BENEFICES) MEASURE 1986

SECOND NOTICE TO PROSPECTIVE PATRON

Diocese of

Benefice of

To [prospective patron]

I hereby give notice that the registration period has now expired and no application for registration as patron of the benefice has been received from you.

I write now to give you one further month from the date of this notice in which to submit your application for registration and to advise you that, where no person is registered as the patron of the benefice, the Measure provides that the Board of Patronage of the diocese shall become the patron of that benefice and requires me to register that Board accordingly.

Dated this day of 19--.

.....
Registrar of the Diocese
[address]

[Schedule 1, para. 5]

FORM 6

PATRONAGE (BENEFICES) MEASURE 1986

APPLICATION FOR RECTIFICATION OF THE REGISTER

Diocese of

Benefice of

I, (Full Name)

of [address]

apply for the Register of Patrons to be rectified under section 4 of the Measure.

I claim that the information registered is incorrect because [set out the facts relied upon].

I undertake

- (a) to supply at my own expense all documents and other information as may be required by the Registrar in connection with this application; and
- (b) to pay the proper charges of the Registrar in respect of the investigation of my claim made under paragraphs 3 or 5 of Schedule 1 of the Measure.

Dated this day of 19--.

.....
Signature of Claimant

Note:

If the application is being made by an office holder or on behalf of a body, the form should be suitably adapted.

[Section 4 of the Measure will be set out on the reverse of this form]

[Schedule 1, para. 14]

FORM 7

PATRONAGE (BENEFICES) MEASURE 1986

NOTICE TO THE INCUMBENT AND TO THE SECRETARY OF THE PAROCHIAL CHURCH COUNCIL
OF REGISTRATION OF A PATRON

I hereby give you notice that the registration of patronage of your benefice has been completed. I enclose a copy of the relevant entry in the Register.

Dated

198-.

.....
Registrar of the Diocese
[address]

Note:

Separate notices should be sent to the incumbent and to the P.C.C secretary of the parish or of each of the parishes belonging to the benefice.

[sec. 3(3)]

FORM 8

PATRONAGE (BENEFICES) MEASURE 1986

NOTICE TO THE BISHOP AND TO THE REGISTRAR OF PROPOSED TRANSFER

Diocese of

Benefice of

To The Bishop of the Diocese
[copy to the Registrar of the Diocese]

I, _____ of _____ *being the registered
patron of the above benefice hereby give you notice of my intention to transfer
to _____ of _____ *

†my whole interest in the right of patronage of the benefice

†OR a share in the right of patronage of the benefice to the intent that from the date
of the transfer we should

†OR _____ exercise the right jointly
_____ exercise the right by turns in the following order

Dated this _____ day of _____ 19--.

Signed
Registered Patron

* Insert full name, style and address.
† Delete as appropriate.

[sec. 3(4)]

FORM 9

PATRONAGE (BENEFICES) MEASURE 1986

NOTICE TO PCC OF PROPOSED TRANSFER

DIOCESE OF

BENEFICE OF

To the Secretary of the Parochial Church Council

1. I hereby give you notice that the registered patron of the above benefice has notified me that he intends to transfer his right of patronage in the benefice. A copy of the patron's notice to me setting out the name and address of the proposed transferee and the interest to be transferred is attached to this notice.
2. *Within one month from the date of this notice* the parochial church council may make representations with respect to the proposed transfer which should be sent to me at the address below. Any representations made to me within this period will be notified to your present patron and to the (arch)bishop of the Diocese.

Dated this day of 198-.

Signed

Registrar of the Diocese
[address]

[sec. 3(2)]

FORM 10

PATRONAGE (BENEFICES) MEASURE 1986

BISHOP'S CONSENT TO TRANSFER OF PATRONAGE BY ECCLESIASTICAL CORPORATION

Diocese of

Benefice of

To [the transferor]

OR I, , by Divine Providence Lord Archbishop of
I, , by Divine Permission Lord Bishop of
hereby give my consent under section 3(2) of the Measure to the transfer of the
right of patronage referred to in the Notice of Transfer
dated

I confirm that I have considered all representations received and that my request
to the patron to confer with me has been complied with.

OR I confirm that no representations were received and that my request to the
patron to confer with me has been complied with.

OR I confirm that no representations were received and that I did not request the
patron to confer with me.

Dated 198-

Signed
Bishop of the Diocese

[sec. 3(5)]

FORM 11

PATRONAGE (BENEFICES) MEASURE 1986

BISHOP'S CERTIFICATE THAT REQUIREMENTS AS TO TRANSFER OF PATRONAGE
HAVE BEEN COMPLIED WITH

Diocese of

Benefice of

To [the transferor]

I, _____, by Divine Permission Lord Bishop of _____
hereby confirm that, with regard to the transfer of the right
of patronage referred to in the Notice of Transfer dated _____,

EITHER I have considered all representations received and that my request to the
patron to confer with me has been complied with.

OR no representations were received and that my request to the patron to confer
with me has been complied with.

OR no representations were received and that I did not request the patron to
confer with me.

Dated _____ 198-.

Signed
Bishop of the Diocese

[sec. 3(6)]

FORM 12

PATRONAGE (BENEFICES) MEASURE 1986

TRANSFER OF PATRONAGE INTER VIVOS (AND APPLICATION TO BE REGISTERED AS PATRON).

Diocese of

Benefice of

Dated

19—.

[Full Name of Transferor] of [address] (hereafter called 'the Transferor') being the registered patron of the above benefice hereby transfers the full interest in the patronage of the above benefice to [Full Name of Transferee] of [address] (hereinafter called 'the Transferee')

OR hereby transfers a share in the right of patronage of the above benefice to the intent that from the date of the registration of this transfer the right of patronage should be exercised [jointly] by the Transferor and

.....[Full Name of Transferee] of [address] (hereafter called 'the Transferee')

[if not to be exercised jointly add the following clause] The Transferor and the Transferee hereby declare that as from the date of registration the right of patronage shall be exercised by turns in the following order—

The Transferor confirms that the requirements of section 3 of the Measure have been complied with.

The Transferee hereby applies to the Registrar under section 3 of the Measure to be registered as patron of the benefice.

Signed sealed and delivered by the Transferor in the presence of:— }

Signed sealed and delivered by the Transferee in the presence of:— }

Note: When completed this Transfer and the Bishop's consent (Form 10) or the Bishop's Certificate (Form 11) must be sent to the Registrar of the Diocese.

[sec. 3(6)]

FORM 13

PATRONAGE (BENEFICES) MEASURE 1986

TRANSFER OF PATRONAGE UPON THE APPOINTMENT OF NEW TRUSTEES

Diocese of

Benefice of

Dated 19—.

Whereas [name and address of retiring trustee] desires to be discharged from the trusts concerning the right of patronage in the above benefice.

OR Whereas [name and address of deceased trustee] who was a trustee of the trusts concerning the right of patronage in the above benefice died on the day of 19—.

Now Therefore we [names and addresses of continuing trustees] being the continuing trustees of [the trusts concerning the said right of patronage] [name of body] hereby appoint [name and address of new trustee] to act as a trustee jointly with us in the trusts concerning the said right of patronage.

And we hereby apply to the Registrar to be registered as patrons of the benefice.

Signed sealed and delivered by [the retiring trustee] in the presence of:- }

Signed sealed and delivered by [the continuing trustees] in the presence of:- }

Signed sealed and delivered by [the new trustee] in the presence of:- }

Note: When completed this Transfer must be sent to the Registrar of the Diocese.

[sec. 3(6)]

FORM 14

PATRONAGE (BENEFICES) MEASURE 1986

TRANSFER OF PATRONAGE BY PERSONAL REPRESENTATIVES

Diocese of

Benefice of

Dated

19—.

We [names and addresses of personal representatives of deceased patron] being the personal representatives of [name and address of deceased patron] who died on the day of 19— hereby transfer the full interest of the said deceased in the patronage of the above benefice to [name, style and address of beneficiary]

And I said [name of beneficiary] hereby apply to the Registrar to be registered as patron of the above benefice in respect of the interest transferred.

Signed sealed and delivered by the Personal Representatives in the presence of:- }

Signed sealed and delivered by the Transferee in the presence of:- }

Note:

When completed this Transfer must be sent to the Registrar of the Diocese.

FORM 15 (*continued*)

PATRONAGE (BENEFICES) MEASURE 1986

COMPLETE EITHER PART A (OVERLEAF) OR PART B OF THIS FORM

Diocese of

Benefice of

PART B: APPOINTMENT OF REPRESENTATIVE

To the Designated Officer

I, [full name and address of patron]

*being the registered patron of the above benefice.

OR *being the holder for the time being of an office which is registered as patron of the benefice*OR* *being the donee of a power of attorney made by the registered patron*EITHER* *and being unable to make the declaration of membership required by the Measure.*OR* *and being unable to discharge the patron's functions on this occasion,hereby appoint †
of.....
to act as my representative on the occurrence of the vacancy or impending vacancy in the benefice and authorise him/her to discharge my functions under the above Measure.

Dated this day of 19—.

Signed
Presenting Patron

I, [full name of patron's representative] hereby declare that

*I am an actual communicant member of the Church of England

OR *I am an actual communicant member of a Church in communion with the Church of England namely, ‡*OR* I am a clerk in Holy Orders

Dated 19—.

Signed
Patron's Representative

* . Delete as appropriate.

† . Insert full name and address in block capitals of the representative acting on behalf of the patron.

‡ . Insert name of Church. Advice will be given by the Registrar as to which Churches are in communion with the Church of England.

Note:

In accordance with section 9 of the Measure this form must be returned to the Designated Officer within two months of the occurrence of the vacancy. Failure to return the form within that period will mean that the vacancy will be filled without recourse to the patron (section 14 of the Measure).

